

**Town of Crested Butte
Regular Town Council Meeting
Monday, July 1, 2013
Minutes
Council Chambers, Crested Butte Town Hall**

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

Council members present: Jim Schmidt, Shaun Matuszewicz, David K. Owen, Roland Mason (arrived at 7:15 p.m.) and Glenn Michel.

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

Staff present for part of the meeting: Jake Jones, Parks and Recreation Director; Tom Martin, Marshal; Rodney Due, Public Works Director; Matthew Peacock, Wastewater System Manager.

APPROVAL OF AGENDA

Added 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 24-6-404(4)(b) after other business that comes before the council.

Schmidt moved and Owen seconded to approve the agenda with the addition of 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 24-6-404(4)(b).

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

CONSENT AGENDA

- 1) Approval of Minutes June 17, 2013.
- 2) Approval of a Liquor Transfer, Kochevar's Bar and Saloon.
- 3) Approval of a Special Event, Grand Opening of the Adaptive Building, July 5, 2013, 4-7 p.m. at 325 Belleview Avenue.
- 4) Approval of a Special Event Liquor Permit, Grand Opening of the Adaptive Building, July 5, 2013, 4-7 pm. at 325 Belleview Avenue.
- 5) Approval of Easement and License Agreement for "the Depot," Lots 7-12, Block 61, 716 Elk Avenue, Crested Butte.
- 6) Approval of Sidewalk Seating Application, Talk of the Town, 230 Elk Avenue.

Item 6) was removed and added as item 3) under new business.

Schmidt moved and Michel seconded to approve the consent agenda by removing item 6) Approval of Sidewalk Seating Application, Talk of the Town, 230 Elk Avenue and adding as item 3) under new business.

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

PUBLIC COMMENTS

Eric Roemer, Business owner came forward to request a suspension on the lighting ordinance. There are 500-600 workers within the restaurants that depend on the business on Elk Avenue. The lighting creates an excitement downtown. Roemer stated that the growth on Elk Avenue since 2001 has been about 3%. There is currently no draw from the four way to come down Elk Avenue. Roemer also stated that with additional lighting, it will also help us to be competitive.

Charles Cliggett Jr., wife Nancy Reimer owns the Rocky Mountain Chocolate Factory. Cliggett began to read the lighting ordinance and shared a personal story about Elk Avenue stating that Elk was lit up in a cute way.

Schmidt and Mayor Huckstep began to discuss the challenges in communicating with the restaurants and discussion ensued about how the Council receives feedback. Roemer stated that the business owners would like the Town to reach out and further discuss issues.

Shaun Matuszewicz, presented feedback to the Council in regards to the grant funding received from the Town for Bike Week. The activities included yoga, movie, chainless bike race (250 people), vendors, 40 mile race (114 people), t-shirts, stickers and guided rides. Matuszewicz received good feedback from the sponsors. Matuszewicz stated that they created a promo video to help advertise for 2014.

Schmidt stated that he heard from an owner of a Bed and Breakfast saying that he was sold out, but then at the last minute they cancelled.

Bill Wheeler, owner of the Forest Queen requested that the sound ordinance include a low bass maximum. Wheeler stated that he receives complaints from visitors at the hotel of noise issues. Currently, tripadvisor.com states negative comments about the sound issue of hotel guests. Wheeler asked if there is a way for Kochevar's to contain the noise within its own building. Wheeler offered the Council an opportunity for each of them to receive a room and experience the lodging.

Schmidt asked if Wheeler has discussed this with the new manager and he stated that he would.

STAFF UPDATES

Bob Gillie-

- Gillie and Rodney went over to Montrose to attend the CDOT planning meeting for 2040. They submitted the following projects, the entrance to Town and the CB South-Crested Butte bike path. July 30th is another meeting where the project list emerges.
- Talked to Roger Grogg at GCEA and a meeting is set up the week of the 22nd to move forward with the solar project.

Rodney Due-

- Dust retardant was put down last week in the alleys for the businesses.
- Public Works Department has been busy putting out barricades and road closures for special events.

