

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, December 16, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:06PM.

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

Staff Present: Town Manager Dara MacDonald and Town Attorney Barbara Green

Town Clerk Lynelle Stanford, Public Works Director Shea Earley, Finance Director Rob Zillioux, and Community Development Director Michael Yerman

Schmidt mentioned the presentation from Sam Light during the preceding work session.

APPROVAL OF AGENDA

Magner added an Executive Session to the end of the meeting on instructing negotiators.

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

Dujardin moved and Haver seconded a motion to approve the agenda with the addition of Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) December 2, 2019 Regular Town Council Meeting Minutes.

2) December 9, 2019 Special Town Council Meeting Minutes.

3) 2020 Services Agreement Between the Town of Crested Butte and the Crested Butte/Mt. Crested Butte Chamber of Commerce.

4) Resolution No. 29, Series 2019 - A Resolution of the Crested Butte Town Council Adopting Changes and Additions to the 2019 Budget and Appropriations Relative to the Affordable Housing and Enterprise Funds.

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

PUBLIC COMMENT

Kent Cowherd - 901 Teocalli Avenue

- He acknowledged the upcoming work session on January 21st on the five-year affordable housing plan.
- He asked for more time than what he had during Public Comment at a future Council meeting to propose ideas.
- He identified six to seven Town-owned parcels that could be included in the five-year plan.
- He suggested items were up for debate and discussion, such as the requirement for parking.
- Schmidt asked for a written proposal. A Council member could bring it up for discussion under Other Business.

STAFF UPDATES

- Schmidt asked MacDonald if there were any additions or embellishments to the staff report.
- Schmidt wondered about the work that would be done by the GOCO Youth Corps.
- Schmidt identified October sales tax went up quite a bit. Zillioux reported 6% growth YTD in sales tax.

Dujardin asked whether the Council wanted to discuss the North Valley housing situation under Other Business. He felt like the timeline had a lot of presumptions. Dujardin wondered what thresholds there were to be patient with Mt. Crested Butte and why they would build more for-sale housing rather than rental housing. MacDonald explained the timeline would be quicker for for-sale housing. Haver elaborated. Magner wanted a more in depth conversation about how they proceeded with the North Village. MacDonald stated the conversation was planned for the work session on January 21st. Magner proposed a joint meeting with Mt. Crested Butte, Gunnison, the Housing Fund, and the Housing Authority to determine how the process would best work. Magner was not comfortable with Crested Butte trailing any other entity. MacDonald felt it would be prudent for Crested Butte to have a meeting before a joint meeting.

Yerman reported on a phone call he was on regarding State funding. They did not have the funding they thought they would have. Staff was doing their best to gather information. Yerman updated on what would be happening in Mt. Crested Butte regarding process. Magner wanted to hear from the people at the State. She was interested in what the Town of Crested Butte would provide for affordable rental housing in Crested Butte. Haver suggested a joint meeting with Mt. Crested Butte in February to discuss steps forward. Yerman clarified Town would not be going after the State money. The Council could negotiate a deal with a developer and would not be hamstrung by requirements. Magner wanted a further and deeper discussion about Town obtaining State funds. MacDonald said there were not programs targeting certain income levels. Magner reiterated she wanted a deeper conversation. Merrill stated they needed to hear

more from Staff; it was super hard not having information. Yerman said they were moving as fast as possible. They had a game plan and timeline lined up.

Magner thought the Council wanted to discuss the plan for the Slate River Annexation Merrill said she could use more detailed knowledge. Schmidt reported on occupancy at Anthracite Place. He asked to whom Yerman spoke at DOLA. Staff did not see a DOLA project conceived because of the income limitations. Inserting State funding required a narrow set of rules. MacDonald offered that DOLA could come and explain to the Council what they do and what programs they offer. Magner did not feel like they received sufficient information. Yerman said they were getting answers as fast as they could to what North Village looked like. Magner also wanted a discussion on the absorption/saturation question. Schmidt reminded of the upcoming Mt. Crested Butte Town Council meeting.

PUBLIC HEARING

1) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts.

Schmidt read the title of the ordinance. He asked whether The Center agreed with the changes. Green recommended striking a superfluous section about visual light pollution, from the word security to the word theatre. The Code addressed outdoor lighting. Magner recommended wording such as, shall not create visual light pollution. She wanted Code requirements to be captured in the lease. Green conveyed concerns she heard from The Center's attorney. Magner received a lot of feedback on how intrusive the lighting was. Mitchell suggested the Council move the ordinance to the first meeting in January. Green would determine wording to capture the idea. Green heard the new idea had to do with performances causing light pollution in addition to the after-hours lighting.

Mitchell moved and Haver seconded a motion to continue Ordinance No. 39, Series 2019 to the January 6th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 41, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a One-Bedroom Apartment Located at 715 Elk Ave to Stephanie White.

Schmidt corrected the street address of the unit. He confirmed White was okay with the lease and that proper public notice had been given. He opened the public hearing. There were no comments from the public, and the public hearing was closed.

