

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, May 4, 2020

Mayor Schmidt called the meeting to order at 5:31PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Mona Merrill

Staff Present: Town Attorneys Barbara Green and John Sullivan and Town Manager Dara MacDonald

Chief Marshal Mike Reily, Public Works Director Shea Earley, Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, Community Development Director Troy Russ, and Parks and Recreation Director Janna Hansen (for part of the meeting)

Everyone connected and participated in the meeting via Zoom, and MacDonald and Stanford were present in Council Chambers.

EXECUTIVE SESSION

Schmidt read the reason for 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).

Mitchell moved and Haver seconded a motion to go into Executive Session. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

The Council went into Executive Session at 5:33PM. The Council returned to open meeting at 6:01PM. Mayor Schmidt made the required announcement upon returning to open meeting. Mayor Schmidt began the work session at 6:05PM, and the regular meeting resumed at 6:35PM.

Schmidt laid out the ground rules including an explanation of the chat and hand raise functions. He briefly outlined the agenda. Schmidt took a roll call of Council members.

APPROVAL OF AGENDA

Mitchell moved and Haver seconded a motion to approve the agenda as presented. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

CONSENT AGENDA

- 1) April 20, 2020 Regular Town Council Meeting Minutes.
- 2) April 27, 2020 Special Town Council Meeting Minutes.

3) North Village Comment Letter.

4) Crested Butte Farmers Market Special Event Application Closing the 100 Block of Elk Avenue on Sundays Beginning May 31st through September 6th and September 13th through October 11th, 2020.

Dujardin suggested a brief discussion on the North Village Comment Letter. The letter was removed from the Consent Agenda (#3) and added to the end of New Business.

Magner moved and Dujardin seconded a motion to approve the Consent Agenda with the movement of the North Village Comment Letter to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

INTRODUCTION OF COMMUNITY DEVELOPMENT DIRECTOR TROY RUSS

MacDonald introduced Troy Russ, who was on Zoom. Russ was excited to be a part of the meeting and the Town of Crested Butte. He reviewed his background, personal and professional. MacDonald described Russ's focus, as he would be transitioning, in response to Dujardin.

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt referred to the Manager's Report.
- MacDonald asked for questions, and Schmidt asked whether Russ would be in charge of affordable housing.
- Schmidt thought there were quite a few broken water lines. Earley explained the reasoning.
- Schmidt asked Reily about people's cooperation regarding social distancing and wearing masks on Elk Avenue.
- Haver thanked Jeff Little for his service.
- Schmidt confirmed both that the Pirate Park was not open and the idea behind the organization of Town Clean-up.
- Haver brought up the Thursday Farmers Market. The organizer proposed to use the Zero Block of Elk Avenue. Schmidt preferred to keep the market in Crank's Plaza. Mitchell knew people in the Zero Block that would not be psyched; she thought it was unfair to the Zero Block. Dujardin suggested the 3rd Street north side parking spaces be used. He acknowledged Crank's Plaza was pretty good.

OLD BUSINESS

1) Updated Financial Forecast and Discussion.

Zillioux estimated that Town would be plus or minus \$2M short on revenue. Recovery would depend on July, August, and September. RETT was very good for the first three months of the year, but Town had not received any RETT funds since April 1st. Next, Zillioux described the small business grant program as highly successful. The funds were exhausted after 2 ½ days. There were 42 total grants and 57 requests. Magner asked whether there was further demand. Zillioux anticipated 10 to 15 additional requests. MacDonald recognized Zillioux's work.

The Council discussed additional funding for grants from the Town. MacDonald asked Zillioux to specify a proposed amount. He identified Town could provide an additional \$25K for the small business grant program. Council members voiced agreement. Dujardin recommended they plan for potential need in June. Haver recused himself from the discussion (and voting) as a business owner. Schmidt read comments from chat, including comments from Kent Cowherd. The discussion became focused on potential donors and alternative fund raising ideas. Zillioux recommended asking for a public match concept. Candice Bradley recused herself, too.

Dujardin moved and Merrill seconded a motion to put \$25K more into the small business grant program and put up another \$25K for matching. A roll call vote was taken with all voting, "Yes," except Haver and Bradley had recused themselves and did not vote.

Motion passed unanimously.

