

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, September 15, 2014
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 7:06PM.

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

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, Town Clerk Lynelle Stanford, and Chief Marshal Tom Martin

APPROVAL OF AGENDA

Town Planner Michael Yerman's request for a commitment for funding, \$12,900, as matching funds for a grant for the construction of the Baxter Gulch Trail was added to Other Business to Come Before the Council.

Schmidt moved and Matuszewicz seconded motion to approve the agenda with the addition under Other Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) Approval of August 28, 2014 Special Meeting Minutes
- 2) Approval of September 2, 2014 Regular Town Council Meeting Minutes

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

PUBLIC COMMENTS

Shaun Horne - 323 Whiterock

- Announced he was starting a Downtown Business Association. He wanted to create a voice for retail in future special events. He said the Chamber tended to have larger businesses as consistent members, and many retail businesses were under the Chamber's threshold where it's worth their while to join. The Downtown Business Association would be free to join, and they would provide comprehensive information to business owners.
- The retail group was necessary because they needed to protect themselves.
- Horne reported the Bud Light (BL) / Anheuser Busch (AB) major special event caused an egregious loss of access to the market.
- The Council needs to understand how important access to the market is.

David Rothman – 17 Maroon Ave

- Stated the event went well for some and not so well for others.
- His comments have to do with the process and the nuts and bolts of what happens when process is rushed.
- Cited the Town Charter and the fact that signatures supported by an affidavit can suspend an ordinance pending referendum. This process allows a minority to be heard. Said this process could not happen because staging for the event had begun once the ordinance was passed by an emergency ordinance.
- No ordinance giving special privilege should be considered emergency. Issue here is we have an ordinance that is creating an emergency that the emergency clause is to cover. It short-circuited the process.

Kimbire Woods – 11 Hunter Hill

- Thought there should have an environmental deposit from the event organizers, and she thought someone should be watching.
- Was assured by Council at a previous meeting that nothing was going to go into Coal Creek. Found out it was going into the air. Appealed that we deal with that now. Have someone that cares such as the Coal Creek Water Coalition. Wanted it addressed before there was no chance to get money. This company came in and like many people predicted did not care about the environment.

Craig Geipel – 216 B S Avion Street

- Owner of Alpenglow Rentals, a business that rents out Jeeps located at the Ore Bucket building.
- Wanted to make an official request, so he can have more than two recreational vehicles parked on display in Town at one time.
- Asked for the freedom to expand and grow.
- Surrounding towns have no such rules. His prior history, in two months, shows that he has abided by the existing ruling.

Mel Harper – 188 Aspen Lane

- Questioned the Council on the blue light post that is remaining.
- Said the people she has talked to do not like the blue light post. She said it was a reminder of something that was difficult.
- Huckstep told Harper that the blue light post issue was added to Other Business to Come Before the Council, and the Council has taken no action.

Amanda Furman – 25 Hunter Hill – representing the Tobacconist

- Knew the event would affect business, possibly even negatively, which it did.
- Complaint is with excessive shut down of Elk Avenue and the fact the event organizers have offered nothing for reimbursement.
- Secrecy of everything was the problem and how hard it was to get answers.

- Was promised things by BL to help bring in customers that did not come to fruition. Nothing that they promised was done. Was very difficult to reach anyone who could get her an answer.

Kimbre Woods – 11 Hunter Hill

- Referenced Huckstep addressing AB and asking in a previous Council meeting if they would please promise to go talk to the retailers. AB said, “Yes,” they would. After the third meeting complaints weren’t being addressed, and she thought it was big part of retailers being upset.
- Said that she was told if retailers didn’t put blue in their windows, BL would tell people not to shop there.

STAFF UPDATES

Tom Martin

- Mentioned upcoming event, Vinotok, on Saturday.

Lynelle Stanford

- 13 applicants for the Deputy Clerk position. Will start conducting interviews end of the week or early next week.

Todd Crossett

- Building Department has been processing a lot of permits.
- Draft budgets are due this week. Anticipates budget as the next big lift for staff.
- Reminded Council of the Transportation Plan meeting the evening of the 25th.
- RFQ interviews this week for Big Mine Master Plan.
- Tennis court prep is wrapping up this week. Weather permitting there will be a contractor on site next week to start grading and pouring the slab.
- Michel asked Crossett when the project formerly known as the Foothills would be starting with the Town. Crossett answered they could have something in the next few weeks, but he would hate to guess an exact time. He said probably sooner rather than later.

