

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, May 7, 2018**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:01PM.

Council Members Present: Will Dujardin, Kent Cowherd, Chris Haver, Jackson Petito, and Paul Merck

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

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

**APPROVAL OF AGENDA**

Stanford asked the Council to remove item #7, Award of Contract to High Mountain Concepts and Authorizing the Expenditure, from New Business. Yerman confirmed the item would be on the next agenda.

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

**CONSENT AGENDA**

- 1) April 16, 2018 Regular Town Council Meeting Minutes.**
- 2) Paragon People's Fair Special Event Application for September 1 - 2, 2018.**
- 3) Crested Butte Farmers Market Special Event Application for Sundays Starting May 27 - October 7, 2018.**
- 4) Bid Award for Wayfinding Sign Fabrication and Installation.**
- 5) Membership to Colorado Communities for Climate Action.**

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

## PUBLIC COMMENT

Laci Wright - 17 Beckwith Ave

- Referenced her letter included in the packet expressing her interest in a mobile retail concept.
- She wondered if she would need to apply for variances and ordinance changes.
- Wright's request would be discussed with item #1 under New Business.

## STAFF UPDATES

Schmidt asked if there any specific questions regarding the report in the packet from MacDonald.

- Schmidt questioned Due concerning certain intersections and if they would be torn up, related to the project at 6<sup>th</sup> Street.
- MacDonald said there would be an update on Brush Creek later in the meeting.
- Dujardin asked about the Slate River Working Group. Yerman recognized there were no Council members on the committee. He thought it was important that Town was on the sidelines, listening.
- Petito asked about the intergovernmental dinner. MacDonald would work on an agenda.

## PUBLIC HEARING

### **1) 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.**

Schmidt read the title of the ordinance. Reily stated there were no recent changes to the ordinance. Any revisions to the Traffic Code were up to the State, and the 2010 version was the latest. He explained there were minor changes from the previous version. Adopting the 2010 version would update Town to the most current version.

Haver moved and Merck seconded a motion to approve Ordinance No. 8, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) 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 read the title of the ordinance. MacDonald confirmed there had been no changes since the first reading. There was a brief discussion on the bidding process and performance guarantees. Then, there was no further discussion.

Merck moved and Dujardin seconded a motion to approve Ordinance No. 9, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) 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.**

Schmidt read the title of the ordinance, and MacDonald confirmed there had been no changes.

Merck moved and Petito seconded a motion to approve Ordinance No. 10, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) 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.**

Schmidt read the title of the ordinance. Yerman identified a change that was added requiring a design professional to be registered or licensed, which was reflected in the ordinance in the packet.

Merck moved and Petito seconded a motion to approve Ordinance No. 11, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**NEW BUSINESS**

**1) Discussion on Mobile Vending.**

Stanford summarized the staff report, Fletcher Haver's request that was subsequently withdrawn, and Wright's request. Wright's request deviated from the Code in that she wanted to vend from a retail truck during daytime hours. Merck heard people were excited about Fletcher Haver's concept. Schmidt recognized there were empty lots along Elk Avenue and 6<sup>th</sup> Street that could be used for mobile vending. Yerman cited parking shortages at businesses. Town would be in a situation of allowing a mobile unit to come in and not play by the same rules as brick and mortar. He saw a difference with a vacant lot. He pointed out that trucks would generate parking and traffic. Yerman said they needed to be cognizant of not taking an existing parking space. Merck wondered about Elk Avenue between 6<sup>th</sup> and 1<sup>st</sup> Street. Yerman stated they wouldn't want to add to Elk Avenue during the day.

Schmidt would consider adding retail trucks into the merchandise cart category. He stated that if they added vehicles to (merchandise) carts they could add the needed regulations. He asked the Council if they wanted to do it at all. Cowherd wanted to hear from the public. Merck agreed. Merck wanted Staff to research what other ski towns were doing. Schmidt affirmed they could discuss adding mobile vehicle to merchandise cart vending. Haver agreed it was worth discussion at the next meeting.

