

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 18, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Kent Cowherd, Jackson Petito, and Laura Mitchell

Chris Haver and Paul Merck arrived shortly after the meeting was called to order.

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

Parks and Recreation Director Janna Hansen and Public Works Director Rodney Due (for part of the meeting)

APPROVAL OF AGENDA

Petito moved and Mitchell seconded a motion to approve the agenda as written. A roll call vote was taken with all voting, "Yes." Neither Haver nor Merck was present to vote. **Motion passed unanimously.**

CONSENT AGENDA

- 1) June 4, 2018 Regular Town Council Meeting Minutes.
- 2) 4th of July Special Event Application for July 4, 2018.
- 3) Crested Butte Art Market Special Event Application for Sundays Starting June 24, 2018 through October 7, 2018 Except During Arts Festival and ARTumn Special Events.
- 4) Black and White Ball Special Event Application and Special Event Liquor Permit for June 30, 2018 through July 1, 2018.
- 5) Gunnison Car Show Breakfast Cruise Special Event Application for August 19, 2018.
- 6) Appointment of BOZAR Member.
- 7) Resolution No. 7, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of Revocable License to Kurt Preston and Melissa Preston to Encroach into the Maroon Avenue Right of Way with a Wastewater Line Adjacent

to the East 5'6" feet of Lot 28 and 44'6" of Lots 29-30, Block 18, Town of Crested Butte.

Mitchell moved and Dujardin seconded a motion to approve the Consent Agenda as submitted. A roll call vote was taken with all voting, "Yes." Neither Haver nor Merck was present to vote. **Motion passed unanimously.**

PUBLIC COMMENT

Shelley Popke - 622 Teocalli Avenue

- Thanked the Council for their approval of Black and White Ball.
- She invited the Council to the event.

Bob Schutt - 127 Slate River Drive

- Announced he was running for Gunnison County Commissioner.
- He supported the Council's position on Brush Creek.
- He was interested in visiting with Council members on any issue.

STAFF UPDATES

- MacDonald asked the Council if they wanted to dedicate two more parking spaces for an electric vehicle charging station per GCEA's request. The Council wanted to know if rapid chargers were available, and they wanted to learn more about the usage of the existing station. The Council supported using two parking places for a charging station, and Staff would bring back additional information.
- Schmidt reviewed work that had been done around Town related to striping.
- Schmidt questioned liquor licensing related to The Eldo.
- MacDonald informed the Council that Town granted an exception to the fire restrictions for welding at two areas within Town. The Sheriff didn't expect Stage 2 to be lifted until after the beginning of the monsoon season.

PUBLIC HEARING

1) Ordinance No. 16, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 15 of the Crested Butte Municipal Code to Include New Regulations for the Removal of Trees.

Schmidt read the title of the ordinance. He confirmed proper public notice had been given. Hansen stated that nothing had changed since the last meeting.

John Ellis - Sopris Avenue

- He wondered if there was a loophole in the ordinance.
- He cited an occurrence of a tree being removed, in which there was a misrepresentation on the application to remove the tree.
- He didn't see a provision in the ordinance for misrepresentation on an application.

Green advised the Council could approve the ordinance as written. She would check into the situation mentioned by Ellis. Dujardin clarified there was no recourse. Green elaborated that a violation would be cited like any violation of the Code.

Schmidt closed the public hearing, and there was no further discussion.

Merck moved and Dujardin seconded a motion to pass Ordinance No. 16, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 18, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 716 Elk Avenue to High Country Conservation Advocates.

Schmidt read the title of the ordinance. He confirmed proper public notice had been given.

Sue Navy was present at the meeting and commented:

- Please and thank you.

There was no further discussion.

Merck moved and Mitchell seconded a motion to pass Ordinance No. 18, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 19, Series 2018 - An Ordinance Amending Chapter 6, Article 4 of the Crested Butte Municipal Code to Include Regulations for Merchandise Trucks.

