

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Tuesday, January 20, 2015**  
**Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 7:08PM.

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

Staff Present: Town Manager Todd Crossett, Town Clerk Lynelle Stanford, and Town Attorney John Belkin

Finance Director Lois Rozman, Town Planner Michael Yerman, Public Works Director Rodney Due, Parks and Recreation Director Janna Hansen, and Building and Zoning Director Bob Gillie (all for part of the meeting)

Huckstep confirmed with the Council that they agreed to hear a public comment from the person present before Executive Session.

**PUBLIC COMMENT**

Jesse Irons – 706 Maroon Ave #2

- Reported he was born in Crested Butte and was at the meeting to comment on the annexation.
- He was quite concerned and felt it was his responsibility to remind Council of their duty to help protect Town.
- Referred to Mammoth Lakes, CA. He finished high school there. He said they started to make bad decisions and allowed beer companies, car companies, and developers to do whatever they wanted.
- Intrawest built a giant ski village, and by 2010 they were the first North American ski town to ever go bankrupt.
- Said he was seeing déjà vu, and he suggested the Council think everything through because they could not undo it.

**EXECUTIVE SESSION**

Schmidt moved and Mason seconded a motion to go into Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property 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 7:13PM. Council returned to open meeting at 8:01PM. Mayor Huckstep made the required announcement upon returning to the open meeting.

## **APPROVAL OF AGENDA**

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

## **CONSENT AGENDA**

- 1) Approval of January 5, 2015 Regular Town Council Meeting Minutes.**
- 2) Resolution No. 2, Series 2015 - Resolutions of the Crested Butte Town Council Approving the Final Plat of Redwell Townhouses, Town of Crested Butte, State of Colorado.**
- 3) Approval of Crested Butte Arts Festival Special Event Application and Special Event Liquor Permit on Elk Avenue for July 31 – August 2, 2015.**
- 4) Authorization of Town Manager to Sign a Letter to the Forest Service Requesting Participating Agency Designation for the Town Relevant to the U.S. Energy Corp.'s Plan of Operations for its Proposed Mt. Emmons Hydrological Monitoring and Drilling Program.**
- 5) Authorization of the Mayor to Execute an Engagement Letter with Bryan Cave LLP to Serve as Special Legal Counsel to the Town in Regards to the Possible Clean-up of the Old Town Landfill in Connection with the Proposed Slate River Addition Annexation Proposal.**

Berkshire moved and Schmidt seconded a motion to approve the Consent Agenda, with the removal of #3 and #5, and placing those items under New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **PUBLIC COMMENT**

Maureen Hall – 9 Moon Ridge Lane

- Wanted to confirm the Council received her email pertaining to elk migration. Huckstep said her letter was in the packets for the last meeting. Michel commented she included an effective photograph in her email.
- Said it was her #1 priority. She lives north of the proposed annexation, and she sees elk struggle to clear the existing fences.

## **STAFF UPDATES**

Michael Yerman

- Mentioned DOLA was in Town to discuss funding for Blocks 79 and 80.
- He felt Town was in the middle in terms of the chances of obtaining funding.
- Said they would know in next couple of weeks if Town received funding.
- Said partial funding was a possibility, too.

Rodney Due

- The state had concern for the modifications for Segment 12.
- Last September, the state wanted to know where Town stood, so Town will again have party status and someone will be attending meetings.

Janna Hansen

- Said the second work session for the Big Mine Master Plan was very successful, and 42 skateboarders were in attendance.
- Reported successful information gathering with a variety of user groups.

Yerman reminded the Council of the Creative District meeting at 6PM on Thursday at the Center for the Arts.

Lynelle Stanford

- Stated that there were three applications for upcoming special events for July and September that should be on future agendas.

Todd Crossett

- Said the senior staff retreat was successful. They discussed ways they could be more effective as a team.
- The election issue would be discussed under Legal Matters.
- CAST is this week, on Thursday and Friday.
- Kudos to Shea Earley for taking the lead to achieve 100% composting at the wastewater plant.

