

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 7, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:03PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, and Town Planner Michael Yerman

Town Clerk Lynelle Stanford, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, and Public Works Director Rodney Due (for part of the meeting)

APPROVAL OF THE AGENDA

Belkin amended the agenda to add an Executive Session, after the existing Executive Session, for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

Merck moved and Ladoulis seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, "Yes," except for Mason who was not present.
Motion passed unanimously.

CONSENT AGENDA

- 1) October 17, 2016 Regular Town Council Meeting Minutes.**
- 2) Letter of Support for the Adaptive Sports Center's For Everyone Campaign to Build a Program Facility at Crested Butte Mountain Resort.**
- 3) Letter of Support for Western State Colorado University's Capital Construction Request to the Department of Higher Education to Bring Redundant Broadband to the Gunnison Valley.**
- 4) Letter of Support for the Colorado Parks and Wildlife OHV Trail Grant for the Carbon Creek Trail.**
- 5) Resolution No. 37, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Agreement for the Use of Public Property with Jeremy Rubingh for the Crested Butte Creative District Project Red Promise.**

Schmidt moved and Merck seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes," except for Mason who was not present.
Motion passed unanimously.

PUBLIC COMMENT

Jeremy Rubingh - 321 Whiterock Ave

- Thanked the Council for their vision to coordinate with the Creative District.
- Handed out a letter to the Council.
- Told the Council to support more public art projects.

STAFF UPDATES

Lynelle Stanford

- The local polling place at the Parish Hall at Queen of All Saints would be open until 7PM tomorrow.
- Received a special event application for a Turkey Trot proposed for November 24.

Janna Hansen

- She was writing the GoCo grant application for Yelenick playground and had collected letters of support from the community.
- Had been working on: avalanche mitigation, primarily in Big Mine Park; jump lines at the bike park and trail kiosks.

Mike Reily

- Stated that there was a debrief meeting on Vinotok, and it would be appropriate to discuss with Council on a future agenda. Schmidt was disappointed with the (Vinotok) committee and their flagrant disregard. Michel agreed the topic should be on an agenda sooner rather than later. Vohman suggested they explore areas like the gravel pit beforehand. Due added the discussion could dovetail on paving.
- Previous reports of the problem bear's demise were incorrect. DOW tracked the bear to Peanut Lake, where it was caught. Reily said it was the best solution to the problem after it caused many thousands of dollars of damage.
- The new officer, John Chandler, would be graduating from academy on December 5. The judge would swear him in after court on December 7, and the Sheriff would be present to swear him in as a Sheriff's deputy.

Michael Yerman

- Reminded the Council of the public arts meeting on November 16 at 6PM at the Center.

Rodney Due

- Held the Snow Summit last week. They discussed alley plowing. He would bring amendments to the ordinance on November 21, and he would report on snow management guidelines at the work session.
- He would be gone next week for the DOLA hearing.
- The sidewalk projects were completed, along with all of the projects for this year.

Dara MacDonald

- Attended the CAST meeting.
- The issues formulation hearing for the State would be held on November 14 in Gunnison. There would be an update at the meeting the same night.
- Barbara Green would be present at the meeting on November 14, advising on Mt. Emmons. Belkin would update on the progress with Congress.
- The Waste Management contract would be up and in front of Council in December. There was a discussion on putting the contract out to bid, and the Council directed Staff to put out a RFP.
- Had discussion with Mike Miller about planning for a combined facility for the Marshals and Fire District. They would be working cooperatively to put together RFPs for initial scoping. They talked about applying for a DOLA grant for planning the project.

PUBLIC HEARING

1) Ordinance No. 13, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 13, Article 1 of the Crested Butte Municipal Code Amending the Town's Regulations for the Extension of Town Water and Sewer Services and Associated Systems Outside of Town Boundaries.

Michel confirmed proper public notice was given. Yerman explained the only change was an amendment to the original pre-annexation agreement, which he anticipated would be ready for the meeting on November 21. Staff still recommended moving forward with the ordinance. There was no public comment, and Michel closed the public comment portion of the hearing. He moved on to Council discussion. Belkin confirmed for Schmidt that it did not obligate Town to provide water to anyone else.

Mason moved and Merck seconded a motion to approve Ordinance No. 13, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 14, Series 2016 - An Ordinance of the Crested Butte Town Council Adding a New Chapter 10, Article 12 to the Crested Butte Municipal Code for the Purpose of Regulating and Restraining Certain Limited Types of Panhandling.

Belkin explained how the ordinance came to be on the agenda. He referred to the letter in the packet from the ACLU and the court case that called into question the Code on

begging. He described it as a housekeeping issue. MacDonald said the ordinance provided a limitation to the manner in which people could panhandle.

Vohman moved and Mason seconded a motion to set Ordinance No. 14, Series 2016 for public hearing at the November 21st meeting. **Motion passed.**

2) Update from the Town Manager on Region 10 Broadband Efforts and Possible Action by the Council.

