

**Town of Crested Butte
Regular Town Council Meeting
Minutes**

Monday, March 18, 2013

Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 7:05 p.m.

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

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

Staff present for part of the meeting: Lois Rozman, Finance Director; Tom Martin, Marshall; John Hess, Director of Planning and Community Development and Jake Jones, Parks and Recreation Director.

APPROVAL OF AGENDA

Matuszewicz 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, March 4, 2013.

2) Approval of Second Amended Intergovernmental Agreement between (Conservation Trust Funds) between Town and Gunnison County Metropolitan Recreation District.

Matuszewicz moved and Schmidt seconded to approve the consent agenda.

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

PUBLIC COMMENTS

None

STAFF UPDATES

Hess-

- Meeting with Paradise Park to discuss with ORE excessive utility bills.
- Activity on the annex area investigating the old Town dump area by taking soil samples.

Jansen-

- Please let me know by the end of the week of who will be at the following Council meetings-April 1, 8, and 15th.
- The Website and Social media policies drafts are complete and will go through a review period.

Jones-

- No Report.
- Michel was proud of the Recreation Department at a Hockey Conference in Denver.

Martin-

- Big Air was a success
- St. Patty's day went well

- Training Exercise at the School noon-5 p.m. on Saturday, March 23, 2013-A sign will be posted on Hwy 135. KBUT, E-Alerts, Newspaper are other forms of communication.
- Meeting with Division of Wildlife and two ladies in CB South would like to create a Bear Aware program.

Rozman-

- Auditors are on site until Thursday, March 21, 2013.

NEW BUSINESS

1) Crested Butte Farmer's Market Special Event Application.

Mayor Huckstep stated that it has been surprising to see all the negative information towards the Council from a minor adjustment at our last meeting to place it on the new business agenda. Before we move into discussion here are a few ground rules for this conversation. No hostility. No interrupting. No name calling. We are here to have a constructive conversation.

Jennifer McGruther, requested more communication from the Town. If you have questions about the Farmer's Market you need to ask me. Jen had conversations with Owen and Huckstep. Issues that need to be addressed: Why doesn't the Town require the Farmer's Market Vendors to have Business Licenses? Local business's have concerns that the Farmer's Market takes away from other local businesses.

Matuszewicz stated that he is the one that requested it be taken off the Consent Agenda and put on New Business as a discussion item. Matuszewicz also stated that he is an employee of the Crested Butte Chamber which creates a conflict of interest.

Mayor Huckstep heard from other businesses that it isn't a level playing field with parking fees, business license, and other expenses a bricks and mortar must pay.

Discussion ensued about the fee structure.

Rozman stated that the application, based upon the participant level (1,000-3,000 per week) would put it in a major recurring impact event, instead of a moderate recurring impact. The Town should have charged them \$2,850 and the Town charged them \$465.00 as a moderate recurring impact. The Town subsidizes the Market by \$2,385.

Kevin McGruther stated that the Farmer's Market has minor impacts on the Town.

Michel asked if the event is zero waste and J. McGruther confirmed.

J. McGruther stated that in 2008, the Farmer's Market requested a fee structure for reoccurring events. J. McGruther stated that it is not a discount, but a fee schedule for reoccurring special events.

J. McGruther asked if someone is here from Bricks and Mortars and if they would like to go on record. Huckstep stated that he has received an e-mail from a Brick and Mortar and they would like to remain anonymous. J. McGruther stated that the last two years the Market has taken an economic impact. Based upon survey feedback the Market saw 4500 people on Elk on a Sunday.

From the survey 93% stated that they are downtown for the Market, 55% of shoppers go on to spend \$44.68 at area businesses and only have a \$19.36 average spent at the market. The Market estimates \$350,000 brought to Crested Butte through October.

Mayor Huckstep asked how 2012 was for gross sales at the Market? J. McGruther stated the Market had \$300,000 in 2011 and \$280,000 in 2012. J. McGruther stated that the revenue will be coming through other local business license holders.

