

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, March 19, 2018
Council Chambers, Crested Butte Town Hall

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

Council Members Present: Kent Cowherd, Chris Haver, Jackson Petito, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, Town Clerk Lynelle Stanford, and Town Planner Bob Nevins

Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, Community Development Director Michael Yerman, Public Works Director Rodney Due, and Chief Marshal Mike Reily (for part of the meeting)

APPROVAL OF AGENDA

Schmidt stated that item #2 from New Business was to be dropped from the agenda at the request of the County Sheriff.

Merck moved and Mitchell seconded a motion to approve the agenda with dropping item #2 from New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) March 5, 2018 Regular Town Council Meeting Minutes.

2) Resolution No. 4, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Kokoapplejak LLC to Encroach into the Fifth Street Public Right of Way with an Awning Adjacent to Lot 1, Block 47, Town of Crested Butte.

3) Award of Professional Services Agreement to JVA Engineering for Design and Improvements at the Water Treatment Plant.

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

PROCLAMATION IN HONOR OF PAUL REDDEN

Schmidt explained the proclamation would be presented to Redden at Kochevar's this Saturday at 6PM. He read the proclamation and declared March 24, 2018 as Paul Redden Day.

PUBLIC COMMENT

Schmidt acknowledged the circumstances regarding the helicopter that was shooting a commercial last week. He reviewed the history of how the situation materialized. He took responsibility and explained modes of communication that had been used. John Norton, Executive Director of the Tourism Association (TA), responded to Schmidt's comments. Norton summarized the TA's relationship with Teton Gravity Research and the development of the planning for the shoot. He specified that they wanted the Mountain and Town featured. He thanked the Town for making the movie possible. Schmidt apologized to the citizens who experienced distress. Petito had a problem with someone's lack of planning becoming Town's emergency. Merck said they would have figured it out with forewarning, and he didn't want the Mayor taking responsibility.

Susan Kerns - 201 Gothic

- She said it was a brutal day (the day the helicopter was shooting).
- She wondered why a drone wasn't used.
- She hoped the Town learned about communication and public process from Whatever USA.

STAFF UPDATES

- Petito asked Reily about the rallies and parades and if he felt he received lead-time. Reily had received adequate notification, so far. Petito appreciated Reily's handling of such events.
- Schmidt questioned Reily on the situation with the Sheriff's Office covering this end of the valley.
- No one had further questions regarding the memo in the packet with staff updates from MacDonald.

PUBLIC HEARING

1) Ordinance No. 3, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Transfer of Lot 10 Block 77 and Lots 6, 14, and 16 Block 79 to GVRHA for Duplex Build.

Yerman updated that Staff was asking Council to suspend action on Ordinance No. 3. He explained background on financing for the four units that would be offered for home ownership. Staff was seeking direction on moving forward with using \$1M from Capital Reserves with the intention of replacing in 2019, once the duplex units were sold. They were attempting to save the future homebuyers the costs of loan origination fees. MacDonald recognized there was always a level of risk that was fairly low in this

situation. Zillioux affirmed he was confident the Town was in a strong financial position to absorb the impact. Susan Kerns thanked Yerman for his work.

2) Ordinance No. 4, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of a Town Residential Property, 814 Teocalli, Crested Butte, Colorado to a Town Employee.

Schmidt confirmed the Town would be leasing the unit to Joey Carpenter. Stanford confirmed that proper public notice had been given. There were no comments from the public. The public hearing was closed.

Merck moved and Mitchell seconded a motion to pass Ordinance No. 4, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 6, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 16 of the Crested Butte Municipal Code to Include Requirements for Long-Term Rental Units and the Use of Public Property for Private Residential Parking in the "B3" Business and "T" Tourist Zone Districts.

Schmidt cited a minor amendment provided by Nevins to page two of the ordinance. Nevins explained that the ordinance would generally help the grocery store to include residential housing units that would be accommodated with perpendicular parking. Nevins identified the idea was to develop long-term rental units. There was no option for payment in lieu for residential parking. He added that it better organized the off street parking. Stanford confirmed proper public notice had been given. There were no comments from the public.

Merck moved and Petito seconded a motion to pass Ordinance No. 6, Series 2018 with the amendment as presented. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Transfer of a Retail Marijuana Dispensary Permit from Boom Town LLC DBA Urba-Crested Butte to Durango Organics LLP DBA DO Crested Butte.