NEW BUSINESS

1) Discussion and Possible Approval of the Crested Butte Film Festival Special Event Permit and Special Event Liquor Permit for September 25-28 Adjacent to the Center for the Arts Building.

Ladoulis mentioned his business, Bacchanale, would be providing lunch for the event. He recused himself and left the room.

Schmidt moved and Owen seconded a motion to approve the Crested Butte Film Festival special event permit and special event liquor permit for September 25 – 28, 2014. A roll

call vote was taken with all voting, “Yes.” Except for Ladoulis who recused himself. **Motion passed unanimously.**

2) Follow-up Discussion on Vinotok Risk Mitigation Efforts.

It was confirmed that Vinotok event organizer, Molly Murfee, did not expect the Town to pick up the costs associated with risk mitigation for her event as discussed at the last meeting. Martin said he was satisfied with increased law enforcement for which he negotiated with AB to cover the costs. He said he felt adequately staffed. Martin said he expected little bit busier Vinotok than normal. Crossett said Dano Marshall made another request to the regional AB/BL distributor and the event, and they declined to provide further funds for Vinotok’s risk mitigation. Their stance was Chili and Beer could be held on another weekend. Schmidt asked why Chili and Beer wasn’t held this past weekend. Matuszewicz said last weekend was Telluride Brews and Blues, and the weekend after Vinotok is the Film Fest and the venue on the mountain was booked for a wedding. After that the brewers would be in Denver for an event. No action was taken.

3) Ordinance No. 12, Series 2014 – An Ordinance Authorizing the Sale of Town-owned Real Property Legally Described as Unit B, Redwell Townhouses, According to the Preliminary Plat Recorded June 17, 2004, Bearing Reception No. 543196 and the Party Wall Agreement for Redwell Townhouses Recorded June 17, 2004, Bearing Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado for a Maximum Sale Price of \$145,000.00.

Matuszewicz questioned if the buyer’s maximum sale price was based on what they purchase the property for or this price. He asked if their point A was their purchase price or \$145,000. Crossett said there was an algorithm based on what they buy it for and a set amount for it to accrue. Owen said the resale price of \$145,000 seemed too high for the intended target demographic, making it unaffordable. He thought the price should be more akin to the Town’s purchase price of the property. Crossett answered the Town could subsidize and pay for repairs out of the affordable housing budget, which would drop the sale price. Huckstep said he disagreed. He said the previous discussion they had was to save the unit from foreclosure to preserve a deed restriction. Huckstep said it could be set for public hearing and a maximum sales price could be settled upon then. Owen said he doesn’t care if the government makes money; the point was trying to help people of this income category reside in our town.

Matuewicz moved and Schmidt seconded a motion to set Ordinance No. 12, Series 2014 for public hearing on October 6, 2014. **Motion passed.**

4) Resolution No. 13, Series 2014 – Agreement for Installation and Maintenance of Gaging Station

Huckstep reminded the Council that this resolution is the result of Steve Glazer's work. Gothic and Coal Creek is the location the gauge will be installed. Glazer presented in past meetings. The Council gave him a "Yes," and this resolution was to formalize.

Schmidt moved and Ladoulis seconded a motion to approve Resolution No. 13, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 10, Series 2014 – An Emergency Ordinance Amending Chapter 6 of the Crested Butte Municipal Code to Add Regulations Respecting the Creation of an Entertainment District in Which Common Areas for the Consumption of Alcohol May Be Operated by a Promotional Association. (ratification).

Schmidt confirmed the ordinance needed to be an emergency ordinance because of a timing problem. The ordinance, originally scheduled for the August 25th meeting, was not passed until August 28th. Belkin confirmed it was necessary for it to become an emergency ordinance to allow it to go into effect before the event.

Michel said it was necessary to be more rigorous in the way things are applied. He said it was important to get ahead of it in the way people were coming in and out of bars with drinks. Belkin said that applies more to the special events permitting process. He said security for the event was really well covered. He said the consumption area should be a lot simpler. The promotional association would come forth with their security, and it would look a lot more typical. Crossett said they spent hours on the fencing plan for the event and many, many hours walking event organizers through the plans. He said it goes back to earlier discussions of having the security company report directly to us. They needed to directly manage the communication flow. Crossett said they were able to fix issues with security. Schmidt confirmed that in future events, access might not be limited to people over 21 and there was no ongoing requirement to limit access. Huckstep said they could deal with fencing issues next time this comes to pass.