- Head gate diversion project is gaining federal approvals. It is similar to the Verzuh project.
- Schmidt stated that he saw signs stating where the water was coming from and encouraged the Town to put watershed signs at each entrance into Town.
- Owen asked about the mag chloride application and expressed his concerns in it being wet for a long time. Due stated that there is an additive added and it is a new product used.

Jake Jones-

- Wedding at the Big Mine Ice Arena last weekend was about 250 people. Schmidt asked about the noise ordinance and Jones stated it beings at 10 p.m.
- Youth Corp on Baxter Gulch trail made it along the hillside of Gibson's ridge. They won't make it to the creek, but they did a lot of hard work.

Tom Martin-

- All the events done last week were a huge success and went smoothly.
- Ted Conner will be attending a Wild Fire meeting tomorrow and everything will stay as stage one.

PUBLIC HEARINGS

1) Ordinance No. 15, Series 2013 – An Ordinance Amending the Town's Water and Sewer Systems Regulations Contained in Chapter 13, Article 1 of the Crested Butte Municipal Code to Include New Standards for Discharges into the Town's Wastewater Treatment Works.

Mayor Huckstep opened the public hearing.

Dan Marshall, Director of the Chamber stated that he saw the presentation and the graphics defined the problem.

Mayor Huckstep asked if the business changes hands does the business need to install a grease interceptor. Due confirmed the business can put it in during a change of hands or a remodel. Owen asked Due if it was cheaper to put in an interceptor or pay the fees. Due stated that for many business owners it is cheaper to pay the fees. Due stated that the Town will be educating on best management practices in the kitchen. Due stated that the Elk Avenue line is cleaned 4 times per year, compared to the residential lines that are cleaned once every 3 years.

CJ Clark, owner of Slogar's asked if businesses have a grease interceptor how many times will you have to pump Elk Avenue and Due stated hopefully it will come down to once per year.

Mayor Huckstep closed the public hearing.

Schmidt moved and Matuszewicz seconded to approve ordinance no. 15, series 2013. A roll call vote was taken with all voting "Yes." **Motion Passed.**

2) Ordinance No. 16, Series 2013 – An Ordinance Amending the Crested Butte Municipal Code to: (I) Amend the Defined Term “Short Term Residential Accommodation” to Include Only Six Units or Less; (II) Amend the Defined Term “Mobile Home” to Include Only a Housing and Urban Development (HUD) Approved Home; (III) Add the Defined Term “Enclosed Structure;” (IV) Include Regulations Respecting Bathing Facilities in Commercial Use Properties; (V) Add the Defined Term “Building Width;” (VI) Amend the Noise Regulations Relative to Construction Activities on the Weekends; (VII) Amend the Defined Term “Rental, Long-Term” to Include Residency Requirements; (VIII) Amend the Defined Term “Garage, Private” to be at Least 10’X20’; (IX) Amend the Regulations Regarding the Applicability of Tap Fees to Unheated and Unplumbed Accessory Buildings; (X) Substituting “Floor Area” with the Undefined Term “Useable Square Footage” in Chapter 16, Article 16; (XI) Amend and Replace the Notice of Agreement for Land Use Conditions and Restrictive Covenants Found in the Appendix to the Code; and (XII) Making Such Other Related, Conforming Amendments as May be Deemed Necessary and Appropriate to Effectuate the Foregoing Described Amendments.

Mayor Huckstep opened the public hearing.

Matuszewicz asked about the definition of mobile home by HUD. Discussion ensued.

Mayor Huckstep closed the public hearing.

Owen moved and Schmidt seconded to approve ordinance no. 16, series 2013 amending to put 6 units or more, not less throughout the ordinance.

