

**Town of Crested Butte
Minutes
Regular Town Council Meeting
Tuesday, February 19, 2013
Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 7:01 p.m.

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

Staff present: Bob Gillie, Acting Town Manager/Building and Zoning Director; John Belkin, Town Attorney; John Hess, Director of Planning and Community and Shelley Jansen, Town Clerk.

Staff present for part of the meeting: Rodney Due, Public Works Director; Lois Rozman, Finance Director; Tom Martin, Marshall and Jake Jones, Parks and Recreation Director.

APPROVAL OF AGENDA

Mason moved and Schmidt seconded to approve the agenda.

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

CONSENT AGENDA

- 1) Approval of Minutes of February 4, 2013 Regular Council Meeting.
- 2) Approval of Minutes of February 11, 2013 Special Meeting.
- 3) Judge Eden-Reappointment of Municipal Judge.
- 4) Resolution No. 3, Series 2013-A Resolution Supporting the Tennis Court GOCO Grant.
- 5) Chamber of Commerce Service Agreement.

Schmidt moved and Wirsing seconded to approve the consent agenda. Due to a conflict of interest Matuszewicz did not vote and left Council Chambers.

A roll call vote was taken with all but Matuszewicz voting "Yes." **Motion passed.**

PUBLIC COMMENTS

Judge Eden spoke about his reappointment and gave a mid-term update. Eden stated that the County Court is down in case volume. Crested Butte Municipal Court should consider cutting back to once a month instead of twice a month.

Melissa Belkin, Board President of the Center for the Arts. M. Belkin has been on the board for 3 years and just beginning her President's role. The Center provides visual and performing arts, other opportunities and sponsors of the CB Dance Collective. The Center for the Arts also has an Art Studio in the 100 block of Elk Avenue. The Center is also a production partner for the CB Wine and Food Festival July 11-14, 2013. M. Belkin stated that they are having a great winter season and they appreciate the support from the Town. Out of 14 of the Board members, 8 are locals and 6 are second home owners with a combination of 270 years in Crested Butte.

STAFF UPDATES

Due-

- Attended a Water Conference last week and entered a state wide water tasting contest and Crested Butte won. Now, Crested Butte will be representing the state of Colorado in a national water tasting contest in Washington D.C. next year.

Hess-

- A deed restricted house is under contract and another one is for sale.
- Jones and I are entering an application for a Bicycle Friendly Community. We have 3 miles of trail in town.

Martin-

- President's weekend was busy for the Marshall's Office.
- March 9th is the, "Big Air on Elk" and we will be fully staffed.
- Judge Eden is doing a tremendous job in Municipal Court.
- Meeting with the Division of Wildlife to discuss the bear issue.
- Since the Sandy Hook school shooting, we are taking more of a presence at the school and on March 21 the County will be doing a table top exercise and on the 23rd doing active shooter exercise training at the Crested Butte Community School.

Rozman-

- 2012 sales tax surpassed our best year in 2007 and it is now our best year, yet.

Gillie-

- GCEA will be coming forward with the solar panel project.
- The Alley Loop event support cost from the Town is approximately \$12,000 for the open market and \$4,000 actual cost. Michel asked where the cost is coming from. Gillie stated that it comes out of the Public Works budget.
- Matuszewicz asked about the aerial photograph and Gillie stated it will be in April or May.

PUBLIC HEARINGS

1) Ordinance No. 3, Series 2013-An Ordinance Amending the Capital Expansion Recovery System Fees Contained in Chapter 17, Article 5 of the Crested Butte Municipal Code.

Huckstep opened the public hearing.

No public comment.

Huckstep closed the public hearing.

Schmidt moved and Wirsing seconded to approve Ordinance No. 3, Series 2013- An Ordinance Amending the Capital Expansion Recovery System Fees Contained in Chapter 17, Article 5 of the Crested Butte Municipal Code.

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

2) Appeal by Doug Pederson and Phoebe Wilson of the Board of Zoning and Architectural Review's Decision Relative to the Conditions Placed by the Board on the Use of the North-facing Windows on the Property Located at 309 Third Street, Lot 5, Block 32, Town of Crested Butte (a/k/a the "Dogwood Cocktail Cabin").

Huckstep opened the public hearing.