Jonathan Radding and Aaron Miles introduced themselves. They offered to answer questions. Schmidt questioned how many dispensaries they had. Radding explained where their other dispensaries were located and that this one would be their fourth shop. Radding reviewed closing times in various jurisdictions.

Schmidt asked if anyone from the public wanted to comment:

Kari Roberts - 310 Belleview #6

- Questioned if DO Crested Butte would be buying the real estate.
- Confirmed the conditional uses and restrictive covenants would transfer with the license. The discussion was specific to access via the back door, then the closing time.

- She brought up possible adverse impacts of dispensaries within residential footprints, including difficulty with obtaining home equity financing.
- Dispensaries were concentrated in a small area near her home.

Mitchell moved and Merck seconded a motion to approve the transfer of the retail marijuana dispensary permit to Durango Organics LLP DBA DO Crested Butte. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

NEW BUSINESS

1) Discussion on Planning for Emergency Services Facilities and Application for DOLA Grant Funding.

MacDonald provided history on the agenda item. She explained the planning grant would be for big picture planning on locations for the Marshal’s Office, Fire Department, and Search and Rescue. They would learn high level cost estimates and what would be best for the future. Fire Chief Ric Ems confirmed the Fire Department Board approved their match for the DOLA grant.

Merck moved and Petitto seconded a motion that the Town Council authorizes the Town Manager to apply for a DOLA planning grant and authorize the expenditure of up to \$7,500 in general fund dollars for the purpose of matching funding with the Crested Butte Fire District and DOLA to examine facility needs for CBFPD, Marshals, and Search and Rescue. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Ordinance No. 5, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 409 Second Street to the Gunnison County Sheriff’s Department.

Removed from the agenda

3) Discussion Regarding the Community Grant Policy.

Zillioux prepared criteria for grants, since the departure of Rozman, who formerly led the committee through the process. Zillioux identified the idea was to bolster the community grant program, partly to create a balanced program. They wanted an objective, transparent scoring mechanism and to foster programs that benefited the community. Transparency was important. He listed the goals of the program. They looked at five funding priorities, and he explained the objectives. Zillioux reviewed qualifications that were evaluated. Petitto questioned the evaluation criteria related to future dependence on the Town. Zillioux confirmed the criteria helped to provide clarity, rather than being set in stone. Haver suggested they revisit in a year after implementation. Mitchell thought the guidelines would help a lot.

4) Letter to Gunnison County Planning Commission Regarding the Corner at Brush Creek Application.

MacDonald said they had not seen the updated application marking changes that were represented during the latest continuation of the public hearing. The Town's subcommittee had not formally drafted new comments; however, they met about how they wanted to approach the changes. She reviewed concerns they discussed, including how to make comments more poignant. The large over-arching concerns of the Town had to be articulated. Schmidt said the RFP specifically asked for a transportation center as well as a housing center. The transportation was being cut out, and he didn't think they were fulfilling the RFP. MacDonald said they would continue working with the subcommittee to bring comments. Cowherd voiced that his concerns remained the same. He was disappointed in the process; Town was being overlooked and disregarded.

5) Ordinance No. 7, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 306 Maroon Avenue to the Crested Butte School of Dance.

Don Cook, Annie Tunkey, and Adge Lindsey were present to represent the School of Dance. MacDonald said the difference with this lease was that Staff suggested a three-year term because it was undetermined what the future held for the space. She didn't want to set unrealistic expectations. She mentioned the Center for the Arts would be online within three years, and they would know better how space was being utilized at the Center. MacDonald acknowledged the difficulty in finding programmable space for after school time. Other leases brought forward had a five-year term. Because of the uncertainty, Staff recommended a three-year lease. Lindsey thought the Center for the Arts issue needed to be kept separate. As of right now, it was nothing on which they could rely. Tunkey referred to their schedules that were included in the packet. She didn't think three years seemed very long. Merck identified it would be hard to know if the space would be available in five years. Cook stated that School of Dance had been in the space for forty years. Five years was not long. Being short sighted in their lease was grabbing at space. The lease was not adequate for what they had been maintaining in the space.