Wirsing asked about the topic of a business license. What would be the hardship of requiring a \$100 business license? There are many contractors that may only work for a week in Crested Butte and are required to purchase a \$100 business license. It would only cost the farmer \$5 per Farmer's Market. J. McGruther stated that the only vendors that require business licenses are in municipalities that pay for the market (insurance, etc...). Be aware of the burden that places on the Town and look at the logistics of enforcement. The Farmer's Market is not funded from the Town and Farmer's are affected by the fees. Vendors pay higher than average fees than the ones run by municipalities. Gunnison is more comparable. Farmer's need to make their funds June-October and are in debt before they make money. Farmer's do it for the love, not for profit. The Market is a Chamber member and we only sell 76 hours a year.

J. McGruther stated that by requiring a business license you would have to do it for other special events in Town.

Eric Ross stated that he has been a volunteer for the Farmer's Market for the past couple of years. He is a greeter and gives out surveys. He received a lot of questions from participants about where to eat or stay and give unbiased advice and also stated that he loves the market.

Wirsing stated that the Council appreciates everything the Market does and it is a great partnership.

Chris Sullivan, Vendor at the Market and Owner of Mt. Oven Bakery and a Farmer's Market board member alternate. The Market is a unique event for the Town and seems like it is reasonable for farmers to receive a business license. There has been an increase of business on Elk Avenue in the Restaurants on Sunday. It is also a great opportunity to bring regional food to Crested Butte. I agree there were inflamed comments on Facebook, which shows that people are really sensitive about our food. The Market appreciates keeping the fee structure low. The largest certified organic farm in Colorado just went bankrupt. The Farmer's deserve our support when the Federal Government subsidizes the big distribution centers.

Mayor Huckstep stated the importance of open communication going forward and also stated that he has an open door policy. We are partners and you create something special here. It is a give and take and we need to be partners.

K. McGruther stated that he began to question why the change from consent agenda to new business to Shelley, due to the history of off the record comments on the Farmer's Market from past Council members. K. McGruther stated that he runs a transparent organization and communication goes both ways.

Michel asked if the Market is going to work with the Town in the future. Michel also stated that it is his job to ask the hard questions, but it doesn't mean that we are taking one position or another.

J. McGruther stated that they would work with the Town.

Matusewicz stated that there are a lot of misinformed discussions out there from this communication.

Wirsing stated that this why we have it on the agenda for a discussion. We appreciate having people at the Council meetings. Please don't come into the council meetings on the defense.

Tracy Schwartz, owner of Delicious Orchard, stated that she appreciates the open discussion.

Schmidt moved and Wirsing seconded to approve the Farmer's Market Special Event Application.

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

2) Ordinance No. 7, Series 2013- An Ordinance Amending the Town of Crested Butte's Land Transfer Excise Tax Contained in Section 4-4-10 Et. Seq. of the Crested Butte Municipal Code in Order to Make Foreclosure Sales Transfers and Transfers by Deeds in Lieu of Foreclosure Subject to the Tax Except where Otherwise Exempted therefrom and Making other Non Tax Policy Amendments to the Tax.

Matusewicz moved and Schmidt seconded to set Ordinance No. 7, Series 2013 for a Public Hearing on April 1, 2013.

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

3) Ordinance No. 8, Series 2013-An Ordinance Amending Chapter 16, Article 16 of the Crested Butte Municipal Code to Amend the Requirements for Making Payments in Lieu of Parking.

Schmidt moved and Owen seconded to set Ordinance No. 8, Series 2013 for a Public Hearing on April 1, 2013.

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

4) Ordinance No. 9, Series 2013- An Ordinance Amending Chapter 16, Article 11 of the Crested Butte Municipal Code to Adopt New Floodplain Management Regulations that Adhere to the Minimum Standards of Both the National Flood Insurance Program (NFIP) and the State of Colorado.

