

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 17, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:04PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, and Paul Merck

The Council appointed Mallika Magner at the beginning of the meeting. She voted on motions after her appointment, starting with approval of the agenda.

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, and Community Development Director Michael Yerman

Chief Marshal Mike Reily, Finance Director Rob Zillioux, Public Works Director Shea Earley, Parks and Recreation Director Janna Hansen, Town Clerk Lynelle Stanford, and Open Space/Creative District Coordinator Mel Yemma (for part of the meeting)

Schmidt mentioned the work session on deed restriction purchase programs, and he thanked George Ruther and Willa Williford.

SWEARING IN OF NEW MARSHAL RYAN DAWES

Schmidt administered the oath of office to Ryan Dawes. Both Schmidt and Dawes executed a hard copy of the oath.

INTERVIEWS FOR COUNCIL MEMBER APPOINTMENT

Mallika Magner hoped to be appointed to the empty seat. She reviewed her experiences with the Town. She thought her talents and skills would assist the Council. Merck questioned Magner regarding her BOZAR seat. Schmidt asked if she would have conflicts, being the former Town Attorney. Dujardin wondered about her accomplishments as the Town Attorney. Magner identified the Verzuh Annexation.

Schmidt acknowledged Jerry Lund. Lund reviewed his background in Crested Butte. He would be honored to join the group to help guide the city. Dujardin asked Lund about his experiences that he could draw upon. Lund stated it was better to have collaborative agreement. He was looking for a place to contribute. Merck appreciated Lund coming forward. Schmidt asked if he had strong feelings on the direction of affordable housing. Lund thought everything should be pursued to potentially solve the gap.

APPOINTMENT OF COUNCIL MEMBER

Dujardin moved and Merck seconded a motion to appoint Mallika Magner as Council member until the next election. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Stanford administered the oath of office to Magner, and Magner signed the hard copy.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) **June 3, 2019 Regular Town Council Meeting Minutes.**
- 2) **Award of Contract to Lacy Construction Ltd for Block 76 Water Line Project.**
- 3) **New Opening Parade for The Center for the Arts Special Event Application for a Rolling Closure on Elk Avenue from the 1st and Elk Parking Lot (Also to be Used for Staging) to the Four Way with the Parade Ending at The Center on July 1, 2019.**
- 4) **Bridges of the Butte Special Event Application for Base Camp at Town Park on June 29th and June 30th and Race Route with No Hard Road Closures and Special Event Liquor Permit at Town Park on June 30th.**
- 5) **Crested Butte Arts Festival Special Event Application Closing Elk Avenue from 1st Street to Mid-Block Between 5th Street and 6th Street, 2nd Street from Alley to Alley, and 3rd Street from Alley to Alley from August 2nd to August 4th, 2019.**
- 6) **Restaurant/Bar Seating on Public Sidewalks for Happy Place LTD DBA Django's Located at 209 Elk Avenue.**
- 7) **Resolution No. 10, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Ann C. Hill and Dewain V. Hill to Encroach Into the Right-Of-Way Adjacent to Sopris Avenue and part of Lot 13 and All of Lot 14, Block 32, Town of Crested Butte.**

Dujardin 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

Margot Levy - 118 7th Street, Unit G

- She thanked the Council for their service.
- She was surprised to see a curb rather than a ramp at a point of access at The Center for the Arts.
- She asked for the entry to the Alpenglow field be more accessible.

Kristi Miller - 526 Teocalli Road in CB South

- She named people who stepped down from Council because of relocation.
- She read values from the side of the agenda.
- She identified population numbers from areas surrounding Town.
- People who moved outside of Town moved because they had to, and their voices were being diluted.
- She suggested there be an at-large position for people who lived outside of Town to serve.
- They wanted to protect the Town.

Jim Starr - 323 Gothic

- He asked the Town to consider expanding two-hour parking to businesses within a block of Elk Avenue.

STAFF UPDATES

- Schmidt referred to questions posed in MacDonald's staff report, and he asked for any other updates from Staff.
- Yerman was super stoked they could proceed with Phase 2 (of the Bywater project). They would bring forward an amendment to the (affordable housing) guidelines.
- Yerman stated Staff was asking for a work session on July 9th to discuss demolition. The Council confirmed the date would work.
- Schmidt mentioned the agenda for the meeting with Mt. Crested Butte. He talked with Janet Farmer about including discussion on CDOT projects.

PUBLIC HEARING

1) Ordinance No. 24, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the North Unit (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to the Crested Butte Arts Festival.

Schmidt read the title of the ordinance. Zillioux confirmed nothing had changed from the last meeting. Schmidt opened the public hearing. Executive Director Chelsea Dalporto-McDowell said that the Arts Festival really appreciated use of the space. Zillioux agreed to update the title of the ordinance to reflect the proper name of the entity. The public hearing was closed. There was no further discussion amongst the Council.

