

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, July 21, 2014
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 7:00PM.

Councilmembers Present: Jim Schmidt, David K Owen, and Glenn Michel.
Shaun Matuszewicz, Roland Mason, and Chris Ladoulis joined shortly thereafter.

Staff Present: Town Attorney John Belkin and Town Clerk Lynelle Stanford
Finance Director Lois Rozman, Building and Zoning Director Bob Gillie, Parks and
Recreation Director Janna Hansen, and Town Planner Michael Yerman (all for part
of the meeting).

Approval of Agenda

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

Consent Agenda

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

Public Comments

1) Joe Fitzpatrick, Mayor of the Town of Mt. Crested Butte, respectfully requested the Council advise Mayor Huckstep to sign a letter of support for a transportation alternative grant application administered by CDOT. The grant funding would provide money to help finish the rec path through Mt. Crested Butte from Marcellina up to Winterset. Fitzpatrick handed out a sample letter and draft map that illustrates the rec path from Crested Butte to Winterset. He indicated the grant is very competitive. There is \$1.2M available, and Mt. Crested Butte is looking for healthy piece of it, if not all. The Council asked Town Planner for the Town of Crested Butte, Michael Yerman, if the Town of Crested Butte might be asking for funds from the same pool. Yerman reported he spoke with the CDOT regional manager regarding a planning grant. The Deli trail work will be done in collaboration with the county, Skyland, and Gunnison to be completed this year or next year. He said the Deli trail work would be in the capital plan for next year. The

Town already has the permit from CDOT, but he is just dealing with easements. Yerman summarized and said the Town is not asking for funds from the same grant. Further discussion surrounding the Town's support was added to "Other Business to Come Before the Council."

2) Lorenzo Banvicini

Reported he has owned 310 Whiterock Property since 1990. Banvicini informed the Council that he has felt the Building Department has been his largest nightmare. He started to declare issues he has pertaining to a basement under his garage and front house, which are connected by a corridor connecting the two structures. Before Banvicini provided more detail, he was advised if a BOZAR decision is appealed, the Town Council might be the board of appeals. He said he actually was granted what he requested from the Building Department, which was a full bathroom in the basement below the garage. He just wanted the Council to know how dreadful his experience has been.

Staff Updates

Bob Gillie

- Reported to still be working on the Depot. Contracted with CB Electric for work to do now rather than doing it later in terms of timing.
- The roof work on Town Hall has been dragging. It is about 95 percent done, to hopefully be finished within the next week.
- Yerman and Gillie received Kapushion document for improvements on their property in town.
- Building is strong this year. Permits are up 39% from last year.
- Schmidt asked Gillie when the Depot might be done. Gillie answered that they have struggled with the CDOT process. They are not yet to Phase 3. Gillie reported it could be done this year or next year.
- Matuszewicz questioned if the building permits have been commercial or residential. Gillie answered they have been largely residential, but there are some small commercial projects, too.
- Owen asked about the construction project in the 800 Block of Elk and the crane hanging over the street and the property in front of the street. Gillie said he would have a discussion to look into the issue.

Michael Yerman

- The Youth Corp has made really good progress in Baxter Gulch. He reported they have created really good tread on a steep hillside. There will be a trail day to work on this trail on the 31st of July.
- Consultants are on board to start doing traffic counts. There will be cameras at the Four Way to collect pedestrian counts. They have also considered trail counts, specifically in the Peanut Lake area.

- The Town bid on 818 Teocalli property and just took possession of the property today. Yerman said he would have an update at the next meeting regarding the qualifying period and renovations.

Janna Hansen

- The pre bid meeting for tennis courts was on Friday.
- Proposals due on the 31st for RFQ for Big Mine Master Plan.

Lynelle Stanford

- Mentioned catch up on outstanding Council issues of Adobe/Mac compatibility and a question on the minutes from June 2, 2014.
- Reported administrative approval of the annual Rubber Ducky Race and the Library Outdoor Movie Series. The Rubber Ducky Race application was administratively approved because the application was turned in late.
- Mentioned new event of Grand Traverse Run and Mountain Bike that will be on the next meeting's agenda, as well as the Alpine Lumber Contractor/Vendor BBQ that will be on the next meeting's consent agenda.

