

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, September 21, 2015**  
**Council Chambers, Crested Butte Town Hall**

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

Council Members Present: Jim Schmidt, Glenn Michel, Chris Ladoulis, Roland Mason, Shaun Matuszewicz, and Skip Berkshire

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, and Public Works Director Rodney Due

Chief Marshal Tom Martin, Building and Zoning Director Bob Gillie, Town Planner Michael Yerman, and Town Clerk Lynelle Stanford (all for part of the meeting)

**APPROVAL OF THE AGENDA**

Belkin requested a second Executive Session not on the agenda 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) after Other Business specific to negotiating transactions on the Kapushion real estate transaction. No action would be taken.

Schmidt moved and Mason seconded a motion to approve the agenda with the addition of Executive Session after Other Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**EXECUTIVE SESSION**

Berkshire moved and Schmidt seconded a motion to go into Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Council went into Executive Session at 7:04PM. Council returned to open meeting at 7:29PM. Mayor Huckstep made the required announcement after returning to the open meeting. No action was taken.

**CONSENT AGENDA**

**1) Approval of September 8, 2015 Regular Town Council Meeting Minutes.**

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

## **PUBLIC COMMENT**

None

## **STAFF UPDATES**

Rodney Due

- They would be pushing the paving until next spring in Blocks 79 and 80. There were problems with the compaction on the streets because of moisture and the general location. Due preferred to have good, solid streets, rather than rushing.
- Michel asked if the delay would change the timeline for homes to go vertical. Crossett said it shouldn't.
- Mason questioned if a big, wet winter could push the timeline, and Due said it could. Crossett agreed it could be pushed into July if it was a wet year. Matuszewicz asked when it would be paved assuming it was an average year. Due said June for an average year. The real implication was it would be a gravel road instead of a paved road for now.
- Mason wondered if the budget would need to increase to remobilize. Due said it was an agreement between Town and Lacy, and Lacy requested it.
- They were still looking at curbing, gutters, and base rock for this year, and Butte Avenue could possibly be paved this year.

Tom Martin

- Reported to have a good conversation during the Executive Session with two people present at the meeting concerning traffic in and around Town. He felt they had good input, and he would follow up to address their concerns.
- Stated that Vinotok had all of the expected characteristics, but it was a good event. He thought it seemed mellower than others had in the past, but the fire had flare and excitement. He said it was a busy Saturday night with a lot of issues later in the evening. Schmidt asked if there were a lot more people this year. Martin said it seemed similar to last year. He commented that the fire started a little late.

Michael Yerman

- Marcy, from the Loveland Arts Commission, a facilitator for the Creative District, provided by Colorado Creative Industries, would be present at the meeting the night of the 7<sup>th</sup> at the Center from 6PM to 8PM.

Bob Gillie

- The architect for the Center for the Arts met with BOZAR to introduce and discuss the process moving forward.
- There would be concept designs in October and a public meeting to take input in November. Schmidt confirmed with Belkin that Council members should not attend the meetings.

Lynelle Stanford

- October 4 would be the last Farmer's Market.
- Staff led a weed-pulling day at the cemetery on Saturday.
- Asked the Council if they wanted to provide input on whom should be appointed at the next meeting to the Election Commission. She was directed to bring the names of recommended candidates to the next meeting to be appointed.

Todd Crossett

- Would be attending ICMA (International City/County Management Association) Conference next week.
- Crews were working to tear apart the 308 bathrooms.
- Vinotok seemed to go well.
- The tennis courts resurfacing would be pushed until next spring.
- The One Valley Prosperity Project would have a steering committee meeting on Thursday.

## **NEW BUSINESS**

### **1) Presentation and Funding Request by the Crested Butte Land Trust on the Copley Lake Preservation Project.**

Huckstep referred to the recommendation in Yerman's staff report. Ann Johnston, Executive Director of the Crested Butte Land Trust, explained that the Land Trust was under contract to purchase a mining claim around a part of Copley Lake. She listed benefits such as: The area was in the watershed that provided water to Crested Butte; it would be beneficial for wildlife; the area was good for wildlife viewing. Johnston said they were asking Town for 25% of the total cost, which included environmental reports. Ladoulis confirmed that there was a \$25K cap on the contribution. Schmidt questioned what the access would be to the property. Johnston said the plan was to allow the area to be open to the public from the Irwin side. They would probably manage it by improving the trail. They would make it clear where people could access for day recreation, and there would be no camping allowed.

Schmidt moved and Berkshire seconded a motion to direct Staff to prepare a resolution of support for the Copley Lake Preservation Project and to direct the Town Attorney to draft a funding agreement in the amount of \$25K for the Council's consideration. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) Discussion and Possible Action Regarding Support Resolution for the Gunnison Valley Rural Transportation Authority (RTA) Measure 5A.**

**Resolution No. 31, Series 2015 – Resolutions of the Crested Butte Town Council Encouraging All Registered Voters in the Gunnison Valley to Support Continuing and Expanding the Services of the GVRTA by Voting Yes on Ballot Measure 5A in the November 2015 Election**

Molly Mugglestone, Campaign Manager, thanked Huckstep and Mason for serving on the RTA Board. She explained the proposed resolution showed support and encouraged voters to vote, “Yes,” for 5A. She said the sales tax increase would call out and mandate funding for senior transportation. It would also provide money to sustain RTA. She specified that a new bus would cost over \$600K. Mugglestone explained that bus service tripled in the last three years.