## **NEW BUSINESS**

### **1) Appointment of a Town Representative to the Selection Committee for the TA (Tourism Association) Board.**

Crossett referred to an email from the City of Gunnison that was brought to their Council. He explained that municipalities did not hold seats on the TA Board, and Gunnison would like an actual seat on the board. Crossett said that municipalities weighed in on the strategic planning that happened every year. He stated they requested that he ask Town Council of Crested Butte if they would like to be included in a letter requesting a seat on the TA Board. Huckstep preferred to let the situation play out. He said Town could participate by appointing someone to assist in the selection process. Schmidt had various questions about the selection committee such as: How long are board members appointed for? Could they be removed? Who could remove a board member? Ladoulis explained they were spelled out in their bylaws. He believed there were three-year terms. Huckstep reminded the Council they were discussing the selection committee only. Crossett said they needed some way to weigh in, which went back to the strategic plan. Huckstep volunteered to serve on the selection committee. After a short discussion, the Council decided to appoint Ladoulis.

Michel moved and Schmidt seconded a motion to appoint Chris Ladoulis to the Selection Committee for the TA Board. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Resolution No. 3, Series 2015 - Resolutions of the Crested Butte Town Council Approving the Concept Annexation Request of Cypress Foothills, LP with Conditions thereon Pursuant to Section 15-1-50 of the Crested Butte Municipal Code.**

Huckstep asked anyone present at the meeting if they would like to provide input on the proposed annexation.

Molly Murfee – 124 ½ Maroon

- Read through the annexation proposal and had comments in a couple major areas.
- Affordable housing – Applicant has put forth the proper amount of affordable housing allotments. She was an affordable housing candidate who watched it very closely. She wanted to encourage a lot of variety and options. She asked that they provided rentals as well as lots, including self help builds and duplexes.
- She would not want to see the developer construct all of the affordable units. She wanted to have some say in what her house might look like.
- In the building of the annexation, in particular to affordable housing, she encouraged green building and energy efficient techniques that would help the residents. She wanted Crested Butte to stay on a forward path about energy use.
- Environmental concerns – She appreciated the open space allotted. She encouraged open space requirements be adhered to.
- She asked that they be sensitive to the 100-foot mandatory wetland corridor. Regarding the 25-foot buffer required in lower quality wetlands, she felt that giving a smaller corridor would not help if they had been compromised.
- Stated the Slate River Wetlands were the most pristine wetlands in the state.
- Concerned about water capacity and the ability to provide for an extra development.
- Asked them to pay special attention to the wastewater treatment plant.
- Told them to recognize that as Town grows, they always need to pay attention to what's happening to the back county. Needed to actively address and have strategies behind it.
- Would like local carpenters and local workers used for any part possible in the annexation process.

Huckstep opened to Council discussion. Schmidt voiced concern of framing Poverty Gulch with two snow storage areas, and he asked if snow storage was another item on public property they needed to meet the snow storage requirements of the annexation. He wondered if the piece on 8<sup>th</sup> and Butte was needed for them to meet their snow storage requirements. Yerman said his gut told him the areas they proposed for snow storage were not sufficient. He also reminded the Council that Town was losing some areas, including the public works yard, that were part of snow removal operations. Yerman

continued that there were requirements for snow storage, and they probably needed more space than what was proposed. Huckstep summarized there were two concerns: 1) Bracketing Poverty Gulch in snow storage was not the thing to do. 2) They thought the Applicants needed snow storage on their own property. Cameron Aderhold, Vice President of Cypress Equities, said they were aware of the requirement.

Berkshire questioned in the resolution the section that read: "Commercial Uses: All commercial uses shall be located to the south of the alley between Road A and Road B." Yerman said the discussion they were recapping was the spot that was now identified as the fire hall. If the Fire District wanted the parcel south, the parcels could be flip flopped. Berkshire had an issue with the commercial creeping up Gothic Road. The way it was depicted on the map was how he understood it and how he's okay with it. Ladoulis said there could be unintended consequences with the location of the fire hall, and he wondered if they would have to revisit the resolution. Yerman reminded them there were no entitlements at this point. Marcus Lock, attorney for the applicant who appeared via Skype, said the point he wanted to make was that approvals they made were to be consistent with the resolution. He said, if they limited commercial south of Road A they were not precluding themselves from restricting commercial further south. Gillie mentioned he spoke to Mike Miller with the Fire District, and Miller indicated their board was interested in being located further north. Gillie said more discussion needed to happen.