Public Hearing

- 1) Ordinance No. 6, Series 2014 – An Ordinance Amending Chapter 6 of the Crested Butte Municipal Code to Include Requirements Specifically for Special Events

The public hearing was opened, and the Council was asked if they had questions for Belkin. Schmidt questioned the definition of a special event and the fact there didn't seem to be a change in the definition from before. The Council expressed concern that other things might slip into this definition. Belkin said he changed two words to alleviate concerns about non-profits. There was discussion that a major special event was one that required some type of waiver of code revision. However, some special events may not require code revision but could still be large enough to require some type of review. Belkin mentioned part of the reason for this ordinance is a major special event on the horizon, and the current code has minimal language on special events.

Owen added he was struggling for why this ordinance is necessary. He said the Town has been doing special events for a long time, and the administrative process has worked up until now. He questioned why it is needed with the large event on the horizon this ordinance is designed for. Belkin said it is needed in order for them to accomplish their major special event, and it will allow them to better manage it. It will also give staff the tools to manage it. Matuszewicz asked if this ordinance is the only way for them to accomplish the desired event, and Belkin answered it is the best way. Matuszewicz countered with the question if a permanent, long-term change for one event is the best way. He questioned the long-term effects.

Belkin said a level of over 1000 people (attending the event) belongs to the Council. He said the ordinance helps lead the staff. It helps staff know what to look for. He said the ordinance is well thought out and sections have been borrowed from other towns. He said it's a tool to be used right now, and it can be changed later. Michel added there is a public hearing for a permit, and ultimately the electors will hold responsibility. Schmidt said that the ordinance is a helpful tool that gives direction to the staff, and he confirmed that everything comes back through the Council for final approval. The discussion turned to the example of the 4th of July, and Mason asked if the 4th of July organizers potentially want to use the tool for variances, Council can decide what they want to allow. Belkin reiterated that the decision is put to the Council.

Matusewicz wondered if the Town is losing leverage by specifically spelling out the fee structure. It is clearly laid out how special events must pay. He asked if an event corresponding to community values has the same fees. Belkin said the fees cover the cost of staff. He said in the case of an annexation, the staff might be doing things, but not billing their time. He said the permit fee is warranted. Huckstep said he focused on the language of the ordinance itself. He said the ordinance could be changed to have a reimbursement agreement. He asked Belkin if the fees were supposed to mimic the administrative cost of dealing with the application.

Ladoulis asked for clarification on a traffic study management plan. He asked if that was duplicating what the Town is paying a consultant to do. He said the permittee can submit days of the event, set up of the event, staging, shut down, and draw a map on how the traffic will flow including street closures and emergency vehicles. He said that the ordinance suggests that it is something more than that. He said it should read traffic plan instead of traffic study.

Huckstep brought the discussion back to the definition of a major special event. He said it is not out of the realm that a non-profit asks for an event larger than 1000 people. He said we need to address impacts of a major special event, and he asked why anyone should be exempt. An alternative way to make definition could be road closures, hauling of stuff, set up by public works and the marshals, and impacts from the road closures. Huckstep said a major special event is not consistent with laws and codes, so it will be a different animal. He said there has to be a threshold for wanting other variances for the event. He was not comfortable with the definition. He questioned why the Town would care what type of entity it is. He said the Town cares because the Town is trying to inoculate on-going events that have always existed. Ladoulis added the Town is trying to make it a simple process because the Council can see a benefit to the Town. Belkin said he could add an amendment that a non-profit created for the purpose of circumventing will not be considered a non-profit. Huckstep said the intent of the Council was to grandfather in non-profits in which they're already comfortable. Owen suggested taking non-profit out of the definition to not include seasonal, reoccurring special events. Belkin said the definition is more of an impact thing such as garbage and traffic. He said that you start adding people, things happen. He said he could take the non-

profit out. Laoudlis added we should use knowledge of past impacts and build a store of knowledge to move them into the process. He said we don't want to be onerous on them.

Matusewicz expressed overarching concern in the Council creating something permanent to cover one special event and the unintended consequences that could be created. He said it would create ripple effects that haven't been recognized beyond this one event. Schmidt agreed that thought had to be put into it. He recognized many different problems and further suggested a sunset be applied to the ordinance. He suggested a sunset after six months to see how it works, and the Council can revisit.

