

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, October 21, 2019**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:05PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald

Town Attorney John Sullivan, Town Clerk Lynelle Stanford, Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, Community Development Director Michael Yerman, and Town Planner I Mel Yemma (for part of the meeting)

Schmidt mentioned the presentations made during the work session.

**APPROVAL OF AGENDA**

Mitchell moved and Merck seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

**1) October 7, 2019 Regular Town Council Meeting Minutes.**

**2) Memorandum of Understanding Between the Town of Crested Butte and Students Achieving Outstanding Results for 2019/2020 Student Led Employee Rental Build.**

Merck moved and Dujardin seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**PUBLIC COMMENT**

John Wirsing - 115 9<sup>th</sup> Street

- He noticed from the meeting minutes that the Council was entertaining an agreement with Verizon.
- He encouraged the Council to ban cell towers within the Town and within ½ mile of Town limits due to the dangers.
- There was no escaping the bombardment of the radiation.

**STAFF UPDATES**

- Schmidt referred to the staff report from MacDonald included in the packet.
- MacDonald reminded the Council of the intergovernmental dinner on Wednesday evening. Schmidt confirmed the managers and candidates were invited.
- Dujardin requested elaboration on the OVLC report. MacDonald listed members of the OVLC Climate Action Subcommittee. The subcommittee discussed holding a climate conference. She explained the scope of the event. The larger OVLC committee would discuss at their meeting on October 31<sup>st</sup>. The subcommittee was working on a budget, and the Town could be asked to contribute up to \$2,000.
- Schmidt asked about the energy audit and Paradise Park, and Yerman updated on both. Bradley questioned if people had issues with financing in Paradise Park due to a change in the timing.

### **PUBLIC HEARING**

#### **1) Resolution No. 24, Series 2019 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2020, and Ending the Last Day of December 2020, Estimating the Amount of Money Necessary to be Derived From Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.**

Schmidt read the title of the resolution. He acknowledged there had been quite a few meetings on the budget. Zillioux pointed out two minor changes since the last work session: 1) revenue projections were refined, amounting to an increase of \$4,000 and 2) park expenses were moved to General Capital. He thought the budget was ready to go. Four of six funds were in surplus positions, and two funds were in deficit positions. Overall, Town was in a surplus position next year. Magner was glad they backed off on increasing the mill levy. Dujardin seconded praises voiced by Magner.

Schmidt confirmed proper public notice was given, and he opened the public hearing. There were no comments from the public. The public hearing was closed. There was no further Council discussion.

Merck moved and Bradley seconded a motion to approve Resolution No. 24, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **2) Ordinance No. 37, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$29.00 Per Month Per EQR; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$38.50 Per Month Per EQR.**

Schmidt read the title of the ordinance. He confirmed proper public notice had been given, and he opened the public hearing. No one from the public chose to comment. The public hearing was closed. There was no further discussion amongst the Council.

Merck moved and Haver seconded a motion to approve Ordinance 2019-37. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) Ordinance No. 38, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Rezone of Block 80, Lot 1, Paradise Park Subdivision, Town of Crested Butte, Colorado from Residential/Multi-Family "R-2A" to Public "P".**

Yerman reminded the Council of the project. He reviewed background on SOAR. The design included a public restroom, cat garage space, and a Town rental unit on the front. They were looking at Block 80, Lot 1 because it was in the floodplain, and the site had been problematic. Yerman outlined work that had been done by the students, including a community charrette. The reason the lot would be rezoned to P was because of the Nordic uses. BOZAR directed the students to investigate ways to provide additional parking and signage around the adjacent neighborhood to mitigate impacts.

Bridget Kearney, Avery Bernholtz, Dalton Huckins, Kye Matlock, Myles Cress, and Vernon Walker were students present at the meeting. The students took turns presenting. They reviewed standards for rezoning. They met with concerned neighbors regarding increased use. Their main concerns were parking and recreational use. The greatest impacts were seen in the summer. The students were trying to address the neighborhood concerns. They mentioned the site program for developing a recreational control point. They showed a slide reflecting the proposed neighborhood-level organization.

Bradley wondered if there were concerns with the restrooms from the neighborhood. Yerman stated they talked about ways to mitigate sound and to direct people to the bathroom. A key was to spread out use. They were trying to create additional Nordic access points. They talked about signage directing people to park on the opposite side of the street from the homes.

Schmidt confirmed proper public notice had been given, and he opened the public hearing.

John Wirsing - 115 9<sup>th</sup> Street

- The kids were sent to inform the neighbors.
- He opposed rezoning the lot to public use.
- He suggested the Town plan a riverfront park.
- The project would make the area more inviting but with less parking.
- It would exasperate not solve the problem.

No one else commented, and the public hearing was closed.

Schmidt questioned access and amenities related to the annexation. Yerman reported the public works yard did not have any more space. He thought they needed to plan recreation and disperse it. The density was maxed out in the R-2A zone. Magner recognized whatever they could do with parking and signage would be helpful.

MacDonald stated there was an opportunity to change user behavior. Block 80 would start to transition this upcoming summer.

