

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 19, 2017
Council Chambers, Crested Butte Town Hall

Mayor Pro Tem Mason called the meeting to order at 7:06PM.

Council Members Present: Jim Schmidt, Jackson Petito, Chris Ladoulis, Laura Mitchell, and Paul Merck

Staff Present: Acting Town Manager Michael Yerman, Interim Town Attorney John Sullivan, and Public Works Director Rodney Due

Town Clerk Lynelle Stanford and Parks and Recreation Director Janna Hansen (for part of the meeting)

APPROVAL OF THE AGENDA

Yerman stated item #1, under New Business, Resolution No. 36, was removed from the agenda because the IGA needed to be amended.

Schmidt moved and Merck seconded a motion to approve the agenda with the deletion of item #1 from New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) June 5, 2017 Regular Town Council Meeting Minutes.**
- 2) Big Mountain Enduro in the Town Gravel Pit Area on August 17 through August 21, 2017.**
- 3) Film Shoot by Matchstick Productions LLC on Elk Avenue and 3rd Street Sidewalks on June 20, 2017 with June 21, 2017 as Back-Up Date for Weather.**
- 4) Splatterdash 5K/1K Color Fun Run and Benefit Concert in Town Park and Closing 7th Street between Red Lady and the Old Town Soccer Field and Belleview Avenue between 7th and 8th Streets on July 1, 2017.**
- 5) Resolution No. 34, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Amended Condominium Map of the Majestic Plaza Condominiums.**
- 6) Resolution No. 35, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Re-Plat of Block 79, Lot 1 Utility Easement.**

7) Letter of Support for the Crested Butte Land Trust's Grant Application to the Gunnison River Water Conservancy District for the Gunsight Bridge.

Schmidt removed item #3 from Consent Agenda, and it was added as #1 to New Business.

Merck moved and Mitchell seconded a motion to approve the Consent Agenda with item #3 moved to item #1 under New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Marilyn Krill - 209 Whiterock

- Thanked the Council for supporting the Trailhead through the Splatterdash event.

STAFF UPDATES

Lynelle Stanford

- Informed the Council that two dispensary owners would prefer a 10PM closing time, one owner preferred it stayed the same at 8PM, and Staff would recommend 9PM for closing if the Council wanted it to be later. There was a brief discussion amongst the Council, and it was decided to discuss further under Other Business.
- Staff would be meeting this week with organizers of the race Emma Coburn announced at the last meeting.
- Staff invited Council to participate in the 4th of July parade.
- Listed upcoming special events.

Janna Hansen

- She was hoping for a soft opening at the bike park in time for Bike Week. It would be closed again based upon future construction, and there would be a grand opening later in the summer.

Rodney Due

- Paving was done at 3rd and Elk.
- Full depth recycling was in full swing.
- Mag chloride would be done next week.
- The concrete was poured for the Transportation Center.
- The interior painting and decking were done on 719 Butte, in order to put the property on the market the first week in July.
- Mitchell relayed that her neighbors had not been informed of the full-depth recycling.

Michael Yerman

- Three finalists were coming to Town for Town Planner interviews. He invited the Council to lunch to meet them.

- Wednesday night there would be a special meeting on the general plan for the Crested Butte Hotel.
- The meeting on the Brush Creek Parcel would be the Wednesday after this one at the County Courthouse.
- Council meetings in July would be on the 10th and 24th.
- Thanked Council and Staff for their help at the Town picnic.
- School kids were working on the affordable housing build.
- Cypress gained approval from the County.
- Schmidt questioned the use of the property at 719 Butte for the prospective Town Planner. Yerman explained the process and who would be eligible for the unit long-term.

PUBLIC HEARING

1) Ordinance No. 15, Series 2017 - An Ordinance of the Crested Butte Town Council Raising the Payment of Compensation to Members of the Town Council and the Mayor.

Yerman clarified the ordinance would not result in a raise for any sitting Council members, and he reviewed the Council's current pay.

Mason confirmed proper public notice had been given. He opened the public hearing. One person from the public chimed in that Council members should receive a raise. The public hearing was closed. There was no further Council discussion.

Schmidt moved and Merck seconded a motion to approve Ordinance No. 15, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Film Shoot by Matchstick Productions LLC on Elk Avenue and 3rd Street Sidewalks on June 20, 2017 with June 21, 2017 as Back-Up Date for Weather.

Schmidt stated the Council heard a lot of criticism regarding Whatever USA and closing the streets for film shoots. He wanted to ask about the street closures. Steve Winter and Michael Hansee were present from Matchstick Productions. Winter explained the shoot was on the sidewalk starting in front of the Brick. It would spill out to the north side sidewalk of Elk, to the crosswalk at 3rd, to in front of the Stash. Hansee informed the Council that there was no real closure, and they would block pedestrian traffic for a moment or two at a time. He described the notification he completed at each business.

