

Town of Crested Butte
Regular Town Council Meeting
Minutes
Monday, June 2, 2014
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 7:03 p.m.

Council members present: Roland Mason, Jim Schmidt, Shaun Matuszewicz, Chris Ladoulis, and Glenn Michel. David K. Owen was present via telephone.

Staff present: Todd Crossett, Town Manager; John Belkin, Town Attorney; Kathy Napoli, Acting Town Clerk.

Staff present for part of the meeting: Michael Yerman, Town Planner, Bob Gillie, Building Department Director, and Lois Rozman, Finance Director.

Request to add 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).

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

- 1) Approval of May 19, 2014 Minutes.
- 2) Approval of 2013 Audit.

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

PUBLIC COMMENTS

There were no public comments.

STAFF UPDATES

Michael Yerman-

Yerman stated he will be getting a transportation consultant onboard soon and negotiate the cost. 119th street is on market for sale and the only requirements are the residency requirement and to be a qualified buyer. Additionally, there will be a Transportation Plan Meeting Wednesday at 6 p.m.

Bob Gillie-

Gillie stated that the roofing project is happening and doing well. The contractor has 30 days to complete the project. Gillie stated that he started discussions with Kapushions about selling more of their in town lots. These include Blocks 1, 2, 11, and 12. Gillie stated per Councilman Michel question, that the Solar Ray is done on plant. Schmidt asked how many panels and Gillie stated 20.

Lois Rozman-

Rozman stated that the Town Sales Tax April is up, 8 1/2 % Year to do and March was up 6.6 %. Rozman shared there is an RFP out for equipment bids as windows xp is no longer supported. This is due by end of the week. Lastly, the deadline for Parks and Recreation Director is due today and currently there are 15 applications.

Kathy Napoli-

Napoli stated that there have been many special event applications coming to the Clerk's Office. In addition, there is a Weed Pulling day at the Cemetery on June 7th from 9-2 p.m.

Todd Crossett-

Crossett stated that they have finished a cycle of 4 different meetings on parks and recreation funding and most people are in support of sales tax option. Crossett stated the next step is to come back to Town Council and see if this should be on this year's ballot. As well, Matthew Kuehlhorn from GCSAPP is requesting excise tax to be on the ballot. Crossett added that Signage on the fence has been an issue and as Town Council previously stated, a reoccurring event can stay up all summer. If it is a once a month event, the organization can pick a week for the banner to be up. Councilman Matuszewicz asked for clarification on banners. Crossett stated there is a week plus grace period of 2 days during the time of the event.

Councilman Ladoulis asked about the status on signs for firearms. Crossett said the order has been put in and up soon.

Councilman Matuszewicz asked about pine beetles and the logging trucks coming through town. He wondered if this will infect a town that is not infected.

Mayor Huckstep asked for clarification if pine beetles are on these trees. Manager Crossett stated that if trees dead the beetles are dead. Crested Butte News Editor Mark Reaman understands that the trees are not infected yet. Councilman Matuszewicz asked Crossett to research for clarification.

Councilman Matuszewicz asked if the sidewalks are done why the bricks there still. Manager Crossett will follow up with Public Works Director, Rodney Due.

NEW BUSINESS

1) Special Event Bike Week

Councilman Matuszewicz has recused himself from the room due to his contractual relationship with Bike Week.

Councilman Michel referenced that the application stated that 48 volunteers are needed to make this happen, and odds are that many people may not volunteer. Dan Marshall, Director of the Chamber of Commerce, stated that board members and volunteers work for the Chainless. In addition, a Christian Volunteer group comes to town and helps with both the chainless and 4th of July Parade. Councilman Michel asks if a buffer is built in for marshals not to be overwhelmed and Marshall said yes.

Councilman Schmidt asked about the finish line and Dan Marshall stated to avoid clog up it is at 1st and Elk but racers continue to about 3rd and Elk.

Councilman Michel asked for clarification on department head approvals and Clerk Napoli said all department heads have approved the event.

