

**Town of Crested Butte  
Minutes  
Regular Town Council Meeting  
Monday, March 4, 2013  
Council Chambers, Crested Butte Town Hall**

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

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

Staff present: Bob Gillie, Acting Town Manager/Building and Zoning Director; John Belkin, Town Attorney; and Shelley Jansen, Town Clerk.

Staff present for part of the meeting: Rodney Due, Public Works Director; Lois Rozman, Finance Director; Tom Martin, Marshall; John Hess, Director of Planning and Community Development and Jake Jones, Parks and Recreation Director.

**APPROVAL OF AGENDA**

- Remove the public hearing item in regards to a special event liquor permit application, due to no written comments submitted for the Paradise Place fundraising event.
- Add an executive session under old business for discussion of a personal matter under C.R.S. Section 24-6-402(2)(f).

Schmidt moved and Wirsing seconded to approve the agenda with the following changes stated above.

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

**CONSENT AGENDA**

- 1) Approval of Minutes, February 19, 2013.
- 2) Resolution No. 3, Series 2013 - A Resolution Accepting as Complete the Project Described in the Loan Agreement between the Colorado Water Resources and Power Development Authority and the Town of Crested Butte and dated February 29, 2012.

Owen moved and Schmidt seconded to approve the consent agenda with changing Resolution No. 3, Series 2013 to Resolution No. 4, Series 2013 and removing Approval of Minutes, February 19, 2013 to New Business.

A roll call vote was taken with all but Matuszewicz voting "Yes." **Motion passed.**

**PUBLIC COMMENTS**

No public comments.

**STAFF UPDATES**

Due-

- Filing testimony on arsenic levels and looking for an exemption for small towns.
- Renewing Forest Service Contract for the pipeline. Project will begin in October.

Gillie-

- Meeting with Ric Ems before March 12, 2013 to settle on the process for the Big Mine Ice Arena.
- The Town has a couple of questions for sidewalk seating and will be discussed during other business.

Hess-

- FEMA has approved the Gunnison County Hazard Mitigation Plan. It will be coming forward to the Town to review.

Jansen-

- Food and Retail Vending Applications are beginning to come in.
- Started a Digital Committee to look at developing a Web and Social Media Policy. Also looking at updating our website.
- Schmidt asked about Cemetery Committee. Jansen stated that it is on the list of items to begin putting together this spring.

Jones-

- GOCO Grant for the Tennis Courts has been submitted and total project cost is \$276,000.
- 3 out of 5 Crested Butte Hockey league teams will go to play offs.
- Town league is coming to a close on the 7<sup>th</sup> of March.

Martin

- Big Air on Elk this weekend.
- Thursday, March 21, 2013, the CB School System will have a Table Top and Saturday, March 23, 2013 will be an active shooter training exercise in the school. Area will be isolated and traffic will flow.

Rozman-

- Diner is out with a wrist injury.
- Mike Scott, Paramedic Director trained the staff on an AED and it will be installed in Town Hall.
- January sales tax is up 10% and businesses are using the new reporting tax form.
- Huckstep congratulated the staff for being diligent on being below budgets for 2012.

## **PUBLIC HEARINGS**

None

## **NEW BUSINESS**

1) Report from the Land Transfer Excise Tax Committee Regarding Amending the Town's Land Transfer Excise Tax to Include Certain Conditions to the Exemption of Deeds in Lieu of Foreclosure from the Tax.

Discussion ensued about the four bullet points under recommendations from the committee.

1. Characterization of the note holder (what type of entity is holding the note, what length of the time have they held the note).
2. Default affidavit (proof there is an event of default on a note/loan secured by the property).
3. Additional consideration affidavit (proof there was no other money or other valuable consideration which has changed hands between the parties of the transaction)
4. For deed-in-lieu transactions that do not meet the qualifications above, they are given 2 years, or reasonable extension thereof, to sell the property received in the deed-in-lieu transaction. If

the property is not sold the transaction is considered taxable. A lien would be filed on the property at the time of the deed-in-lieu transaction.

Council agrees to accept the four bullets.

Michel asked what the cost to the Town for a lien. Rozman responded some hundreds of dollars.

Huckstep discussed the deed in lieu of foreclosure. Currently the Code exempts foreclosures and Huckstep asked the Council what we should do. The Council agreed to move forward with the Committees recommendations and directed the Town Attorney to make the above adjustments in the Ordinance.

2) Ordinance No. 6, Series 2013 – An Ordinance Amending Appendix A, Chapter 16 of the Crested Butte Municipal Code to Update the Fees In Lieu of Providing Resident Occupied Affordable Housing.

Hess stated that the question has been asked if we should be using the current year only to set ROAH or should we utilize another method. Hess described another method may be looking at a 3 or 5 year averages.