Schmidt brought up the question on relief for STR licensees. Zillioux stated there had not been an overwhelming demand, but the idea came forward at the last meeting. Zillioux preferred to see how things would go in June and July. Haver questioned whether Town would refund for business licenses, too. MacDonald recommended revisiting regarding STR fees in a few months. The Council agreed. Dujardin preferred to discuss within a month. Zillioux would add the conversation to his financial review in June.

2) Discussion on Potential Summer Expansion of Business Footprints Along Elk Avenue to Encourage Social Distancing and Commerce.

Mel Yemma reviewed the potential summer expansion of business footprints along Elk Avenue. She identified the goal of more space to spread out. The point was not to create a festival atmosphere. Yemma would present five scenarios. Considerations were expanding business opportunity/space, parking impacts, congestion, and costs. Yemma listed the five scenarios: 1) keeping the status quo; 2) Elk Avenue as a one-way with loading zones for deliveries (no parking); 3) Elk Avenue as a one-way with some ten minute parking zones near restaurants for to go pick up; 4) Third Street closure; and 5) Elk Avenue as a one way from 4th Street to 2nd Street. Yemma listed and explained pro and cons with each scenario. Yemma summarized that Staff would recommend scenario #2, Elk Avenue as a one-way with loading zones for deliveries (no parking), with the caveat that it could be taken down. If not scenario #2, then Staff recommended status quo.

Ashley UpChurch reported on the responses from the survey put out by The Chamber. 68% of respondents were in favor of closing Elk Avenue. She reviewed the questions in the survey and broke down the yes and no percentages for each one. Magner questioned who the respondents were. Russ weighed in on the closure from a planning perspective.

Haver proposed the idea of using the brick paver space. Magner did not feel parking and traffic would be big issues. She thought Town should have the courage to try something that could save the town. Merrill questioned timelines for different scenarios, including Haver's idea. Mitchell supported Haver's idea or scenario #2 or #3. Dujardin liked a combination of #5 and #3, with more parking on Elk. He was concerned their efforts could do more harm than good. Bradley liked Haver's idea, and it could be pulled back with no expenditure to Town. Merrill thought Haver's idea of something sooner rather than later was important. She liked scenario #3. Schmidt favored the use of the pavers. He agreed that the people against closing Elk were strongly against it. He would hate to hear that the Town made the situation worse. Mitchell noted it would not be set in stone, and the plan could be abandoned. Russ recapped his opinion from the planning perspective. He recognized there were strong benefits to spreading out businesses on the street. MacDonald pointed out the paver space might not be a comfortable space to dine, right next to vehicles parking.

Schmidt read comments from the public in the chat, including comments from Travis Underwood, Kathy Norgard, Laird Cagan, Cowherd, Priscila Palhava, Mike Knoll, Douglas Dodd, Bob Goettge, James Utt, and Kyleena Falzone. MacDonald read questions in chat from the Valley Housing Fund and Underwood. Falzone asked to speak. UpChurch reported on percentages of responses to The Chamber's survey. Schmidt read additional comments in chat from Palhava, Richard Machemehl, Falzone, and Erica Woodward.

Schmidt reiterated that he had a problem with closing Elk Avenue. Magner was in favor of scenario #2 or #3. MacDonald read a comment from Shelley Popke in chat.

Laird Cagan - Reported to live in Larkspur

- He was in favor of some type of closure of Elk Avenue.
- He proposed ideas for parking.
- He liked the idea of outdoor dining.

Schmidt read comments in chat from Darcie Perkins, Kim Raines, and Palhava.

Kyleena Falzone

- She was for using the pavers until she heard about the parking next to people dining.
- Closing parking would be a better option for dining.
- She suggested ideas for parking.
- Dining on Elk was needed.

Schmidt read comments from Underwood, Palhava, and Knoll.

Schmidt asked how the Council wanted to move forward. MacDonald reported on potential seating and that the Town's picnic tables would be used, responding to Haver. Town could look into rentals for additional tables. Haver returned to the idea of allowing the use of the pavers. He was hesitant to close Elk Avenue. Schmidt read comments from Elena Theros at Casa Bella, Woodward, and Sasa Watt. Schmidt was generally in agreement with Haver. Merrill liked the idea of spreading the restaurants out. Also, she wanted to meet with business owners. Schmidt read a comment from Popke. Magner said this was a way to protect the physical and economic health of the community. Magner recommended the Council make a decision.