Schmidt moved and Ladoulis seconded to approve the special event application for Bike Week. A roll call vote was taken with all voting "Yes." **Motion Passed.**

2) Discussion and Possible Approval of License Agreement with the Crested Butte Nordic Council for a Portion of Lot 30, Block 40, Town of Crested Butte, State of Colorado.

Mayor Huckstep stated they are ahead of schedule and there is not a Nordic center representative here. Bob Gillie stated Keith Bauer is sick and Gillie has spoken with him already.

Councilman Michel asked Gillie about the process, and Gillie stated they did get ahead of the curve on this last year and had the materials for the shed and the foundation.

Councilman Michel said this building could be moved at some point for master plan and they would need to move it because they did not ask for permission before they poured foundation. Councilman Michel wants to make sure it is not the town council fault if this needs to be shed at some point.

Councilman Matuszewicz asked if neighbors notified and Gillie said they were notified last fall when BOZAR approved this.

Schmidt Moved and Mason seconded to approve the License Agreement with the Crested Butte Nordic Council for a Portion of Lot 30, Block 40, Town of Crested Butte, State of Colorado.

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

3) Discussion and Possible Action Regarding Funding Agreement with the Crested Butte Land Trust for 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/NW1/4, County of Gunnison, State of Colorado.

Mayor Huckstep gives an overview that this is a change to what has been done in the past.

Mayor Huckstep restated two issues. One is that the Conservation Easement will stay attached to any mortgage the CBLT has. The second is that we have given money to help to purchase property and if there is a default on the mortgage, the town could lose money. Essentially, Attorney Belkin said the town could give public money and possibly lose it if CBLT was to default. Attorney Belkin stated it is unclear where the money is actually going within the CBLT Organization. Manager Crossett stated that leveraging is not uncommon practice.

Councilman Michel stated this 'rubs him wrong' by giving public money to CBLT and they could be asking to leverage this. Attorney Belkin stated CBLT will pay off existing loan, and may or may not ever leverage it.

Mayor Huckstep added that although we are going to contribute, we can contribute to CBLT but we will never lose the land. He added that the objective is that we are not trying to own the land. The goal is to conserve land.

A discussion ensued around what Town Council options could be and what CBLT rights would be around the proposed funding agreement.

Ann Johnston, CBLT Executive Director, spoke about the topic. She stated that we are leveraging public money further, and have done this with the Town of Crested Butte since the first project. She added that they fully disclose trade properties and this is what auditors call them. She added they may need to use it more in the future although have not in the past. CBLT requires any loan to follow the easement. The easement guides everything. Johnston stated that they need this language for all of their projects and often time they need bridge loans and they don't have any other way to save land.

Councilman Schmidt stated that he disagrees with Johnston. He stated the Town of Crested Butte is a main funder and they have always been. Councilman Schmidt would compare it to the Chamber and how the board rolled over loans and it wasn't a good situation. He doesn't understand why there is an issue with CBLT coming before council asking what to do with money. Johnston stated the town has more going on than this and at times need to move faster than Town Council can answer the need.

Mayor Huckstep stated that the Town Council is here to guide policy not micromanage CBLT.

A discussion ensued around the pros and cons of the CBLT needing to come to the council before they use the funds. Rozman stated that Town Council is responsible for town money but she doesn't believe to communicate with Town Council about leveraging a property is inappropriate. Rozman stated that they would be fiscally responsible by asking what CBLT will do with public money. Rozman did say there would be a funding agreement and this is cleaning up some things the town should be doing already.

Attorney Belkin stated there is an IGA, Intergovernmental Agreement, recommended by other lawyers, but he doesn't recommend this because all the deals look very different.

Councilman Matuszewicz stated he understands the time table issues at the end of the day, but this is the cost of doing business with public money, and rightly town's to approve.

Mayor Huckstep asks if other funders ask for information and Johnston stated no. Attorney Belkin said he does not think GoCo does this and GoCo does us tax payer dollars.