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

NEW BUSINESS

1) Tourism Association Update, Pamela Loughman, Director

In the packet is the Tourism Report Card. Schmidt asked if the graphs could be better comparisons and Pamela said she would look into it. Scott Clarkson, Board Member of the Tourism Association also attended. The summer vacation planner is being printed twice a year to cater to the communities. 1. Winter-November/December 2. Spring/Summer. Loughman stated that she is not reporting on a quarterly basis, but if we talk more it is beneficial. Pamela stated that the Tourism Association President is Jim McDonald, Jake Callicut, Jen Stevens, Frank Kugel, Mollie Donahue, Ryan Johnson, Ken Stone, Scott Clarkson and one At-Large position is available at the north end of the valley. There is a robust schedule and the Tourism Association is also responsible for photo shoots, and movie locations. Pamela stated that she is working on a couple of movie and photo shoot locations in Gunnison County. A lot of funds shifted to online campaigns, Expedia.com, geo targeted newsletters, Trip Advisor, and created an ad network to targeted geographical areas.

2) Discussion and Possible Action Regarding the Center for the Arts.

Mayor Huckstep stated a recap that the Center for the Arts is asking the Town Council for approval of demolition of the existing building.

Jenny Birnie, Director of the Center for the Arts introduced the partners that will be utilizing the new space with a new building. The following were asked to state what it would mean for your organization to have a new building.

Bobbie Reinhart, Director of School of Dance uses the Center as a home. Having a new building would work better than patching the old building.

Katie Fultz, Dance Collective is in favor of a new building. At the end of its 4th year of business they have about 300 members and can't keep up with the demand. The ceilings at the Center are not tall enough for some of the moves they do.

Two Star Scott and Matti Brown, sound guys stated that there are limitations with the sound and video. There can be so many uses with the new building.

Two Scare Scott stated that people who attend the Center deserve a good experience and a new building can do that for the Town of Crested Butte.

Jennifer Brody, Film Festival needs to hire Matti Brown and his equipment to do the movies, but the rafters in the facility block some of the views. A new facility would also serve everyone in the valley with additional rooms.

Donna Rozman, Visual Art Studio located on 111 Elk Avenue is a distance from the Art Center. It would be nice to have it all together in the Center. The Visual Art Studio services visual arts to pre-teens, and adult programs. They also host art talks and the monthly art walk.

Martha Clarkson, Trailhead Museum would like to be located at the Art Center which would increase after school programs. The only way to do this is to have a new building.

Jennifer Hartman gave a recap of the building. To date the Center has a 50 year lease with the Town, the site footprint is in the Parks and Recreation Master Plan, Memorandum of Understanding with the Trailhead, partnership with Mt. Crested Butte Performance Art Center, and has started a funding campaign and currently at a cross roads until they know what the funding is going towards.

Melissa Belkin stated that since 2010, the Art Center has been involved in an educational campaign, meetings with community members, one on one meetings, and booths at Alpenglow for 3 years. Majority of questions that we heard from people will be addressed during the second phase of the project. Belkin stated that the Center is looking for the option to explore looking at building a new building.

Schmidt asked the Mt. Crested Butte Art Center if we need two facilities.

Tom Seymour, lives in Mt. Crested Butte, Co-President of the Performing Art Center stated that these two facilities will not compete, they will compliment each other. Different performances will be up on the Mountain. The Mt. Crested Butte Performing Art Center is many millions of dollars from the goal to begin building. Seymour stated that they are not worried about

competing funds. Goal is to raise \$8 million dollars and then there will be a building and the Town of Mt. Crested Butte has committed to putting in \$6 million in bonds. Some funding will come from foundations, but they need to have at least 80%, before that can happen. Seymour stated that they will help the Center raise the funds, but it is important for them to know what the council wants them to do.

Matuszewicz moved and Mason seconded to approve to authorize the Center for the Arts to engage in planning for a new Center for the Arts facility that could include the demolition of the existing structure with the understanding that this motion does not authorize the actual demolition of the facility which will be contingent on Bozar's approval of a new facility and the demolition of the existing facility during a public process, as well as the approval of plans and agreements relative to site planning, fiscal feasibility and financial responsibilities.

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

3) Approval of Sidewalk Seating Application, Talk of the Town, 230 Elk Avenue.

