

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Tuesday, September 2, 2014**  
**Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 6:04PM.

Council members Present: Jim Schmidt, David K Owen, Glenn Michel  
Shaun Matuszewicz, Roland Mason, and Chris Ladoulis

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, Town Clerk Lynelle Stanford, Finance Director Lois Rozman, Chief Marshal Tom Martin, Parks and Recreation Director Janna Hansen, and Town Planner Michael Yerman

**APPROVAL OF AGENDA**

Item #4 under Public Hearing, Discussion and Possible Action on Special Event Liquor Permit for Crested Butte/Mt Crested Butte Chamber of Commerce for September 5 – 7, 2014 in the 100, 200, and 300 Blocks of Elk Avenue, Including Alley to Alley on Each Side, was not necessary and was removed from the agenda. Also, Resolution No. 10, Series 2014 was added as Item #3 under New Business.

Matuszewicz moved and Owen seconded a motion to approve the amended agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**CONSENT AGENDA**

1) Approval of August 25, 2014 Minutes

Ladoulis moved and Mason seconded a motion to approve the Consent Agenda with change to August 25, 2014 Minutes as requested by a citizen. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**PUBLIC COMMENTS**

Steve Glazer - 718 9<sup>th</sup> Street

- Came to the Council with a flow gauge status update.
- The flow gauge will be installed on Gothic at the confluence of Coal Creek by USGS, and funding has been secured for the installation.
- The Upper Gunnison Water Conservancy District will take annual O and M cost share, and Glazer asked the Council for further consideration that the Town would share the cost (\$3,600 annual cost to the Town).

## STAFF UPDATES

### Hansen

- Asked regarding a revised Big Mine Fence plan in regards to the upcoming event. Determined she would work with event organizer, Bobby Wells, to answer her question.

### Yerman

- Reminded the Council they passed an ordinance to move on 818 B Teocalli Ave property.
- Reported the former resident has until September 5 to empty the unit.
- There will be a 60-day qualification period; it will then be put on the market.

### Rozman

- July sales tax is up 10.4%.
- For both medical and retail marijuana combined in July the Town collected \$14,163 in taxes. The total collected was 3.3% of total sales tax.
- Schmidt asked Rozman if the sales tax numbers were affected by any large non-reportees. Rozman answered that a few are still missing.
- Currently in the process of getting new desktop workstations in Town Hall, which should be completed by mid-September.

Crossett and Martin jointly reported on aspects of the Security Plan for the Bud Light (BL) /Anheuser Busch (AB) major special event. The main question addressed was of whom is invited to the event. The answer was the entire Upper Valley, CB Fire District, including all full-time and part-time residents over 21 are invited. Also, guests to the valley over the age of 21 were invited, including anyone who was here staying at a hotel, bed and breakfast, including people staying with family. In regards to the Lower Gunnison Valley, including Gunnison, all full-time residents were invited. Martin said they were working to separately credential anyone from the University to sign students up through the school. They will be starting to credential on Thursday at a booth next to the Museum and also at the Chamber. People that live within the perimeter will have their own wristbands to avoid standing in line to go home. They have worked out some kinks with the fencing plan, and there was a system in place for residents who need to get in and out. Alley residents will have a number to call security, and they can call if they need access in or out. It was further mentioned that the gates were movable, and they were coordinating with security for people to be let through the fence. Schmidt asked about the situation of someone just moving here who doesn't have a local address on his or her ID. Martin said someone local would help to determine locals at the credentialing locations. Crossett said information would be up on the Town's website tomorrow. He said credentialing should take place from 9AM to 9PM at the booth by the Museum and also at the Chamber during their regular business hours. Schmidt asked for further clarification regarding who is considered a guest. He asked if someone could invite 1000 friends, all buddies from college. Crossett said ideally they would have a key or a reservation made before knowledge of the event. The idea was trying to keep