Council agreed and directed Hess to look at using a 3 or 5 year average.

3) Discussion of Amendments to Payment In Lieu of Parking Regulations.  
Discussion ensued about the amendment changes.

Council directed Attorney Belkin to prepare an ordinance to incorporate the Town as a priority lien holder in a foreclosure situation, prime plus 3% for an interest rate and add additional clarifying language in number 5 and 13.

4) Direction Regarding 2013 Spring Service Grant Cycle.

Council agreed to set applications available April 1 and a deadline of May 15, 2013.

Council agreed to strike the priority part and only new programs will be considered.

Matuszewicz stated he would still like to be on the committee and will take himself off if it becomes a conflict of interest and David K. Owen would be the alternate if Matuszewicz comes off.

5) Minutes of February 19, 2013.

Modify typos and under item 2) of New Business, provide more clarification of what the direction was to the Town Attorney.

Matuszewicz moved and Mason seconded to approve the Minutes with the following changes stated above.

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

**OLD BUSINESS**

## **EXECUTIVE SESSION**

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f).

Schmidt moved and Wirsing seconded for an executive session.

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

Review and Possible Action on Recommendation from the Human Resources Subcommittee re: Town Manager Position (continued from February 19, 2013).

Council went into Executive Session at 8:30 p.m. and ended at 9:33 p.m. Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Gillie, Rozman and Belkin were present and no action was taken.

## **LEGAL MATTERS**

Request for 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) after discussion to schedule future work session topics.

Council agreed.

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Wirsing-

- Chamber breakfast is scheduled for tomorrow at the Mt. Square, 8:30 -10:00 a.m.

Owen-

- Sub-Committee meeting for the Housing Authority-Karl Fulmer, Executive Director shared that there is a group interested in pursuing an affordable rental housing project in Crested Butte.

Mason-

- RTA meeting on Friday.
- Joined the Living Journeys board.

Huckstep-Aaron Blunck is ranked as 6<sup>th</sup> in World Championships.

- March 11<sup>th</sup> Food and wine kick off at 9380 in Mt. Crested Butte at 4 p.m.
- Drafting a letter to submit to Arbor Day.
- Requested to be updated when feedback comes in from Bozar.

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

- Wirsing would like to discuss earmarking the revenues from ATMOS Energy to Parks and Recreation. Rozman confirmed that the ATMOS funds won't come into the Town until January 2014.
- Sidewalk Seating-Council agreed to add rigid top rails, no umbrellas, and no advertising plates on the fence.
- Request was made to add a table skirt to the Council board room table.

## **DISCUSSION TO SCHEDULE FUTURE WORK SESSION TOPICS**

- Request was made to discuss Parks and Recreation Funding in April.
- Request was made to discuss the Farmer's Market requirements.

## 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).

Wirsing moved and Schmidt seconded for an executive session.

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

Council went into Executive Session at 10:05 p.m. and ended at 10:37 p.m. Mason, Owen, Matuszewicz, Huckstep, Wirsing, Michel, Schmidt, Gillie and Belkin were present and no action was taken.

## COUNCIL MEETING SCHEDULE

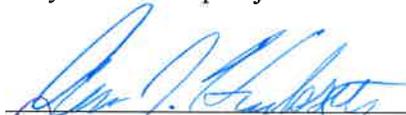
- Monday, March 18, 2013-6 p.m. Work Session-7 p.m. Regular Council Meeting.
- Monday, April 1, 2013-6 p.m. Work Session-7 p.m. Regular Council Meeting
- Monday, April 8, 2013-Special Meeting-Public Hearing-Ordinance No. 4, Series 2013.

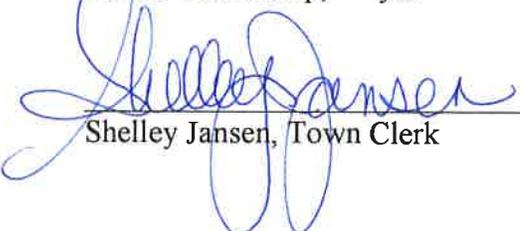
## MANAGER SEARCH SCHEDULE

- Monday, March 4, 2013-Selection of Candidates for Second Round\_ Interviews
- Monday, March 4-15, 2013-Conduct Second Round Interviews
- Monday, March 18-22, 2013-Select Finalists
- Tuesday, April 2-6, 2013-Final Interviews and Community Meetings
- Monday, April 15, 2013-Set a Date for an Offer to the Top Candidate

## ADJOURNMENT

Mayor Huckstep adjourned the meeting at 10:37 p.m.

  
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Aaron J. Huckstep, Mayor

  
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Shelley Jansen, Town Clerk

