

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, July 2, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:10PM.

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

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Community Development Director Michael Yerman, Chief Marshal Mike Reily, Finance Director Rob Zillioux, and Public Works Director Shea Earley (for part of the meeting)

Schmidt mentioned the topic of the work session, regarding a logging cut that would greatly affect Town. He expressed his feeling of loss for Kathy Joyce.

APPROVAL OF AGENDA

Ordinance No. 29, number two under New Business, was removed from the agenda. Number eight from New Business was also removed from the agenda.

Merck moved and Haver seconded a motion to approve the agenda with the removal of items two and eight under New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) June 17, 2019 Regular Town Council Meeting Minutes.

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

PUBLIC COMMENT

Kent Cowherd - 901 Teocalli

- He hoped striping could be done to 1st and 2nd Streets, heading out to Peanut Lake, from Elk to Butte, to include stripes and STOPS. He suggested the same in the other corner of Town near the rec path bridge.

STAFF UPDATES

- Yerman reminded the Council of the demolition work session on Tuesday the 9th. He confirmed that the Council agreed to a joint work session with BOZAR.
- Stanford asked about attendance at the next meeting relevant to scheduling a picture of the Council.
- MacDonald asked whether the Council would like an agenda item to follow-up the work session on logging. The Council agreed they would like more information from the Forest Service before scheduling.
- Staff would be kicking off the budget process. She asked the Council if they could meet on August 12th for a discussion on goals and priorities. The Council specified an evening meeting. The Council preferred Tuesday the 13th at 4PM.
- Schmidt questioned what remained for striping, which Earley reviewed.
- MacDonald mentioned that event porta potties had been blocking the electrical vehicle charging station in the 1st and Elk parking lot.
- Mitchell wondered about bike racks at Alpenglow.
- Schmidt asked for an update on the Pirate Park. Earley summarized it was moving along. Haver asked about the horseshoe pits and basketball.

PUBLIC HEARING

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.

Schmidt confirmed proper public notice had been given. He read the title of the ordinance. Reily asked Sullivan whether the ordinance allowed Town to be paid back for hiring a contractor to remove snow. Sullivan affirmed Town could remove snow at the owner's expense. Dujardin clarified what he was asking was if there should be some sort of fine above the cost of a contractor. Reily asked if there was a method to recoup administrative fees. Sullivan stated it was not specific in the ordinance. Haver recognized it would be important to notify businesses. MacDonald elaborated that it would be just a handful of properties affected by the ordinance.

Schmidt opened the public hearing. Cowherd asked for clarification related to when the timeline was started due to different wording in sections of the ordinance, which Sullivan explained. The public hearing was closed, and there was no further Council discussion.

Bradley moved and Dujardin seconded a motion to approve Ordinance No. 27, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) New Hotel and Restaurant Liquor License for Three Taurus LLC DBA Tin Cup Pasty Co Located at 425 Elk Avenue.

The owner of Tin Cup Pasty Co, Matthew Price, introduced himself. Schmidt confirmed proper public notice had been given. Schmidt asked about a foreign LLC. Price explained their LLC was formed in Oklahoma, and it had been transferred to the State of

Colorado. Schmidt asked what a pasty was, and Price described a pasty. Schmidt also asked about closing time. Schmidt opened the public hearing. No one from the public chose to speak.

Mitchell moved and Merck seconded a motion to approve the new Hotel and Restaurant Liquor License application for Three Taurus LLC DBA Tin Cup Pasty. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 28, Series 2019 - An Ordinance of the Crested Butte Town Council Approving: (1) the Assignment of the Town's Conservation Easement in Kikel Parcel A to Crested Butte Land Trust, (2) the Termination of the Town's Covenant to Limit Development on Kikel Parcel A, and 3) Granting New Conservation Easement to Crested Butte Land Trust in Exchange for the Conveyance of Kikel Parcel A from Crested Butte Land Trust to the Town of Crested Butte.

Yerman informed the Council that the ordinance formalized the purchase of Kikel Parcel A. He acknowledged there was a home site set aside, but the new conservation easement would instead allow for a stewardship cabin or visitors center with no more than 2,000 square feet of ground area. The Town had zero interest in developing in the near future, but there could be a need for human presence in the future.