credentialing a reasonable experience, but people minimally should have details about where they're staying. They were trying to be sensitive and visitor friendly. Martin said they could restrict numbers in case there become too many people. He further said if someone is staying here, they should be able to provide something, but it won't take too much to get into the venue. Martin said William Buck's security company would have a few people at the credential tent to help, but he realized it was not absolutely black and white. Crossett added people would need to at least provide a piece of ID and something to show where they're staying. He specifically doesn't want to wrongfully turn away second homeowners. Huckstep said he wanted to be confident there were controls in place. The Council's concern was how to answer questions of citizens and visitors that are coming in now. Crossett cited the example of a wedding party that was invited due to their long-term plans that had been in place. He said staff needed to know if something special was planned. Ladoulis asked about a person that wanted to come in on Friday and then again on Saturday. Event organizer, Bobby Wells, said that once a wristband is on, it has to stay on. Wells said the overall communication needed to be you can't get in if you're not invited. The message needed to be out that you can't get in if you're not local. Huckstep said the challenge was that what was being said now was the opposite message from last week. He said misinformation couldn't be spread. Crossett said there are two separate messages: Outside the valley, we want to discourage people from coming, but people that are here and coming as guests, we need them to know they're invited. Owen asked about Gunnison people and if event organizers have thought about reaching out to the lodging people to work off their lists. Martin said they are trying to make arrangements for people who had previous reservations. Crossett said if a person lives in Gunnison, they have to show they're a full-time resident. He said the intention was to accommodate people who already had reservations. Huckstep asked about people camping. Martin said at some point, people were not getting in. He said for law enforcement and security, they were really trying to restrict access. Martin said a person couldn't camp up Slate River and then come to the event. Huckstep said from a communication perspective the expectations we're setting made it sound open. He said hard and fast rules were needed, so the Council can communicate. Huckstep was concerned about the information if you come, you can get in. Crossett said after the national press, it had to be rescaled and harder edges drawn. Schmidt said he heard the same thing: If you're 21, you can all come. He said he has no problem with the tact, but it's not the message that came out. Matusewicz said that to have not hit this, they're behind the ball and need to get the information out.

Michel asked Martin about a potential mob scenario and if anything came of a potential highway roadblock. Martin said he left a message, and the person making the decision has not called him back. Martin said he would call him back tomorrow. Martin said they would not shut down Town because of operating at capacity. He said if they had to, they would determine who gets through at the state barn near Town. Event organizer, Wells, offered to develop a pre-registration website. He wondered if everyone needed to be invited; he said it could be a BL private event. He said a message could be sent that it's not a wide-open event, and sorry you heard that. Huckstep said that chance happened long ago and it can't be changed.

Methods of qualifying who would be considered a local were discussed. Wells said that people that live here should not be hassled. Huckstep said there was no question if a person has a local ID they would get in. He also said he didn't want employees standing in line to get to work. He said the best-case scenario was people were banded by Thursday. A citizen mentioned businesses have been contacted, but offices have not. Owen added that residents inside the fenced in perimeter haven't been contacted either. An Elk Avenue tenant questioned the event organizers on what kind of security they could plan for her unable to be locked building.

Martin referenced a list of questions he was asked by newspaper editor, Mark Reaman. Martin confirmed he (the Marshal's Office) ultimately has jurisdiction over the special event area. He said there would be 90 security officers led by the Patriot Group, who is mostly comprised of ex-law enforcement and ex-FBI. They have very good verbal judo skills and will diffuse most situations before law enforcement needs to be called. Reaman had asked Martin how many people are necessary to upgrade the security plan. Martin said there would be 20 law enforcement officers and 90 security officers, and there is no plan to upgrade those numbers. However, if a highway check point becomes necessary, the Sheriff said Kebler would be addressed as well. Reaman questioned what happens to those who might want to protest. Martin confirmed the event footprint was a private venue as granted by the Council, and a private venue has the right to refuse service. He said they would try to regulate at that level.

Martin

- There have been increased bear calls in the past ten days. He said it is the norm throughout the state. There has been a mid sized male bear sighted in Town almost every evening.
- He publically acknowledged staff for their work volunteering for the Pro Challenge. He said it went very smoothly, and he gave kudos to staff.

Crossett

- Tennis courts are under construction. Renner will be here on the 21<sup>st</sup>.
- Met with the Foothills people. They will be back here with a proposal.
- DOLA is here on the 4<sup>th</sup> to meet with the mayor/manager's group.
- On the 25<sup>th</sup>, there is a meeting for the Transportation Plan.
- Health insurance increase was 3.5%.

Stanford

- Mentioned upcoming special events: Eagle Eye Target Golf Tournament with Birdie Ball at Pitsker Field, September 5 and 6; Big Beers for Big Gears at Totem Pole Park, September 19; Vinotok, September 19 and 20; Film Fest at Center for Arts, September 25 through September 28.

## **PUBLIC HEARING**

### **1) Ordinance 11, Series 2014 – An Ordinance Amending Chapter 16, Article 18 of the Crested Butte Municipal Code to Include Regulations for the Allowance of Signs on Public Property where Certain Conditions Are Met.**

Public hearing opened.