Ladoulis asked if a 1% increase would be sufficient. He also wondered how the Gunnison Valley compared to other networks. Huckstep answered that RTA compared across the state was a small operator. Huckstep listed three key pieces of 5A: 1) Senior Bus; 2) Expansion of service to CB South; 3) Airline subsidies. He thought it was hard to say if it would be a forever fix. Huckstep said that Scott Truex, Executive Director of RTA, was doing a good job in managing the budget. He also recognized a degree of collaboration between CBMR and the TA. Mason said the increase in sales tax would not be reflected in food and fuel purchases, and it would be bringing everybody up to the same standards. He was in favor of it. Mason said a big difference was that air and bus services were tied together, and he could potentially see a separation in the future. Michel voiced concern that the airline portion would dominate, which could decrease bus service. Mugglestone also credited Truex for his budget management, but she said with the current budget they couldn't have a really good bus system and a really good airline service.

Before he voted, Schmidt clarified he didn't drive for RTA.

Berkshire moved and Mason seconded a motion to approve Resolution No. 31, Series 2015. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**3) Discussion and Possible Direction to Staff Regarding Liquor Licensing of Retail Outlets.**

Gillie began by explaining that the owners of Chopwood Mercantile, Travis Underwood and Lisa Cramton, approached the Town about serving beer and wine at their retail establishment. He looked at Town Code, and it wasn't currently an option. However, the Council could direct Staff to work on changing zoning regulations to allow it. Staff was trying to determine if Council had interest. He said that it was a philosophical question, and then secondly a nuts and bolt question. A question was how to cleave a hybrid between restaurant and retail. Gillie stated that Staff talked to other municipalities, and no one was working with same underlying zoning set. It was not apples to apples. Gillie said that Staff met and came up with a recommendation. They determined the benefits to Town were not consistent with the amount of process it would take to open beer and alcohol licensing into retail.

Huckstep stated he represented Chopwood. He asked the Council and Belkin if they were okay that he was a part of the discussion. He acknowledged it was a legislative matter. No one had an issue or identified a conflict of interest.

Underwood went on to explain that they wanted to bring a model they saw in other cities and small towns. They felt it was unique and important to the touch and feel of their business. Underwood said they were not looking to be another bar. Their hours would be from 10AM to 7PM. There were no issues with the state beer and wine license, and their business plan was applicable to Denver and Phoenix. They wanted to be grass roots in Crested Butte and replicate it.

Michel asked Gillie if the examples that were examined had separate business spaces next door to each other in order to serve beer instead of a co-mingled space (as proposed). Cramton said they didn't have the space for two separate spaces, but they had seen both options. Matuszewicz pointed out there wasn't an issue for a restaurant that also wanted to do retail. Crossett said a restaurant that sold clothing had already reached the higher bar required of a restaurant.

Mason addressed Ladoulis and recognized he knew the requirements as a restaurant owner. Ladoulis's question was how they leveled the playing field. He asked them if there was anything that would be considered a non-starter. Underwood said they would be open normal retail hours. They would have a maximum of four beer taps, wine, coffee, and non-alcoholic beverages. Their business model indicated alcohol would be less than 10% of total sales.

Schmidt said it seemed most places had separate rooms for retail and serving drinks. He asked if they imagined it right amongst the merchandise. Underwood answered affirmatively. Schmidt said Town did require bathrooms and parking in lieu, and it seemed like a strange mix. He was conflicted. Underwood said there would be a retail store that served alcoholic beverages in Gunnison.

Michel thought with 51 liquor licenses in the Town there was enough consumption. He wanted to be receptive, but it was too much, too tight, in too little space. Ladoulis supported it. He felt retail stores were at an increasing disadvantage. He saw they were creating an experience in retail, but he hoped it didn't turn into a bar. Mason appreciated Staff time, but he agreed with Ladoulis. He was in favor. Matuszewicz didn't think they should take it up at this time. He thought they owed it to Staff to address concerns. Michel considered all of the retail stores, and he thought it could be much bigger and unintended. Berkshire thought it had to be right, it had to fit, and it had to be organic. He thought it was off putting to import fads from other places. If Chopwood did it, then other retail places would, too. With the list of complexities, he just didn't see it. Huckstep said personally he thought they should embrace new ideas; people would enjoy the environment they were creating. Schmidt's main concerns were the complexity of getting good regulations and the fairness issue. Gillie said that complexity grew with the size of the retail operation. He wasn't sure where it would go in the future, and the

ordinance would need to anticipate. It was not a one-off ordinance. Huckstep suggested they could cap the number of liquor licenses allowed in retail, much like the Council limited marijuana dispensaries. Ladoulis hoped they were not dissuaded. He hoped it became a conversation about how to make retail more vibrant. Matusewicz further contemplated the size of the change and how restaurant owners might respond. There were not four Council members in support, so Staff was not directed to move forward.