Executive Director of the Land Trust, Noel Durant, reviewed the ownership structure of the parcel. He outlined the Land Trust's conservation values. He explained this parcel was the one puzzle piece in their portfolio that gave an opportunity for human presence in the Slate River Valley. The Land Trust could not raise enough funds to conserve the entire parcel. They needed funds that they were carrying as debt to go out to protect new open space. The investment by the Town was critical to open space conservation. The new conservation easement would limit the type of structure that could be constructed.

Yerman elaborated that the funding would go towards the Fossil Ridge land exchange. The Town would control the ability or not to do the open space stewardship housing. Haver asked why the Town would further restrict the structure. Durant explained they were providing framework for future decision makers. Yerman added they were defining the expectation for years from now.

Schmidt asked if anyone from the public wanted to comment.

Jerry Clark - President of the Alpine Meadows Homeowners Association (HOA)

- He introduced members of the association that were present.
- It was a two-step process to use the funds for the Long Lake deal.
- The HOA had been approached about purchasing the property.
- A land management program would be developed that would drive the planning for the 5-acre space.

- A conservation easement too generic provided too much latitude and left the land management planner susceptible to pressure from the grantor.
- There was a fine line between specificity and generality, and he read examples from the conservation easement.
- He listed specific concerns, such as how much space the cabin would have and how many stories it would be.
- He was concerned about items not addressed in the conservation easement.
- He reiterated there was a fine line between too much detail and too little to prevent abuse going down the road.
- They wanted a dialogue on what the most optimal use would be.

John Hess - Town Resident

- He supported the infusion of money from the Town for the Kikel Parcel.
- He appreciated the changing of the conservation easement for a smaller building.
- However, they were using open space money, so there should not be buildings.
- The information center would make more sense located at the trailhead.
- They could change the conservation easement to allow for a building in 20 years.
- There should be a limit on the size of the building.

Tim Szurgot - Resident of Wild Bird

- He supported the bold stewardship idea.

Honeydew Murray

- She asked why they could not start small.
- She was happy the Land Trust could pay their debt.
- The idea of the structure and the uncertainty on size were too frightening.
- She suggested a kiosk and to start small.

Durant outlined the key reasons for the conservation easement. An amendment was not something they could take lightly. The answer would always be no. There was intention behind the structure of the deal related to the precedent with other conservation easements.

Schmidt recalled Hess's comment on using open space money for a parcel that would have a structure. MacDonald said Staff would look into it. Durant stated the Land Trust did not have an immediate deadline, but they needed to keep moving forward. MacDonald asked for clarification on information desired by the Council. Yerman reminded that any future councils would have authority on what would be built.

Merck moved and Haver seconded a motion to continue first reading of Ordinance No. 28, Series 2019 to the July 15th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 29, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Transfer of Town-Owned Property Legally Described as Lot 6

Block 78 and Lots 4, 10, and 11 Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Bywater, LLC for the Construction of Affordable Housing.

This item was removed from the agenda.

3) Ordinance No. 30, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Plat of Jebez Townhouses Lot 6, Block 79, Replat of Blocks 79 and 80 Paradise Park, Town of Crested Butte, County of Gunnison, State of Colorado Reception No. 659963 Unit B to Jeff Koether for the Sale Price of \$275,000.00.

Schmidt read the title of the ordinance. He explained the ordinance was for the sale of a condo that was completed. Yerman identified they were on the fourth alternate for the unit, and Koether would attempt to attend the next meeting.

Dujardin moved and Bradley seconded a motion to set Ordinance No. 30, Series 2019 to public hearing on the 15th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 31, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Ordinance No. 1-2019 to Add an Exception to the Temporary Moratorium for the Demolition of Any Non-Historic Multi-Family Structure of Three or More Units, All Non-Historic Commercial Structures, and the Partial Demolition of Less Than 25% of Any Non-Historic Structure Within the Town of Crested Butte.

Schmidt read the title of the ordinance. There were questions regarding the exemptions being created. Yerman outlined the exemptions to non-historic structures which were: multi-family structures with three or more units; commercial buildings; demolitions of less than 25% of a structure or those structures for which a BOZAR application was deemed complete as of January 7, 2019. MacDonald reminded there would be a work session with BOZAR on July 9th, and changes could be made to the ordinance on the 15th.

Merck moved and Dujardin seconded a motion to set Ordinance No. 31, Series 2019 for public hearing at the July 15th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Discussion on Alley Paving Request South of Elk Avenue Between 2nd and 3rd Streets.