Huckstep referred to a staff report from Yerman with recommendation to approve. Yerman confirmed there were no changes from the time of the staff report. Yerman said the main concern was trail kiosk signs. The problem is putting the kiosks in the historical core area of Town. He said the ordinance gives staff the ability to look at an application and work with Parks and Rec and Public Works. Matuszewicz asked what would happen if the public felt there were gross violations. Michel said the appeal process was not cited in the ordinance. Belkin said he would include a citation to deal with the appeal process.

Public hearing closed. Opened for Council discussion.

Schmidt said that BOZAR says any citizen can appeal. Belkin said he would include an appeals clause.

Schmidt moved and Owen seconded a motion to approve Ordinance No. 11, Series 2014 with a citation of an appeals clause. A roll call vote was taken with all voting, "Yes."  
**Motion passed unanimously.**

### **2) Discussion and Possible Action on Application for Certification of Elk Avenue Promotional Association, Inc. Pursuant to Section 6-7-40 of the Crested Butte Municipal Code.**

Ladoulis recused himself and left the room because Bacchanale, the restaurant he owns, would be a part of the association.

Belkin said the first step was to certify the organization. Joel Lewis, owner of the Talk of the Town, is the Chairman of the Association, and the action was to certify the association. It was mentioned that they were still working on the insurance for the association, and the association would name the Town as additionally insured. The special event applicant (BL/AB) would be paying for the insurance.

Discussion was had regarding Marchitelli's and the Dogwood. Marchitelli's confirmed they were not serving alcohol to leave their premises and enter into the entertainment district, and the Dogwood owners haven't responded to calls. Belkin said they could extend the consumption area to run adjacent to these businesses. It was recommended Belkin was allowed to draw the line so it runs contiguous with the two properties.

No public comment. Public hearing closed. Opened to Council discussion.

Schmidt moved and Mason seconded a motion to approve the application for certification of Elk Avenue Promotional Association, Inc with the change to Appendix D, provided that the association obtains insurance. A roll call vote was taken with all voting, "Yes." Except for Ladoulis who recused himself. **Motion passed unanimously.**

**3) Discussion and Possible Action on Application by Elk Avenue Promotional Association, Inc. for Designation of a Common Consumption Area between First and Fourth Streets for September 5-7, 2014 Pursuant to Section 6-7-30 of the Crested Butte Municipal Code.**

Ladoulis again recused himself and left the room. Public hearing opened.

Belkin said the consumption area included private properties. He said that there had to be a security person at the door of each bar. Businesses that don't serve alcohol were required to have signage indicating people can't drink. They need to make sure the fencing was completed and people could not access consumption area if IDs have not been checked. Belkin said he was comfortable the promotional association could produce insurance. Mason asked the requirements for fencing for the consumption area. Crossett said fencing would go between the buildings and there would be demarcation, so people could see where they were.

Joel Lewis had the only public comment when he confirmed no one was allowed to take a drink inside another establishment. Belkin said the originating bar would mark their bottles. Huckstep then confirmed that Belkin's work was covered under a reimbursement agreement with AB, and said it was worth noting to the public.

Schmidt moved and Matuszewicz seconded a motion to approve the common consumption area except for the extent of private properties therein reflected in the amended diagram, contingent upon appropriate fencing. A roll call vote was taken with all voting, "Yes." Except for Ladoulis who recused himself. **Motion passed unanimously.**

**NEW BUSINESS**

**1) Discussion and Possible Approval of the Vinotok Special Event Permit for September 19 and September 20, 2014 Affecting the 100 Block of Elk Avenue on September 19th and the Chamber Lot and Elk Avenue on September 20<sup>th</sup>.**

At the time the packets were published there was an outstanding issue with the fire plan and the construction of the fire. Crossett was concerned the Fire Department did not want to inspect the actual building of the fire. He wanted to be sure the responsibility of the inspection of the fire did not fall on Town staff. The solution was an independent inspector, Bob Wojtalik, would inspect the fire, and the Fire Department has signed off as part of the plan.

