

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, November 2, 2015**  
**Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 7:07PM.

Council Members Present: Jim Schmidt, Glenn Michel, Chris Ladoulis, Roland Mason, Shaun Matuszewicz, and Skip Berkshire

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, and Town Clerk Lynelle Stanford

Finance Director Lois Rozman, Building and Zoning Director Bob Gillie, Public Works Director Rodney Due, Parks and Recreation Director Janna Hansen, and Town Planner Michael Yerman (all for part of the meeting)

**APPROVAL OF THE AGENDA**

Mason moved and Schmidt seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

**1) Approval of October 19, 2015 Regular Town Council Meeting Minutes.**

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

**RECOGNITION OF DOUG BRADBURY'S EFFORTS ON BAXTER GULCH TRAIL**

Huckstep thanked Bradbury, and he gave a brief history of Bradbury's contributions to mountain biking. Specifically, Bradbury hosted trail workdays at Baxter Gulch for three years, and for four years, he worked on the trail alignment. He also supervised the Youth Corp workers on the Baxter Gulch Trail. Additionally, he aligned the Gunsight Connector Trail, and he created rollovers.

**PUBLIC COMMENT**

None

**STAFF UPDATES**

Michael Yerman

- Referred to the memo in the packets on REMP fees. He explained \$2K was added to the budget to assist with energy efficient upgrades for affordable housing self help units.
- They hosted the first home ownership class last week. 13 people attended.
- In November, he was working to organize an open house, including local banks, to inform people about banking and financing (related to owning a home).
- Baxter Gulch and Avalanche Campground were gated and closed for the season.

#### Janna Hansen

- The last day for seasonal employees was Friday.
- They would have interviews this week for the seasonal ice maintenance and park crew positions.
- They were preparing for the Zamboni and hot water heater to arrive.
- Pavers on the tennis courts were finished.
- Had been working to obtain her commercial driver's license, and she had been practicing by driving a bus.
- Dirt jumps were still underway. They had been working with the Crested Butte Devo team and local designers.

#### Lois Rozman

- September sales tax was trending up 2.5%, but they were still missing significant filers.
- They would be working to get a new server installed by the end of the year.
- Schmidt asked if Whatever numbers were included in September sales tax numbers. Rozman explained that bars and restaurants hadn't separated Whatever numbers, and their numbers would include Whatever monies.

#### Rodney Due

- He made the decision not to pave Blocks 79 and 80 this season.
- They were grading and would be seeding in Blocks 79 and 80.
- The foundation was dug for the 5 bay storage building.
- Schmidt wondered if the RV dump station would be open this winter, and Due said it would not be open until next spring.

#### Lynelle Stanford

- Received a completed liquor license transfer application for Coal Creek Grill.
- The hearing for the transfer of the Dogwood's liquor license would be on December 7.
- Campaign finance forms would be due on Thursday, December 3.
- Schmidt questioned the transfer of the Kochevar's liquor license, and Stanford explained Mike Knoll would be managing Kochevar's.

#### Todd Crossett

- The Town submitted an application to the state for the oxidation ditch. The grant application would be submitted to DOLA the first part of December.

- There would be a One Valley Prosperity Project meeting on Thursday at Western at 5:30PM.
- The Chamber would be holding a Winter Economic and Tourism Forecast at the Mountain Theatre.
- The election would be tomorrow.
- There would be an upcoming vacation home rental (VHR) discussion.

## **PUBLIC HEARING**

### **1) Ordinance No. 9, Series 2015 – An Ordinance of the Crested Butte Town Council Amending the Enforcement Procedures Set Forth in Chapter 16, Article 24 of the Crested Butte Municipal Code Applicable to Certain Voluntary Agreements between Property Owners and the Town; Amending the Definition of Rental, Long-Term; and Making Such other Conforming Amendments to the Code in Connection Therewith.**

Huckstep confirmed proper public notice was given. The public hearing was opened. Huckstep referred to a staff report from Gillie with the recommendation to approve and memos from Belkin. The public hearing was closed.

Mason questioned the amount of the fines; he thought they were more like \$100, rather than \$1K. Gillie explained that the fee schedule was a part of the budget, and the fee schedule reflected a fine amount of \$100 per day for violations of covenants. The Code said the fine could go up to \$1K per day. Gillie expected it would take several months to implement, and he wouldn't expect anything until February or March of next year.