Staff members present were asked for input. Gillie said he had concerns about how the tool will be wielded in the future. He asked questions such as: What are the thresholds? What are the trip wires in this ordinance that cause it to go left or right? Rozman added that she thought the trip wire was asking for variances in the code. Gillie asked if there were other things out there such as the height of the structures. Belkin said not to waive building code requirements. He said noise, light, height, and signage can be used to define, and it can be decided how many variances waived determine major special event. Matusewicz said the process should not be based on numbers of people, it should be based on the variances to code. Gillie said that right now there are no criteria in place for granting variances.

Huckstep said some events are having trouble getting event organizer to comply with doing what they say will do. Do we need an ordinance to mandate what the application will do? If we don't have this ordinance in place, we will not get the information we need to prepare for a special event? Often information is deficient, and the application doesn't have everything in it. Matusewicz said the Council can deny the permit if the application is not complete. Owen said they rely on staff to say that it is complete. Schmidt said that a major special event permit would be determined by the Town Manager. It will come back to Council if it is a major special event or a minor special event. Isn't up to the manager, it's up to the council.

Owen brought back the idea of incorporating a sunset on the ordinance. He said it will work to have a tool to address concerns about the upcoming, major special event, and when it sunsets, they can come up with changes. Michel said if organizers are asking for big variances, the Council needs to own the decision. They can re-evaluate in September or October. Belkin said the Council could schedule a work session to discuss afterwards. Schmidt, Michel, Mason, and Ladoulis all concurred that the ordinance could be passed and revisited later. Huckstep agreed he could support with a sunset, but he said he could not live with the definition. He said if the definition is not right, there is no point putting it in place. Matusewicz agreed he could be okay with the ordinance by incorporating with the sunset.

Public hearing closed.

Schmidt moved and Michel seconded a motion to adopt Ordinance 6, Series 2014 with the definition of a major special event amended to include two or more variances to existing code provisions and a sunset to the ordinance for it to become ineffective as of December 31, 2014. A roll call vote was taken with all voting "Yes."
Motion passed unanimously.

New Business

- 1) Possible Discussion and Approval of the USA Pro Cycling Challenge Special Event Application Submitted by QPC LOC, Inc. for the Girls Night Out Women's Time Trial Finishing at Crested Butte Community School and Block Party in the 200 Block of Elk on August 18th and the Pro Cycling Challenge Bicycle Race on August 19th.

Huckstep and Matuszewicz recused themselves due to conflicts of interest. Schmidt acted as mayor pro tem.

Event organizer David Ochs was present at the meeting to take questions from the Council. The first question was regarding the Girls Night Out portion of the event on August 18th. Ochs said the event is driven by a Gunnison contingency. He said it would follow a Sunday night criterium held in Gunnison. The second day, Monday, riders will leave Almont at 4PM, and the time trial will end in front of the school. The riders will be finishing during Alpenglow around 5:30PM. They will turn directly on Red Lady and 7th. Volunteers will be directing traffic as individual riders come up the road. Volunteers will control traffic and allow a person to go through. People will be parking at the school for Alpenglow, so Red Lady Avenue will not be closed. Michel asked how many participants are expected for Girls Night Out. Ochs mentioned a \$10,000 cash purse. He said numbers are hit or miss, and there is no cap on the number of participants. His estimate was 70 riders maximum. Schmidt asked if they are professional racers. Ochs said that the time trial is a pro race with the turn on to Red Lady as an added technical aspect. Ladoulis asked from the first to last rider, how long the span is expected to be. It was estimated to be 10 to 15 minutes. The riders will be coming in during the Block Party and Alpenglow being held in the 200 Block of Elk Avenue, which will be closed from 3PM to Midnight. Michel agreed that adding Alpenglow as a part of the Block Party would be received well.