Schmidt questioned what the next step was. Yerman answered the pre-annexation agreement was next. Belkin said the earliest it would be completed was in March. He felt the issue was how quickly the applicant wanted to work through the issue of the dump. Lock agreed it would take time.

Mason moved and Berkshire seconded a motion to approve Resolution No. 3, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Approval of Crested Butte Arts Festival Special Event Application and Special Event Liquor Permit on Elk Avenue for July 31 – August 2, 2015.**

Schmidt clarified the reason he asked to pull this agenda item off Consent Agenda was because the Arts Festival required the biggest use of Elk Avenue and side streets all summer, and the most important topic in the work session was talking about special events in general. He asked the event organizers, Juliette Eymere and Annie Tunkey, if they had used 5<sup>th</sup> Street in past festivals. They answered, "Yes." Schmidt said he had no particular problem, but Council had been criticized before about shutting down streets. Crossett added that one of the challenges that was overcome was the World Cup of the Big Mountain Enduro mountain biking race series coming to Town the same weekend, and they came up with a way to share Town. Schmidt asked where Big Mountain Enduro would be located. Crossett answered they would be at Town Park. There was no public comment.

Schmidt moved and Michel seconded a motion to approve the Crested Butte Arts Festival Special Event Application and Special Event Liquor Permit. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Authorization of the Mayor to Execute an Engagement Letter with Bryan Cave LLP to Serve as Special Legal Counsel to the Town in Regards to the Possible Clean-up of the Old Town Landfill in Connection with the Proposed Slate River Addition Annexation Proposal.**

It struck Berkshire, that if it were not for Belkin's recommendation, he wouldn't have picked this attorney (Colin Harris – Partner at Bryan Cave LLP). Berkshire said the attorney's experience was with fracking and high-ticket oil and gas. Belkin said he represented the Town in 2009, and he gave pretty important advice on the dump. He came highly recommended. He said they needed a lawyer who has litigated under federal law and understood Town's exposure. Berkshire countered that he did not have dump experience on his resume, but he would defer to Belkin's recommendation. Belkin said he gave good advice in the past. Belkin said, with the significant issue of the dump, he also recommended that they hired a consultant to help with the VCUP process. Huckstep shared Berkshire's concern. He said it was troubling looking at the VCUP and said Town may need some help in that realm. He felt there were alternative ways to move forward. Belkin reiterated he was comfortable. Mark Reaman, Editor of the Crested Butte News, confirmed the applicant would be paying for the lawyer and consultant. Belkin told the Council if they were not satisfied, they could get someone else. Huckstep's concern was they were highly focused in the industry. Belkin said there was not an industry; it was a landfill.

Mason moved and Schmidt seconded a motion to authorize the mayor to execute an engagement letter with Bryan Cave LLP to serve as special legal counsel to the Town in regards to the possible clean up of the old Town landfill in connection with the proposed Slate River Addition Annexation Proposal. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**LEGAL MATTERS**

Crossett reported on the election situation that was raised by Michel and that staff has subsequently collected information to offer a sound recommendation. They have talked to CML and to the attorneys referred by CML who have experience in elections. He emphasized that they did not want to make accusations. There were nuances in election law in Colorado, and he did want to start pointing fingers. The County was the vendor to run the election, but ultimately it was Town's election. Crossett said they wanted to instill confidence that voter rolls were as accurate as they could be. Town needed to develop processes collaboratively with the County. Schmidt was troubled with the time that had been spent. He did not want to spend additional money on attorneys. He said things happened when people moved back and forth. He didn't think people's #1 priority was notifying the County when they moved. He felt that mail-in ballots have made it easy to rip off a person, just like on the Internet or Face Book, which was one of the