Schmidt moved and Matusewicz seconded to set Ordinance No. 9, Series 2013 for a Public Hearing on April 1, 2013.

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

5) Ordinance No. 6, Series 2013-An Ordinance Amending Chapter 16, Article 21 and Appendix A, Chapter 16 of the Crested Butte Municipal Code to Update the Payment-In-Lieu of Providing Resident Occupied Affordable Housing.

Mausewicz moved and Schmidt seconded to set Ordinance No. 6, Series 2013 for a Public Hearing on April 1, 2013.

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

6) Discussion and Possible Action Regarding Amendments to Crested Butte Resident-Occupied Affordable Housing Administrative Procedures dated June 4, 2012.

Mausewicz moved and Schmidt seconded to continue the Occupied Affordable Housing Administrative Procedures dated June 4, 2012 at the April 1, 2013 Council meeting.

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

2) Ann Johnston, Executive Director of the Crested Butte Land Trust Update.

- 2012 CB Land Trust went under contract to acquire the North Pole Basin and it was a great opportunity to partner with RMBL with a \$560,000 donation from the land owner. We still need to raise \$125,000 in order to purchase the parcel and will be doing tours this summer. The Land Trust has an obligation to take care of the land.
- Fall of 2012, we completed an erosion control project with the Colorado Healthy Rivers Fund on the Rice parcel-opposite of peanut lake-where Smith Hill comes out. It experiences severe river erosion due to gravel mining in the 70's.
- Closed on a conservation easement out by Hartman's adjacent to BLM land.
- Received that 2012 National Accreditation Award.
- 2013 the Land Trust has three new projects- donations of lots in Schofield-which should close in December, donation from another landowner for a trail easement and the final of the Kochevar's project done by December/January.
- Another project is in the Slate River valley. As with most of the projects in the early stages the land owner would like to remain confidential.
- Non- profit winner of the year award from the Chamber.

Mason asked about the Niccoli property and why was it taken off the market? Niccoli ranch is managed as a whole ranch even though it is comprised of several different parcels. The Land Trust is in a planning process and wanting to engage the community, looking at ways to continue to manage it as a single ranch. Possibility of a community farm and has applied for a planning grant to do soil tests. The debt has been paid off for that property for several years.

Mayor Huckstep asked about the trail signage. Johnston shares in that vision and we just need to get together and move forward on that. Jones stated that there are some philosophical challenges-branding a trail network or how our partners are advertised. Each parcel boundary has an arrangement and we are trying to figure out the best approach. Johnston stated that the partners will also need to follow the request of the landowners.

Schmidt asked about the Gunsight bridge renovation and if the Land Trust was happy with it. Johnston stated that the first phase, of the project is complete and they are now working with the erosion of the wetlands downstream.

Mayor Huckstep thanked Johnston.

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 Wirsing seconded for an executive session.

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

Council went into Executive Session at 8:50 p.m. and ended at 9:42 p.m. Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Gillie, Belkin, Ann Johnston and Jones were present and no action was taken.

OLD BUSINESS

1) Update on Big Mine Ice Arena Summer Use.

Mayor Huckstep recapped the resolution from the Crested Butte Fire Department. The resolution creates a safety plan for up to 500 people until November 1, 2013.

Michel asked how the code can be changed. Gillie stated that the code has not been changed the Fire Code Official is sanctioning the use of fire watch for this summer and will review at the end of the year.

Owen asked if the recommendation of increase of fee is for over 300 people or across the board. Gillie stated that it is across the board.

Fire Watch procedures are not requiring the Town to take out more boards. We should be able to remove the original 4 section of the boards.

Mayor Huckstep asked about the requirements on the 3rd item on Fire Watch and stated that the fees should recoup the costs of the equipment (fire extinguishers and communication devices).

Council agreed with staff recommendations and thanked the staff for all the hard work in putting together a collaborative plan for this summer.