The discussion progressed to the events of the next day. Ochs reported that Kebler is closing Tuesday at 5AM when work begins on the road. Load in will be starting at 6AM, while crews begin to drop fences. Ochs reported that many vehicles would be coming in late Monday night. Festivities start setting up at 8AM with a jumbotron set up in Town near the Museum. The Townie Crit will be start at 10:30AM. Alleys will be closed off. Riders will go through the Talk of the Town, but will really be utilizing the alleys. They will go up and down Elk Avenue, which will impact 2nd Street but not 3rd Street. The Townie Crit will be over by 11:30AM. Most of the race day festivities are being held in Mt. Crested Butte. For the actual race, racers will be coming down Whiterock and taking a left on 2nd Street, right on Elk Avenue, and

then hitting the Four Way. From there, the racers will head uphill. Once everything goes through, Town Marshals will begin to open streets.

Owen moved and Michel seconded a motion to approve the USA Pro Cycling Challenge special event application contingent upon their insurance policy listing the Town of Crested Butte as additionally insured. A roll call vote was taken with Michel, Mason, Ladoulis, Owen, and Schmidt voting "Yes." **Motion passed unanimously.**

- 2) Ordinance No. 7, Series 2014 – An Ordinance Amending the Subdivision Exemption Criteria and Review Processes Contained in Chapter 17th, Article 3 of the Crested Butte Municipal Code.

Schmidt moved and Mason seconded a motion for Ordinance No. 7, Series 2014 to be set for public hearing and second reading on August 5, 2014. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- 3) Ordinance No. 8, Series 2014 – An Ordinance Submitting to the Registered Electors of the Town of Crested Butte at a Special Election to Be Held on November 4, 2014, the Question of Whether, Commencing on January 1, 2015, the Town of Crested Butte Should Increase Taxes in 2015 by Up to \$400,000.00, and By Whatever Additional Amounts Annually thereafter by the Increase to the Town's Sales Tax and Use Tax Rates by 0.5% (i.e., from 4.0% to 4.5%), to Provide Revenue for Parks and Recreation Facility Maintenance and Parks and Recreation Capital and Programs; Setting forth the Ballot Title; and Providing for the Conduct of the Special Election.

Schmidt asked Rozman what would happen if the taxes collected exceed \$400,000. Rozman answered that the Town would need to figure out a way to refund them, possibly by extending a tax holiday. She said the Town couldn't refund a sales tax on a property tax bill. There was discussion if the number should be bumped higher, possibly to \$500,000. Rozman estimated the revenue generated by sales tax could be projected \$300,000 to \$320,000 maybe \$350,000.

Schmidt asked Rozman if the public hearing and second reading could be changed to the second meeting in August. Rozman said there is a timing issue with the Town Charter, and the IGA must be signed no later than August 25th for the coordinated election with the county.

Schmidt moved and Mason seconded a motion to set Ordinance No. 8, Series 2014 for a public hearing and second reading on August 5, 2014. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Legal Matters

Belkin said he wanted to talk about an event on the horizon. A couple of weeks ago, the event organizers met with state liquor enforcement, and the topic of an entertainment district was proposed. Belkin asked to share with the Council how the entertainment district works. Huckstep said minimum requirements in the state code indicate that two licensed premises must be willing to play roles as the board of directors, and Crested Butte doesn't have businesses that are willing to do it. Belkin said an entertainment district would make the event more manageable for the event and the Town.

Council Reports and Committee Updates

Michel

- Attended a Mountain Express board meeting. Reported a lot of riders. Finances are great, and the state of Mountain Express is strong.
- Ladoulis reported this being the first year of the express bus, which runs every ten minutes.
- The idea of the express bus is to accommodate more bikes. Michel reported that not as many bikes are being bumped, and people are complimentary of the service. They plan on doing a review at the end of the season to determine if there should be changes, additions, or decreases.
- Mason added that 41 people with their bikes have been bumped, instead of the 114 that were bumped last year.

Matusewicz

- The Center for Arts has an upcoming board retreat.
- Mentioned he will be absent from the Council meeting on August 5th.

Mason

- There will be a RTA board meeting on July 11.
- The caps for next year's airlines came in significantly lower. The cost is \$330,000 instead of \$600,000 and includes a 16% seat increase.
- There are direct flights from Dallas in which there are new planes that are holding more people. The plane is the same, but the plane contains more seats.
- There was talk about a late night bus. However, Alpine Express cannot accommodate with the driver schedule. A Midnight bus would be able to accommodate restaurant workers.
- Schmidt cited that before RTA was formed, they ran a 10PM bus, and the ridership was very low.
- Michel said RTA was reaching some successes, and he wondered if they were able to quantify it. Mason answered they have not discussed coming out with a report, but may report after success on top of another year.