Schmidt moved and Matuszewicz seconded a motion to adopt Ordinance No. 9, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) Ordinance No. 10, Series 2015 – An Ordinance Amending Section 13-1-120 of the Crested Butte Municipal Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$27.50 Per Month Per EQR; Amending Section 13-1-150 of the Code to Increase the Monthly Service Charge for Sewer Service to \$33.50 Per Month Per EQR; Amending Section 13-1-160 of the Code to Increase the Availability of Service Fee to \$9.00 Per Month For Water for Each Building Site and \$9.00 Per Month for Sewer for Each Building Site.**

Huckstep confirmed proper public notice was given, and he mentioned a staff report from Rozman with the recommendation to approve. There were no public comments and no questions for staff. The public hearing was closed.

Schmidt moved and Mason seconded a motion to adopt Ordinance No. 10, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Resolution No. 35, Series 2015 – Resolutions of the Crested Butte Town Council to Adopt the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal year**

**2016, Beginning the First Day of January 2016 and Ending the Last Day of December 2016.**

Huckstep confirmed proper public notice was given. He referenced a staff report from Rozman with the recommendation to approve, and Rozman confirmed there were no changes from the time the staff report was written. Ladoulis questioned if the success of 2A (parks funding ballot question) would have an effect. Rozman said it would not.

Michel moved and Schmidt seconded a motion to approve Resolution No. 35, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Resolution No. 36, Series 2015 – Resolutions of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2016, and Ending the Last Day of December 2016, Estimating the Amount of Money Necessary to be Derived from the Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.**

Huckstep confirmed proper public notice was given, and the public hearing was opened. Huckstep mentioned there was a staff report from Rozman with the recommendation to approve, and there was a staff report with the recommendations from the grant committee. Rozman confirmed there had been no changes from the time the staff report was written. The public hearing was closed, and it was opened to Council discussion.

Schmidt explained the community grant committee had turned down 3 grant-funding requests. They had about \$63K to grant, and there were about \$115K in requests. He offered details if anyone wanted to know. Mason questioned the Wildflower Festival and the Trailhead's denied requests. Schmidt said the Wildflower Festival had asked for money for their website, and they kept asking for the same thing every year. Rozman explained the Trailhead was asking for funds to do a program for field trips. The committee decided the Trailhead was included in the Center for the Arts, and Town committed a large donation to the Center's project. Schmidt said the Snowsports Foundation had a strong budget, and Rozman elaborated they were asking for scholarship money. She said the idea behind community grants was not to grant money for the organization to then grant. Berkshire asked about 3P's (pole, pedal, paddle special event) request. He wondered why they would pour money into a locals' activity. Schmidt countered that people came from out of town for the event. Berkshire then questioned if the School of Dance was a 501c3. Rozman said they were a Colorado non-profit. Berkshire thought that since Town owned their space, and they were requesting funds to resurface the floors, the money should come from the building maintenance fund. Crossett said their lease indicated they took care of the space. Berkshire had concern about using grant money to maintain a building and furthermore to provide for a for profit business.

Ladoulis suggested that next time, the community grant committee should meet and then report back to the Council. Huckstep recognized the challenge in what they granted.

Huckstep referred to correspondence from Keith Bauer on the Nordic Center's capital request to buy a new snow cat. Matusewicz suggested each group do a presentation on what they were requesting. Huckstep said Estes Park had a point system for reviewing grant applications. Mason asked if the floors fell into the scope of what the grants were designed for. Rozman said they could be considered a capital improvement. Mason agreed the reason fit. Matusewicz questioned the request from Six Points in Gunnison, and Schmidt said they served people in Crested Butte.

Matusewicz moved and Michel seconded a motion to approve Resolution No. 36, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **NEW BUSINESS**

#### **1) Introduction by Town Attorney John Belkin of the Town's New Water Counsel, Scott Miller, Patrick Miller Noto, Aspen, CO.**

Belkin began by explaining that the Town's previous water attorney, who was the water attorney going on 20 years, passed away a couple of summers ago. Miller brought a ton of knowledge, and he had worked on important issues.