Schmidt referred to the letter from Mike Marchitelli and Eric Roemer that initiated the discussion. Earley stated there was a letter issued to the neighbors, and he received seven responses in favor of paving the alley. One person commented in favor of grounding the utilities. Earley identified it would cost \$80K to pave the alley. Upgrading the storm water system would cost another \$10K to \$15K. He also received an estimate from

GCEA to underground the lines, which was cost prohibitive. Staff examined expenses in the context of the long-term budget. Earley reviewed pros and cons that were included in the staff report. There was further discussion on specific utilities, how the alley currently drained, and costs.

Mike Marchitelli

- They did an assessment of what came down the alley: 37 large vehicles a week.
- Paving would make it easier to plow, and it would be cleaner.

MacDonald acknowledged that the property owners had done fund raising in the past, but it was public property. She recommended if the Council wanted to pursue, they would look at the budget. They could then look at alleys on a case-by-case basis. Haver recognized it was a big expense, and it could be discussed in the budget planning.

Mary Boddington - Owner of the Talk of the Town

- She was concerned if something were to break and the cost to repair.
- She questioned the cost for service repairs. Otherwise, she supported paving.

Haver was not excited about the cost of burying the utility lines, and he did not support increasing the mill levy. The discussion became more detailed around the utility lines. Mitchell summarized that the Council wanted to pave without undergrounding the utilities, and they should direct Staff to proceed. They could look at the budget in the upcoming weeks. No one from the Council voiced disagreement. Dujardin asked about paving the alley from 2nd to 4th and whether the cost would be similar.

6) Resolution No. 11, Series 2019 - A Resolution of the Town Council of the Town of Crested Butte, Colorado, Submitting to the Electorate of the Town of Crested Butte a Question Seeking Authority to Increase Taxes On the Sale of Cigarettes and Other Tobacco and Nicotine Products.

Zillioux updated the Council on review that had been done related to the resolution and past discussions of the Council. He outlined sin taxes applied to other substances in other locations. He explained the ballot language and taxes proposed. Bradley asked questions related to tobacco products. Zillioux acknowledged price would be a deterrent to youth and young adults. Mitchell's concern was the 18 to 21 year olds going to Gunnison. Bradley agreed the same would happen with travelling to Mt. Crested Butte. Zillioux specified the resulting funds would go into the General Fund, if the voters agreed to pass the tax. Schmidt asked about banning vaping devices. Dujardin wanted to see the voters decide. He added that he thought 18-year olds were adults.

John Penn

- Everything they were discussing would put him out of business.
- When the Town allowed dispensaries to sell paraphernalia he lost a large part of his business.
- Very few people that vaped, smoked cigarettes.
- He was unhappy about the idea of losing his business.

- He felt 18-year-olds were adults.

Bradley heard from someone who indicated \$3 a pack was way out of the ballpark of what he or she expected. There was discussion on paraphernalia and its definition. Schmidt stated it was a health issue.

Kyle Tibbett - Gunnison County Department of Health - Tobacco Cessation Educator

- Cited statistics on vaping.
- He wanted to make himself available for questions.
- The price increase would have an impact, mainly on youth.
- The discussion turned to education.

Haver asked the Council to focus on the problem they were trying to solve. He was not supportive of the tax. He thought they could come up with a better solution. Bradley thought it was way general in a way that was not solving the problem. Dujardin countered that it was a tool. Dujardin was for the health of the community. Schmidt pointed out they were leaving the decision up to the citizens.

Kyle Tibbett

- Vaping products were not taxed and were relatively unregulated.

John Penn

- He asked if the tax would affect dispensaries.

There was discussion on the ballot language in the resolution. Haver suggested taxing flavored vaping products. Schmidt outlined the options in front of the Council. There was discussion on the timeline related to election deadlines. There were no amendments made to the resolution.

Dujardin moved and Schmidt seconded a motion to approve Resolution No. 11, Series 2019, submitting to the electorate of the Town of Crested Butte a question seeking authority to increase taxes on the sale of cigarettes and other tobacco and nicotine products. A roll call vote was taken with Merck, Mitchell, Schmidt, and Dujardin voting, "Yes," and Haver and Bradley voting, "No." **Motion passed.**

7) Resolution No. 12, Series 2019 - A Resolution of the Crested Butte Town Council Amending Town of Crested Butte Affordable Housing Guidelines Adding Section 8 Regulations for Employer Rentals Units to Part III Purchasing Affordable Housing.