LEGAL MATTERS

Nothing

COUNCIL REPORTS AND COMMITTEE UPDATES

Schmidt-

- Housing Authority continues to go through their regulations.
- Emma Colburn won the collegiate indoor mile.
- Sarah Fuld will be receiving a hip operation next week.

Mason-

- Mt. Express selected an artist for the short white bus. There will be 3 more buses coming in the next year that will also need painting.
- Mt. Crested Butte Sales tax was significantly higher than expected for the month of January.
- RTA meeting-CBMR is looking at partnering with Telluride. Norton was at the RTA meeting and stated that it would be disastrous for CBMR to fund the Montrose Airport. First Friday in April will be the next meeting and the County is looking at the United Airlines service. RTA is starting a campaign of information on how much financial impact the airline does for the whole valley and putting increased RTA funding up for a vote next year. April 5th is the deadline for CBMR to make a commitment about funding. Schmidt expressed that the Montrose airport has long lines and challenging customer service. County Commissioners are organizing a plan for the next winter.

Wirsing-

- TA meeting last week

Matusewicz-

- First meeting for the Center for the Arts Board Meeting and we discussed long-term strategies.
- He went to the Denver Regional Council of Governments-Grant Writing opportunities for Municipalities to be 50C3 compliant. Information about grants-federal grants do not require audits until \$500,000.

Huckstep-

- Millie Hamner-State Representative 61, will be in Crested Butte on April 6th at 4:00 p.m. location tbd.
- April 6th and 7th-CBMR will be hosting a snowmobile cross and an uphill drag.
- Met with the Film Festival and they asked how to engage with the Council.
- Erikson Springs bridge construction on Kebler-Gunnison Trails Commission
- Rural Philanthropy Days in June in Ouray, Colorado. Pam Montgomery put together a listening tour with funders to find out the needs for the Gunnison Valley. Health Care, Social Services and economic growth.
- Rocky Mountain Land Institute-Low interest loans that foundations are doing, Update on Land Use Laws and great networking.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mason recommended contacting Mt. Crested Butte about the skirt around the Council table with double sided Velcro.

DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS

Recruitment of new Town Manager, Thursday, March 21, 2013 at 2 p.m. for an executive session in the Council Chambers.

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 24-6-402(4)(b).

Schmidt moved and Matuszewicz seconded for an executive session.

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

Council went into Executive Session at 10:30 p.m.

Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Gillie, and Belkin were present and no action was taken.

COUNCIL MEETING SCHEDULE

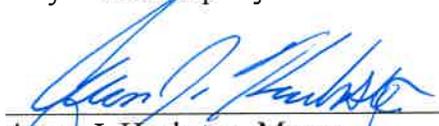
- Monday, April 1, 2013-6 p.m. Work Session-7 p.m. Regular Council.
- Monday, April 8, 2013-Special Meeting-Public Hearing-Ordinance No. 4, Series 2013.
- Monday, April 15, 2013-6 p.m. Work Session-7 p.m. Regular Council.

MANAGER SEARCH SCHEDULE

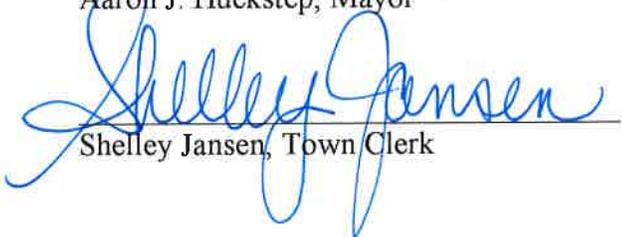
- Monday, March 18-22, 2013-Select Finalists
- Tuesday, April 2-6, 2013-Final Interviews and Community Meetings
- Monday, April 15, 2013-Set a Date for an Offer to the Top Candidate

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 11:25 p.m.



Aaron J. Huckstep, Mayor



Shelley Jansen, Town Clerk

