

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, April 16, 2018**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:11PM.

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

Staff Present: Acting Town Manager/Community Development Director Michael Yerman and Town Attorney Barbara Green

Public Works Director Rodney Due, Finance Director Rob Zillioux, Chief Marshal Mike Reily, and Deputy Clerk Betty Warren (all for part of the meeting)

Schmidt summarized the discussion in the Work Session.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- 1) **April 2, 2018 Regular Town Council Meeting Minutes.**
- 2) **Resolution No. 6, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Town Manager to Sign an Intergovernmental Agreement with the Gunnison County Weed District Regarding Undesirable Plant Management.**
- 3) **Authorization for the Mayor to Sign DOLA Grant Contract.**

Haver 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.**

**PUBLIC COMMENT**

Erika Vohman - 185 Slate River Drive – Riverbend

- Updated the Council regarding Sustainable CB and the upcoming bag ban set to begin September 1, 2018.
- Let the Town know Sustainable CB was grateful for the two grants they received and wanted to update the Council related to the spending of those funds.

- Sustainable CB had provided boomerang bags at various business locations for customers to use. They had set up a reusable bag bin at Clark's Market. Vohman said they expected a seamless move from plastic bags.
- Washable plastic dishes, cups, forks, etc. had been used at 45 events in 2017 and would be provided for the Town Picnic. This had kept a significant amount of materials out of the landfill.
- There were two water bottle filling stations currently, and they would like to create a third station at a new location to be determined.
- They would be asking for another grant from the Town of Crested Butte soon.
- Outreach to the community would continue.

Yerman reported that the May 7, 2018 Town Council agenda and meeting would address how Council would go forward with the bag ban.

Mitchell commented on the use of plastic straws at restaurants and suggested that an effort might be pursued in the future to stop providing plastic straws.

### **STAFF UPDATES**

Yerman and Due represented Town Manager, Dara MacDonald, in her absence.

Rodney Due:

- Addressed traffic control, and said he would be coordinating with CDOT/CFTA on resurfacing. SH 135 work would begin the week of May 7, 2018 and continue for three weeks. They would be tearing out existing pavement and laying down new material. CDOT would place an electronic sign to warn of work and lane closures on SH 135.
- Reported on moving the house at 10 Butte to CB South tomorrow, April 17, 2018. The move would take between 2-3 hours, but Due said it could take longer. They would keep traffic delays as short as possible. The home that was moved would be "recycled" at a new location. Mitchell asked about a backup plan for inclement weather. Reily said they had a window to extend the move, but unless there were high winds or severe snow, it looked good for April 17<sup>th</sup>.
- Bid package for fencing at the Public Works yard would go out this week.
- Reported on water outage on Elk Avenue. The timing for the shut off was selected on the basis of time of the year, reduced number of people in town, and ability of crews to complete the work as quickly as possible.
- Digging at Chamber parking lot for installation of broadband.

Michael Yerman:

- Yerman said the Marshals' electric motorcycles were being utilized and would see greater use as the weather improved.
- Yerman spoke for MacDonald about the Stephen Saunders talk on Climate Change. Stephen Saunders had said Crested Butte was not a member of Colorado Communities for Climate Action. Yerman asked if the Council had interest in

pursuing a membership. The issue was moved to “Other Business” for further discussion.

- Mel Yemma, previously from HCCA, had been hired for Creative District/Open Space Coordinator. Her official start date would be April 30, 2018.
- Landfill Clean-up was scheduled for April 23, 2018.
- Town Clean-up would be May 19, 2018.
- Intergovernmental Dinner was scheduled for June 7, 2018. Locations discussed were Elk Avenue Prime and Parish Hall. An agenda would be forthcoming.
- Town Picnic would be held on June 8, 2018. Parks and Rec would send a signup sheet May 7, 2018.
- The Crested Butte Hotel was not planning to begin construction in 2018.
- Large projects going through building permit approval to include:
  - Horseshoe Building.
  - O’ Be Joyful expansion.
  - 203 Elk Avenue.
- Parks and Rec would be officially online for the summer as of May 25, 2018.
- Youth sports start the week of April 23rd. Spring soccer starts week of April 30<sup>th</sup>.
- Clerks expect to include special event applications for three events at the next Town Council meeting.
- New application received for retail marijuana dispensary (Sun House CB, LLC) at 309 Belleview Avenue.
- Discussion related to mobile vending would be on the next Town Council agenda.
- Cemetery to have fourth winter burial.
- Finance update on Employee Handbook close to completion.
- Spring cycle for community grants open until May 18, 2018.
- Expect first quarterly budget update at May 7, 2018 Town Council meeting.