Schmidt read the title of the ordinance. He confirmed proper public notice had been given. Schmidt had a problem with using public property at the Four Way. Cowherd was reluctant to open a public parking space to a business in a vehicle. He pointed out a truck was larger than a standard parking space. It was inconsistent to require parking spaces for brick and mortar businesses and then give away parking spaces for this use. Haver liked the idea of the truck on private property. Merck thought it might be nice to have a vending area at the location people got on and off the bus. He recognized that food vending was allowed at the Four Way. Petito was hopeful it would help to get people to park at the Four Way.

Laci Wright

- Her idea had a relatively small footprint.
- There were inherent limitations built into the existing Code.
- She had a petition supporting her idea. She listed the names of people who signed her petition in favor of the ordinance.
- She asked those in attendance, who wanted to support without speaking, to raise their hands.

Carrie Jo Chernoff-Hicks - 307 Horseshoe and Business Located at 123 Elk Avenue

- She paid for parking, and she supported the idea.
- This was a place that allowed people to thrive and to get a start.
- Businesses support each other. Everyone benefitted.
- She didn't see a big problem with congestion at Big Mine.

The public hearing was closed, and the discussion was moved to the Council. Merck thought retail truck vending added to the Town.

Mitchell moved and Merck seconded a motion to approve Ordinance No. 19, Series 2018. A roll call vote was taken with Dujardin, Merck, Mitchell, Petito, and Schmidt voting, "Yes," and Haver and Cowherd voting, "No." **Motion passed.**

NEW BUSINESS

1) Presentation by Municipal Court Judge Eden.

Judge Eden thanked the Council for hearing from him today. He requested they renew his agreement for another two years under the same terms. He reviewed caseload numbers and types of cases typical to municipal court. Eden recognized changes in people's behaviors in court in recent years. He explained the changes in bonding practices that had been enacted. Schmidt questioned the process regarding extradition and Eden's pay rate. Merck affirmed he was doing a great job. Petito appreciated the allowance of defendants to call into court. MacDonald informed the Council that the actual agreement with Eden would be on the next agenda.

2) Update from Doug Shaw and Dr. Melanie Armstrong on Monitoring and Analyzing Winter Backcountry Use in the Upper Gunnison Valley 2017-2018.

Shaw listed the trailheads from which he collected data. He stated it had been a low snow year. Schmidt acknowledged that the Nordic Center reported higher usage this year. Shaw mentioned outlying numbers that had arisen. He described graphs he had developed. Armstrong elaborated that they had collected data but had not analyzed it, and they anticipated collecting a second season of data. Maureen Hall from Silent Tracks pointed out facts that were important to note. Armstrong thought the numbers were surprising. She agreed with statements made by Dujardin regarding the correlation of use to avalanche danger. They could study the correlation.

3) Discussion on Trash and Recycling Facilities for the Public.

MacDonald explained Staff had been directed to consider public areas for trash and recycling. Eric Tunkey informed the Town that trash was a problem at the Gas Café. She identified locations that were staffed, which could help with preventing large items from being left. MacDonald acknowledged that Joy Henning from Waste Management was present at the meeting. Due explained what services were already offered by Waste Management. Henning pointed out problems with contaminated recycling. She thought that if recycling totes were located next to a dumpster someone needed to watch it.

Henning reviewed the costs associated with providing dumpsters. Tunkey stated anything was game at the Gas Café, and he described what he has seen people do to dispose of their trash. He recommended that Town not entertain the idea of providing recycling. Haver and Cowherd both questioned what the solutions were. Merck suggested that Crested Butte and Mt. Crested Butte work together to provide places for disposal. Haver said they needed to figure out a location. Schmidt listed potential locations.

Next, the Council discussed providing dump stations at trailheads. Due agreed with Merck on Town subsidizing. Haver could bring the discussion up at STOR for consideration. Various trailheads were mentioned and discussed. Henning reminded the Council that the trucks had to be able to access. Dujardin thought they had to do something sooner rather than later. The Council then focused on locations around Town. The Chamber was identified. Cowherd wanted to do something in Town this summer. It was suggested that a dumpster be located at the Four Way until the STOR committee could discuss management in the backcountry. Henning cited the problem of people disposing TVs and computers. Due described issues that he foresaw. Schmidt asked the Council if they wanted to move forward with a dumpster at the Four Way. MacDonald warned there would be problems. The Council directed Staff to work out the details of locating a dumpster in Town. The Council would be notified if STOR did not want to move forward.

