

**Town of Crested Butte
Regular Town Council Meeting
Minutes
Tuesday, September 3, 2013
Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 7:05 p.m.

Council members present: Jim Schmidt, Shaun Matuszewicz, David K. Owen, Roland Mason, John Wirsing, and Glenn Michel.

Staff present: Todd Crossett, Town Manager; John Belkin, Town Attorney; Bob Gillie, Building and Zoning Director and Shelley Jansen, Town Clerk.

Staff present for part of the meeting: Lois Rozman, Finance Director; Tom Martin, Marshall.

APPROVAL OF AGENDA

Delete item 1) Transfer of Liquor License from Secret Stash to the Crested Butte Cattle Company, 21 Elk Avenue, Crested Butte from public hearing and item 2) Discussion and Possible Action regarding State Grant, Pamela Loughman, Director of Tourism Association under new business.

Add 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) to the end of the agenda.

Mason moved and Schmidt seconded to approve the agenda with the above corrections to the agenda. A roll call vote was taken with all voting "Yes." **Motion Passed.**

CONSENT AGENDA

1) Approval of Minutes August 19, 2013.

Schmidt requested to add Tony's Trail as the cattle guard of concern on private property to Jake Jones staff report.

Matuszewicz moved and Wirsing seconded to approve the consent agenda with the addition of the information above.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

PUBLIC COMMENTS

Pamela Loughman, Director of the Tourism Association. Loughman will be approaching the local marketing district to secure funding for the insert into the state wide Colorado Tourism Magazine, before coming to the Town for funding.

Lauren Contorno, Access and Outreach Coordinator of Mountain Roots Food Project. The Mountain Roots Food Project cultivates a resilient food system in Gunnison Valley, Colorado, by enhancing healthy connections between food, earth, and community. Mountain Roots foster's knowledge, teach skills, and provide opportunities that ensure access to affordable, nutritious

food that is regionally based and sustainably produced. Contorno came to the Council to thank them for the generous support from the grant fund.

Some of the local programs from the Mountain Roots Food Project are the following:

- Garden program-7 gardens in the Gunnison Valley-one on Elk Avenue
- Youth Garden Educational Programs
- Any excess foods from the gardens are going into the food pantry. This year alone the gardens have donated 200 lbs of local food.
- Farm to School Program

Jason E. Worf, Director of the Colorado Springs Medical Cannabis Council attended the meeting on behalf of a client in Town in regards to amendment 64 and in support of Ordinance No. 19, Series 2013.

Huckstep noted the letters that were submitted to Council via e-mail from Town residents about the need for repair of the Tennis Courts for the 2014 budget.

STAFF UPDATES

Lois Rozman-

- July sales tax is up 9.1% and for the year 8.2%
- September 16th will be a budget work session

Bob Gillie-

- Depot kickoff meeting last week with the state to move forward.
- GCEA Board has decided to move forward with the solar array project for summer of 2014.
- Scarps Ridge public hearing is Friday, September 6 at 8:00 a.m.

Todd Crossett-

- Tennis Courts scored high on the GOCO funding list and Jones is resubmitting. Crossett acknowledged the letters from the community members to make it a priority to repair.
- Crossett recommends appointing Margo Levy to replace Schmidt on the Housing Authority Board.
- Fitzgerald is fast tracking the boiler for Town Hall
- Recreation path expansion is coming along
- Homologated trail is in process for the Nordic Center
- Crested Butte hosted a CAST meeting and it was well attended. The following were some of the topics:
 - √Recycling plastic bag initiative
 - √State wide sales tax for road improvements
 - √Panel on Retail Marijuana

Shelley Jansen-

- Election ballot order will be drawn on Thursday, September 5th at 3 p.m. in the Council Chambers.
- Finalists for Deputy Clerk Position

- Administratively approved, “Where There’s Water There’s Life” HCCA on September 4 from 4:30 p.m. at Totem Pole Park.
- All the projects (roof, staining, door improvements and filling of woodpecker holes) from the chapel will be complete by September 15, 2013.

Tom Martin-

- School is back in session and Gillie took photos of the first day to record for C-Dot for future funding to improve the 7th/Red Lady intersection. Marshall’s Office will be putting an informational insert into the monthly school newsletter asking parents to use 8th and 9th St. if they are dropping off their kids.

PUBLIC HEARING

1) Ordinance No. 18, Series 2013- An Ordinance Accepting the Deed of Conservation Easement from the Crested Butte Land Trust Regarding the Real Property Legally Described as Township 13 South, Range 86 West, 6th P.M., Section 20: SE1/4NE1/4 and Section 21: N1/2SW1/4NW1/4, NW1/4NW14, County of Gunnison, State of Colorado.

