

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, July 10, 2017
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:30PM.

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

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

Chief Marshal Mike Reily, Finance Director Lois Rozman, Community Development Director Michael Yerman, Public Works Director Rodney Due, and Parks and Recreation Director Janna Hansen (all for part of the meeting)

APPROVAL OF THE AGENDA

Michel reiterated Ladoulis's request that #3 from Consent Agenda be moved to New Business. Schmidt commented on the maps submitted by the Arts Festival.

Schmidt moved and Merck seconded a motion to approve the agenda with the removal of item #3 to the first item under New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) June 19, 2017 Regular Town Council Meeting Minutes.**
- 2) Crested Butte Arts Festival Closing Elk Avenue from 2nd Street to Mid-Block 5th Street, 2nd Street from Alley to Alley, and 3rd Street from Alley to Alley from August 4 to August 6, 2017.**
- 3) Yeti Tribe Gathering Located at the Town Gravel Pit Area on July 21 to July 23, 2017.**
- 4) Approval of Spring Community Grants.**
- 5) Letter of Support for Nordic Center Request for Trail Easement on McCormick Ranch.**
- 6) Resolution No. 40, Series 2017 - Resolutions of the Crested Butte Town Council Authorizing the Town Manager to Enter Into a Service Agreement With the**

Colorado State Forest Service Gunnison Field Office for Community Forestry Assistance.

7) Resolution No. 41, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Marshall-Jones Minor Subdivision Located Within the NW ¼ NE ¼ Section 3 Township 14 South, Range 86 West, of the 6th Principal Meridian, Town of Crested Butte, Gunnison County, Colorado.

8) Resolution No. 42, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Appointment of M'Lissa Story and Don Seastrum to the Crested Butte Creative District Commission for Three Year Terms.

9) Resolution No. 43, Series 2017 - Resolutions of the Crested Butte Town Council Awarding a Temporary Arts Installation Located at the Center for the Arts in an Amount Not to Exceed \$3,000.

10) Resolution No. 44, Series 2017 - Resolutions of the Crested Butte Town Council Approving a Lease Agreement for the Rental of 721 Butte Avenue Unit I Located in Poverty Gulch with Robert Nevins.

11) Proclamation for the Trust for Public Land (TPL)

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

STAFF UPDATES

Janna Hansen

- The skate park would be closed next week for repairs. Schmidt pointed out no one was wearing a helmet that he noticed at the skate park.
- Outfield fence at Gothic Field was in a state of disrepair due to snow, and it was determined not repairable. The insurance company would process a claim for replacement.
- Kristy Harris from United States Tennis Association (USTA) had been here. Instructor Jackie Bingham-Levine was recognized.
- They were working on a plan for the warming house. She would have an update at the next meeting.
- Crews were working hard to keep parks clean, after a weekend that the parks had been described as trashed.

Rodney Due

- There was a delay on Poverty Gulch, and contractors were behind on work. MacDonald confirmed that Council approved a 2-month lease for the new planner on the Consent Agenda.

- The Transportation Center was going well. They would work on plumbing and electricity next week.
- Paving was moving along.
- The wastewater treatment plant project was going well. They were doubling up on work scheduled.
- They had been doing many PSAs to remind the public on watering restrictions. Long-term they had to consider expanding the pipe from the reservoir to the plant.
- Petito questioned what had happened to the trees from the Center with the idea of reusing the wood. Due said they had been removed.

Lois Rozman

- She was still working on four insurance claims for property damage. CIRSA was an awesome partner.
- She included May sales tax in the packet, which was up 6%. Sales tax was down in the month of February, but now it was 2% up.
- HR had been busy. They were working on updating the personnel handbook.
- She was gearing up for the 2018 budget.

Michael Yerman

- The incoming Town Planner, Bob Nevins, would start on July 31st. He was coming from Jackson Hole.
- Town hit the 30% cap on vacation rental licenses.
- They would try to have a special public meeting on the 27th to talk about short-term rentals. It would be an informational session for the public.
- TPL would be in Town next week.
- Mentioned the special meeting (BOZAR) on the 19th for the Crested Butte Hotel.
- Thanked Dale Hoots for taking on the Poverty Gulch project. They were trying to get floors and appliances in before advertising. It would be first advertised as an ADA unit through GVRHA. Then, it went on to a Town employee and then a lottery to the general public.