4) Resolution No. 8, Series 2018 - A Resolution of the Crested Butte Town Council Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018.

Schmidt recused himself and left the room. Mayor Pro Tem Paul Merck acted as the Mayor during Schmidt's absence. MacDonald provided background on the agenda item. She explained the forming entities of the Housing Authority had to approve to allow them to put the tax measure on the ballot. She identified the question in front of the Council was whether they wanted to allow the Authority to put the tax measure on the ballot. No one on the Council voiced disagreement with approval of the resolution.

Dujardin moved and Haver seconded a motion to approve Resolution No. 8, Series 2018, consenting to the calling of an election by the Gunnison Valley Regional Housing Authority on November 6, 2018. A roll call vote was taken with all voting, "Yes," except for Schmidt who had recused himself and did not vote. **Motion passed unanimously.**

Schmidt returned to the meeting.

5) Discussion and Possible Direction on Decisions Related to Policy.

First, MacDonald asked how the Council wanted policy question requests to be brought forward. She reviewed recent requests that had been proposed. Dujardin stated the requests could be considered on a case-by-case basis. Schmidt thought they could move forward on the Mountain Pact letter regarding the Land and Water Conservation Fund;

Senator Bennet's proposed Ski Area Fee Retention Act; CC4CA policy agenda; and CC4CA appointees supporting the proposed advocacy for Clean Car Standards. Petito was in favor of the Ski Area Fee Retention Act.

Dujardin moved and Mitchell seconded a motion to support the Land and Water Conservation Fund through the Mountain Pact. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Merck moved and Petito seconded a motion to support Senator Bennet's proposed Ski Area Fee Retention Act. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Mitchell moved and Merck seconded a motion to support CC4CA's policy agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Merck moved and Dujardin seconded a motion to support the proposed advocacy for Clean Air Standards. 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 and MacDonald met with David Baumgarten and Rachel Magruder from the County. Baumgarten was present at the meeting to explain what the County Commissioners asked of the Town, and Magruder was present as well. Schmidt stated that Town was in favor of as much transparency as possible.

Baumgarten introduced himself and Magruder. The Board of County Commissioners directed him to meet with key stakeholders on affordable housing and potential approaches that could be taken collectively and individually. He thanked the Town. He listed and described themes that had emerged, including themes related to affordable housing and strained relationships. He invited the Council to continue the dialogs with the County and each other.

Baumgarten suggested they try to expand the conversations, such as discussing if there were other locations that could accept density. Schmidt made comments that he described as venting in nature. Dujardin was confused as to why the process would stop. Baumgarten described the intent was to take a brief time out. There was discussion amongst the Council on the LUR process and the situation as it was occurring. Baumgarten confirmed he was not at the meeting asking the Town to buy down anything. The discussion turned to the RFP process. Baumgarten was directed to foster conversations. Merck voiced concerns on the transfer of the property. Baumgarten listed his intents. He was meeting with entities serially.

Haver saw it as a singular issue. He was interested in everyone sitting in a room having a discussion with Gatesco about what could work and could fit the community. Schmidt recalled conversations he had, including that the Town and County were on opposite sides of the table. Schmidt identified that the impacts of the development to Town had not been considered. Baumgarten recognized competing demands on scarce resources. He encouraged dialogue amongst stakeholders.

Mitchell pointed out that Gatesco was an external stakeholder. Petito said that a meeting could be transparent without taking public comment. Dujardin asked what they wanted to have happen with holding another meeting. Mitchell questioned if they could find common ground with the stakeholders and if they wanted to partner with Gatesco.

Kendall Burgemeister - Working with Gary Gates

- Gates has never turned down a meeting.
- They thought it needed to be a dense project, and the density was appropriate from a feasibility standpoint.
- Changes had been made in response to feedback.
- Haver asked if Gates would consider breaking up the project into multiple parcels.