MacDonald stated that Town had been working with Region 10 and the other entities in the County to identify ways to enhance broadband service, and the focus had been on the middle mile. As part of the DOLA grant, Town committed \$40K towards the effort to look at the last mile connection to Crested Butte. They anticipated the funds to be used in 2017, but now they wanted to accelerate the engineering and design. It wouldn't address redundancy between Gunnison and Crested Butte. Michel added there could be more bandwidth available on a provider's existing fiber between Gunnison and Crested Butte. They would be putting in infrastructure to accommodate today's use as well as future use to improve the economy in the valley. MacDonald clarified there was almost unlimited capacity in the fiber itself; it was the equipment at the end that determined capacity. Michel identified the long-term vision was that they hoped for more entryway into the market and more competition. Mason questioned what would be Century Link's incentive to lease fiber to allow more competitors. MacDonald was not sure if it would be required, or if the incentive would be monetary. Michel stated they offered to pay a rental fee. Belkin said they didn't have legal obligation, and it was a matter if they had strands available. MacDonald told the Council that once the component was completed, Region 10 would come back to Council to explain what Town was getting. Mason added that he hoped CB South would come to the table soon.

Merck moved and Mitchell seconded a motion to proceed with the engineering and design of the middle mile broadband network within the Town of Crested Butte and approving the expenditure of up to \$6,000 in 2016 for this purpose. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Belkin told the Council there would be a more comprehensive update on Mt. Emmons at the meeting on November 14. Tomorrow, he and Yerman would be meeting with the Forest Service, Senator Bennet's office, and Freeport-McMoRan to discuss the current bill that was drafted, maps, and the perspective of getting it through Congress. Barbara Green would provide a full read out on the water treatment plant and water quality control commission hearing in Gunnison.

COUNCIL REPORTS AND COMMITTEE UPDATES

Erika Vohman

- Attended a Gunnison County noxious weed committee meeting. Now that Town passed an ordinance, they were able to apply for USDA grants, and they were hoping to get a grant submitted to the USDA for spraying. They had to be careful in applying herbicides.

Jim Schmidt

- The Cemetery Committee met. Roads and driveways at the cemetery had been improved, and they installed new flooring in the chapel. \$15K had been allocated in 2017 towards the Jokerville Mine Monument.
- He went to a preliminary meeting on the housing needs assessment.
- Attended the CAST meeting in Pagosa Springs. The City of Aspen issued a challenge for towns to run completely on renewable energy. MacDonald suggested it was a 15-year goal. Ladoulis wondered what was the starting point. MacDonald was not prepared to say how to achieve. Schmidt stated there was room for more solar panels on the public works building. Michel was sensing support from the Council. He recognized they had not discussed the energy action plan, and Council needed to prioritize to provide direction to Staff. No one on the Council disagreed. Michel told them they needed to focus, identify goals, and come up with a plan, and the retreat would be a chance to set priorities.
- Dan Gibbs, Summit County Commissioner, presented on trying to get counties and cities to take a stand against turning over Federal lands to states, which was a mechanism to get land into private hands.
- The Creative District met and awarded grants.
- Schmidt and Ladoulis met for community grants review.
- Including Schmidt, MacDonald, Merck, and Vohman attended the STIP meeting at the County. There was a presentation on County projects. There would be major, major delays to Montrose the summer of 2018. They talked about communication on the closures. They learned that any kind of incident or accident at an intersection helped them judge where the money went. MacDonald stated the Commissioners did a nice job of supporting Town for the roundabout.

Chris Ladoulis

- Participated in grant conversations with Schmidt.

Glenn Michel

- Thanked MacDonald for attending the broadband meeting.
- Michel explained that Merck expressed interest in serving on the Center for the Arts board, and he was happy to share some of the burden.

Schmidt moved and Mitchell seconded a motion to approve removing Michel from the Center for the Arts board and appointing Merck. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Roland Mason

- Attended a Mountain Express retreat. They discussed the turnaround at Judd Falls, and they were asking the County to widen the road in a few areas. The

County had done a lot of work, and they would ask them to continue keeping the road in good shape. The bus service would cater to mountain bikers as well as hikers. Mountain Express might be willing to subsidize a bike trailer to shuttle bikes.

- They had good capital reserves. They discussed using funds for expanding shops, cold storage or heated storage, and a couple of extra bays. They also talked about buying an affordable housing unit, and working with other entities could be an option. Mason summarized that Mountain Express felt it was more prudent to spend.
- They considered talking to the Creative District to get feedback on busses.
- RTA meeting was coming up soon. In the meantime, they were in the process of purchasing a third over the road coach, which would use CNG.
- There would be up to 17 trips a day during the winter ski season.
- They were testing a phone app that would show the location of the busses.

Laura Mitchell

- She missed the RTA and Mountain Express meetings.
- The Chamber was doing great. She mentioned the Economic Forecast on November 17.

Paul Merck

- He would be meeting with Jenny Birnie to get up to date on the Center.
- He attended a meeting on opioid addiction. He described spraying and saving (using Narcan). Reily confirmed the Marshals carried Narcan.

Glenn Michel

- Ian Billick, who asked if the Town wanted to support a new management plan for the White River National Forest, approached him. They were considering limiting access. Michel told the Council there could be a letter of support on a future agenda.

Jim Schmidt

- He participated in the Slate River clean-up. There was a good turnout, and it was worthwhile.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

None

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, November 14, 2016 - 6:00PM Special Meeting
- Monday, November 21, 2016 - 6:00PM Work Session - 7:00PM Regular Council

- Monday, December 5, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Schmidt moved and Merck seconded a motion to go into Executive Session 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 (1) Amendment to Pre-Annexation Agreement with Cypress Foothills, LP, (2) Center for the Arts expansion, and (3) Mt. Emmons transactions with Freeport-McMoRan, Inc. and for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 8:24PM. Council returned to open meeting at 10:30PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:31PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk (SEAL)