## **NEW BUSINESS**

### **1) Comment Letter on Forest Plan Revisions.**

Yerman spoke about the GMUG (Grand Mesa, Uncompahgre, and Gunnison) Forest Planning Revision Effort. He said that GPLI (Gunnison Public Lands Innovative) was listening to what the Town had requested, and the process had been good. This was the last stage before going into planning.

Dujardin said to add “trout/fishing as a sport” to the “At-Risk Species” section of the letter. He also suggested that the sentence on “oil and gas” was not as effective as it might be related to the importance of the issue in Crested Butte. He stressed the fact that climate change mattered to Crested Butte. Yerman would rewrite these sections to reflect the addition and change of wording.

Haver moved and Mitchell seconded a motion to authorize the Mayor to sign the comment letter on GMUG’s Forest Plan Revision: Scoping with revisions. A roll call vote was taken with all voting, “Yes”. **Motion passed unanimously.**

**2) Ordinance No. 8, Series 2018 - An Ordinance of the Crested Butte Town Council Repealing the Adoption of the 2003 Model Traffic Code and, in Its Place, Adopting by Reference the 2010 Edition of the Model Traffic Code for Colorado; and Providing Penalties for Violation Thereof.**

Reily explained that the 2010 Traffic Code was the most current version, and was in Pdf format. Previous versions were paper documents. He said that the Town should adopt the 2010 Model Traffic Code in the current Town Code. References to the 2003 Model Traffic Code needed to be repealed and replaced with the 2010 Model Traffic Code. It was consistent with State Model Traffic Code. Reily stated that more changes were to come, but they would continue to update the current language.

Haver asked about low speed electric vehicles and the criteria for using streets. It was asked if golf carts were allowed in town. Reily said roadworthy vehicles must have lights, turn signals, be plated, and insured. The minimum speed on the highway was 40 mph, so golf carts would not be allowed on the highway.

Mitchell moved and Dujardin seconded a motion to set Ordinance No. 8, Series 2018 for public hearing on May 7, 2018. A roll call vote was taken with all voting, "Yes".  
**Motion passed unanimously.**

**3) Ordinance No. 9, Series 2018 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Allow the Town Council to Adopt a Purchasing Policy by Resolution.**

Schmidt asked if there were any changes following Zillioux's presentation at the last meeting. Zillioux said there were no changes.

Haver moved and Dujardin seconded a motion to set Ordinance No. 9, Series 2018 for public hearing on at May 7, 2018 Town Council meeting. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

**4) Ordinance No. 10, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 716 Elk Avenue to the Crested Butte Wildflower Festival.**

Yerman explained that this was an effort by staff to get updated on leases. The Wildflower Festival had been paying \$0 per year, and the execution of this lease would increase the annual rate from \$0 to \$354.

Dujardin moved and Haver seconded a motion to set Ordinance No. 10, Series 2018 for public hearing on May 7, 2018. A roll call vote was taken with all voting, "Yes".  
**Motion passed unanimously.**

**5) Ordinance No. 11, Series 2018 - An Ordinance of the Crested Butte Town Council Amending, Chapter 18, Articles 2, 9, and 13 of the Town Code Related to Building Regulations.**

Yerman reported on the annual reviews of adopted Building Codes by the Town's Community Development. There were a few minor amendments identified by staff this year. Minor edits to Ordinance No. 11, Series 2018 were made to Adopted Residential Codes.