Merck thought they needed to address something larger in the summer. The summer use was one of their biggest problems. Schmidt mentioned the idea of a pump in the building. He pointed out it should be put in the ground or somewhere and insulated. Haver asked what made a Nordic access point, an access point. Yerman said they would groom in spots to make it inviting to start. Christie Hicks, Executive Director of Crested Butte Nordic, elaborated. Mitchell suggested they rethink; she did not feel comfortable. Yerman identified that the micro lot was the back-up location; however, Town would lose the partnership with Nordic. Haver saw the parking as the separate and ongoing problem. He pointed out neighborhood permitted parking as part of the parking plan. Magner asked if they could revisit the parking this summer. Yerman recognized the importance of a human presence. Schmidt stated it seemed obvious they needed to discuss parking.

Dujardin moved and Mitchell seconded a motion to pass Ordinance No. 38, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **OLD BUSINESS**

### **1) Discussion on The Corner at Brush Creek.**

Schmidt mentioned the options posed in MacDonald's staff report. He acknowledged people present at the meeting including Mt. Crested Butte Mayor Janet Farmer and Jeff Moffett. MacDonald said the last communication from Gatesco was the letter submitted on October 1<sup>st</sup>. Moffett confirmed he was not bringing changes to Gatesco's proposal.

Schmidt asked for comments from the public.

Jeff Moffett

- Thanked those that supported the project.
- The Gatesco team did not see how they could gain approval and satisfy the conditions.
- They questioned the feasibility of the project at this time.
- He commented on the RFP and the RFQ.
- If they were willing to allow the project to go forward, the proposal from October 1<sup>st</sup> remained.

Mayor Farmer affirmed that Mt. Crested Butte voted 4-3 to stay with the three conditions. Mitchell thought the Council should stay with the three conditions. She would be willing to take #4 from the staff report, which was to take no action (and assume that Gatesco will have failed to obtain the formal consent of at least three of the four parties in the MOU). Merck agreed with Mitchell on item #4. Schmidt said there was an opportunity to involve the community from the front end. He was happy with either #4 or #5 (vote to specifically assert that Gatesco failed to obtain the consent of the Town). Dujardin

recognized they were turning down a private subsidy and would be starting a new thing. He agreed they did not need to vote. The Council did not vote. Therefore, Gatesco failed to obtain the formal consent of at least three of the four parties to the MOU between Gunnison County, the Town of Crested Butte, the Town of Mt. Crested Butte, and Crested Butte Mountain Resort.

## **NEW BUSINESS**

### **1) Nordic Cat Barn Expansion Request.**

Yerman explained the request was for a Town-owned piece of property, so the Council needed to authorize the expansion plans to go through the BOZAR process. The expansion was proposed for the west side of the existing cat barn.

Hicks said the addition would meet programmatic space needs. The intention was for the downstairs to be a team room, and upstairs would house the administrative offices. They hoped they could raise funds within a year or two. She reviewed the hoped for timeline. Magner asked about impacts on the neighborhood. Hicks stated there was one residence that would be affected, and she expected minimal impact.

Hansen thought it was a good, simple, and clean solution. Hicks said they had been working with Staff since the Town would own the building. Mitchell questioned the estimated cost, which Hicks identified as \$500,000 to \$1M. Merck liked the proposal.

Merck moved and Mitchell seconded a motion to authorize the Nordic Center to submit expansion plans to BOZAR and authorize the Town Manager to sign an application for the permit. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) Update on Region 10 Broadband Project and Partnership with GCEA.**

Michelle Haynes and Virgil Turner were present at the meeting. Haynes reviewed the inception and implementation of the project. The backbone of the project had been established. The concept was to establish access points in the communities. The Region 10 project was a middle mile project. There were carrier neutral locations in ten communities. The challenge in the private market was that it was expensive to build-out. The ultimate goal was to make sure communities were served well with broadband.

The broadband build-out mirrored the build-out of the electrical system. GCEA was a great partner for them. The State set aside money for broadband build-out in rural areas. They were looking at moving forward with an engineering study. MacDonald said it had been a tricky puzzle to figure out how to get redundant service. GCEA committed to moving ahead. MacDonald did not know if there was another long-term viable solution. If Town could leverage for the build-out, there were other opportunities for tapping into different funds. It was worth spending \$20,000 to understand the viability going forward.

Haynes reported on the usage of the lines, responding to Schmidt's question on using GCEA's lines or using their rights of way. MacDonald elaborated. Turner said costs would go down for ISPs with options in the middle mile. MacDonald told the Council that the spending was included in the budget. Schmidt asked how it would make his life better. Haynes said it would improve broadband and Internet access for schools, governments, clinics, and businesses. It would improve safety in the community by keeping up the 911 system.

**3) Resolution No. 25, Series 2019 - A Resolution of the Crested Butte Town Council Endorsing the Declaration of a Climate Emergency and Reaffirming Crested Butte's Commitment to Climate Action.**

Yemma told the Council that attendees came home from Mountain Towns 2030 in Park City with a deep urgency and excitement around what was possible in a town like Crested Butte. She recommended that approval of the resolution coincide with adoption of the Climate Action Plan. She asked for thoughts from the Council. Dujardin stated that Yemma hit it out of the park. The Council agreed.