Phoebe Wilson stated her appeal to open the 7 windows on the north side of Dogwood until 10 p.m. and detailed some of the issues that the McLeod's are having at their 305 3rd St. residence. She stated that if the Dogwood were a residence, they could have the windows open until 10 p.m. The purpose of the open windows would be for ventilation, Wilson stated. Wilson also stated that the Dogwood is in its fifth year of operation and has become an asset to the community.

Discussion ensued into the details of the four topics that were considered during the Bozar appeal.

DeeDee McLeod, owner of the 305 3rd St. residence and short-term rental property presented to the Town Council on behalf of the applicant. She stated that the McLeods were present at the Bozar hearing and helped come up with compromises. McLeod stated that the closure of the north facing windows have always been a part of the conditional use agreement. She stated that since the time of the restaurant being open, the conditions respecting the north side windows have not been followed. McLeod stated that she has had several complaints from renters about the noise and it has negatively affected the short-term rental business for the property. McLeod also stated that the McLeods were present to testify about what happens when the windows are open and such situation is disruptive. McLeod stated that they oppose the windows being allowed to be open. She stated that the McLeods spend 3 months during the summer living in the property and on Friday, August 24th a noise complaint was filed with the Marshal's Department.

Molly Minneman, the Town's Historic Preservation Officer, discussed how Bozar tried to come up with a compromise between both parties and that was to allow the door to the patio to be open until 9:00 p.m. and the windows to be closed at all times. Minneman stated that the Bozar vote was unanimous.

David Leinsdorf read the criteria for decisions for allowing conditional uses as set forth in the Crested Butte Municipal Code and stated that he is representing the McLeod's.

Huckstep closed the public hearing.

Discussion ensued amongst the Town Council about the windows and the impacts of their being open on the McLeod's property.

Town Attorney Belkin counseled the Town Council regarding the criteria for decisions for allowing conditional uses as set forth in the Code and how the evidence respecting the impacts of the windows is to be considered under such criteria.

The Town Council also discussed enforcement of the conditions placed on the Dogwood property and Town Attorney Belkin explained that enforcement provisions would be included in the restrictive covenant placed on the title to the property.

The Town Council found that based upon the preponderance of evidence heard, the windows being open until 9:00 p.m. do not have an adverse impact, and do not create significant noise as respects the McLeod's property beyond the existing noise emanating from a variety of sources; and, based on such finding, the Town Council moved as follows:

Wirsing moved and Owen seconded to allow the Dogwood to open 5 windows that are on the far west side of the building that face towards the north side, out of the 7 total windows until 9:00 p.m.

A roll call vote was taken with Mason, Owen, Huckstep, Wirsing and Schmidt voting "Yes" and Matuszewicz and Michel voting "No". **Motion passed.**

NEW BUSINESS

1) Ordinance No. 4, Series 2013-An Ordinance Amending the Town's Watershed Protection District Regulations Contained in Chapter 13, Article 3 of the Crested Butte Municipal Code.

Owen moved and Matuszewicz seconded to set Ordinance No. 4, Series to a public hearing on April 8, 2013.

2) Ordinance No. 5, Series 2013- Amending Chapter 16, Article 6 of the Crested Butte Municipal Code to Extend the Time Period for the Payment in Lieu of Parking Fees from Five to Ten Years.

Gillie stated that in 2003 it was first requested to begin a 5 year payment plan, due to ease of payment.

Discussion ensued about the specifics of the ordinance, Town as a financial arm taking the risk and the code that needs to be changed.

No Action was taken for Ordinance No. 5, Series 2013, but direction was given to the Town Attorney to make the needed housekeeping changes.

3) Discussion and Possible Action Regarding the Exemption of Deeds in Lieu of Foreclosure Transfers from the Town's Land Transfer Excise Tax.

Discussion ensued about the specific language. Staff recommends putting together a committee with Huckstep, Owen, Gillie and Rozman. Council agreed.

OLD BUSINESS

1) Big Mine Park Ice Rink Master Planning and Summer Use Update. (continued from January 7, 2013).

Jones discussed that a public process will be needed to find out the needs of our community. Through this process a plan needs to be put in place for the Warming House, locker rooms, landscaping, skate park, disc golf course and other existing uses. The GOCO grant will help with the planning of the site, but not with the building of it.