The previous amendment did not adequately address stacked duplex units or single-family dwellings with an attached ADU. The proposed exception would not require sprinklers for stacked duplex units, if they were under single ownership. They would have to include adequate fire separation as defined in the Code. The stacked configuration could apply with attached ADU's to a single-family residence.

Yerman reported that most of changes were clean-up. The changes/edits were to three sections of the proposed ordinance to include:

**Amending requirements for plans related to Building Permits:**

1. Residential Code- The previous amendment did not fully address stacked duplex units or single-family dwellings with an attached ADU. The proposed exception would not require stacked duplex units to include sprinklers provided they are under single ownership and have adequate fire separation defined in the code. Stacked configuration could also be allowed with attached ADU's to a single-family residence.
2. Energy Code-There were minor revisions that retracted some items for 2018. An added provision would be the requirement of a REMP (Renewal Energy Mitigation Program) permit when heat tubing was placed in concrete for sidewalks and driveways. A REMP permit and applicable fees would be required when the system was connected.
3. Building Permits-Engineered plans needed to be provided as required in the IRC for engineered plans and with a commercial and multi-family project. This did not require engineered or stamped plans at the BOZAR design phase of a project.

Green explained that when you adopt a Code by reference, you had to consider what you were doing that was different from the Uniform Code you adopted. That was the reason the wording was so difficult to plow through, because it was based upon how you were amending Standard Code.

Cowherd requested a change to the wording with agreement from Council in Section 18-13-20 Building Permit Applications from "registered" design professionals to "state registered or licensed" design professionals.

Mitchell moved and Haver seconded a motion to set Ordinance No. 11, Series 2018 for public hearing on May 7, 2018 with Kent Cowherd's revisions. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

#### **6) Discussion of Possible Traffic Mitigation for the Summer Season.**

Schmidt stated that Cowherd had raised the concern about traffic flow/congestion during summer months, particularly July. Cowherd said that last year Town was overwhelmed with cars at intersections proceeding down 6<sup>th</sup> Street.

Morning, lunch and dinner hours were the most congested. He said traffic backed up coming through intersections at Gothic, Elk, and Whiterock on 6<sup>th</sup> Street. He asked how Crested Butte might create a better balance during these times. As he considered solutions, he said this was a traditional town, so a traditional solution might be to have manned crossings at the three intersections on 6<sup>th</sup> Street. Intersections could be manned during critical times of the day and through the month of July. Two of the three intersections on 6<sup>th</sup> Street were under CDOT's jurisdiction.

Cowherd said he was trying to solve a particular traffic issue to potential traffic flow problems in July and was asking for other solutions/suggestions from the Council. He wanted to know if Council agreed there was a problem with traffic flow, would manning intersections be a practical solution, and what the impact would be on the budget.

Due reported that he attended the CDOT meeting and brought up this issue with engineers in attendance. Their initial reaction was not to allow manned support, but they gave Due the name of a department representative for inquiries under CDOT's jurisdiction. Due was unable to get in touch before the meeting.

Due said there would have to be a "flagger certified" requirement at these intersections. The minimum age to certify was 18 years of age. He said it would be difficult to fill those qualified positions in a part-time capacity. Manning the school crossing had been problematic, as interested parties had to go to a class to become certified. The hours would be sporadic for personnel. MacDonald's staff report said hiring part-time traffic control positions would be difficult and suggested revisiting the 2015 Transportation Plan and possible roundabout construction.

Reily stated that providing manpower from the marshals' department was not realistic, as they do not have sufficient staffing to cover these part-time requirements. He said that 6-8 certified people would be required to cover at intersections. The cost to train and man with marshals would be in the range of \$5,000-\$25,000 and would be a big task to coordinate. Reily and Due both indicated it could be done, but not easily. Reily said it might change the pedestrian/cycling nature of town. He considered the idea that efficient traffic flow could create more drivers, and that people might not bike and walk as readily.

Schmidt said to wait for a response from the state/CDOT and to continue the discussion to the next Town Council meeting on May 7, 2018.

## **7) Update on Brush Creek Project.**

Yerman updated the Council on the Corner at Brush Creek Sketch Plan application. He reported that the Planning Commission and County Commissioners continued the joint public hearing to May 4, 2018.