Dujardin had a problem with the number of businesses that were opposed. It felt like they were creating more problems. He did not support any of the options unless there was a combination of scenario #5 and #3. Mitchell agreed with Dujardin that it was forced and rushed, but she still supported scenario #2 or #3. She also liked Haver's idea. Schmidt read comments from Dodd and Jim Starr. Schmidt began to summarize Council members' thoughts. Merrill was in favor of any scenario that would provide more spacing. Schmidt read more comments from chat. Bradley liked the paver idea and expanding outdoor seating for restaurants. She liked the immediate response from businesses regarding the use of the pavers. She did not know what package she preferred. Magner referred to a comment in chat from Perkins. Merrill asked about closing 3rd Street, and MacDonald voiced concern about creating a gathering point. Schmidt read more comments from chat. Haver proposed using the pavers, again, as step #1. Step #2 would be looking at a one way with storeowners calling out what would be in front of their stores. MacDonald said Staff needed direction tonight if the Council wanted Elk Avenue to be a one-way. She outlined the costs for signage. Merrill proposed starting with using the pavers and move ahead with Elk as a one-way as a tool in the toolbox if restrictions were not lifted. Haver was not big on closing Elk, but it was worth it to spend money on signs and allowing business owners a say to what was in front of them. Schmidt counted three Council members for scenario #1 (status quo), but with allowing the use of the pavers.

Haver moved and Bradley seconded a motion to approve using the pavers immediately. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Haver moved and Magner seconded a motion to make Elk a one-way and to allow businesses input on what is in front of their shops. A roll call vote was taken with all voting, "Yes," except Schmidt voted, "No." **Motion passed.**

NEW BUSINESS

1) Ordinance No. 9, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Annexing Slate River Major Subdivision.

Schmidt read the title of the ordinance. MacDonald provided background on the annexation. The ordinance would adopt the annexation agreement. She highlighted key terms in the agreement.

Magner moved and Dujardin seconded a motion to set Ordinance No. 9, Series 2020 for public hearing on May 18th. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Ordinance No. 13, Series 2020 - An Ordinance of the Crested Butte Town Council Approving a Subdivision Improvements Agreement with Cypress LP for Tracts 1 – 6 of the Slate River Subdivision and Other Improvements within the Slate River Annexation.

Schmidt read the title of the ordinance. MacDonald reported on main points of the ordinance. The agreement focused on the remaining improvements that would be done to develop the six lots on this side of the river.

Haver moved and Mitchell seconded a motion to set Ordinance No. 13, Series 2020 for public hearing on May 18th. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 14, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Chamber of Commerce Visitors Center Located at 601 Elk Avenue to the Crested Butte / Mt. Crested Butte Chamber of Commerce.

MacDonald confirmed there were no substantive changes from the current lease.

There was discussion on whether Magner should recuse herself as an ex officio member of the board. Magner recused herself from the discussion and voting.

Haver moved and Dujardin seconded a motion to set Ordinance No. 14, Series 2020 for public hearing at the May 18th meeting. A roll call vote was taken with all voting, “Yes,” except for Magner, who recused herself and did not vote. **Motion passed unanimously.**

4) Ordinance No. 15, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Partial Release of the Town’s Option to Repurchase Townhouse Units Constructed on Block 79, Lots 4, 10, and 11 and Block 78, Lot 6, in the Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado.

Schmidt read the title of the ordinance. Schmidt understood the properties were ready to go. MacDonald confirmed closings were scheduled to begin the last week in May. Town had the option to purchase back the units in case of default, and the option needed to be lifted prior to closing.

Dujardin moved and Mitchell seconded a motion to set Ordinance No. 15, Series 2020 to public hearing on May 18th. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) Consideration of Town Manager's Proposed Order Requiring the Use of Masks by All Persons Interacting with People Outside of Their Household.

Schmidt acknowledged there was an amazing amount of email, both in favor and opposition. He mentioned towns that had passed ordinances requiring masks. Specifically, the Council was considering a public order that would require people to wear masks while entering public buildings and in a public places that safe social distancing could not be maintained. He listed exceptions.