Yemma reported that the resolution sent a strong message and affirmed the Council's commitment. Dujardin noted Town committed to 100% renewables by 2030. He wondered if they should clarify the last whereas, making it broader. The Council agreed with his suggested change. Yemma hoped the surrounding jurisdictions would be on board. Haver agreed with the suggested timeline. Yerman pointed out the timeline was extended because of public outreach on the Climate Action Plan.

**4) Resolution No. 26, Series 2019 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2020.**

Schmidt read the title of the resolution. He questioned the details of the gravel pit fee. Zillioux explained the fee was to offset public works' efforts for events.

Dujardin moved and Haver seconded a motion to approve Resolution No. 26, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**5) Resolution No. 27, Series 2019 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2020, Beginning the First Day of January 2020 and Ending the Last Day of December 2020.**

Zillioux stated there were two mill levies. The mill levy in the General Fund must follow TABOR. They were reducing the mill levy. On streets, Town had the ability to go up to 16 mills but was staying at 8 mills. MacDonald confirmed the General Fund mill levy had not been debruced.

Mitchell moved and Merck seconded a motion to approve Resolution No. 27, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## LEGAL MATTERS

Sullivan reported they were looking into a vacancy tax and had been trading emails with Dee Wisor.

## COUNCIL REPORTS AND COMMITTEE UPDATES

Laura Mitchell

- She would head over to Redstone Castle for the West Elk Scenic Byways meeting.

Mallika Magner

- The Chamber was doing really well. They had a lot of energy and enthusiasm. The healthcare plan was great.

Candice Bradley

- She went to the Creative District meeting. There were some appointments. There would be two vacancies on the Public Art Commission. They had four submissions for the art for the comprehensive plan. There would be an unveiling in January.

Will Dujardin

- The Growing Water Smart group met last week. He listed members of the group. They qualified for a grant from the Sonoran Institute. He said they would split it for two purposes, which he outlined.
- Mountain Express had a meeting. The fox bus was out. Four busses were painted this summer. YTD ridership was up. Summer was flat or slower than last year. Mountain Express and RTA would have a joint board meeting. They would apply for a planning grant with CDOT.
- Went to QQ meeting in Frisco. He specified two presentations that were good. Torie (Jarvis) approached him regarding a study to deeper dive, looking into temperature and precipitation values. He estimated the cost to Town would be in the \$2,000 to \$3,000 range for a comprehensive climate report on the County. It would be a report, rather than a long-term study.
- Mentioned a fundraiser at The Center for the Arts.

Chris Haver

- At the Housing Authority meeting they were looking at updating the housing needs assessment.
- Schmidt and he went to a nicotine and vaping discussion with the high school kids and GCSAPP. The hope was to coordinate efforts and look for collaboration opportunities.

Laura Mitchell

- She would be attending the school focus group tomorrow night. Haver questioned what it was. MacDonald said it had to do with how the school was perceived in the community.
- The Center was going for their final inspections.

Jim Schmidt

- He described the vaping meeting as frightening.
- He attended the housing meeting. Rees said the more specific questions they could ask, the better (related to the updated housing needs assessment).
- He went to the cemetery meeting. The big concern was the fence around the cemetery. There was less money for the cemetery in the budget. He said they needed to talk to the Slate River Annexation about putting up a fence. Yerman said that Town crews cut through the cemetery. Schmidt still thought it would be good for them to put up a fence.

### OTHER BUSINESS TO COME BEFORE THE COUNCIL

None

### DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Wednesday, October 23, 2019 - Intergovernmental Dinner - 6:00PM at the Wooden Nickel
- Monday, November 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 2, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt reminded the Council of the intergovernmental dinner on Wednesday.

### EXECUTIVE SESSION

Schmidt read the reason for the first Executive Session:

1) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Block 80, Lot 2.

Mitchell moved and Bradley seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 9:42PM. The Council returned to open meeting at 9:55PM. Mayor Schmidt made the required announcement upon returning to open meeting.

Schmidt read the reason for the second Executive Session:

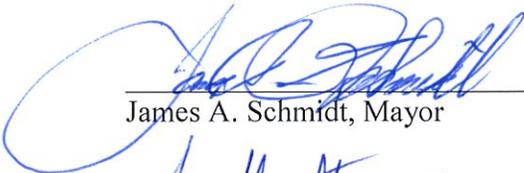
2) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees for the review of the Town Manager.

Mitchell moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

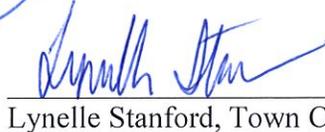
The Council went into Executive Session at 9:57PM. The Council returned to open meeting at 10:43PM. Mayor Schmidt made the required announcement upon returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:44PM.

  
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James A. Schmidt, Mayor

  
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Lynelle Stanford, Town Clerk (SEAL)