#### **4) Presentation by Coal Creek Watershed Coalition Regarding the Town Filing for Party Status Regarding State of Colorado Temporary Modification Standards for Coal Creek.**

Steve Glazer, Ashley Bembenek, and Zach Vaughter were present on behalf of the Coal Creek Watershed Coalition. Glazer expressed gratitude for the Town's participation in the Coal Creek monitoring program. He gave Bembenek credit for the report that was included in the packets. Glazer explained the Water Quality Control Commission (WQCC) was responsible for setting water quality standards that were protective of water bodies. Coal Creek did not have a permanent water quality standard because of uncertainties and insufficient data collected. In its place, the State enacted a temporary modification of the standard until it was resolved. Vaughter and Bembenek were in charge of data collection and analysis. After continued renewals of the temporary modifications, WQCC required US Energy to develop a voluntary water quality-monitoring program that included ground water monitoring. Glazer was inclined to support the extension of the temporary modification for another year. They would gain another year to analyze and were asking for continuation of the endorsement. Bembenek stated that US Energy already proposed an 18-month deadline. She stated they would likely address three key points: 1) They would continue to point out the ground water monitoring had been insufficient. 2) Identify pollutants on their property. 3) Use data collected to revise temporary modifications down.

Glazer continued to explain that Town had yet to participate in the rule making process, and they were at the meeting to become a party to rule making. It was in the common interest of the citizens and for the health and safety to the Town of Crested Butte. They were there to ask Town to become a joint party for rule making. The deadline was September 29 to declare that they wanted to be a party. On October 6, US Energy would present their request at a prehearing proposal. If the division and other parties agreed to the extension that would basically be the need for activity this year. Bembenek thought it was in Town's best interest to be involved. The thoroughness of the ground water study did matter to Town, and ground water probably entered Coal Creek upstream of the Town's drinking water supply. Town had a stake in drinking water, recreation, and environmental health. Huckstep confirmed with Belkin that no conflict had been identified. Belkin said Town had participated in the past. There was a short discussion around the amount of the budget item, and Crossett said Town had \$10K right now. No one on the Council voiced an opinion against it.

#### **5) Discussion and Possible Action Regarding the Town Filing for Party Status Regarding State of Colorado Temporary Modification Standards for Coal Creek.**

Schmidt moved and Matuszewicz seconded a motion to direct Staff to make application for Party Status relevant to State of Colorado Temporary Modification Standards for Coal Creek by the deadline. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **LEGAL MATTERS**

None

### **COUNCIL UPDATES AND COMMITTEE UPDATES**

Jim Schmidt

- Met with Yerman regarding the Creative District.
- The Cemetery Committee employed Carlson Memorials out of Grand Junction to stabilize seven monuments at the cemetery. They were monuments for which they couldn't find family or anyone else responsible. He said they would do others in the future, but they would see how it went this year. He said they might be stabilizing fences this year, too.

### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Schmidt stated that some time ago they had asked specifically to have the new water attorney come to speak. Belkin said there was something scheduled that didn't work out, but he would try to get him to a meeting next month.

Next, the Council discussed the review of the Town Manager in relation to budget. The Council directed Crossett to work with Stanford to identify a date and time.

Huckstep asked the Council if they were interested in doing the Growing Winters with Mt. Crested Butte. The Council agreed Town should be a part of it.

Lastly, Huckstep referred to the letter in the packets with the letter of support for Bill Nesbitt to be reappointed as a representative of the Gunnison Basin Roundtable.

Schmidt moved and Berkshire seconded a motion to authorize the Mayor to sign a letter on behalf of Town in support of reappointing Nesbitt to the Gunnison Basin Roundtable. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

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

- Monday, October 5, 2015 – 5:00PM Budget Work Session – 7:00PM  
Regular  
Council
- Wednesday, October 14, 2015 – 5:00PM Budget Work Session

- Monday, October 19, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 2, 2015 – 6:00PM Work Session – 7:00PM Regular Council

**EXECUTIVE SESSION**

Schmidt moved and Ladoulis seconded a motion to go into 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). A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Belkin specified the reasons for the Executive Session had to do with Kapushion, the annexation, and other transactions. Schmidt added they could discuss the possible purchase of the lot behind Pitás.

Council went into Executive Session at 8:53PM. Council returned to open meeting at 10:14PM. Mayor Huckstep made the required announcement after returning to the open meeting. No action was taken.

**ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 10:15PM.

  
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Aaron Huckstep, Mayor

  
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Lynelle Stanford, Town Clerk (SEAL)