Vinotok event organizer, Molly Murfee, spoke to the Council regarding the event. She reported a fall out of the BL event was Chili and Beer Fest, being held in Mt. Crested Butte, was scheduled for earlier the same day as Vinotok. She expressed a major concern with a beer tasting event starting at 11AM, when mumming as a part of Vinotok starts at 5PM. Murfee said both events have drinking associated with them, and the two events scheduled together warrants some attention. Huckstep added it was important to recognize the resolution is not the role of the Chamber. Murfee clarified and said the involvement is the Chamber runs the Chili and Beer Fest, and the problem is caused by the two events being held on the same day.

Murfee wanted to ensure safety around the bonfire itself. She also expressed concerns related to maintaining safety and peace out in the crowd and maintaining the fire perimeter. She said as part of a proposal to BL, she requested funds for the advertisement of safe rides, extra security in the crowd around the bonfire, and she asked for peacemakers in the crowd to take care of disruptive people. Murfee reported that she hasn't heard back from BL. She said she is trying to be proactive with one drinking event on top of another drinking event. Murfee expounded on her proposal to BL. She said she added a provision for safe rides through Alpine Express and RTA rides available through the "drunk taxi." In her proposal she also requested funds for extra EMT and police on staff. Murfee guessed her proposal was floating around BL world. Dano Marshall forwarded the proposal to the person in charge of regional marketing for AB and confirmed it's in his hands. Marshall followed up last week, and they understand what's going on. Ladoulis questioned if these mitigation efforts should occur with Vintok regardless if BL covers the cost. Murfee said she chose AB because it's literally their event that is pushing other events.

Huckstep reminded Murfee that any mitigation efforts create a precedent for Vinotok. He said it would be very difficult to take precautions this year, and then dial it back for next year. People start looking at it differently once you've started implementing security measures. Murfee countered that this year is an extraordinary instance. She felt like Vinotok was trying to come forward. They wanted to be responsible. They wanted to do the right thing. She said the precedent was not there because Chili and Beer and Vinotok hopefully do not fall on the same day in the future.

Martin said he was as concerned for Vinotok as he was for this upcoming weekend. Chili and Beer typically draws Western State students. He has found that people start to drink at Noon and they go until 2AM. He said this year would be crazier because of consumption. Martin asked BL to cover the overtime for two officers for Vinotok. He reported he would have all hands on deck.

Mason mentioned the Council gave Big Air on Elk money to hire a consultant to get a safety plan in play. He suggested the Council do something similar where they throw a little bit of Town money to get concerns met. Ladoulis said doing what's right and who pays are two different issues. Michel asked Murfee if it put her at ease that the Council understood that BL has put her in a complicated situation. Murfee said she thought the

acknowledgment was awesome. She felt Vinotok was a good place to place blame, and she doesn't want Vinotok to be blamed for problems caused by people drinking at Noon.

Ladoulis questioned Murfee on the estimated number of bathrooms for the attendees. He wondered if it's enough to have just the Chamber bathrooms available. Crossett confirmed Vinotok has not been required to provide additional porta-potties in the past. Murfee said they have worked with Parks and Rec to use the outlying portolets. Owen questioned if all of these issues, safe rides and more toilets, need to be in the approval. He wondered if in regards to public health, safety, and welfare, they could reconcile the information now brought to light. Huckstep reminded the Council that staff believed they could carry the event safely, and the Council could further discuss the BL proposal and mitigating factors on September 15<sup>th</sup>. Owen questioned Crossett if Vinotok could be a safe event without additional measures. Crossett said we could expect it to be more challenging with events. He said he has full faith in the Marshals. Of course, additional assistance would be better. He said introducing mitigative measures would certainly help. Murfee said without additional funding, additional mitigative measures could be joint letters to the paper, more substantial food offered, or a banner against drunk driving.

Matusewicz moved and Schmidt seconded a motion to approve the Vinotok Special Event Permit for September 19 and September 20, 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **2) Discussion and Possible Action Regarding Letter of Support for Fund Raising Effort for the Center for Arts for a New Arts Facility Located at Lots 6,7,8,9,10 and 11, Block 50, Crested Butte.**

Owen asked that compared to the draft of the letter provided in the packets, the City of Crested Butte be changed to Town of Crested Butte.

Michel asked if it was more appropriate for the Mayor (as opposed to the Town Manager) to sign.

Mason asked Belkin if it was a conflict of interest for him to be present because his wife was employed by the Center for Arts. The Council concurred that Mason need not recuse himself.

Jenny Birnie, Executive Director for the Center for Arts, introduced board members in attendance. She explained she was requesting a letter from the Town demonstrating support for a project that is moving forward. Birnie reported fund raising efforts were going well. She has been overwhelmed by the amount of support, and she wanted that work to continue. She further explained the role of the Town of Crested Butte providing the longest term of support ever because of providing the building. The Town is the reason the Center even exists. Birnie said the letter of support confirmed the commitment that people may not know.