Merck moved and Bradley seconded a motion to approve Ordinance No. 24, Series 2019 as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 25, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of 814 Teocalli Ave (a Town Owned Building) to Matthew Davis.

Schmidt read the title of the ordinance. Zillioux confirmed there were no changes from the last meeting. Schmidt opened the public hearing. No one chose to comment, and the public hearing was closed.

Merck moved and Haver seconded a motion to approve Ordinance No. 25, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 26, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of 812 Teocalli Ave (a Town Owned House) to Dylan Bova.

Schmidt identified that Bova was an employee of the Town. Schmidt confirmed proper public notice had been given for all of the public hearings on the three ordinances. The public hearing was opened. No one commented. The public hearing was closed.

Merck moved and Bradley seconded a motion to pass Ordinance No. 26, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Big Mine Hockey Changing Rooms Update.

Hansen updated the Council that BOZAR approved the plans for the changing rooms. She pointed out two roof spectator areas. They hoped to go out for bid in July. She reported on budget numbers. Hansen said the project fell under the public arts policy. The bid award would be the next item the Council would see on an agenda.

NEW BUSINESS

1) Ordinance No. 27, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Chapter 11 of the Crested Butte Municipal Code to Include New Regulations in Article 1 Thereof, Requiring Removal of Snow and Ice Build-Up From Roofs to Prevent Snow Shed.

Reily explained that there were near misses in Town this last winter, and they were concerned about the public safety aspect. The ordinance addressed who should deal with the snow. Reily said the Town would need to meet the same standard as the public. Reily assumed the Marshals' Office would take point on enforcement.

Schmidt read the title of the ordinance and reminded the Council they were setting the ordinance for public hearing. Dujardin was considering worst-case scenario in the situation no manpower was available. Reily said there were measures, such as closing the right of way.

Merck moved and Bradley seconded a motion to set Ordinance No. 27, Series 2019 for public hearing on July 2nd. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Discussion of Enforcement of 2-Hour Parking on Elk Avenue.

Reily explained the reasoning behind two-hour parking. He reviewed the past enforcement done by the former community service officer. He stated the enforcement was not as effective as they had hoped. The proposed parking program was an open plan that the Town could decide how to implement, and it was a good comprehensive plan. If they knew people who were abusing two-hour parking, the Marshals would address targeted complaints.

The discussion became focused on the required credentials of the person doing enforcement. Reily elaborated upon enforcement and explained that tires could no longer be chalked. From the report from the parking plan, Merck recalled that rotating and getting people to move was the key. Bradley questioned whether there was another solution besides implementing the parking plan. Reily thought there were other plans that would not be punitive.

Reily confirmed for Schmidt that the business owners and employees were the issues. Haver asked that Reily talk to people taking advantage of the public amenity, in order to get them to move. Schmidt suggested the Town contact the Chamber. Reily agreed they could implement an information campaign. Dujardin would rather see something concrete. He needed more public input. Magner heard from an owner on Elk Avenue that it was a problem that customers could not get into the store. She suggested some enforcement of the current Code could help. Haver said they could have the discussion on the parking plan in which people could come to comment. Schmidt returned to the idea of working with the Chamber. MacDonald summarized they would try education and outreach.

3) Appointment of Climate Action Plan Stakeholder Group.

Yemma reviewed the process for kicking off the Climate Action Plan. She explained the role of the committee and whom would be representing certain entities. Yemma outlined the make-up of the committee and the applicants from the community at-large and the building/real estate sector.

Patrick Church handed out resumes. He described past experiences he had. He wanted to become involved in the community. Dujardin asked which position he would prefer. Church saw benefits to both, but he was more interested in community at-large. Kent Cowherd said preparation was the key to success. He thought Town could lead from the front.

Merck moved and Haver seconded a motion to appoint Pat and Jason from the community-at-large and Ben and Kent from the building/real estate sector to the Climate Action Plan Stakeholder Group. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

4) Discussion of Tax Question on Tobacco/Nicotine.

Zillioux read a statement from the CDC regarding tobacco as the leading cause of death. Most people who smoked started as children. They were targeting a public health issue preventing children from starting the habit. Zillioux and MacDonald communicated with Aspen and Basalt. Both had about 70% approval when the question went to the ballot. The Town would do something similar to what they were doing. Staff needed direction on how to tax and the age limitation. Haver was not sure what policy the tax would be supporting; it was simply a sin tax. Schmidt had no problem with the tax. It was definitely a health issue. He did have a problem with the age of 21, as 18-year-olds were considered adults for other purposes. Betty Sue Gurk reported that she worked for GCSAPP. It was important to ask why and what the goal was. She cited usage statistics. MacDonald recommended the money be put into the General Fund. She cautioned them against binding the hands of future councils. Dujardin supported a resolution. Magner supported raising the tax and the age to 21. MacDonald explained the processes related to the tax question, age, and licensing requirements.