In reference to citizen Rothman's comments, it was confirmed by Belkin that Ordinance No. 10 was unrelated to the Council approving the BL/AB major special event permit. Ordinance No. 10 determined how the consumption area for the event would work, but it could be applied to other special events as well.

Matusiewicz moved and Schmidt seconded a motion to ratify Ordinance No 10, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Owen asked how in the special event agreement on Monday (August 25) the clause with how to deal with the gift read \$250,000 to be used by the Town at its sole discretion changed by Thursday (August 28) to be determined by a committee between Crested Butte and Mt. Crested Butte, instead of Crested Butte's sole discretion. He asked how this clause changed. Belkin said someone from Crested Butte and someone from Mt. Crested Butte spoke. Crossett said it wasn't anything he touched, same thing with

Huckstep. Huckstep said the language in the original draft indicated the gift was intended for both Crested Butte and Mt. Crested Butte. Owen said, on August 25th, it was the Town's sole and absolute discretion, and then on the 28th it said \$500,000 for the Town of Crested Butte and Mt. Crested Butte. He asked how this clause changed and who should have conveyed it to the Council. Owen said he did not know about the change until the 2nd (of September). Belkin said that Huckstep said it at the meeting on the 28th. Owen said he wanted to know how did the clause get in there and why didn't anyone communicate that to Council. He further wondered why was there was no communication from the manager or attorney. He said he would have objected to the clause, and he wanted answers. Crossett said the contract didn't cycle back to him. The applicant put it in there to head off contract inconsistencies between the Mt. Crested Butte contract and the Crested Butte contract. Huckstep reminded Owen he was one member of the Council, and it was not the appropriate venue for one council member to point very strong fingers. Owen asked if any member of the Council could remember direction to make this change and no one could recall. Owen said there was a material change to the contract, and if Council doesn't know and staff doesn't know where it came from, we need to know where it came from. Schmidt recalled reading the original contract on Monday, and he said he did not read the contract as thoroughly as he should have. He noticed the figure had been changed, but he was remiss to not catch other words around it. He said this town took the impacts and this Council took the heat, so he was not happy those words got in there. Matusiewicz wondered what other changes they were unaware of in the contract. Crossett said staff has done their level best. He said it was necessary to lower the threshold of activity or get more staff. Huckstep said if there was a unilateral decision to direct the funds, the notion of working with our neighbors goes out the window. He said they had impacts, too. We should be setting an example that we will work with neighbors to benefit the whole community. Matusiewicz said it was not an issue with being a joint committee. He said we should be doing more to work with them. His issue is it's a substantial change and no one pointed it out. He is concerned about other potential changes. Schmidt said he didn't know if there is any resolution. Huckstep asked if the issue of unilateral control of the money was the real issue. Owen said the Council approved it, he was willing to live with it. He wanted to know what happened to cause the material change. He said he would have argued to change it back to unilateral, but because it's a contract they voted on and approved, he was willing to live with it. His big concern was because it's a big issue that a material part of contract changed, and no one told the Council. Schmidt said he agreed with Owen, and had he noticed it at the time, he would have brought it up. Schmidt said it was rather alarming it got changed that way. Matusiewicz would have liked to have been told, but said he should have caught it himself. He said it was concerning no one knows where it came from. It was determined Belkin could provide an update at the next meeting.

COUNCIL REPORTS AND COMMITTEE UPDATES

Matusiewicz

- Reported Center for Arts fundraising was going well. Executive Director, Jenny Birnie, has been meeting with major donors.

- There were nine Alpenglows this summer. Said the Alpenglow held on Elk Avenue was a good model.
- There were 19 events for the Tour de Forks.
- The Center for Arts sponsored the Film Fest.
- Also, the Center for Arts audit went very well.

Owen

- Attended a Housing Authority meeting.
- Their financials were audited, and they passed that audit.
- Housing Authority is slowly but surely building up operational reserve to one year's expenses.

Schmidt

- Mentioned event that happened a week ago, he saw smiles on faces. Fantastic event.
- Really wanted to compliment the staff under extraordinary circumstances. He really appreciated what the staff did.
- Can't do anything about the people who dislike. Criticism is because people care about the town. Complaints were from people who couldn't get into the event.

Huckstep

- Mentioned upcoming cloud seeding program presentation at Upper Gunnison board meeting.
- RTA meeting Friday in Gunnison.
- Meeting with Gunnison Public Lands initiative at his office.
- APA conference here in Town on October 1. Yerman has funding secured if a couple of people want to attend.
- Referred to a letter in his inbox from PRG, tech folks on event, and they called out to Rodney and H Baumm for their efforts.