Mike Reily

- There was a bear that was becoming active. He reminded of garbage regulations.
- Summer was busy; however, little things were not being left out, like parking and watering regulations. He appreciated the hard work from his staff.
- Michel questioned the busy-ness of the 4th of July. Reily guessed there were just less than 9,000 people. It was not quite as busy as last year.
- Schmidt wondered about fire and what Reily was hearing from the County. Reily said it was dry, and people needed to use caution.

Lynelle Stanford

- Petition packets would be available for the election on Monday, July 24. Petitions could be circulated from August 8 to August 28 at 5PM.
- She mentioned upcoming special events.

- Informed the Council there would be an ordinance on the next agenda to add a definition of booth to the vending section.
- There would be a resolution for the election on the next agenda.
- Work was moving forward on the Jokerville Mine Rededication fencing.

Dara MacDonald

- Mountain Express IGA had expired. They were working on revisions, but they were not anticipating significant changes.
- They were in discussions on how to accommodate the desire for structures to house busses for Mountain Express.
- She informed the Council about the upcoming emergency management class on August 23rd.
- Budget season was starting. She asked how Council wanted to proceed. Michel suggested a retreat to discuss.
- Waste Management was having trouble with compliance and abusive behavior towards drivers.
- Charter had been in touch regarding the expired cable franchise. She was not expecting changes from the previous agreement.
- The next CAST meeting would be in Silverthorne from the 24th to 25th.
- Town Hall bikes were painted.
- Staff Infections had won one game.
- Ladoulis questioned the Town Attorney hiring process. Council decided to discuss under Other Business.

PUBLIC COMMENT

Schmidt recused himself and left the room.

Michel opened public comment for a limited purpose:

David Arkoette - 721 Butte - President of Condo Association

- He lived above the unit that was being remodeled (at Poverty Gulch). He helped to expedite the process.
- They had a new plat that was not approved, and it had to be approved before selling the unit.

Schmidt returned to the meeting.

PUBLIC HEARING

1) 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.

Michel confirmed proper public notice had been given.

Yerman said nothing had changed since the ordinance was last presented. He explained they were adding definitions of rectories and charity pantries. He provided background on the ordinance. The applicant was present for questions. The public hearing was opened to public comment. There were no comments from the public, and the public hearing was closed. There was no Council discussion.

Merck moved and Mitchell seconded a motion to approve Ordinance No. 16, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Yeti Tribe Gathering Located at the Town Gravel Pit Area on July 21 to July 23, 2017.

Ladoulis recognized the event was a corporate event, and he wondered if they were setting precedent. His main interest was what Town's policy was going forward. Michel summarized the question was to what extent to allow a public asset to be used for private gain. Ladoulis suggested that events not be included on the Consent Agenda if they were organized by for profit corporations. Mason added that if something big came up, it would not be on Consent Agenda. Michel pointed out that Council members could always remove items from Consent Agenda for further discussion. Schmidt noticed there was camping around the ball diamonds in the application. He wanted to make sure the public could still use the bathrooms and park. Hansen made it known to event organizers that the bathrooms would be open to the public.

Ladoulis moved and Merck seconded a motion to approve the Yeti Tribe Gathering special event application. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Presentation by Emily Artale on Low Income and Non-Low Income Residential Energy Efficiency Program and Possible 2018 Funding Request.

Emily Artale introduced herself and explained she was with Lotus Engineering and Sustainability, a sustainability-consulting firm that was assisting Gunnison Valley Regional Housing Authority (GVRHA) in developing programs in Gunnison County. Jennifer Kermode from GVRHA also introduced herself.

Artale informed the Council that they were working to develop a valley-wide energy efficiency rebate program. Artale explained the background on how they could make it work. She reviewed the three types of income qualifications, the process of using the program, and services offered. It was a multi-jurisdictional, multi-stake holder plan. She stated they wanted to invest in the community. The program would be locally administered and would help communities with the affordable housing crises, and energy efficiency could be used to address poverty within the community.