Schmidt moved and Merck seconded a motion to approve the film shoot by Matchstick Productions LLC on Elk Avenue on June 20th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 36, Series 2017 - Resolutions of the Crested Butte Town Council Approving the First Amendment to the Intergovernmental Agreement Establishing the Gunnison Valley Regional Housing Authority.

Removed from agenda.

3) Resolution No. 37, Series 2017 - Resolutions of the Crested Butte Town Council Approving Open Space Funding Agreement for Conservation Easement.

Yerman told the Council that the resolution was for the actual funding agreement for the \$1M that was already committed. The Town's \$1M was directed to the Upper East River Valley Parcel. The agreement was to protect the Town's investment. The RETT fund was above \$1M, so the money was available.

Justin Spring was present from the Trust for Public Land (TPL). He explained the project had three phases. Phase 1 had closed, Phase 2 would close this summer, and Phase 3 would be the Upper East River Parcels. He provided a breakdown between private and public funds for the project.

Ladoulis asked Yerman to comment on the RETT. Yerman said the Town passed the \$1M mark about 6 months ago. Ladoulis confirmed no other projects were affected.

Schmidt moved and Merck seconded a motion to approve Resolution No. 37, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Resolution No. 38, Series 2017 - Resolutions of the Crested Butte Town Council Adopting the Arts in Public Places Policy.

Yerman provided background that the Creative District Commissioners had presented on the draft policy at a previous work session. The policy contained two funding mechanisms. They asked the public where they would like to see public art. The first place identified was the west end of Elk. Yerman further discussed the mechanisms of funding, along with details. Mason questioned permanent versus removable art. Yerman gave examples of temporary art. Ladoulis asked about the 2% funding stream and how it impacted the appropriation process. Yerman said 2% would be added to the total cost of a project's capital request, and the public art would serve as a capstone to the capital project.

Ladoulis moved and Petito seconded a motion to approve Resolution No. 38, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 16, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Section 16-6-320 Location of P.U.D. Overlay for Rectories and Charity Pantries in the "R1c" Zone and Adding Definitions in Section 16-1-10 for Such Uses.

Yerman updated the Council that on May 30th, BOZAR heard a proposal from Queen of All Saints to add a rectory and charity pantry. BOZAR recognized they were not allowed in the zone district. Two definitions were being added to the Code. Yerman explained the rectory and charity pantry would be on the alley. Due elaborated it was where Town stored snow. Schmidt hated to see a residence not being used for someone who could possibly be a worker. Yerman said a big issue was the structure would be a primary structure, and there were concerns that it would be a church-related use rather than another residence on the site. Schmidt was looking for more housing.

Mitchell moved and Merck seconded a motion to set Ordinance No. 16, Series 2017 to public hearing on the July 10th meeting. **Motion passed.**

6) Funding Request for up to \$11,000.00 for the Jokerville Mine Re-Dedication Project Perimeter Fencing.

Mason questioned the bid process. Schmidt said John Murphy was the best bidder, and the other bid required the Town to install the posts.

Petito moved and Merck seconded a motion to approve the request of up to \$11,000.00 for the completion of the perimeter fencing for the Jokerville Mine Rededication Project. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Possible Approval of Restaurant/Bar Seating on Public Sidewalks for Happy Place LTD DBA Django's Located at 209 Elk Avenue.

Ladoulis recused himself and left the room.

Merck acknowledged there was sidewalk seating in the location in past years. Stanford told the Council she had not heard concerns in the past, and the diagram submitted was the same as in past years.

Merck moved and Schmidt seconded a motion to approve restaurant/bar seating on public sidewalks for Happy Place LTD DBA Django's located at 209 Elk Avenue. A roll call vote was taken with all voting, "Yes," except for Ladoulis, who had recused himself. **Motion passed unanimously.**

Ladoulis returned to the meeting.

EXECUTIVE SESSION

Mason 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).

Schmidt moved and Ladoulis seconded a motion to go into Executive Session for the purpose stated by the Mayor Pro Tem. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Attorney Scott Miller was present for the Executive Session.

The Council went into Executive Session at 8:05PM. Council returned to open meeting at 8:55PM. Mayor Pro Tem Mason made the required announcement before returning to open meeting.

NEW BUSINESS CON'T

8) Resolution No. 39, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Development Improvements Agreement and Ditch Relocation Agreement Affecting Lots 17-27, Block 1, Lots 6-16, Block 12, Lots 1-13 and 30-32, Block 11 and Lots 17-32, Block 2, Town of Crested Butte, Colorado.