Yerman informed the Council that the guidelines were dropped on the business owners at the last minute. Yerman heard back from a potential buyer that he or she would back out if the resolution passed tonight. Each business was unique in how the unit would be used. He asked the Council to continue the resolution to the next meeting. Schmidt identified a typo in the guidelines. He recognized the section on the business selling or transferring ownership, and he was concerned the increased cost could be included in the sale of the business. Bradley affirmed that the comment heard by Yerman was negative.

MacDonald said Staff needed time. Yerman specified issues he heard. It was most important to give the business community a chance to weigh-in.

Kent Cowherd

- Trust but verify there would not be abuses.
- Regulations were important.
- Micro management was not needed.

Mitchell moved and Haver seconded a motion to continue Resolution No. 12, Series 2019 to the July 15th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

8) Appointments to Boards and Committees.

This item was removed from the agenda.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Paul Merck

- He went to the opening of The Center and the ribbon cutting at Adaptive Sports.
- Attended a meeting that went really well with MacDonald and Schmidt to discuss the school IGA. They talked about the intersection.

Laura Mitchell

- Attended a Mountain Express meeting. They were interested in buying a two bedroom unit for employee housing.

Will Dujardin

- CML was fun. He thought what was going on at DOLA was good. He identified that Town might need to prod the County to take the lead on the census. The Steamboat/Telluride/Gunnison dinner was really helpful.
- They had good conversations regarding housing, water, and climate at the dinner with Mt. Crested Butte.
- The manager report from the Upper Gunnison River Water Conservancy District was pretty awesome. There was no measurable drought in the state. Blue Mesa and Taylor were almost 75% full.
- At the Mountain Express meeting they reviewed their strategic plan. He stated the best thing was to put a band aid on the late night taxi discussion.

Candice Bradley

- The sidewalk pedestals were in for the sculpture garden. They were looking to install sculptures. The dragonfly would not be done until August. They were working on an art and law workshop. There would be another meeting in August.

Will Dujardin

- He attended OVLC resiliency meeting. They came to the conclusion that it would be worthwhile to develop regional priorities covering water and climate resiliency, including waste.

Chris Haver

- The CML Conference was really good. He thought they could consider doing more to engage students in government. The long-term effect would be kids growing into positions of giving back to the community.
- The OVLC meeting had a lot of information. They talked with the community health and coalition team. Food security was a big issue. He listed programs.
- There were DOLA grant monies available for climate action planning.
- He attended the STOR meeting and learned that they received a GOCO grant. Their project was the top-choice because of the collaboration. They would hire a stewardship coordinator. He listed topics of discussion including Taylor and parking at Rustlers Gulch.

Jim Schmidt

- He went to the CAST meeting in Breckenridge. He announced that MacDonald was named the VP. The Steamboat/Telluride/Gunnison dinner was good. He identified the period of significance in Telluride.
- The letter would be sent to CDOT as discussed.
- The climate action plan kick-off was held at The Depot.
- He went to Brad Cadwell's retirement lunch.
- Met with the school. It went well. MacDonald would provide a write up with what came from the meeting.
- Called Bruce Bartleson, head of the library board, who told Schmidt they were coming up with a counter offer.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin asked about an agenda for the demolition work session.

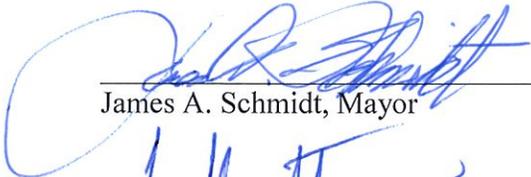
DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday, July 9, 2019 - 6:00PM Demolition Moratorium Work Session*
- *Monday, July 15, 2019 - 7:00PM Regular Council*
- *Tuesday, August 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council*

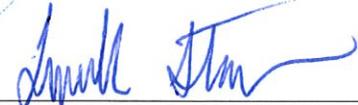
- *Tuesday, August 13, 2019 - 6:00PM Council to Meet as Planning Commission*
- *Monday, August 19, 2019 - 6:00PM Work Session - 7:00PM Regular Council*

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:40PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