problems he saw with mail in ballots. He emphasized that he did not want to spend a whole bunch of money. Belkin said given what went on, it was prudent to consult a lawyer. At this point, staff has done the right things. He suggested the clerks communicate, purge the rolls, and come up with a plan. Crossett said it was important to develop a plan with the County. The County indicated that changes in election law made it all that much more difficult given unique circumstances. Crossett said there was no blame to cast, and they didn't need to look for a difficult solution. He wanted to do what made sense. But, staff couldn't make a recommendation without knowing the landscape. He reminded the Council they had the option to not go with the recommendation and to drop it. Belkin strongly advised they followed the recommendation. Huckstep said they didn't even know if there was a problem, or if it was a one page process or a five page process. He was concerned about the time and money spent so far. Huckstep said they wanted to make sure the voter rolls were as accurate as possible. Crossett was not comfortable enunciating a plan without talking to the County. Ladoulis felt the standard for the roll that was mentioned could be cost prohibitive. Belkin summarized: 1) Council should communicate with the clerk's office. 2) Clerks would check elector rolls and determine the process to check them. 3) Come up with a written process. Huckstep said Town should not be spending a lot of time and money. He felt they were not talking about black and white issues. Belkin said it was about how best to identify people voting in Town. He said that the clerks should communicate on the topic and come up with a process. It was an administrative function to come up with curative actions. If state law created the problem, then Town could report to the Secretary of State, but he thought it was an administrative process. He said this process affected what could happen with the Council. Michel disagreed with Schmidt and Huckstep and said they were sitting there because of the people who voted for the elected body. He also cited a question of missing out on revenue for the Town. Huckstep countered that they would spend money quickly chasing down sales tax on cars. He was weighing potential outcomes. Michel said they knew there were more registered voters than eligible voters. Ladoulis did not want to see the Council jump to conclusions. Michel said it was important to fight for the people of Crested Butte. Berkshire thought what Belkin said was the right thing: let staff do it and come back with the answer. Crossett assured the Council that staff would come back to the Council, if the price became unreasonable. He said there were three categories of potential people with whom there was concern: 1) Those who don't look like they qualify but they do. 2) Those who did not think to change their registrations. 3) Those who intended to commit fraud. Mason added there was also a group that was deceased. Belkin felt staff had done a good job up to this point. He felt they didn't need a bunch of lawyers, and he didn't see any of this as a big spend. Mason was okay with the recommendations, but he wanted to see a plan of action before making the move down the road. He asked to see the plan at the next meeting. Schmidt would rather not vote on the recommendation, but he would rather vote on the plan of action at the next meeting. Communication between clerks should be able to work it out. Michel said to let staff do staff's job. He felt it should be done administratively and not done politically. Huckstep said that if it were a simple process it would be in front of them. Huckstep said they wanted to understand what it looked like. Belkin was hearing that they wanted to understand the process and to direct staff on process. Berkshire thought Town ought to do it and tell Council when it was fixed. Belkin explained they were discussing two

concepts: come back and approve process before moving forward, or come back and tell Council it was fixed. Schmidt said he didn't understand why they already spent money on outside attorneys in Denver. Belkin said they wanted to be comfortable giving Council good advice, and they tried to give them the process in good faith. Mason agreed they made the right choices. He said if someone contested an election the steps they have taken would be defensible. He was thinking down the road in future elections. Huckstep thought the way that everything unfolded created concern in playing catch up. Crossett asked the Council if staff was going with Berkshire or Schmidt's model. Michel, Mason, and Ladoulis agreed with Berkshire's model, but Ladoulis specified he wanted to know if staff was "going down the rabbit hole." Huckstep felt maybe they already went down the rabbit hole. Huckstep asked if Schmidt was comfortable. Mason said that sending out postcards to notify was a really good first step. Belkin said they could come up with something that made good sense, that did not cost \$50,000, or that sent staff down a rabbit hole. Schmidt was okay to spend \$1000 to put out postcards. Huckstep agreed with Schmidt, and his concern was he did not want to be caught off guard. Berkshire said it was out of left field, and he wanted to make sure Town was on solid ground. He trusted staff did not do anything out of a burning desire to waste money. He said there was a legitimate need and thought put into it.

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

#### Skip Berkshire

- Attended the West Elk Scenic Byways meeting in Montrose.
- They are involved in different aspects along the byway.
- They are particularly concerned about the oil and gas development in Carbondale and how they should weigh in regarding the BLM.
- They will meet in Crested Butte on July 17.

