

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, February 4, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:02PM.

Council Members Present: Will Dujardin, Kent Cowherd, Chris Haver, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, Community Development Director Michael Yerman, and Finance Director Rob Zillioux

Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

MacDonald updated the title of the second Executive Session. They would be discussing land acquisition in general.

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

CONSENT AGENDA

1) January 22, 2019 Regular Town Council Meeting Minutes.

2) Resolution No. 2, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Town Manager to Sign a Service Agreement with the Colorado State Forest Service Gunnison Field Office for Community Forestry Assistance.

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

PUBLIC COMMENT

None

STAFF UPDATES

- MacDonald suggested that the Council might want to discuss the Post Office under Other Business.
- The Town entered into a partnership with Gunnison County, City of Gunnison, Mt. Crested Butte and CB South to leverage buying power for projects.

Collectively, they would go out for one large bid, rather than as individual entities.

- Diner's last day would be on Friday. MacDonald invited everyone to the party at Kochevar's. Kat Cooke had been hired to replace Diner.
- Roland Mason would attend Council meetings regularly to update the Council and to gain feedback. He would start by attending the meeting on March 4th.
- Yerman announced that the housing lottery would be this week.
- Schmidt had questions on the hockey changing rooms. He asked if the project had been sent to an architect for plans.
- Schmidt mentioned the upcoming intergovernmental meeting.
- Cowherd recognized the landscaping, specifically trees, that would be at the Town Park playground.

PUBLIC HEARING

1) Ratification of Ordinance No. 1, Series 2019 (Emergency Ordinance) - An Ordinance of the Crested Butte Town Council Declaring a Temporary Moratorium On Demolition and the Processing and Approval of Applications for Demolition of Permanent Structures Within the Town of Crested Butte Pending Amendment of the Municipal Code of the Town of Crested Butte.

Yerman stated they continued the public hearing, so five members of the Council could vote on the ratification. Schmidt confirmed proper public notice had been given.

Sue Navy - 324 Gothic

- She supported the moratorium.
- It was important to protect the creative heritage from the past.

Schmidt acknowledged the letter from the Fausts. Cowherd wondered how the ordinance affected FAR numbers, which Yerman said had not been considered in the ordinance. The public hearing was closed.

Cowherd moved and Merck seconded a motion to ratify Ordinance No. 1, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 2, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 705 & 715 Seventh Street to Stepping Stones Children's Center.

Zillioux informed the Council that Town was proposing the lease with Stepping Stones for a period of five years at an opening rate of \$1 per square foot. This time was the first that they would be charged rent. Schmidt confirmed proper public notice had been given. There was no one present who chose to comment. The public hearing was closed.

Merck moved and Haver seconded a motion to pass Ordinance No. 2, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 3, Series 2019 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Amend Crested Butte Municipal Code Section 18-2-30 (6) Concerning Fire Suppression Requirements for Townhomes Under the International Residential Code.

Yerman explained the ordinance would extend to townhomes in general, but it would not extend beyond triplexes. Schmidt confirmed proper public notice had been given.

Sean Caffrey - District Manager of the Crested Butte Fire Protection District

- Introduced Fire Inspector, Chris Davis.
- They were proponents of the International Residential Code. The most loss of life from fire was in residential structures. Synthetics were being used in construction, so the toxic effects of combustion affected people sooner.
- They understood the cost of sprinkler systems.
- He asked the Council to reconsider their decision.

Yerman specified the type of construction that included two-hour assembly. The cost implication was \$250,000 for the project that would be passed to the affordable housing applicants. Davis reiterated they could not put a price on public safety. Sprinklers worked well. The coverage and mitigation with a sprinkler system were priceless. Ric Ems stated that life safety was paramount. He explained that it was off-gassing from building materials that killed people.