Yerman apprised the Council on the agenda item. He mentioned an agreement from 1986 that outlined development obligations. Under the updated agreement, the ditch would be realigned. Yerman referred to correspondence from Sheep Mountain Partners. He identified a significant piece was that the Town would take on maintenance of the ditch along the Kapushion property after two years. A declaratory judgment had been filed. By passing the resolution, the Town would be taking a back seat in the declaratory judgment. Town was not objecting to relocation by passing the resolution. Mason confirmed there were three partners in the ditch. Ladoulis asked if the resolution became part of the declaratory judgment proceedings, which Sullivan affirmed.

Schmidt moved and Merck seconded a motion to approve Resolution No. 39, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Sullivan was working on agreements with Gary Davis at 128 Maroon Avenue. There were two agreements, including a vacation of snow easement in the back yard. There was a companion agreement with Davis and the neighbors that involved alley improvements that would facilitate better drainage. Due elaborated on the drainage. Ladoulis questioned the impacts of lost snow storage. Due said it would benefit the Town, and it would not impact overall snow storage. Ladoulis questioned the expense. Mason asked if it would come in front of the Council. Yerman stated it was being done administratively.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Laura Mitchell

- Attended a Mountain Express meeting.
- The Gothic bus was running four times a day.

- There was a short bus named Bubbles.
- They were looking for a member at large for the board.

Roland Mason

- Mountain Express was still looking at expanding the shop by Public Works. They wanted to add five bays. Due didn't know if there was room for expansion. Mason said they discussed vacating the site, but he recognized the building was paid for with transportation funds.
- They talked about bikes. A potential success would be getting the mountain bike community to use the busses, and they were looking at other options for hauling bikes.

Paul Merck

- Met with Crockett (Farnell) regarding the Center for the Arts. They were rerouting irrigation and working as quickly as they could. They were ready to dig a hole as soon as permits were approved. Yerman said they were moving towards a foundation permit.
- He left for the CML Conference tomorrow, for the week.
- The Biery-Witt Center was abandoned by the board.

Roland Mason

- Did not have RTA meeting this month, but there would be one in July.
- There would be more flights out of Dallas on American.

Jackson Petito

- He would attend the Housing Foundation meeting on Thursday. They offered the Executive Director position to Darin Higgins.

Jim Schmidt

- Attended Housing Committee meeting. They explored housing options.
- He thanked the Council, on behalf of the Cemetery Committee, for their support. He explained the Jokerville Mine Rededication would include a fence, benches, and a monument with an inscription. He described details, responding to questions from Merck.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mitchell brought up two topics: 1) cancelling work sessions in July for Alpenglow and 2) dogs at the Farmers Market. She cited problems she saw with dogs at the Farmers Market. Ladoulis had spoken to the director, and the problem was enforcement. Merck didn't know the legal ramifications with service dogs. Mitchell also mentioned that her neighbor wanted the Town to buy Rijks's Gallery and turn it into a store for a cottage industry.

Related to work sessions during Alpenglow, Schmidt concurred they could start everything for the meetings an hour later. It was decided the next work session would

start at 7PM, and the regular meeting would start at 7:30PM. There would be no work session on July 24th, and the regular meeting would start at 7PM.

The Council discussed dogs present at the Farmers Market. Yerman said the Council they had the opportunity to put conditions on their permit when it had been approved. The enforceability would be on Town this year, and it would need to be discussed with the Chief Marshal. Ladoulis wanted clarity from the State Health Department regarding dogs in the Farmers Market. Sullivan would research.

Schmidt mentioned the marijuana dispensary hours. He wanted to move closing time to 9PM, from 8PM. Mason was in favor, and no one voiced disagreement. An ordinance would be brought forward.

Schmidt brought forth the oath taken by Council members. It was an obligation of the property owners to get the proper permits. There should never be any pressure on Staff to not enforce ordinances. Schmidt mentioned that Council members should live in Town. Citizens should be assured of the highest standard.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, July 10, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 24, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, August 8, 2017 - 6:00PM Work Session - 7:00PM Regular Council

Yerman reiterated there would be a ½ hour work session on the 10th starting at 7PM on code enforcement. GCEA and the energy action plan would be rescheduled for August 8th.

EXECUTIVE SESSION

Mason read the reason for 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 a possible land purchase.

Schmidt moved and Petito seconded a motion to go into Executive Session for the purpose stated by the Mayor Pro Tem. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

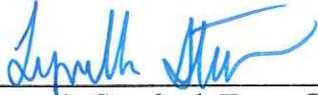
The Council went into Executive Session at 9:42PM. Council returned to open meeting at 9:54PM. Mayor Pro Tem Mason made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Pro Tem Mason adjourned the meeting at 9:55PM.



Roland Mason, Mayor Pro Tem



Lynelle Stanford, Town Clerk

(SEAL)