- Huckstep added that historically the RTA's performance measured differently. The total numbers of total seats available have gone up and down from year to year, and the board is trying to maintain their pace going forward.
- Mason said it could be a tax question going down the road, and another season is needed to show this year is not an anomaly.
- When asked about the CB South winter bus schedule, Mason said it was hard to say regarding the success of the CB South bus. People need to know that it's there, and it might take most of the summer for people to begin using it.

Ladoulis

- Followed up on the RTA issue that surfaced. He suggested that a smaller bus could work for a commuter bus. He cited an issue with employees, and he might possibly have fewer shifts at his restaurant or more employees that can commute to Gunnison.

Schmidt

- Mentioned the dedication of the solar panels. The town has four. A solar panel will pay off in 20 years.
- Mason asked Schmidt if the solar panel is sold with a house. Schmidt said he believed they were similar to water rights, and they are sold with any houses that are sold.
- Saw a thread on Facebook about traffic circles (roundabouts). Said in his experience they don't work well with pedestrians and bikes.

Huckstep

- Retirement party for Ted Conner went great.

Other Business to Come Before the Council

A conflict with the USA Pro Cycling Challenge special event existed with the previous meeting date of August 18, 2014. The meeting date was changed for second meeting in August to be held on August 25, 2014.

Schmidt moved and Ladoulis seconded a motion to move the Town Council meeting from Monday, August 18, 2014 to Monday, August 25, 2014. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

The discussion revisited the mayor signing a letter of support for the transportation alternative grant application administered by CDOT on behalf of Mt. Crested Butte. It was confirmed that the Town of Crested Butte does not currently have competing grants in front of CDOT. Huckstep further explained it was a joint letter with Mt. Crested Butte to help the three entities, including the county, work together. County commissioners were considering a request for an additional \$85,000.

Mason moved and Schmidt seconded a motion to authorize the mayor to sign the letter of support for a transportation alternative grant application administered by CDOT. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Matuszewicz asked the Council about the cattle guard on the Verzuh Ranch out to Tony's Trail. There is a hole in the cattle guard that has caused injuries. Matuszewicz wondered whose responsibility it is to fix it, the Town's or the landowner's. Huckstep asked how the cattle guard relates to Town Ranch. The Council directed Belkin to look into the founding documents to determine who must maintain the cattle guard in a suitable fashion.

Schmidt mentioned the upcoming Public Policy Forum. This week the president of the ACLU, Susan Herman, will be speaking about the Patriot Act. The Public Policy Forum is held every Wednesday at 7:30PM.

Michel has been working with the county through a community builder's task force. They are working to identify areas where they can increase prosperity. They are asking for a maximum of \$6,500 to create a strategic plan for prosperity problems in the valley, including the support of interconnectivity and networking. In five years, they propose to reassess successes and failures. Michel was giving the Council a heads up to ask for \$6,500 in the budget for 2015.

Discussion of Scheduling Future Work Session Topics and Council Meeting Schedules

A work session discussion with community builders was suggested. The Slate River Valley and the East River Valley are busier than ever. A citizen talked to Huckstep at the Gothic Visitor's Center to mention the traffic. Huckstep said camping, human waste, number of cars, dust, traffic safety, and busses are all issues that concern the Forest Service, BLM, the Chamber, and the Nordic Center. The Council felt they should push for a public forum to discuss long-term implications. Schmidt mentioned we love the forests to death. The Council decided they have a relevant voice in regards to sales tax growth, attracting tourists, and the obligation to address the impact we have. It was decided a work session at the end of September might be appropriate.

Schmidt, as a representative on the Cemetery Committee, said there was some work at the cemetery to be addressed in the budget.

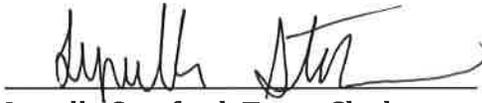
Schmidt also asked the Mayor to convey to the Town Manager to assign an Acting Town Manager in his absence.

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 9:55PM.



Aaron J. Huckstep, Mayor



Lynelle Stanford, Town Clerk (SEAL)