Mayor Huckstep opened the public hearing.

Mayor Huckstep noticed no ordinance No. 18, Series 2013 in the e-packet.

Matuscwick moved and Wirsing seconded to continue Ordinance No. 18, series 2013 to the September 16, 2013 council meeting.

A roll call vote was taken with all voting “Yes.” **Motion Passed.**

2) Ordinance No. 19, Series 2013- An Ordinance Amending Chapter 6, Article 5 of the Crested Butte Municipal Code to Include Regulations for the Permitting of New Businesses that Sell, Manufacture and Test Retail Marijuana and Marijuana Products.

Mayor Huckstep opened the public hearing.

Gillie stated that he went to BOZAR to discuss the hours and BOZAR suggested dropping the hours of operation to 7 p.m. BOZAR also suggested limiting the number of retail operations down to 3.

Harvey Castro, 20 years in Crested Butte and owns a condo at 310 Belleview and a commercial business at 427 Belleview. Castro submitted a letter in the paper last week to have the Council revisit the recommendations and began to read the letter to the Council. Some of Castro’s highlights are the following:

- Belleview is a small area for all the retail marijuana establishments-look outside the C-Zone.
- Limit hours of operation
- Consider the Residents in the C-Zone
- Parking is a limiting on Belleview
- Adams County banned Marijuana and it had an increase in youth consumption of marijuana.

John Penn, Owner of the Tobacconist is concerned if the Town allows 5 retail marijuana businesses to sell paraphernalia it could put him out of business. Belkin confirmed that retail marijuana establishments will be allowed to sell paraphernalia.

Stephanie Cantu, Manager of Acme Dispensary stated that they had 12 tourists and many other out-of-state individuals come into Acme everyday. Cantu stated that clients would call to find out the location.

Council further discussed the following:

Item 1 Smoking Dens-no objection from the Council to set this discussion aside until the state comes forward with a rule set.

Item 2 Cultivation-Council does not object to waiting until the County sets policy.

Item 3 Timing-

Current Medical Marijuana can stay open until 7 p.m.

C-Zone Manufacturing-complaint driven-No hour requirement

C-Zone Testing-complaint driven-No hour requirement

C-Zone/B-Zone Retail-Discussion was ensued on the following times-7 p.m., 10 p.m., or midnight

Item 4 Zoning-Gillie presented a map of potential areas with setbacks (schools & parks) for retail marijuana locations.

Schmidt, Owen, Roland & Matuszewicz stated that they would allow it in other areas like the B-Zone to help disperse from the C-Zone.

Wirsing also stated that concentration of retail marijuana establishments is not the answer.

Michel stated that 17 medical and retail marijuana establishments in C-Zone are concerning and would be interested in discussing other areas.

Gillie stated that based upon the state law you can't retail where you produce and could a production facility be contained in the C-Zone. The retail and the manufacturing need to have separate addresses, but can share a wall.

Owen, Mason, Michel, Schmidt, Wirsing agree to keep testing and manufacturing in the C-Zone.

Item 5 Advertising-currently in the ordinance it can't be false information and can't attract kids-Matuszewicz recommends to restrict on imagery (no pot leaf).

Schmidt moved and Owen second to continue Ordinance No. 19, series 2013 to the September 16, 2013 council meeting.

A roll call vote was taken with all voting "Yes." **Motion Passed.**

NEW BUSINESS

1) Approval of Special Event Vinotok, September 13-21, 2013, Elk Avenue Closure on September 21, 2013.

Closure on Elk Avenue will be on Friday, September 20 in-between 2nd and 3rd St. for the feast and trial. There will be a rolling closure on Elk Avenue for Saturday, September 21 from 7:30 p.m.-8:00 p.m. for the group to go to the four way stop.

2) Discussion on the Sidewalk Seating Survey.

Crossett presented a PowerPoint on the results of the sidewalk seating survey. Approximately a third of the surveys were returned. Approximately a third of respondents had been on Elk for five years or less. The largest numbers of responses were from professional establishments, followed by retail and then distantly by restaurants. Surveys were returned from each block, with the most respondents from the 300 block and the least from the 0 block.

About 80% had either not paid parking in lieu fees or did not know if they had. A strong majority thought the amount of sidewalk fixtures was "just right". Respondents were more split on the question of bike parking. Fourteen loved it. Two were "ok" with it. Ten disliked it and ten had not noticed at all. However on the question of whether to expand placement of bicycle racks in parking spaces, the strong majority said "no".