Artale reviewed program stakeholders and their roles as well as grants for which they were applying. She wanted to introduce the program, and she was making the request for the 2018 budget discussions. Their request was starting at \$5K. Kermode explained how the fees paid to GVRHA were used, and that the annual ask was just covering current operations. Schmidt acknowledged the Town had tougher regulations on energy efficiency. It didn't seem fair to him that the Town paid for other jurisdictions not implementing tough enough regulations in the past. Schmidt stated the Town was supportive of energy regulations.

Kermode asked the Council to separate the program development request from the annual contribution to the Housing Authority for operations. Michel reminded the Council they would be having a discussion on carbon footprint at an upcoming work session. They had not yet fully embraced the Energy Action Plan. The request would fit in well with the carbon reduction goal. Merck was in support of what they were saying. Ladoulis identified they needed to consider energy use of large homes. Artale said the program was available to everyone, and they would help anyone with creating links. Michel summarized the Council was receptive, and he encouraged Artale and Kermode to attend the work session. Michel said the budget process could be the Council's action.

3) Resolution No. 45, Series 2017 - Resolutions of the Crested Butte Town Council Approving the First Amendment to the Intergovernmental Agreement Establishing the Gunnison Valley Regional Housing Authority.

Executive Director of the GVRHA, Jennifer Kermode, reviewed the history of the IGA and amendments. The references to the lodging tax had been removed. She explained the other changes, including contributions from the entities. Schmidt noticed there was a lodging tax still mentioned in the IGA. Green said they could approve it subject to changes. There was discussion around each jurisdiction's contribution, specific to the County. Schmidt recalled what had been discussed regarding entities' contributions at a retreat. Yerman identified the Housing Authority had been instrumental in getting projects off the ground.

Schmidt moved and Merck seconded a motion to approve the first amendment to the intergovernmental agreement establishing the Gunnison Valley Regional Housing Authority with the caveat of removing all references to lodging tax in Section 4.3 and Section 2.1 and any minor typos. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

4) Update and Presentation by Community Development Director Michael Yerman on the Slate River Annexation Process and Future Agreements.

Yerman updated the Council that Cypress received approval from the County, and they were working to get the DIA and surety in place to break ground. Town had obligations coming forward related to the pre-annexation agreements. He provided detailed history on the agenda item.

Schmidt questioned when 8th Street would be constructed. Yerman said it could be this summer. There was a discussion on the voluntary clean-up (VCUP) and Colorado Department of Public Health and Environment (CDPHE). He recapped what Town received from the development deals. He reviewed benefits to Town as part of water and sewer extensions. Yerman referenced additional regulations imposed by Town on the County development. He presented a slide with a list of the next steps. Yerman outlined the agreements that would be included on the next agenda, including the boater easement. There was a discussion occurring with Mountain Express on fencing and covered parking. Yerman explained the process moving forward. Schmidt stated that benefits to Town were at the back end. He questioned the leverage to make Cypress finish, which Yerman said was in the contract. Green said they wouldn't assume the risk of developing without a VCUP, and Town was protected by the pre-annexation agreement. Additionally, Town could make water and sewer contingent upon the annexation. Schmidt said boater access meant one thing. Michel described upcoming work. There was discussion on past negotiations and agreements. Yerman said the DIA was for the protection of the Town. Green concurred she would look at the agreements. She said the VCUP was the trigger to everything. Yerman said the first thing they would do is the clean-up. Green assured the Council that Paul Casey, working for Cypress, invented the VCUP process, and he was very good.

5) Discussion and Possible Action Regarding Selection of a Developer for the Brush Creek Parcel.

Merck, Schmidt, and MacDonald attended a meeting on the Brush Creek Parcel. She said the partners were in alignment of moving forward with Gatesco. She listed reasons for their comfort-level with Gatesco. MacDonald informed the Council that the proposal included a transit component. The three partners had already indicated their decisions. MacDonald reviewed the process, including the public input components. Schmidt said the biggest unanswered question was water and sewer. He said they hadn't considered traffic at the intersection with Brush Creek Road and the highway. MacDonald said there were stopgaps in place in the County's process, and CDOT would have to review. Merck said they were tasked with picking between the two developers. Ladoulis wondered what was fundamentally different from this program compared to Anthracite Place. MacDonald listed reasons: they had a depth of experience; they were not aiming as low on the income scale as Anthracite Place; half of the project would not be income limited; and they had a long-term time horizon for the return on investment.