Miller said he was honored to work with Town, and he appreciated the opportunity. He briefly explained his background. He said he had been coming to Crested Butte since 1987 or so, and he stated Crested Butte was near and dear to him. Schmidt wanted to know how much of Town's water rights were being used and the possibility of obtaining more. He was told Town was only using about 1/3 of their water rights. Miller said he had been starting to look at the Town's water rights, and he had a decent handle on what Town had. He explained that Lake Irwin was decreed for 324 acre-feet. It was a good water supply, but it was not bomb proof in some respects. He said they could look at ways to shore it up. Town also had direct diversions off Wildcat Creek and Coal Creek, as well as rights on the Slate River. The Slate River had conditional water rights from 1971, senior to in stream flow water rights, which were valuable but not very senior in the grand scheme of Colorado water law.

Miller stated that Staff had to look at the capacity to serve. They would consider population projections to evaluate if Town would have a water supply for 2050 or 2080. Also, they would need to look at sources and determine how reliable and senior they were. Schmidt wanted to know who else had water rights on Coal Creek, and how senior or junior they were compared to Town's. Miller said the McCormick Ditch was the most senior. The point was if Town had enough for the long term.

Huckstep questioned if both Crossett and Belkin were comfortable, and they both said they were. Belkin said Miller had a general view of the Town's water rights. He offered to produce a report for the Council. Huckstep said that only one Council member wanted a report. Schmidt clarified they had been abstractly approached about buying additional water rights, and he wanted to know if it was reasonable. Belkin thought they could give a pretty good idea without heavy lifting. Due said he could put the report together.

Schmidt and Huckstep agreed on getting a report. Due said the Slate River water right provided an additional 15cfs, which was significant. Ladoulis felt a report would be great if they stayed within already budgeted items. He wanted to talk about it more if they would exceed the amount budgeted.

## **2) Region 10 Broadband Project Introduction.**

Mike Lee, Systems Administrator for the City of Gunnison, and Russ Forrest, Assistant County Manager/Community Development, were introduced.

Crossett explained that two years ago, DOLA came to Region 10, and it was decided that broadband was a priority. The Town of Crested Butte contributed about \$285 for Region 10 to hire a consultant to map the region. Phase 1 was to bring enhanced broadband into Montrose. Phase 2 was to get broadband out from a hub to users. Crossett said the initial proposal was to use WAPA lines, but there were a number of challenges. Crossett said the Town needed to make a decision on whether to participate in the grant for Phase 2, and it would be most likely using 2017 funds.

Forrest elaborated that the County had the goal to put the pressure on Century Link, therefore reducing the price of broadband. Forrest said that some assumptions could reduce the overall cost, and they wanted to be cautious about giving a total number. They identified a concept that would work using existing infrastructure. Redundancy was a goal, but they were not quite there in bringing redundancy from Montrose to the Gunnison Valley.

Forrest also said they had to consider SB152, which applied. He did say the concept complied with SB152. Middle mile service was what was being proposed. They would take the infrastructure from Grand Junction to Montrose to Gunnison, and they would connect anchor institutions. They would also create a carrier neutral location (CNL), in which any Internet service provider (ISP) could connect.

Lee showed a slide with a map depicting Phase 1, which had been funded by DOLA. Phase 1 would create a loop, which would provide redundancy from Grand Junction to Montrose. WAPA had power lines that came from Montrose through Gunnison, but they were not in a place where they wanted to participate. Lee thought they were making headway with power utilities. He said the plan was to lease fiber from a company that was owned by Century Link.

Lee said a single strand of fiber brought 40GB of additional bandwidth to the valley, which was significant. Michel questioned the relationship between bandwidth and speed. Lee said they were the same. Crossett said that increased capacity increased speed. Ladoulis wondered if mobile providers were at the table. Lee said the only people at the table were from government. Crossett said they would create a CNL. Ladoulis wanted to know if a cell phone could use the 40GB. Lee said anyone who was a carrier or ISP would have the ability to purchase bandwidth.

Lee said they were trying to break the pricing model. He reviewed proposed pricing including service from Region 10 that would be 70 cents per MB. He reiterated that Region 10 was trying to change the fact that Century Link had a monopoly. Forrest agreed they were not trying to compete with existing ISPs. They had identified the Marshal's Office as a location for the CNL, and they were looking for a route to the school district and up to Mt. Crested Butte. Mason questioned spurs, such as CB South. Lee said the service would go from central office to central office, Crested Butte to Gunnison. He said a private company would have the right to lease from Century Link.