Schmidt questioned insurance costs for a home with sprinklers versus one without sprinklers. Haver questioned the cost of sprinklers. Joe Wisian, from Bywater, contractor on the affordable housing project, identified that the additional cost to the project in order to include sprinklers would be \$225,000 to \$250,000. He cited issues with sprinkler systems and listed other safety measures. Ems identified that sprinklers were not a deluge system. Haver wanted to clarify the bigger picture cost of sprinkler systems. Merck knew fire suppression systems saved lives. He cited statistics from when sprinkler systems were present and properly maintained. Cowherd appreciated the Town reaching out to the Fire Department. He saw and understood that life safety would be satisfied by a two-hour firewall with smoke detectors and carbon monoxide detectors. Dujardin was okay with continuing the public hearing. He had a hard time balancing the costs versus saving lives.

Jim Starr

- Encouraged the Council to err on the side of safety in all cases.

Schmidt closed the public hearing.

Cowherd moved and Mitchell seconded a motion to approve Ordinance No. 3, Series 2019. A roll call vote was taken with Cowherd, Mitchell, and Schmidt voting, "Yes," and Dujardin, Merck, and Haver voting, "No." **Motion failed.**

Yerman said they would come back to the Council on ways to buy down AMIs. Delays would cost money. The recommendation would be to proceed with sprinklers and then find other cost savings.

4) Transfer of the Hotel and Restaurant Liquor License at 517 2nd Street from Chicken Shack Inc DBA Slogar Bar & Restaurant to Slogar LLC.

Malia Jones - 701 Red Lady Avenue (residence) and 517 2nd Street (business)

- They were looking to transfer the liquor license and extend the licensed premises to the fenced-in area outside.
- The outside area had been used for events.
- They would use heat lamps.
- The area would be utilized from Memorial Day to the end of September, weather permitting.

Yerman stated the standard curfew set for outdoor seating was 9PM. The restrictive covenant would come via ordinance at an upcoming meeting.

Tom Miller - 125 Whiterock Avenue

- Was in support of the usage of the patio with the 9PM curfew.

Ayla Scott - 722 Belleview Avenue (residence) and 517 2nd Street (business)

- She wondered if there could be an exception to the curfew to allow for events until 10PM.

Dujardin questioned enforcement of the curfew. He did not think they needed to include the first two conditions, which were 9PM curfew and prohibition on outdoor amplified music. Schmidt preferred to be consistent with the other restaurants.

Merck moved and Mitchell seconded a motion to approve the transfer of a Hotel and Restaurant Liquor License to Slogar LLC and to allow the expansion of the liquor license area into the patio area requiring an amended and restated Restrictive Covenant Agreement with the three proposed additional conditions. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

Schmidt referenced the letter included in the packet. He mentioned the three conditions they agreed upon with Mt. Crested Butte. The letter was an explanation of how they reached the conditions. Cowherd thought the letter was critical to justify the three conditions to the citizens. He suggested the letter be submitted to the paper for the public. Haver liked the concept of explaining their stance. He suggested clarifying wording in the closing paragraph of the letter. Dujardin also recognized a change in the last paragraph. Schmidt recommended amendments that he identified. Mitchell thought

they should be clear concerning what would happen with the five acres set aside. Other uses caused the tug of war with the property. Schmidt summarized the changes including that they would drop the first sentence in the last paragraph, add the word mutual ahead of respect, and add the word rental to the majority of housing needs.

Dwayne Lehnertz - Mt. Crested Butte

- Asked for the letter being discussed.
- He stated that Gates indicated he would not move forward until he had an agreement that the property would be his. Schmidt commented on policy. Haver clarified the reason behind the letter.
- Lehnertz asked if the Council would stand on the three conditions, or were they still negotiable. Haver was not moving from the number of 156 units.

Dujardin's concerns were the time it would continue to take and the cost of lawsuits for going this far down the road.

David Leinsdorf - Treasury Hill Road

- Parse the letter to not create any daylight between Town and Mt. Crested Butte.
- The Town's influence was being in alignment with Mt. Crested Butte.
- Lehnertz agreed with Leinsdorf's points.

