

Town of Crested Butte
Regular Town Council Meeting
Minutes
Monday, August 19, 2013
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 8:00 p.m.

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

Staff present: Todd Crossett, Town Manager; John Belkin, Town Attorney; and Shelley Jansen, Town Clerk.

Staff present for part of the meeting: Jake Jones, Parks and Recreation Director; Lois Rozman, Finance Director; Tom Martin, Marshall; Bob Gillie, Building and Zoning Director.

APPROVAL OF AGENDA

Add a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b) to the end of the agenda.

Owen moved and Schmidt seconded to approve the agenda with the addition of a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b) at the end of the meeting.

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

CONSENT AGENDA

1) Approval of Minutes August 6, 2013.

2) Resolution 6, 2013, A Resolution to Coordinate Elections on November 5, 2013.

Schmidt moved and Wirsing seconded to approve the consent agenda

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

PUBLIC COMMENTS

Jennifer Bock, HCCA Water Director

- HCCA and Coal Creek Watershed are monitoring Coal Creek. Samples were taken in April and May and will have a report at the end of the year.
- Bonding for the waste water treatment plant at the mine. HCCA doesn't know if a mine will be built, but they are pressing the Forest Service for an increase to the Bond. Forest Service stated that they will ask for a volunteer bond. It takes 1.4 million a year to operate the plant and the current \$1,000 bond is not appropriate. HCCA currently has 40 businesses from Crested Butte on a petition to support a bond, under the Clean Water Act permitting off of Coal Creek or Slate. Currently US Energy is not able to accommodate feedback by September 15 .
- In the paper last week there was a Gunnison Basin Round Table insert educating about the water in the valley. Huckstep asked about Redwall Basin and Bock is not

sure of the exact current situation. Matuszewicz asked what the bond would be and Bock wasn't sure.

Matthew Kuehlhorn Director of GCSAPP introduced himself and the main focus is educating and prevention for kids in the valley.

STAFF UPDATES

Lois Rozman-

- 2nd Quarter Financials are in your packet.

Bob Gillie-

- BOZAR is still busy reviewing new houses for this year.
- The Scarp Ridge project up in Irwin will be discussed on Friday at 9 a.m. at the County meeting.

Todd Crossett-

- Congrats to Mason about being MVP of the Ball Bash.
- Michel and Crossett are going over to a conference tomorrow in Pueblo.
- Sidewalk surveys are still coming in and there will be brief presentations on the results at the next meeting.
- Deputy Clerk position will be interviewed in the next week.
- CAST will be here on the 29th/30th-Friday morning at the Center for the Arts.

Jake Jones-

- Construction has begun on the trail east of Town. McCormick Ranch road to Tommy V. Field. The Trail will have a cattle guard. Council discussed a cattle guard near Tony's Trail which is on private property is dangerous.

Shelley Jansen-

- 9 Petitions have been picked up and they are due on Monday, August 26th.

Tom Martin-

- Wednesday, August 21st at 10:30 a.m. the new officer will be sworn in.

NEW BUSINESS

1) Ordinance No. 18, Series 2013 – An Ordinance Accepting the Deed of Conservation Easement from the Crested Butte Land Trust Regarding the Real Property Legally Described as Section 20: SE1/4NE1/4 and Section 21: NW1/4NW1/4 and N1/2SW1/4NW1/4, Township 13 South, Range 86 West of the 6th P.M., Gunnison County, Colorado.

Discussion ensued about the ordinance and missing documents. The Team (Johnston, Belkin, Jones, Rozman) agreed to have all documents by the Public Hearing. If the documents are not available the public hearing will be delayed. Johnston stated that the closing day is October 15th.

Matuszewicz moved and Schmidt seconded to set Ordinance No. 18, Series 2013 for public hearing on September 3, 2013 providing that the outstanding documents are in the report.

2) Ordinance No. 19, Series 2013 – An Ordinance Amending Chapter 6, Article 5 of the Crested Butte Municipal Code to Include Regulations for the Permitting of New Businesses that Sell, Manufacture and Test Retail Marijuana and Marijuana Products.

Schmidt stated that the Town should prohibit from advertising within public areas (Mt. Express, Big Mine Ice Arena, ect.). Belkin will do a synopsis on advertising on Marijuana and give it to the Council to review and include it in the e-packet at the next meeting.

Discussion ensued on cultivation facilities within Town limits. County will not make a decision until September 24th or later. Staff would like to see other jurisdictions rule set on cultivation before Crested Butte moves forward.

Huckstep asked the council if there should be someone from the Council to attend the County Commissioner meeting on September 24th. Council agreed to have the Town Manager talk to the County Manager, before the next Commissioners meeting.

Owen stated that there are people that have experience in growing and have mitigated the issues to growing. Owen stated that the Task Force could invite these individuals to give the Task Force the information.

Huckstep asked the council if an excise tax should be imposed. Council did not respond.

“Smoking Dens”. – It was decided to not address this subject at this time as the state regulations seemed to not allow them.

Cultivation in Town –It was decided to allow the prohibition on cultivation that is now in the ordinance to stand for now to allow the County to make a decision with regard to their regulation of cultivation and allow the state to flesh out their rule set. Todd Crossett was directed to contact the County.

Time of operation – It was decided to cut back the time of operation from midnight to 10 p.m.