Schmidt asked Birnie if there would be expanded theatre seating. Birnie answered there would be 260 – 300 seats, but they don't want to go over 300 seats. Birnie reported they took into account the Biery-Witt Center on the mountain. They have an agreement with Mt. Crested Butte that they would not build at the same time. Michel asked if Birnie saw donor fatigue. He wondered if there was that much money. Birnie said they have worked with a consulting firm who said it made sense to move forward. The Center's story was different from others, and they haven't found donor fatigue to be a problem. Schmidt said it has been implied that Mt. Crested Butte would be building first. Birnie said if they gained a \$10M donor, they would put a shovel to the ground. She also confirmed they would have permanent renters in the new facility, they have a history of operations, and they know how they will operate a new facility.

Matuszewicz moved and Mason seconded a motion to authorize the Mayor to sign a letter of support for fund raising effort for the Center for Arts for a new arts facility with the change of City to Town of Crested Butte. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Resolution No 12, Series 2014 – Resolutions of the Crested Butte Town Council approving the short term lease agreement with Elk Avenue Promotional Association.**

Ladoulis recused himself from voting.

Schmidt moved and Owen seconded a motion to approve Resolution No. 12, Series 2014 on the contingency the association provides proof of insurance. A roll call vote was taken with all voting, "Yes." Except Ladoulis recused himself. **Motion passed unanimously.**

### **LEGAL MATTERS**

Belkin asked the Council to check with him ahead of the meeting time with any conflicts of interest.

Belkin asked for direction from the Council to prepare an agreement with BL entities for the promotional association, asking the promotional association to name the Town as additionally insured. He also said this association needed to be on its own two feet, despite initial funds from BL.

Mason wanted to make sure it was clear to people they can't get on the bus in Mt. Crested Butte and offload with beer. Crossett said there would be a checkpoint to get into the Crested Butte entertainment district.

## COUNCIL REPORTS AND COMMITTEE UPDATES

### Schmidt

- Reported the Cemetery Committee met. They will be sending out a survey about the cemetery, and the survey information will be in the paper.
- He mentioned columbariums in reference to the survey.

### Ladoulis

- Spoke to Scott Truex at RTA about employee transportation back to Gunnison. Truex submitted a grant for a late night bus returning to Gunnison at 11:15PM. The bus would also allow people going to dinner at Garlic Mike's to come back to Crested Butte at 10:45PM. He is in full support as a business owner.
- Town of Mt. Crested Butte found it compelling and allocated funds to RTA. Ladoulis said the Council should talk about contemplating the question for Crested Butte. Huckstep reminded the Council about the admissions tax in Mt. Crested Butte. Huckstep also said the RTA has a meeting on September 19<sup>th</sup>. Matuszewicz said the RTA needed to come and request funds.

### Matuszewicz

- Attended a Center for Arts meeting. Center has agreed to continue to contract with funding consultant, who seems really top notch.

### Owen

- Has received feedback regarding the \$1/2M gift and concern about sharing it with Mt. Crested Butte. He said the feedback he has heard includes the impact is in our Town, not theirs. Matuszewicz said it is not appropriate to go back. They're listed as a party on the contract. It started out as \$1/4M that was dedicated to this Town. Ladoulis suggested a cooling period to revisit later in the year. Huckstep said he would like to see the Council embrace the working relationship of a small group that meets in November using the proceeds to benefit our community. Owen confirmed the contract said it is to be considered jointly as both see fit.

### Mason

- Attended a Mountain Express meeting.
- Ridership was up 17% YTD. Reported it usually reflects sales tax.
- Express Bus was put in play to alleviate bikes on bus. It carried 4500 bikes from June to August.
- Chose an artist to decorate the newest bus. The design will represent biking in Crested Butte.

### Huckstep

- Attended a Paradise Place ribbon cutting.
- Mentioned CASTA conference in Mt. Crested Butte Tuesday, the 9<sup>th</sup>, at 5:30PM.

- Vacancy on CIRSA board of directors.
- Gunnison Public Land's initiative hike on Teocalli on Saturday.

**OTHER BUSINESS TO COME BEFORE THE COUNCIL**

None

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

- Monday, September 15, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 6, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council

**ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 9:19PM.



Aaron J. Huckstep, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