George Gibson - Powderview Drive

- The councils defined the conditions for consent. Gatesco got what was asked for.
- He read conditions from a document related to a quotation made by Matthew Birnie.

Dujardin did not support the conditions, so he would not be voting on the letter. Haver said it was time to have the answer of this or nothing. It was a major concern to make the process go faster. Dujardin did not think they were doing what their constituents were asking them to do.

Merck moved and Mitchell seconded a motion to send this letter to the County and the two newspapers with changes. A roll call vote was taken with all voting, "Yes," except Dujardin abstained from voting. **Motion passed unanimously.**

LEGAL MATTERS

Sullivan updated on the case with the Heights Open Space. Janna Hansen was in touch with the surveyors, and the survey could be completed before the snow melted. Town would be splitting the cost with the owners of the sites.

Sullivan reported on the dispute concerning the properties on Maroon. The Town had not been named as a party yet, but they had until February 27th. He did not expect resolution by the deadline.

Schmidt asked about the Kapushion Ditch. MacDonald stated the deal was done.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- Attended Upper Gunnison River Water Conservancy District meeting. There were good reports from the winter, but the area was technically in extreme drought.
- Attended the Zen business leadership retreat.

Laura Mitchell

- Attended Mountain Express meeting. Ridership out of CB South was up 25%. RTA ridership was up from CB South, too.
- The Scenic Byways meeting was postponed. She would review the minutes later.

Kent Cowherd

- The Zen meeting was great.

Chris Haver

- Went to the Zen meeting, which was enjoyable and run well.
- He met with Russ Forrest and Cathie Pagano to prepare for the next One Valley Leadership Council meeting. They discussed how to add more leadership training opportunities.

Jim Schmidt

- Went to Zen meeting. He did not take away the total positive feeling that others did.
- Attended a Land Preservation meeting. They accumulated money for seven projects that were scattered throughout the County. Two out of three properties up Ohio Creek were planned to be subdivisions until they were turned back into conservation easements.
- Talked with the Postmaster and his boss. They were short-staffed over the holidays, which was the reason behind the long lines. They hoped to be fully staffed next Christmas. They were trying to relieve people of the burden of paying for a post office box.
- RTA carried over 1,000 people a day in January.

Chris Haver

- Went to the meeting on the cell phone towers at the school. They were explaining how safe or dangerous a cell phone tower would be. They would be discussing in the future.

Will Dujardin

- Auto dealers were suing the State after CC4CA's win regarding legislation that adopted low emission vehicle standards.
- He was at the Mountain Express meeting. There had been an incident with a passenger.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Cowherd read his letter of resignation, explaining his reasons for resigning, effective tomorrow morning, so he could complete the meeting. Haver thanked him. Schmidt echoed Haver. Dujardin thanked Cowherd and so did Merck and Mitchell. MacDonald explained the process for the Council to appoint a new member. They had 30 days to appoint someone.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, February 19, 2019 - 5:00PM Regular Council
- Monday, March 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council

MacDonald asked whether Brush Creek would be staying on Old Business. The Council decided the item would come back when something happened.

EXECUTIVE SESSION

Schmidt read the reason for the first Executive Session:

1) 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) regarding the draft MOU with the CB Fire District and CBSAR for TP1 in the Slate River Annexation.

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

Schmidt read the reason for the second Executive Session:

2) 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 land acquisition.

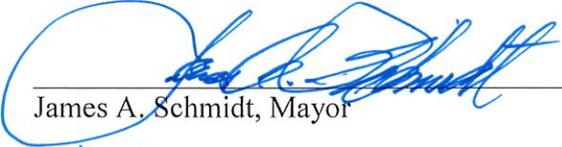
Merck moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into the first Executive Session at 9:12PM. The Council returned to open meeting at 9:30PM. Mayor Schmidt made the required announcement upon returning to open meeting.

The Council went into the second Executive Session at 9:31PM. The Council returned to open meeting at 10:04PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:05PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