Green said there was not an update on the contract. They had been working with the subcommittee for Council on the Brush Creek issue. She stated that they would stay closely in touch with county attorney's office. There was still the open question as to whether Mt. Crested Butte would appoint another person to the Council. There was no intention of entering into a contract in the short term.

Schmidt asked about the execution of the contract and stated that the RFP included traffic within the proposal. The application was not meeting the original criteria. Green said that the contract had not been signed, but they would continue to work with counsel in an effort to address all of the concerns.

Cowherd said that this Brush Creek project did not meet the standards of criteria for compatibility as defined in the Gunnison county LUR documents. He specifically referenced use, size, and scale. The long standing community values of open space and scenic views were not addressed by the proposal. It did not preserve the character and sense of place of one of Colorado's last great mountain valleys. This movement toward a large scale higher density residential project did not include the building of the parking lot. There were potential options for the property that were much less dense with greater community compatibility.

Dujardin agreed about large buildings, corridor density, the size problem with the project, but he said some of the buildings within the project were acceptable.

Schmidt said Council would continue to recognize and support affordable housing projects, just not this particular one with high density. He said it was not a complete affordable housing project anyway but more of free market housing with few affordable housing options. He reiterated that affordable housing projects in the valley were important to the Town Council.

Haver stated that the community had a large housing rental demand, and it made sense that developers would be coming in to pursue new ideas and projects. This project satisfied the entire need. He said Mt. Crested Butte was looking for a year round economy, however, what would happen to the Deli Trail, cross country trails, and the Slate River pull-out. Nothing indicated that this was the only solution.

## **LEGAL MATTERS**

Green to update/provide counsel during Executive Session.

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Chris Haver:

- Attended Sustainable Tourism Outdoor Recreation meeting. He said it was a large group working together and was a well-run committee. It was still in its early stages, but he indicated it was a positive movement going forward.

Schmidt asked if trails would lose momentum. Haver said the Committee would identify rec areas used and create an algorithm for environmental and economic impact. They would bring all small groups together for decision making and would give a better and wider focus on needs.

Kent Cowherd:

- Updated Council on Creative District.

Jim Schmidt:

- Reported on the Climate Change presentation and said there was not a lot of good news about snow amounts in the future. He said that ski areas needed an entire season to be profitable, and even a season shorter by a month, impacted profitability.
- The Cemetery Committee meeting was a discussion that confirmed the emphasis of 2018 projects to be on restoration/stabilization of older or damaged headstones. The Committee would also be restoring the Baby Richardson wood fence and headstones.
- The Housing Committee meeting was scheduled for this past Wednesday but had been moved to this coming Wednesday.

## **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

The Council continued the discussion related to potential membership with the Colorado Communities for Climate Change. Dujardin said it would be a great option, and that it aligned with the values of Town. Cowherd had looked at the website and found it to be very positive.

When asked how membership would be funded, Yerman said it would probably come out of the Council budget (possibly the Council Discretionary budget). The annual fees would be \$1,000-\$2500 for a community the size of Crested Butte. It was not a major expenditure.

Haver said to place the topic on the "Consent Agenda" for the next meeting.

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

- Monday, May 7, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 21, 2018 - 6:00PM Work Session - 7:00PM Regular Council

- Monday, June 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council

### EXECUTIVE SESSION

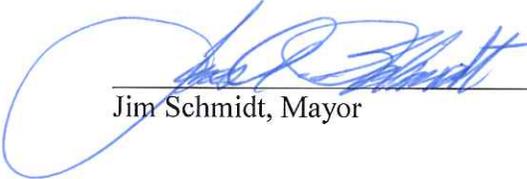
Schmidt read the reason for the Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the Heights Open Space.

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

The Council went into Executive Session at 8:44PM. The Council returned to open meeting at 9:32PM. Mayor Schmidt made the required announcement before returning to open meeting.

### ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:33PM.

  
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Jim Schmidt, Mayor

  
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Betty Warren, Deputy Town Clerk (SEAL)