Merck acknowledged it was a difficult situation. He didn't know what the tolerance was for density. Schmidt had the feeling they were so far apart and the best thing for the community would be to stop the project and start all over again. Dujardin suggested they talk about numbers for density. The Council discussed density, but they did not identify a specific number.

David Leinsdorf - Represents Friends of Brush Creek, but he was at the meeting as a citizen.

- There have been 50 hours or more of meetings devoted to the project.
- He urged any dialogue with the proponent be open to the public, and the public should have the opportunity to comment.

Jeff Moffett

- He clarified comments that had been made regarding a meeting he had with Schmidt. He did not meet with Schmidt to negotiate; he provided a hypothetical example.
- He clarified what he thought the commissioners were asking for.

MacDonald asked if there was interest in a dialogue with Gatesco and the other stakeholders. She asked if the other entities were willing to engage in a public forum. Schmidt said that the discussion would be on the agenda for Mt. Crested Butte tomorrow. Green observed that the letters sent by the Town were the most thorough and precise as related to the LUR.

John Hess

- He suggested the Town communicate to Mt. Crested Butte they were willing to sit down.

- They could make a request for an extension of the public hearing.

Cowherd stated there would still be incompatibility with the LUR. There was discussion on the process within the County. Green said there an ownership issue that changed the situation, and the County had a lot of leeway in their response. The Council agreed that MacDonald would convey that the Town would participate if there was a public process convened, and she would communicate with Mt. Crested Butte.

LEGAL MATTERS

Green updated the Council that there was a response due on the 27th in the motion for summary judgment on The Heights.

COUNCIL REPORTS AND COMMITTEE UPDATES

Kent Cowherd

- The Creative District selected an artist for the light at the Mallardi Theatre.

Chris Haver

- Reported on RTA. There would be testing of the largest military helicopter. Busses were running late due to construction. The TA no longer had central reservations.

Paul Merck

- Attended STOR Committee meeting.
- The National Forest had made great strides in the locations of restrooms. West Maroon improvements would be done. They were improving the area near Garlic Mikes. They discussed the CB to CB South trail.
- Met with Adaptive Sports. Accessibility should be considered with new projects.
- Gunsight Bridge was moving along.

Jim Schmidt

- Attended a Mayor/Managers Meeting at Garlic Mikes. They heard from ICElab.
- The Town picnic was on the 8th.
- On the 11th, he met with Erica Mueller and Michael Kratz from CBMR.
- They had a housing meeting last Wednesday.
- He attended a meeting regarding the school facilities.
- Met with Chris Jarnot from Vail. MacDonald explained there would be a COO, who would report to Jarnot. MacDonald stated the lines of communication were open.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Merck mentioned that he received a letter from Liz Bernholtz regarding delivery trucks, and Tough Enough to Wear Pink got another vehicle.

- Haver suggested they discuss resort buy-outs and what they could learn from other communities at the upcoming conference. He wanted to ask Staff to reach out to communities and see if there were any potholes that could be avoided.
- The Council agreed to a one-hour meeting, starting at 4:30PM, on July 2nd.

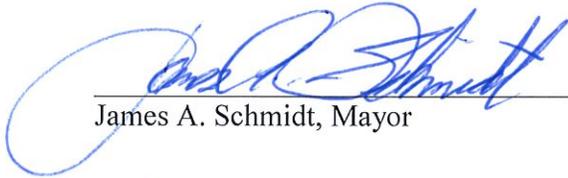
Dujardin moved and Mitchell seconded a motion to set the July 2nd meeting for 4:30PM with the expectation of being done by 5:30PM. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

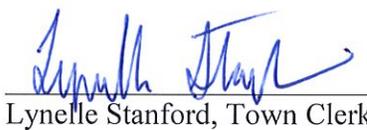
- Monday, July 2, 2018 - 4:30PM Special Council
- Monday, July 16, 2018 - 7:00PM Regular Council
- Tuesday, August 7, 2018 - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:24PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