Councilman Michel asked if safeguards are already built in to the agreements with CBLT, and Johnston stated yes they are regulated by the IRS. Johnston added that landowners often don't want to have details come out in paper and CBLT trying to be respectful of this, and not doing so in public setting. Johnston added that we both want the same thing and how do we make this work.

Councilman Mason stated that if money is spent then Town Council could be updated via a report from CBLT, so that we know what is happening but not micromanaging.

Councilman Matuszewicz says reporting to the council before the spending is the best option as opposed to what Councilman Mason said.

Manager Crossett stated that given it is a normal business practice he suggested what Mason stated. Crossett stated if you support to fund the Land Trust, then you are trusting them, and does not see a reason to weigh in early. This is his opinion as the Town Manager.

Mason Moved and Michel seconded to approve Funding Agreement with the Crested Butte Land Trust for 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/NW1/4, County of Gunnison, State of Colorado with the requirement that the CBLT will follow up with Town Council within 30 days after decisions are made.

A roll call vote was taken with all voting "Yes." Except Councilman Matuszewicz voted "no."
Motion Passed.

4) Crested Butte Land Trust Informational Presentation and discussion regarding the Alpenglow Community Farm project

Crested Butte Land Trust Director, Ann Johnston, wanted the Town to know what is going on and they do not need approval for it. However, she wanted to make two points. Phase one is going very slow to make sure it works out. The second thing is that they have had excellent community support.

Councilman Schmidt asked Johnston about the open space funding and greenhouses on the property. He asked if funding for open space would allow for greenhouses. This is not a conservation easement per Johnston and there are not any greenhouses in the near future. Councilman Schmidt asked about rules on how to spend open space funds. Mayor Huckstep directs staff to research this issue and come back to the town council.

Councilman Matuszewicz asked about tearing down the historical home and Johnston stated that is a mistake and it would be restoring the historical home site. There was an incorrect statement in staff report.

Regular session ended at 8:25 p.m.

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).

Schmidt moved and Mason seconded to go into an executive session.
A roll call vote was taken with all voting "Yes." **Motion Passed.**

The Council went into executive session at 8: 29 p.m. and ended at 10:13 p.m.

Mason, Huckstep, Schmidt, Michel, Ladoulis, Matuszewicz, Town Manager Crossett and Town Attorney Belkin attended the executive session. David K. Owen was on the telephone for the executive session.

No action was taken.

Regular session resumed at 10:14 p.m.

LEGAL MATTERS

Attorney Belkin stated that Gillie mentioned Kapusion project and there will be some proposals on that. As well, the US Energy discussions are at a standstill, but he will contact the state this week regarding VCUP.

COUNCIL REPORTS AND COMMITTEE UPDATES

Michel-

Reported that there was a request for a state of valley on June 30th with the Gunnison City Council Meeting. The IBAR Ranch would host the entire thing and this is a great opportunity to discuss regional issues and more of a social gathering. Holden house, Michel and Crossett will attend wine gathering.

Matuszewicz-

Stated that the proposed expansion for the Center for the Arts quietly raised 1 million dollars in one month and supporters are strong.

Ladoulis-

Reported that Dave Ochs was hired as Executive Director at Chamber of Commerce for CB/Mt. CB

Schmidt-

Stated that Weed Pulling day at the Cemetery is on June 7th.

Huckstep-

Stated there is a Mayor Managers meeting is Thursday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

**DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS
COUNCIL MEETING SCHEDULE**

Town Council asked staff to push together the excise tax issue and the Parks and Recreation funding topics at the June 16th work session.

Monday, June 16, 2014-6 p.m. Work Session-7 p.m. Regular Council

Tuesday, June 17, 2014 – 8 a.m. - 2 p.m. Town Council Retreat

Monday, July 7, 2014-7 p.m. Work Session-8 p.m. Regular Council

Monday, July 21, 2014-7 p.m. Work Session-8 p.m. Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 10:27 p.m.



Aaron J. Huckstep, Mayor

 signed for Kathy Napoli
after her departure (SEAL)

Kathy Napoli, Deputy Town Clerk