Schmidt stated that there was a letter submitted to the Town Council about ADA access on the sidewalks on Elk Avenue. Schmidt asked for Talk of the Town to comply with the policy.

Schmidt moved and Michel seconded to approve the sidewalk seating application for Talk of the Town.

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

LEGAL MATTERS

The State came out with emergency regulations today in regards to Amendment 64. The Task force will be meeting within the next couple of weeks.

COUNCIL REPORTS AND COMMITTEE UPDATES

Schmidt-

- Met to discuss a meeting with the Cemetery Committee and decided to invite different affiliations. Meeting will be on Monday, July 29th at 9:00 a.m.

Michel-

- At the Mt. Express Board meeting the board decided to keep the current routes. One challenge discussed was shuttling ones with bikes on the bus. Chris Kopf, At-Large Board Member is departing and opens a slot for someone. Mt. Express is on budget.
- Went to the CML conference and learned a lot and then Mayor Huckstep asked him to attend the CAST meeting.

Owen-

- Meeting with Karl Fulmer about the low-income housing tax credits project. Karl stated that \$95,000 is needed in application costs. Half is expected from CHODO grants. Looking for funding from CBMR, Mt. Crested Butte and Crested Butte. Gillie stated that the Town is already involved with the project, due to the deed restricted rule set.

- Brown, owner of the Scenic Rivers Tours parked at the 4-way lot and contacted Owen because Marshal Martin came by and asked him to leave. Brown did not have the appropriate approvals to operate in Crested Butte.

Mayor Huckstep-

- At the CAST meeting he was appointed to be Vice President. The next meeting will be on August 29th and 30th in Crested Butte. The topic will be on Marijuana. Schmidt asked if Council members will be invited to be an escort. Mayor Huckstep acknowledged there will be some interaction with the Council just not sure how it is going to look.
- RMBL had an open house and they are doing exciting things.
- Bike parking is great and owed thanks to Bob, Jake and Rodney.
- July 5th Adaptive Grand Opening and July 2nd Black and White Ball.
- July 4th is on Thursday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked about the banners on the Pitsker fence and discussed enforcing the one week rule. Council asked if someone from the staff could be responsible for enforcing the banners.

Owen would like to see more bike parking in the street. Gillie stated that the Town will evaluate and look to see if there are other areas in need.

Matusewicz asked if the Council would like to be in the parade and Mayor Huckstep recommended inviting Mt. CB Council. The following will attend-Roland, Owen, Huckstep, and Schmidt (if not working).

Owen stated that they have cancelled the fireworks in Mt. CB and asked if Mt. CB can bring the fireworks in the wetlands in CB. Mayor Huckstep stated that it is too late in the process for that to happen.

Matusewicz requested that executive sessions as a pre-agenda item.

Discussion ensued about the lighting ordinance and the request of Eric Roemer to suspend the enforcement. Gillie stated that there is a provision in the ordinance for business owners to get the lighting approved. Discussion ensued about how we drive more business downtown. Council agrees to direct the Town staff to continue to enforce the lighting ordinance. Mayor Huckstep will talk to Dan Marshall.

EXECUTIVE SESSION

For the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-404(4)(b).

Council went into executive session at 10:20 p.m. and ended at 11:28 p.m. Mason, Owen, Matusewicz, Huckstep, Michel, Schmidt, Gillie and Belkin attended. No action was taken.

DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS

COUNCIL MEETING SCHEDULE

Monday, July 15, 2013-7 p.m. Work Session-8 p.m. Regular Council.

Tuesday, August 6, 2013-7 p.m. Work Session-8 p.m. Regular Council.

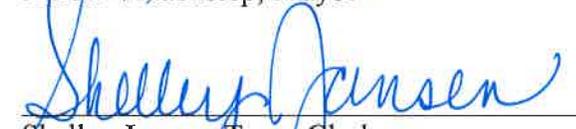
Monday, August 19, 2013-7 p.m. Work Session-8 p.m. Regular Council.

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 11:29 p.m.



Aaron J. Huckstep, Mayor



Shelley Jansen, Town Clerk