#### Roland Mason

- Mountain Express applied for bus grants and was awarded three busses (two large busses and one small bus). Remarked that in the past few years, they have received about six busses. Said things were looking good on the bus scene.
- They discussed coming up with a proposal of how to get rid of old busses. The Fire District said they would like to use an old bus for training purposes. Also, they felt that there could be communities that could use a bus.
- Michel talked to the transit manager about removing busses. The transit manager wanted to retain busses because the new ones don't always work perfectly and have to be sent back on warranty.
- Mason stated they carried a lot of people, including about 9700 passengers, on December 31. 2004 was last time they saw that number.
- They carried 65,000 passengers last year during the holiday season and 73,000 passengers during the holiday season this year.
- The CB South bus transported 1000 passengers in December.
- Michel said that Mountain Express was drafting a letter to the National Forest Service asking if they would cooperate to provide bus service to Judd Falls.

Mountain Express would need a turn around for busses, parking, and parking enforcement.

#### Chris Ladoulis

- Attended the last TA meeting.
- John Norton will serve as Executive Director through March 31.
- Said the last two meetings were forward looking and results oriented.

#### Glenn Michel

- Spoke to the CBCS accountability committee about marijuana regulations.
- He was asked how the proposed annexation would affect the school district. He said that Yerman was going to speak to accountability committee.
- Mentioned concern that the current school is close to full.
- Said that Yerman had contacted Russ Forrest to get them on track to work with the annexation process.
- Schmidt wondered if their assumption with the annexation was: "if they build it, they will come." He asked if they assumed there would be more people. Michel answered that they just wanted to know the process and be informed.
- Attended Big Mine Park Master Planning. Said he could see their passion with the number of skateboarders that were at the last meeting.

#### Jim Schmidt

- Referenced an email sent out by Chief Marshal Tom Martin informing the Council of the presentation of medals to officers involved in the non-shooting incident. Said he planned on being there. Crossett commented that the reason they were doing the presentation in the Marshal's Office was because it was important to recognize and support them in the way they were most comfortable.
- The Cemetery Committee met.
- They discussed reducing the size of lots.
- Talked about a columbarium, but then thought they could take a piece of land and divide it, where people could put in an urn without taking a lot of space.
- Said they discussed using the pauper's burial spot at the cemetery. There was only one person buried there in the past 30 years or so. The suggestion was to take some of that land, and set up in 4'x4' or 5'x5' spaces where people could locate an urn. No one on the Council thought this idea was unreasonable.

#### Aaron Huckstep

- Attended the RTA Board meeting on January 9.
- The TA is working with the RTA to market flights coming into the valley in March.
- Mayor/Manager meeting was last Thursday.
- The Upper Gunnison will come to Council to talk about the Colorado Water Plan in the near future.

- CAST is Thursday and Friday this week. Particular topics of interest to be discussed include: strategic event planning, the effects of VRBO and Airbnb, and a marijuana panel discussion.
- Last week he sat down with a group that is coming to talk about the Center for the Arts and the Mount Crested Butte Performing Arts Center. They recognize the need for collaboration. Ladoulis was identified as someone they wanted to come into the group because of his expertise as a business owner in addition to his experience on the Music Festival Board. No one on the Council was opposed to the appointment of Ladoulis.
- Schmidt asked if Huckstep had RTA numbers. Schmidt said the late night bus was busy.
- Huckstep said they had 70,000 riders in 2013 and 90,000 riders in 2014.
- Mason said the late night bus took 287 passengers from Gunnison to Crested Butte, which was an average of nine people per bus. The southbound, 11:15PM bus, carried 742 passengers. The bus was running into CB South on the late trip, and he reported 44 people got off.
- Said the ridership from Gunnison was surprising.
- Huckstep said Yerman asked Truex from RTA to support the Town's DOLA grant, and he was quite responsive.
- Mason stated summer air service increased from last year: 15 flights to 37 flights. He confirmed there would be a flight directly from Houston.

Schmidt commented on traffic on December 31 coming down the mountain at 6:15PM. He said vehicles were backed up past Slate River Road, and it had nothing to do with the fireworks.

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

None

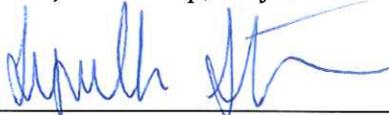
#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, February 2, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- *Tuesday*, February 17, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, March 2, 2015 – 6:00PM Work Session – 7:00PM Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 9:56PM.

  
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Aaron J. Huckstep, Mayor

  
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Lynelle Stanford, Town Clerk

(SEAL)