Advertising – There was some concern about allowing advertising that might be placed in inappropriate location (buses, hockey boards) to appeal to children. John Belkin is to develop a memo on this issue that addresses 1st amendment concerns and the limits of the Town’s authority.

Zone placement – There was discussion regarding having the marijuana sales facilities in the C zone and if they couldn’t be in other zones. The staff was directed to develop a map of possible locations given the setbacks from schools and parks (see attached map).

Number of facilities – There was discussion regarding the number of facilities that could be placed in the C zone, potentially as many as 17 if they are built out to the limits of the code. No action was directed.

Schmidt moved and Owen seconded to set Ordinance No. 19, Series 2013 for public hearing on September 3, 2013.

3) Award of Depot Bid.

Michel recused himself and voluntarily left the room due to a conflict of interest.

Schmidt moved and Wirsing seconded to award the Bid to Kevin Donovan of MB Builders in an amount not to exceed \$160,000.

A roll call vote was taken with all, but Michel (left the room due to a conflict) voting "Yes".

Motion Passed.

4) Award of Recreation Path Boardwalk Extension Bid.

Council asked about the load on the boardwalk and Jones stated the boardwalk will have a 10,000 lb load, not worthy of a snowcat. There will be room in-between the snow fence and the boardwalk for the snowcat, during the winter months for the Nordic trail.

Schmidt moved and Wirsing seconded to award the bid, but not to exceed \$55,000.

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

LEGAL MATTERS

- Working on Marijuana
- Working with Rodney about Right-a-way forms and license agreements.
- Working on other Town forms and will be completed within a couple of months.

EXECUTIVE SESSION

For a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4) (b).

Schmidt moved and Wirsing seconded to go into an executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

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

Council went into executive session at 9:48 p.m. and ended at 11:14 p.m. Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Crossett and Belkin attended. No action was taken.

COUNCIL REPORTS AND COMMITTEE UPDATES

Matuszewicz-

- Dusk to Dawn Golf Tournament this weekend.

Wirsing-

- Leah Morrison is on the Tourism Association and they still have open positions to fill. The TA helped save \$18,000 for the Center for the Arts in marketing costs.

Schmidt-

- Cemetery Committee will meet on September 4th at 9 a.m. A poll was done in regards to the shingle vs. metal roof and the metal roof is moving forward.
- Public Policy forum is on Wednesday and the topic is on Drones.

Owen-

- Deed restricted units are beginning to move. Freeze on section 8 vouchers from the feds, we are down to 34 from 40 plus. There is currently a two year wait for vouchers.
- The rental project is moving forward. Rental project was discussed at the Housing Authority meeting and Owen recused himself due to ex parte information.
- Gunnison Valley Housing Foundation meeting and the Cabin parcel is subdivided by the County. Some of the funds coming into the Foundation will go into the rental project. Wirsing asked about the Affordable Housing committee. Currently that committee does not exist.

Huckstep-

- Mt. Crested Butte is interested in doing the Winter Grant program and has agreed to spend \$7,000.
- Thursday at 4 p.m. there is a work day on the trail extension with Snodgrass.
- Huckstep asked Crossett to send out an e-mail for the CAST dinner/Bike Ride.
- Huckstep has seen an unlicensed OHV.
- Huckstep saw a report that texting is worse than drunk driving.

Mason-

- RTA is waiting to hear about the grant for summer air service. \$175,000 to match the \$350,000 RTA grant needed. It looks like a buyer is looking at the bus for \$3,800.

Huckstep asked if someone will be added to the Housing Authority Board to replace Schmidt. Crossett stated it would be Gillie or Crossett.

Wirsing stated that there has been a push to keep the motorcycles out by Taylor Park and we should be welcoming these tourists into Crested Butte.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

None

DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS COUNCIL MEETING SCHEDULE

Thursday, August 22, 2013-3 p.m.-6 p.m. Retreat

Tuesday, September 3, 2013-6 p.m. Work Session-7 p.m. Regular Council.

Monday, September 16, 2013-6 p.m. Work Session-7 p.m. Regular Council

Monday, September 23, 2013-6 p.m. Special Budget Meeting.

Monday, October 7, 2013-6 p.m. Work Session-7 p.m. Regular Council.

Tuesday, October 15, 2013-6 p.m. Special Budget Meeting

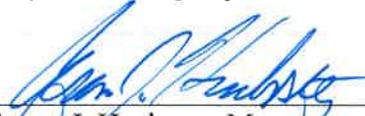
Monday, October 21, 2013-6 p.m. Work Session-7 p.m. Regular Council.

Tuesday, September 3, 2013-6 p.m. Work Session-7 p.m. Regular Council

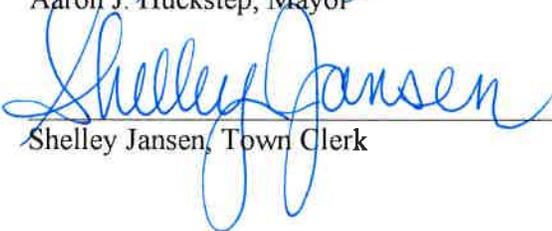
Monday, September 16, 2013-6 p.m. Work Session-7 p.m. Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 11:15 p.m.



Aaron J. Huckstep, Mayor



Shelley Jansen, Town Clerk (SEAL)