5) Discussion of Late Night Town Taxi.

Schmidt recused himself and left the room, and Mayor Pro Tem Merck took the Mayor's seat. Zillioux reviewed background on the discussion. There was no formal contract between Alpine Express and the Bartenders Association. In theory, it cost a rider \$5 per leg. Zillioux identified the recommendation was to sit down to discuss with all of the parties. Bradley knew of a company in Telluride, and she suggested they could look at alternatives. MacDonald summarized the direction was to move ahead with the discussion amongst stakeholder groups.

LEGAL MATTERS

Green updated the Council that Staff would be coming forward with a relaxation on the moratorium for demolition. They would ask that on July 2nd the Council do a first reading for the ordinance, then a work session on July 9th, and the second reading of the ordinance on July 15th. Yerman elaborated on the details of the ordinance.

Green reminded the Council they would have a work session on August 6th concerning the role of Council. She would send out a reminder, and she asked for ideas for the session.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He appreciated the report in the packet from Growing Water Smart.
- Went to QQ on Friday. There were good discussions.
- Neither he nor Schmidt could make it to Vail for the CC4CA retreat. They were considering sending Yemma to represent Town. No one voiced disagreement with Yemma attending.
- He pointed out the blinking light at the three-way stop at Belleview and Sixth.

- Called attention to the letter in the packet from the National Energy Resources Company.

Candice Bradley

- They talked about an art and law workshop at the Creative District meeting. The timeline for transition was still underway. A sign was chosen for Town Park.

Chris Haver

- There was a RTA meeting and retreat on the 6th. They were exceeding the maintenance budget. They just received two new natural gas busses. The bus stops along 135 had fallen a bit behind. They had put in new lighting. They renewed the contract with Alpine Express. They purchased a new senior van, and there was one donated.
- Attended a meeting for the Gunnison Valley Housing Authority. Homestead did not have a water line issue. They were shooting for development to start in August. Garden Walk had 36 units. He reviewed the AMI levels and reported on loans.

Will Dujardin

- He suggested a valley wide regional transportation plan.

Paul Merck

- STOR would be coming up, and he would be at CML.
- He was working on the trash can issue at trailheads. Progress was moving slowly.

Jim Schmidt

- He attended mayor/managers meeting. The next meeting would be in Pitkin.
- On the 10th, he had lunch with Tim Baker from CBMR. They were not sure how they would focus their advertising. They opened the Red Lady lift.
- He attended ribbon cuttings at the Gunsight Bridge and at The Center for Mental Health.
- They met with representatives from the school.
- He was at the housing meeting with Haver. The extremely low AMI goals were deemed reasonable.
- They received a response from the Post Office. The Post Office thought the Town opted out of home delivery. They talked about putting package boxes on the outside wall at the Post Office.
- Went to the CDOT meeting in Montrose, and they talked about the plan for the whole district.

Will Dujardin

- He would attend a meeting to start talking about the OVLC fifth pillar. They would work on water, climate, and waste.

- The Mountain Pact emailed a sign-on letter. They were asking the Council to send their own letter to Senators Gardner and Bennet and House Representative Tipton, and they were asking for a local press release. The Council agreed.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Schmidt requested a photo of the current Council.
- There would be a memorial service this Friday at 3PM for Frog.
- Haver brought up the curb mentioned by Levy in public comment. Yerman suggested a solution.
- Haver wondered about two-hour parking on 3rd Street.
- Merck mentioned the trash compactor cans and that they had never been cleaned. MacDonald stated they were Waste Management's responsibility.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, July 2, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Monday*, July 15, 2019 - 7:00PM Regular Council
- *Tuesday*, August 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned the joint meeting with Mt. Crested Butte, CML, and other upcoming meetings.

EXECUTIVE SESSION

Schmidt read the reason for the first 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) regarding open space.

Schmidt read the reason for the second 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).

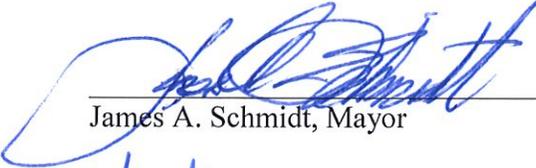
Bradley moved and Dujardin seconded a motion to go into Executive Session for both reasons. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into the first Executive Session at 10:12PM. They returned to open meeting at 10:30PM. Mayor Schmidt made the required announcement upon returning to open meeting.

The Council went into the second Executive Session at 10:30PM. They returned to open meeting at 11:20PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:22PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