Forrest estimated that a CNL with hardware and software could be in the ballpark of \$77K. Crossett said it would be based on a 50% match. Forrest was working on a December grant request, but he didn't want to say it was five digits yet. Crossett's initial assumption was that it would be a reasonable rate compared to other communities. Michel asked that in working together on a bigger vision if they would help them understand why it was important in ten years to take advantage now. Forrest said they were trying to disrupt in a good way the price structure that existed. He expounded and said they were trying to increase competition, they wanted to allow other Internet providers to compete with Century Link, they were trying to reduce the price to customers and to improve the availability of broadband, and they wanted to provide the end user with better options and better speed. Crossett agreed that broadband was an amenity that was wanted and needed. He saw benefits such as diversifying the economy and the increase in the flow of money from outside the community. Crossett identified a major function of government was to provide to the economy when the free market was not motivated. They would be stepping in as government to create a competitive market. Forrest also recognized they would be creating infrastructure and their own destiny. He said broadband was becoming another utility. Region 10 was proposing to be the operator. Huckstep told the Council to take notice the effort was underway and there could be a request for financial support as well.

**3) Ordinance No. 11, Series 2015 – An Ordinance of the Crested Butte Town Council Authorizing the Town's Purchase and Acquisition of Lots 17 and 18, and the North 6.25 Feet of Lot 19, Block 27, Town of Crested Butte, County of Gunnison, State of Colorado for the Purchase Price of \$837,250.00.**

Mason moved and Michel seconded a motion to set Ordinance No. 11, Series 2015 for public hearing on November 16, 2015. **Motion passed.**

**LEGAL MATTERS**

John Belkin

- They were starting to work on leases.
- Explained that he added a draft of the covenant for ADUs. He thought the code changes would make it easier for people to comply, and it gave process to comply.

**COUNCIL UPDATES AND COMMITTEE UPDATES**

Chris Ladoulis

- The Chamber would be hosting the Winter Economic Forecast on Friday, November 13 at 8AM at the Mountain Theatre.

Jim Schmidt

- The Cemetery Committee met. They had a lot of work done on 7 tombstones. They would be presenting at a work session in January.

Roland Mason

- Attended a Mountain Express meeting on Thursday.
- Ridership was up 16% in September, which included Whatever USA numbers from last year.
- Year-to-date they were up 1%.
- In October they were down 12%. They had discussion of extending the summer schedule into October.
- New busses were coming. They didn't have a chance to have the new busses painted, but they hoped for them to be done this spring.
- They amended the budget to spend more money. They lined up with what Town projected for 2016.

### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Mason brought up the Center for the Arts. He wondered that if they did not break ground next year, if Town would have potential for in kind work at Big Mine. Crossett said he hadn't heard final word from the Center, but he would find out. Michel said the Center needed to obtain engineered drawings and bids, and around February or March, they would be at a decision point.

Schmidt mentioned that Sherman Jones had a heart valve replaced. He also suggested a picture be taken of the Council.

Ladoulis brought up the topic of a public information officer (PIO). He wanted to find out the Council's appetite and how the role should be determined. He thought Council should appoint someone, so the Town Manager could focus on execution in the event of an emergency. Michel said they could tap into resources from CAST. It was also mentioned that Estes Park had a PIO for a number of years, and the floods proved the value of the position. Ladoulis thought the Council should revisit the PIO and event director positions. Huckstep thought it was important that the PIO understood the community.

Ladoulis thanked Huckstep for serving as mayor, and Mason thanked Matuszewicz. Schmidt wished the candidates luck tomorrow.

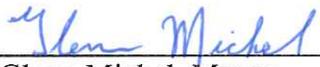
Huckstep said there were people in Aspen that were digging basements down 2 stories. He wasn't sure if Crested Butte had prohibitions, but he didn't think it was too early to be thinking about it. Belkin asked if they wanted to talk about it. No one on the Council voiced opposition to the topic on a future agenda.

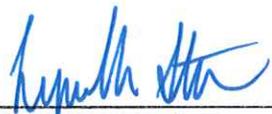
**DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, November 16, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, December 7, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, December 21, 2015 – 6:00PM Work Session – 7:00PM Regular Council

**ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 9:02PM.

  
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Glenn Michel, Mayor

  
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Lynelle Stanford, Town Clerk (SEAL)