The Council discussed the B1 zoning restriction on food trucks. They wanted to entertain changing the limitation. Yerman suggested they consider where they didn't want food trucks during the day, and they could look at the duration of time that a food truck could stay in a location. Yerman reiterated that Town didn't want to lose parking spots on Elk Avenue. Schmidt summarized they could consider food trucks outside of the B1 District and the time restriction. Yerman confirmed the Council was okay with a food truck on private property on Elk Avenue. Dujardin suggested merchandise vending be considered at the 4 Way. Stanford would bring back additional information for the Council's discussion at the next meeting.

**2) Ordinance No. 12, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 8, Article 5 and Chapter 13, Article 3 of the Town Code Relating to Winter Parking and Refuse Containers.**

Schmidt read the title of the ordinance. Due informed the Council that it was a housekeeping ordinance. It was voted upon last year to change the winter parking signs, and they were running the ordinance to reflect what the signs would say. Secondly, Due explained that wildlife resistance containers could be put out the night before garbage day, which was changed by the ordinance. This ordinance allowed for refuse containers to be out from 6AM to 6PM, the day of collection. The Council discussed the impacts to the public. Petito identified changes to the language in Section 8-2-50. Due provided a copy of an example of a sign.

Petito moved and Dujardin seconded a motion to set Ordinance No. 12, Series 2018 for public hearing at the next regular meeting on May 21<sup>st</sup>. A roll call vote was taken with all voting, "Yes," except Merck voted, "No." **Motion passed.**

**3) Ordinance No. 13, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 409 Second Street to the Gunnison Valley Regional Housing Authority.**

Schmidt read the title of the ordinance. Cowherd wondered about parking. MacDonald confirmed it was part-time use, and the purpose of the space was to meet one on one.

Schmidt confirmed proper public notice was given for the public hearings on Ordinances No. 8, 9, 10, 11 that were earlier in the meeting.

Merck moved and Haver seconded a motion to set Ordinance No. 13, Series 2018 for public hearing at the May 21<sup>st</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Adoption of Purchasing Policy.**

MacDonald confirmed there were no changes to the Purchasing Policy from the time it was last presented.

Merck moved and Dujardin seconded a motion to adopt the Purchasing Policy by resolution. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **5) Update on Bag Ban and Ordinance No. 5, Series 2016.**

Vacation Rental Inspector, Eric Treadwell, explained when Ordinance No. 5 would go into effect and the requirements necessitated by the ordinance. Treadwell provided a definition for a disposable plastic bag. He reviewed the timeline and details of the roll-out of the ban. Next, Treadwell outlined the role of Sustainable Crested Butte. Yerman clarified that Sustainable Crested Butte was important since staff-time was limited. Treadwell described the soft touch that would be used for enforcement. Staff was seeking direction on proceeding with the plastic bag ban implementation plan and permission to engage Sustainable Crested Butte in public outreach. Haver suggested a standard re-usable bag with a Crested Butte logo that could be sold. Yerman proposed involvement with the Creative District in designing bags. Treadwell reiterated the point was to change behavior. Schmidt affirmed it sounded like a good plan, and Erika Vohman, from Sustainable Crested Butte, agreed. Cowherd supported outreach, and he recommended radio time this summer. The Council agreed to engage Sustainable Crested Butte and to an ease-in period on enforcement of the ban.