Schmidt asked about temporary locker rooms. Jones stated that we have a plan for temporary locker rooms, but we don't have the funding.

Discussion ensued about the \$25,000 allocation to the Pro Challenge, but due to them not coming into the valley in 2013, it will not be used this year. Wirsing stated that the \$25,000 is from reserves and it was really never budgeted for anything.

Huckstep stated that the Fire District is interested in a fire watch plan, but we need to figure out for how long.

The Council agreed to use the \$25,000 that had been designated for Pro Challenge as a matching grant for GOCO.

Nordic Council member Berkshire stated that he is in support of Jones plan to stay with the current master plan and go forward with a public process.

Teddy Evans a hockey parent, asked the Council to make right decisions going forward with a good plan.

Gillie asked for a clarification on the topic for a work session. Huckstep stated that we need to have a public forum.

LEGAL MATTERS

Arsenic hearing is April 8th.

Amendment 64 is a work session topic on March 18, 2013.

COUNCIL REPORTS AND COMMITTEE UPDATES

Owen-

- At the February 6th meeting, the Housing Authority continues to put together the County guidelines.

Matuszewicz-

- RTA did not support the airport bus stop.
- Will be a part of the Center for the Arts Board meetings.

Michel-

- Attended the State Historic Preservation Conference and experienced lobbying our state legislature-Gail Schwartz.

Schmidt-

- Attended the Housing Authority meeting with Owen and seems like it will take a while for Karl Fullmer, GVRHA Director, to get his hands around the housing for the whole County.

Huckstep-

- The Town provided a letter of support for the Gravity Ranch's request to receive a zoning change from the County and it was approved.
- Earth Day, April 22nd and we should have a resolution supporting it.
- June 17-19, 2013-Rural Philanthropy Days in Ouray, Colorado.

- Mayor Managers meeting on February 1st- Discussion listing the Sage Grouse as an endangered species won't impact Crested Butte, but will impact areas our citizens recreate in. He stated that 90% Sage Grouse exist in the Gunnison Basin. Gunnison County Trails Commission is also discussing this subject. Restrictions will happen if they are listed.
- The Chamber, Mt. Crested Butte and CBMR are in support of funding Aaron Blunck, but haven't had time to sit and further discuss the details.

Mason-

- The RTA meeting discussed the bus to the airport. The purpose of the bus system was put in place for the locals. The board is investigating other solutions. Manager of the airport, John Devore has given his resignation.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Town Hall doors need to be unlocked during Council meetings.

Mason asked about the Land Trust and would like to see quarterly reports.

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DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS

None

Executive Session began at 10:30 p.m.

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 24-6-02(4)(b).

Executive Session ended at 12:20 a.m. and no action was taken.

COUNCIL MEETING SCHEDULE

- Friday, February 22, 2013-2 p.m.-5 p.m. Staff/Council Retreat
- Monday, March 4, 2013-6 p.m. Work Session-7 p.m. Regular Council Meeting.
- Monday, March 18, 2013-6 p.m. Work Session-7 p.m. Regular Council Meeting.
- Monday, April 1, 2013-6 p.m. Work Session-7 p.m. Regular Council

MANAGER SEARCH SCHEDULE

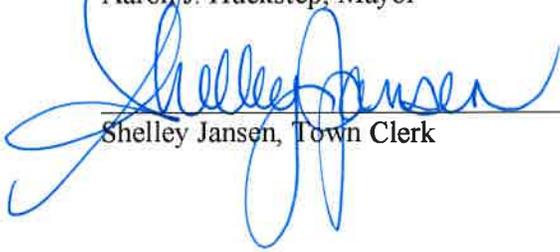
- Monday, February 18-22, 2013-First Round Candidate Review
- Monday, March 4, 2013-Selection of Candidates for Second Round Interviews
- Monday, March 4-15, 2013-Conduct Second Round Interviews
- Monday, March 18-22, 2013-Select Finalists
- Tuesday, April 2-6, 2013-Final Interviews and Community Meetings
- Monday, April 15, 2013-Set a Date for an Offer to the Top Candidate

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 12:20 a.m.



Aaron J. Huckstep, Mayor



Shelley Jansen, Town Clerk