Dujardin moved and Mitchell seconded a motion to pass Ordinance No. 41, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 42, Series 2019 - An Ordinance of the Crested Butte Town Council Approving a Loan from the Colorado Water Resources and Power Development Authority; and Authorizing the Execution of a Loan Agreement and a Governmental Agency Bond to Evidence Such Loan.

Schmidt confirmed proper public notice had been given, and he read the ordinance. He opened the public hearing. No one from the public chose to comment. The public hearing was closed.

Dujardin moved and Bradley seconded a motion to pass Ordinance No. 42, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Continuation of Public Hearing for the Slate River Annexation.

Schmidt confirmed proper public notice had been given. Yerman informed the Council that the preliminary plan application had gone out on November 27th. Staff suggested the hearing be continued to March 30th or April 6th. Yerman stated they would convene as the Planning Commission. Schmidt preferred a special meeting on the 30th. Yerman explained what would be reviewed at each meeting.

Schmidt opened the public hearing.

Kent Cowherd - 901 Teocalli Avenue

- Encouraged the Space to Create idea for the area, including a mixed-use building.

Sue Navy - 324 Gothic

- She questioned the part that Town would be getting. Yerman said 14 acres would go to public uses. She wanted to know if what Cowherd was speaking about would happen with the Town's property.

Schmidt closed the public hearing.

Mitchell moved and Dujardin seconded a motion to continue the Slate River Annexation public hearing until April 6th, 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Continuation of Discussion on the Community Compass.

MacDonald did not have anything new to present. The Council wanted to continue the conversation from the last meeting. Haver was a huge proponent. It was invaluable to him to have a clear vision. They were not fully clarifying what they wanted to be. Merrill agreed with Haver. She thought it would be a great way to pull the community back in and tell the Council what this place would look like in twenty years. MacDonald said they would proceed if the Council wanted to proceed. Mitchell identified that

goalposts and community engagement would be helpful. Bradley agreed. Schmidt liked the concept. He recalled planning charrettes. Schmidt thought it would be valuable and fair for the whole community to discuss. He suggested the Council discuss on the 21st. Magner heard either Community Compass or affordable housing in Town. MacDonald said it did not come from her, so Magner voiced that she was in favor. The Council agreed to move forward.

Kent Cowherd

- He was glad the Council came around. There was an opportunity to coordinate with Mt. Crested Butte.

Dujardin hoped they did more than happy hour at Kochevar's. They needed to capture the whole of the community.

NEW BUSINESS

1) Request from Craig Batchelor for the Town to Allow Trees to Remain in Block 3, Lot 1 in the Crested Butte Cemetery.

Bradley disclosed that Mr. Batchelor was a client. She recused herself and left the room.

Batchelor reported that he presented design plans for his cemetery lot in 2012 and 2014. He said the documents were altered. He mentioned a conversation he had with Betty Warren. Batchelor asked for the trees to remain.

Green informed the Council there were no opportunities in the Code to waive the regulations. MacDonald recognized the applications stated the rules. Stanford said the site plans that were submitted were relevant to a lot that he previously owned, before he transferred ownership to a new lot, where the trees were planted. Green added that the approval ran with the location and not the person. Green reminded the Council there was nothing in the guidelines or the Code that allowed for waivers. MacDonald identified the form Batchelor completed in 2014 indicated that trees were not allowed. Stanford pointed out the trees were not planted according to the plan submitted for the other lot in 2014. Green said the Council would have the authority to correct a mistake in fact, but she did not see that with what was in front of them.

Dujardin did not know how other lot owners would feel. He did not know how they could approve the request. Mitchell agreed. There were no easy answers. She thought they had to follow the guidelines. Haver apologized for the frustration and confusion. He thought they could revisit the Code. Betty Warren explained that roots encroached on other lots. Merrill guessed that the majority of people did not want trees in the cemetery. Haver acknowledged the Council could not give a waiver, and he did not know how many people would be behind allowing trees in the cemetery. The Council decided to uphold the cemetery guidelines and continue not allowing trees. Batchelor's trees would therefore need to be removed.

Bradley returned to the meeting.

2) 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 focused on what Resolution No. 25, Series 2019 meant. The plan (Climate Action) laid out policies and projects the Town would work on in the next few years, each with its own public process. Passing the resolution would officially adopt the Climate Action Plan. Yemma listed goals in which the Town would commit to achieving through passage of the resolution. She reviewed edits that had been made to the Climate Action Plan. Schmidt confirmed Town would buy renewable energy credits for every GCEA meter in Town for one year. Dujardin thanked Yemma and Nola Hadley.

Sue Navy

- She thought it was wonderful and a long time coming.
- She asked what would happen when the year was up with renewable energy through GCEA.

Susan Kearns

- Questioned the cost to households for renewable energy.
- She urged the Council to consider climate change and accessibility in all Town endeavors.

Schmidt affirmed Town was declaring a climate emergency.