#### **6) Agreement with Williford LLC for Consulting Services for Procuring a Development Partner for Blocks 76, 79, and 80 of the Town of Crested Butte.**

Yerman pointed out Block 76 and the lots for triplexes on Blocks 79 and 80 on a map. He explained Town would be putting the land up for collateral. The community discussion on density of the lots was key to the process. Staff was looking for a \$30K commitment from the General Fund. Yerman broke down the costs that made up the expenditure. He explained the steps in the process, starting with the RFQ. He asked two Council members to serve on the selection committee for the RFQ. He hoped they would deliver units in 2020. Willa Williford, Workforce Housing Consultant, introduced herself. She thought it was a great process for finding a great partner. Yerman explained the idea and purpose behind the community charrette. Responding to Haver, Yerman described work that would be done by the developer at this point in the process. Haver confirmed there would be one developer. Yerman affirmed all of the units would be deed restricted. MacDonald reminded the Council more infra structure would be needed next year. Yerman stated that it could be a two-year build.

Merck moved and Dujardin seconded a motion to authorize the Town Manager to execute a Professional Service Development Contract with Williford LLC and authorize a budget amendment of \$30,000 for the selection of a developer for Block 76, 79, and 80. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Next, there was a brief discussion on who would serve on the committee. Dujardin and Cowherd both volunteered.

Haver moved and Merck seconded a motion to appoint Kent and Will to the selection committee. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**7) Award Contract for Duplex Build to High Mountain Concepts and Authorizing the Expenditure.**

Removed from the agenda.

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

Due reported to the Council that he heard back from CDOT. For traffic control to occur in Town, CDOT required a plan be submitted anytime there was traffic control, a traffic control supervisor, and 12 flaggers. He drew the Council's attention to the bid provided in the packet. It would cost \$6500 to \$6600 anytime they wanted a crew out controlling traffic. Cowherd questioned the minimum number of hours and the number of flaggers required, in order to clarify the amount of work. He thought it seemed like overkill. Cowherd thought the number seemed prohibitive, but he wanted to entertain discussion of doing it for a few days. He was cautious about not doing anything. Schmidt thought it was way overkill. Reily described the traffic control done by the Marshals on the 4<sup>th</sup> of July. Merck agreed the number made sense, when put in context by Reily. Cowherd thought there was an opportunity to do an a la cart option. Previously, Haver was interested, but CDOT would make it look like driving into a construction zone, which did not attract him to the proposal. He did not want to try it. Schmidt agreed with Haver. Cowherd was disappointed it was so cost prohibitive. The Council decided not to proceed with the bid. There was discussion on CDOT's control of 6<sup>th</sup> Street.

**9) Ordinance No. 14, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 17, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Carson West and Sasha Chudacoff for the Sale Price of \$45,000.00.**

Yerman explained this was the last lot from the previous lottery. Petito questioned the method to the lottery. Schmidt read the title of the ordinance. There was no further discussion.

Petito moved and Merck seconded a motion to set Ordinance No. 14, Series 2018 for public hearing at the May 21<sup>st</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**LEGAL MATTERS**

Sullivan had the chance to walk The Heights open space parcel. There was a short extension, until Friday, to file the answer in counter claim. He became clear on who the proper parties to the action were. Town would file by Friday. Then, they would have

seven days to respond. More deadlines would then start. It seemed it should be worked out. There was a good, productive conversation with With. They agreed to set mediation earlier in the process. Sullivan understood they cared about liability for avalanche danger, and they didn't want structures in their view shed.

MacDonald stated that the official filing of the ADU case had not yet occurred. Sullivan elaborated the Court of Appeals was not certain they had jurisdiction. The net result was there was a delay in the briefing.

MacDonald informed the Council that Judge Eden's contract would expire in July. There would be an update from Judge Eden and a new contract for the Council's consideration.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Will Dujardin

- Attended two water meetings. One meeting was the Upper Gunnison River Water Conservancy District. They would use social media to reach out about water quantity. There were four seats up for nomination on the Board. Secondly, he attended the QQ Retreat in Eagle. QQ had put together water quality standards.

Jim Schmidt

- Recognized Tommy Glass, the founder of QQ, who had been the Mayor of Crested Butte. He listed the four major things they were looking at: 1) quality standards related to molybdenum 2) trans mountain diversions 3) Shadow Lake with a big algae bloom 4) talking to cities that experienced fires and how they dealt with their watershed.