Merck moved and Mitchell seconded a motion to direct the Town Manager to convey to the Participating Parties the Town Council's support for proceeding in negotiations with Gatesco for the development of Brush Creek parcel in a manner similar to that proposed in the attached RPF response. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Ordinance No. 17, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 403 Second Street to the Crested Butte Mountain Theatre, Inc.

MacDonald stated that Town had occupied properties with expired leases. Town worked on proposing a fair amount to move towards. The Mountain Theatre requested they end up below what the Council had set in the policy, due in part to their utilization. There was a clause in the lease that recognized the value of the property.

Mason moved and Schmidt seconded a motion to set Ordinance No. 17, Series 2017 for public hearing on July 24th. **Motion passed.**

7) Ordinance No. 18, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 508 Maroon Avenue to Crested Butte Mountain Educational Radio, Inc. DBA KBUT.

Petito recused himself and left the room.

Ladoulis moved and Mitchell seconded a motion to set Ordinance No. 18, Series 2017 for public hearing on the July 24th Council meeting. **Motion passed.**

Petito returned to the meeting.

8) Ordinance No. 19, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 6, Article 5 of the Crested Butte Municipal Code to Amend Regulations for Certain Businesses that Sell, Manufacture, and Test Retail Marijuana and Marijuana Products.

Schmidt suggested they move the closing time to 10PM, for review within one year. MacDonald reminded that the Chief Marshal was in favor of 9PM, not 10PM. Mason thought 10PM required more public input. Michel said they could change the time at the public hearing. Michel was in favor of 9PM. Mason and Mitchell agreed. Merck agreed with Schmidt on 10PM. Petito said he could agree with 10PM. Mitchell recommended they go with 9PM and then review in a year.

Mason moved and Merck seconded a motion to set Ordinance No. 19, Series 2017 for public hearing on July 24th. **Motion passed.**

LEGAL MATTERS

None

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Paul Merck

- Attended Creative Arts District meeting. He was impressed with progress. They were professional. They were working on a calendar. The money was well spent.
- He went to CML conference last week. They toured Breckenridge's affordable housing. They talked about how to run meetings.

Roland Mason

- He would attend a Mountain Express meeting next Thursday and RTA this Friday.
- At RTA they would be discussing changes from the norm with airlines and buy-downs.
- Mountain Express had been expanding service, such as to CB South and Gothic. Millennials tended to get stranded in Town at the end of the night. He suggested expanding service to later in the night. No one voiced disagreement.
- MacDonald announced the at-large seat was vacant on the Mountain Express Board.

Jim Schmidt

- They met on grants. Sustainable CB asked for a water bottle filling station at the new bathrooms and one at Old Town Hall.
- Met with planner candidates.
- Attended Brush Creek meeting in Gunnison.
- Cemetery Committee was moving ahead with the Jokerville Mine Rededication.
- He would attend a housing meeting on Wednesday. He reported on survey numbers for the tax increase.

Glenn Michel

- There was an OVPP meeting that he didn't attend.
- MacDonald attended mayor/managers in Pitkin.
- He formally announced he would not run for Mayor or Council in the upcoming election.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Michel said they needed to schedule a retreat to discuss how they would move forward with hiring the Town Attorney. Merck announced he would be gone the 17th to the 23rd. There was a discussion on the process for planning. The Council directed the Clerk to determine a time in the morning, the week of the 24th, for two hours, to hold the retreat.

Mitchell thought there should be a porta-potty at the rec path. MacDonald said they needed to look at the ownership boundary. Michel said they could consider in the budget for next year. Merck was aware of a meeting discussing the issue. MacDonald would look into solutions.

Mason asked if there was any way to put down temporary speed bumps. He suggested locals could start putting them out. MacDonald said they wouldn't condone. Council directed Staff to come back with numbers for budget.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, July 24, 2017 - 7:00PM Regular Council
- *Tuesday*, August 8, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, August 21, 2017 - 6:00PM Work Session - 7:00PM Regular Council

Michel confirmed there would be no work session before the next meeting, and it would start at 7PM.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:26PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