Schmidt also mentioned that CASTA met here this past week, and they had about 250 people attend their statewide conference here. It is a conference size that works really well for Town.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

It was discussed whether to consider changing the rule set pertaining to the request of the owner of Alpenglow Rentals during public comments. There are two Jeeps that are parked next to the Ore Bucket Building. Michel wondered if Town would want an ordinance that impedes someone's chance to do business without knowing why we have

it. Crossett said he would have Molly Minneman provide an update for the next packet on the history of why the ordinance was originally passed.

The Council's attention was called to a staff report from Yerman requesting a commitment of funding, \$12,900, payable in 2015 as matching funds for a grant for the construction of the Baxter Gulch Trail. The grant would allow a camping crew to work on the trail for four weeks. \$12,900 represented a 50% match for the grant. Crossett confirmed the grant was due before the next council meeting. The Town has been successful in obtaining the grant for the past three years, and it is common with this grant not get it the fourth year. The Town has not matched the grant in the past three years, but it was reported that a match would help to keep the momentum. Matuszewicz felt the Baxter Gulch Trail progress has been slow. Crossett said it has not been the easement issue that has caused progress to be slow to date. He said the easement issue is not a deal killer moving forward. He said they could go back to the original route. Matuszewicz suggested not committing matching funds for the grant and waiting to see what happens. It was mentioned that CBMBA would be amazing and perhaps it was worth considering providing CBMBA funds to complete the trail. Huckstep said CBMBA could go somewhere else and the Youth Corp could continue on Baxter Gulch. Crossett said that while CBMBA is fast and stunning, both Jake (former Parks and Recreation Director) and Michael felt the Youth Corp project was successful. Michel confirmed the commitment of funds was not needed to apply for the grant. Crossett said the grant could still be applied for, and there had been no match in previous years. Schmidt said the budget process is coming up and this is a fairly big push with other things that will be requested. Huckstep reminded the Council that the funds would not come from the general capital fund. It was decided the Council would take no action at this time.

The Council discussed the blue light pole that was left from the BL event and if the pole should remain blue. Michel confirmed the blue pole is in front of Old Town Hall. Owen said it should be painted green again. Matuszewicz said it should stay blue. Ladoulis liked the idea of blue. Michel said he is an Elk Avenue purist and wanted it to be changed back to green. Owen felt the event was something that divided the community and a symbol that the town lost its soul. Ladoulis countered that lots of people feel it symbolizes that the town was bold enough and they're denying them the pleasure of remembering a really fun time. Huckstep said years of history cannot be erased in days. Ladoulis said the Council made a bold move and developed a world-class event. A poll was taken, and the Council majority determined to keep the light pole blue.

The Council set dates for budget work sessions: Wednesday, October 15 at 5PM; Monday, October 20 at 5PM or 6PM; Monday, October 27 at 5PM (if needed); and Monday, November 3 at 6PM.

Matuszewicz said he was at Town Hall, and he wanted to confirm that Due did call Coal Creek Watershed people (in reference to Woods' public comments). Also, while at the Chamber, he did not witness William Buck's security company doing a massive handing out of wristbands. He said it seemed they were doing what they were supposed to do.

Asked people to tread lightly. Crossett agreed and said the whole process could have been done better.

Matuszewicz also mentioned a large wooden presentation board that was left at the 1st and Elk parking lot. He said it is a nice piece of equipment, and it will be up for grabs tomorrow. Also, he told the Council he would not be here for second meeting in January.

Huckstep said that CBMBA was being recognized at a conference in Jackson Hole. The conference is about sustainability. He asked if anyone was opposed to him attending. No one was opposed.

Newspaper editor, Mark Reaman, asked if there were plans for a meeting for public discussion about the BL/AB event in general. The answer was there might be something woven together with follow-up on community planning.

Owen asked to make direction to the town attorney about the \$500,000 gift. Belkin was going to see if it was legally feasible. Ladoulis said the Arts Fest would go bankrupt if they were forced to pay businesses for lost revenue. Huckstep said it sets an uncomfortable precedent. Business owners can't prove the causation of the closure of Elk Avenue and losing revenue.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

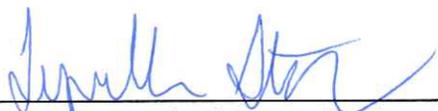
- Monday, October 6, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 3, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 17, 2014 – 6:00PM Work Session – 7:00PM Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 8:58PM.



Aaron J. Huckstep, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