Mitchell moved and Merck seconded a motion to set Ordinance No. 7, Series 2018 for public hearing, approving a lease for a portion of the property at 306 Maroon Avenue, with the amendment of five years with a five-year renewal including an early termination clause, at the April 2nd meeting. A roll call vote was taken with all voting, "Yes."

Motion passed unanimously.

LEGAL MATTERS

- Green introduced Jo Seavy. Seavy would be doing work for the Town, and she may attend future meetings.
- Green, referring to the film shoot, stated that the helicopter raised greater issues of how Town managed these requests through a permit-like process. Schmidt asked if Green had examples of ordinances. The Council confirmed they wanted to see

ordinances. MacDonald recognized there was balance to regulation. Green reminded the Council they regulated to direct impacts.

- Updated there was no contract that had been executed on Brush Creek.
- Schmidt confirmed that CIRSA had appointed counsel for the Heights case.

COUNCIL REPORTS AND COMMITTEE UPDATES

Kent Cowherd

- Attended Region 10 meeting in Montrose. They were doing a building swap. There were members from the Montrose area that he met. There was a state health insurance program, but the funding was going away.
- Attended the RTA meeting. They were getting more bus stops.

Chris Haver

- Continued Cowherd's report on RTA. They tested the bus engine, and it went well. A new CNG bus would be coming in September or October. The app was being replaced with another app. They would be paying for guaranteed seats on American Airlines. The Denver flights would fly through both off-seasons.

Jackson Petito

- Went to the Housing Foundation retreat. They talked about Board priorities. He was appointed Secretary of the Board. They elected to distribute the emergency housing funds through DHS.

Laura Mitchell

- At the TA meeting it was reported that Gunnison would apply to be a Creative District. The TA wanted to work with KBUT to combine with Blue Mesa Beach Bash.
- Mountain Express was still dealing with the building of the new shop and working with Cypress. They picked two new bus artists, and she described the designs.

Paul Merck

- Attended National Forest Foundation meeting. There was enthusiasm about using the Foundation. There was a possible conflict with 1%'s efforts. Matt from the Forest Service spoke. They revamped their ways of looking at things. Two County Commissioners also attended.
- Went to STOR meeting. They talked about what was needed in defining what each group offered.

Jim Schmidt

- Referred to an update from the CAST meeting that had been sent by MacDonald. There was a lot of discussion on how much was too much. There was a presentation from the Olympic Committee. He talked to people from Aspen about their Downtowner, which could be used as a shuttle. He asked for information on ADA access. MacDonald mentioned upcoming dates for CAST.

- The Council met with the City of Gunnison. He asked the Council if they wanted to continue regular meetings with Mt. Crested Butte and Gunnison. The Council agreed. MacDonald would talk with the two entities about meeting quarterly.
- Met with CBMR for lunch. They would present on the Teocalli Expansion at the next meeting.
- The Council decided to invite everyone, including the County Commissioners, Mt. Crested Butte, and City of Gunnison for a meeting the next quarter.
- Cowherd wanted to know the status on the Center for the Arts, and he asked for an update.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mitchell said she told David Ochs she would continue the roundabout discussion. Haver said they were looking at one intersection, rather than a long term plan. The options slimmed down when it became too late. Mitchell thought they should keep the ball rolling. MacDonald stated the Transportation Plan projected out to 2035. Schmidt said CAST was spending money on a best practices transportation plan that would be coming online soon.

Schmidt hoped the Sheriff's Office and County considered extending the contract with Mt. Crested Butte for one more year to give the new Sheriff a chance to evaluate.

Petito confirmed he had heard of difficulty with securing equity loans on apartments when a building shared a footprint with a dispensary, related to comments made by Kari Roberts in the public hearing.

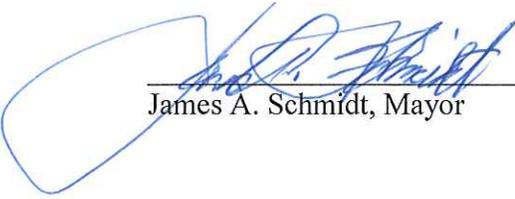
DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, April 2, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 16, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 7, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The next meeting would be April 2nd.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:37PM.



James A. Schmidt, Mayor

Lynelle Stanford

Lynelle Stanford, Town Clerk

(SEAL)