Dujardin moved and Mitchell seconded a motion to approve 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, therefore adopting the 2019 Crested Butte Climate Action Plan. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 43, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Partial Release of the Town's Option to Repurchase Townhouse Units Constructed on Block 76, Lots 1-6 and Block 77, Lot 10, in the Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado.

Schmidt questioned the reason that the release was partial. Yerman answered it was because Phase 2 was not complete. The ordinance would clean up the title for financing.

Dujardin moved and Bradley seconded a motion to set Ordinance No. 43, Series 2019 to public hearing on January 6th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 44, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Agreement for Lot 8, Trapper's Crossing at Crested Butte, Gunnison County, Colorado.

Earley stated the ordinance was to extend water services outside of Town's boundaries. Town would waive the tap and availability fees in exchange for an easement for the Town pipeline. Earley reminded the Council they entered into an agreement with Ruby Ridge for the same purpose. This piece would constitute the final piece of the puzzle to build the Town pipeline, which would afford redundancy in the Town's water source. The property was changing hands. MacDonald described it as serendipitous that the easements fell into place. Earley told the Council that the Town needed to do it.

Dujardin moved and Mitchell seconded a motion to set Ordinance No. 44, Series 2019 to public hearing at the January 6th, 2020 meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Green reported that Colorado Oil and Gas postponed rulemaking on implementing 181. The attorneys were still recommending that Town participate in proceedings.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He had a meeting with Mountain Express and the consultants for the Whetstone Lots. They would be building a bus barn and facilities. He reviewed the timeline.
- There was a Mountain Express/RTA joint meeting. They would look at doing a joint meeting twice a year. They talked about the problems with the late night taxi. Telluride Express was temporary.
- They had the Climate Subcommittee of the OVLC meeting. They were getting pretty close with the speakers and schedule. MacDonald said there were a lot of details to work out. Registration was now open. She described it as a meaningful conference. Dujardin outlined speakers and panels.
- He went to the first Crested Butte State of Mind board meeting. He told them they needed to come to Council with the official ask.

Candice Bradley

- She met with John Norton, and there would be a TAPP meeting on January 9th.

Chris Haver

- They had a RTA meeting before the joint meeting.
 - RTA was on the winter bus schedule.
 - Preliminary signs in Almont were done.
 - Winter air service was down 153 round trips, which was still good.
 - There were no buy downs this year.
 - Starting January 7th, there was a fare sale for all points east of here.

- They were looking at the cost of Bustang running two times a day. The subsidy would be between \$100K and \$250K. The Bustang app should come out the beginning of the year.
- Gunnison Regional Housing Authority considered possibly helping with management in Anthracite Place and the mobile home project.
 - They were putting money into getting a new number reflecting demand.
 - It would be helpful to get a new needs assessment. He asked the Council to compile questions on what they wanted clarity. Schmidt conveyed that one member of the Housing Board was interested in asking how much storage, parking, and other aspects would be worth.

Jim Schmidt

- Went to the Mayor/Managers meeting on the 5th, the Housing Board meeting, and the North Village meeting last Friday.

Mallika Magner

- Ashley UpChurch would no longer be the Director at the Chamber.
- The Housing Fund was also losing their Executive Director.

Laura Mitchell

- Attended the planning meeting for Mountain Express, the RTA meeting, and the joint meeting.
- Plane tickets were on sale until tomorrow.

Mona Merrill

- Went to STOR meeting.
 - There were presentations on backcountry use and tools that could be used for futuristic planning.
 - The trails would be online in January.
 - They would be talking about e bikes.
 - Gunnison Valley Volunteers would help in getting volunteers for events.
 - The Forest Service presented on figuring out how people on trails were affecting wildlife and the National Forests.
 - She mentioned Rivalist, which was tracking via a person's phone.
- Merrill would be meeting on Thursday with Jenny Birnie.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin brought up the amicus brief suit against Exxon and Suncor. For now, the Council could vote for the filing of an amicus brief by CC4CA. Green spoke with David Hughes from Boulder County. The Council could vote that the Town would sign on with the CC4CA brief and/or the Boulder County main brief.

Magner moved and Dujardin seconded a motion supporting CC4CA's filing of an amicus brief and creating a resolution to sign with Boulder County's. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt mentioned Cowherd's request to present at the January 6th meeting. Dujardin said they needed to consider his ideas, at least. The Council agreed, and Cowherd's topic would be added to the agenda.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, January 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 14, 2020 - 6:00PM Planning Commission Meeting
- *Tuesday*, January 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 3, 2019 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

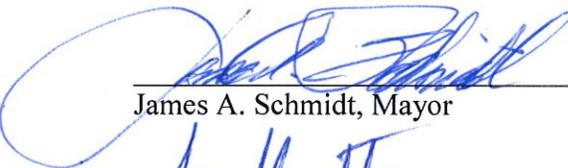
Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

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

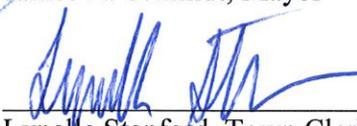
The Council went into Executive Session at 10:10PM. The Council returned to open meeting at 10:30PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:31PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