Kent Cowherd

- Attended Creative District meeting. They had a new staff person, Mel Yemma. RFPs were out for wayfinding signs as well as for the Mallardi Theatre light fixture. They were looking for two new commissioners.
- RTA met. The Tall Texan area would have construction starting this summer for a bus stop structure, as well as at Ohio Creek. They were getting two new CNG busses next year.
- There was a meeting on Brush Creek. There was a lot of public opposition. There were two people that spoke in favor of the project. The meeting was continued to June 1<sup>st</sup>, and the proponent would answer questions. Nevins pointed out at the public hearing that the questions were not just for the proponent to answer.

Chris Haver

- Attended GVRHA meeting.

Paul Merck

- Started a new committee with Living Journeys. They brought together bus drivers from different entities and users to look for transportation to and from

treatment outside of the area. Tough Enough to Wear Pink said they would consider buying a truck or van that would need to be staffed. They were also looking at an Uber concept to take patients to and from treatments.

- Tomorrow he would attend a Partners in the Outdoors conference. It tied in to the STOR committee.
- He would attend a Center for the Arts meeting tomorrow morning.

#### Jackson Petito

- Attended Housing Foundation meeting in March. A lot of what they discussed would take place in Gunnison. They set priorities for the year and elected Petito as Secretary of the Board. They would be meeting again a week from Wednesday.

#### Jim Schmidt

- Attended QQ Retreat.
- He had a housing meeting on the 18<sup>th</sup>. They decided to go ahead with a property tax measure, which would ask for 1.5 mills for ten years. At the end of ten years, it would be left at .5 mills. He would be stepping off from discussions as it would be presented before the Council.
- Anthracite Place was still full.
- They were considering a couple of low-income housing tax credit (LIHTC) projects in Gunnison.
- Haver added that they discussed doing more horizontal work, using monies to get infrastructure into the lands. The builders could then build on lots that were ready to go.
- Met with Jackson regarding an appreciation award for a person who contributed a great deal. They would each work on one proclamation.
- He attended the Brush Creek hearing.

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

Schmidt questioned when the Council would hear about the annexation. Yerman stated it was not imminent. They weren't performing right now on some items. There was progress on looming issues. Town needed lot layouts to finalize sketch plan plats. He acknowledged it had been delayed.

Next, Schmidt asked about the McCormick Ditch. MacDonald updated that Sheep Mountain and Kapushion were working on issues they disagreed upon. Either option worked for the Town on the final points that were in discussion, which were where the flow meter would go and outstanding issues on indemnification for Sheep Mountain. Staff had met with the Martins to discuss maintenance and outstanding items.

MacDonald reminded Schmidt of the proclamation regarding gun violence that was included in the packet. Schmidt had no problems with the proclamation. No one disagreed with including the proclamation on the next agenda.

Petito said someone put gravel down in the alley between Gothic and Maroon and Second and Third, and there was a citizen complaint about the gravel. MacDonald would follow-up on the situation.

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

- Monday, May 21, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 18, 2018 - 6:00PM Work Session - 7:00PM Regular Council

MacDonald, responding to Schmidt, informed the Council of the topics of the next two work sessions.

**EXECUTIVE SESSION**

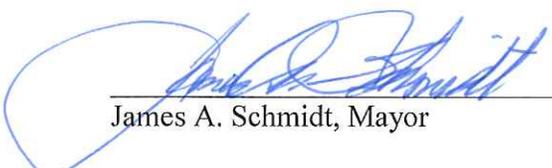
Schmidt read the reason for the Executive Session: For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding ADU items.

Merck moved and Petito 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 9:57PM. The Council returned to open meeting at 10:35PM. Mayor Schmidt made the required announcement before returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:36PM.

  
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James A. Schmidt, Mayor

  
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Lynelle Stanford, Town Clerk

(SEAL)