The strong majority favored restaurant sidewalk seating. It is interesting to note that while only about 16% of respondents were restaurants, 58% of respondents favored the sidewalk seating and only 22% dislike it. The rest were ambivalent.

The Town received a wide range of comments. These included a desire to see further discussion on lighting on Elk, various views on congestion (from seeing it positively to expressing concerns), a desire for the Town to acquire another parking lot, and various suggestions for reconfiguring bike and vehicle traffic on Elk.

Staff recommendation is to take this into consideration and the Town is planning other surveys from businesses with the Chamber of Commerce.

Michel asked if the business owners were considering the interests of the tourists or looking at their own personal gains. Crossett stated that we do need to do a survey of our tourists to gain more information on their experience. Crossett recommended working with the University to do a survey.

Wirsing recommended doing surveys in the future via online.

Huckstep stated that Montrose is putting the sidewalk seating on the road.

Owen stated that he saw comments about lighting and council agreed to not discuss lighting. Owen did ask the staff to include lighting in future questions on future surveys.

4) Award Bid for Recreation Path Extension Boardwalk Lumber.

Gillie stated that there were 3 bids and the requirement is to have the lumber by this month for the youth corp. to come in on September 23rd to work on the project. It is difficult to acquire the amount of wood needed for the project. So, the Town needs to go with multiple vendors to accommodate the order not to exceed \$60,000

Schmidt moved and Michel seconded to purchase lumber for the extension of the boardwalk not to exceed \$60,000.

A roll call vote was taken and all but Matuszewicz said yes. **Motion Passed.**

LEGAL MATTERS

Nothing

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).

Wirsing moved and Schmidt seconded to go into an 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).

A roll call vote was taken with all voting "Yes". **Motion Passed.**

Council went into executive session at 9:45 p.m. and ended at 11:26 p.m. Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Crossett and Belkin attended. No action was taken.

COUNCIL REPORTS AND COMMITTEE UPDATES

Wirsing-

- Tourism Association stated that the airlines have been granted a \$1 million grant.

Schmidt-

- Cemetery Committee at 9 a.m. on Wednesday.

Mason-

- Mt. Express Board had a retreat and had a discussion on what to do with a surplus. Topics under discussion are the following:

- √ Increase service to Judd Falls/Gothic-10,000 visitors came into the Gothic's visitor center. Need to discuss with the forest service road improvements. RMBL is willing to pay for the service.

- √ How can Mt. Express service the east side of Town?

- √ Shorten the off season routes

- √ Figure out how to add more bikes on to the bus

- √ A driver from Mt. Express asked the board to consider looking into the Belleview bus stop.

Wirsing asked about a CB South bus and Mason stated that CB South isn't willing to contribute.

Michel-

- Crossett and Michel attended the Department of Local Affairs (DOLA) meeting in Pueblo. DOLA offers great resources for small municipalities.

- Attended Mt. Express Board retreat.

Huckstep-

- Regional planning meeting in Montrose on Wednesday, September 18th at 8 a.m.
- Look Out Point Trail was worked on by SIMBA
- Mayor Manager meeting on Thursday
- Colorado Open Space Alliance bike ride

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Colorado River Day-Water Conservation statement in the back of the packets. Council was okay with Mayor Huckstep signing statement.

Schmidt discussed the vacant outhouse and where it can be used. Crossett stated that the outhouse could be used for a future campground.

Michel wanted to encourage the council to put a portion of the sales tax from retail marijuana to GCSAPP, School District or wherever the council sees fit for drug prevention.

Council asked staff to review parking issues in respect to the affordable housing project.

DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS COUNCIL MEETING SCHEDULE

Monday, September 16, 2013-6 p.m. Work Session-7 p.m. Regular Council

Monday, September 23, 2013-6 p.m. Special Budget Meeting.

Monday, October 7, 2013-6 p.m. Work Session-7 p.m. Regular Council.

Tuesday, October 15, 2013-6 p.m. Special Budget Meeting

Monday, October 21, 2013-6 p.m. Work Session-7 p.m. Regular Council.

Tuesday, September 3, 2013-6 p.m. Work Session-7 p.m. Regular Council

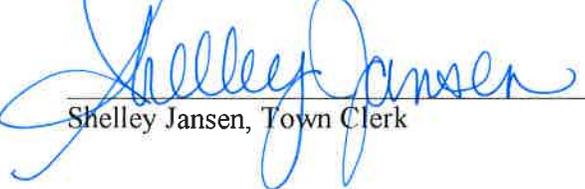
Monday, September 16, 2013-6 p.m. Work Session-7 p.m. Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 11:27 p.m.



Aaron J. Huckstep, Mayor



Shelley Jansen, Town Clerk

(SEAL)