Merrill suggested they defer to Gunnison County Public Health Director Joni Reynolds and carry on directing people to the health order. Haver recommended staying in line with the County. It was highly important to create a culture of love and respect on this one and safeguard each other. Mitchell agreed with Merrill and Haver about staying in line with the County. Dujardin agreed with what had been said. They could strongly encourage wearing masks. He did not think the Council should mandate. Bradley concurred Town should stay with the County. Magner recognized that masks reduced the spread of the virus. She thought they should keep Town safe by mandating masks. Schmidt would like to go ahead and order masks for the Town to provide and make them generally available along Elk Avenue. Senator Tim Wirth had donated funds that Schmidt would like to use for purchasing masks. Schmidt summarized there was a five to two feeling from the Council of not going with mandatory masks.

Dujardin wanted further discussion on the purchase of masks. Merrill agreed with spending the money on masks. Mitchell agreed. Haver also agreed. Schmidt read comments in chat from the public from Underwood, Palhava, Cowherd, Woodward, Machemehl, UpChurch, and Sophia Komarek. MacDonald asked the Council to specify the amount to allocate to spend in order to acquire masks. Magner identified the problem was not that people did not have masks; they were uncomfortable or did not want to wear them. Schmidt did not want people to have an excuse to not wear a mask into Clark's. Mitchell voiced disagreement with Magner. Mitchell recommended the \$1K that was donated be spent on masks. Dujardin wanted to get the masks here, so people could have them. He was concerned about an enforcement issue, and he was worried about building negative sentiment. Merrill reiterated her support of sticking with the County. Haver suggested the Town match the \$1K. Merrill and Mitchell agreed. There was a question in chat on hand sanitizer. The discussion became focused on what was contained in the business kits provided by the County. MacDonald summarized that Staff had been directed to pursue the purchase of up to \$2K of masks.

Magner moved and Schmidt seconded a motion that they mandate the wearing of masks inside closed spaces and outside where six feet of social distancing cannot be maintained. A roll call vote was taken with Schmidt and Magner voting, "Yes," and Haver, Bradley, Dujardin, Merrill, and Mitchell voting, "No." **Motion failed and did not carry.**

Dujardin supported advocating to Reynolds about the wearing of masks, otherwise he agreed with sticking with the County's health order. Schmidt read comments from chat.

The discussion became focused on whether the County would be instituting a mask mandate and that the Town would be supportive of the County.

6) Resolution No. 14, Series 2020 - A Resolution of the Crested Butte Town Council Amending the Town of Crested Butte's Purchasing Policy.

Schmidt explained the idea behind the policy was to allow Town to give preference to entering into contracts with local people.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 14, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) North Village Comment Letter.

Haver thanked Staff for the comments in the letter. Dujardin agreed. Dujardin drew the Council's attention to traffic impacts, affordable housing, and climate action addressed in the letter. He wanted the sections to be clearer, more specific, and stronger. The Council agreed with changes specified by Dujardin.

Dujardin moved and Bradley seconded a motion to approve the letter with the added revisions. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Candice Bradley

- A lot of the industry sub groups had put together sector plans.

Chris Haver

- The information was coming out from the subgroups.
- He was in a lodging meeting today where they re-clarified what they could do starting on May 15th and then May 27th and then dates thereafter.
- TAPP had put out of state marketing on hold.
- He reported on RTA.
 - Boeing was planning to come in June for helicopter testing.
 - They were encouraging drivers and passengers to wear masks.
 - The airport requested money to help with a position.
 - The airlines were planning for next winter.
 - They were still getting a new CNG bus and were starting construction on the Almont bus stop.

Will Dujardin

- The Upper Gunnison (River Water Conservancy District) meeting was held at the same time as the Council meeting last Monday. He updated from the packet. They were preparing for a drought. Flows into the Mesa were projected to be 71% of normal.

Mallika Magner

- The Valley Housing Fund had two meetings this month. They agreed to give the Housing Authority \$60K to aid with keeping deed restrictions, with the understanding they would consider more.
- The Chamber has been working hard on coordinating with local businesses in their re-opening efforts and on keeping communications going between the County and the businesses.

Laura Mitchell

- Attended the RTA meeting.

Mona Merrill

- STOR had a meeting that was mainly a presentation about changing the Forest Service sites from dispersed to designated camping spots.

Jim Schmidt

- He had been attending the 8:30 and 2:30 Zoom meetings and was keeping up with what was happening at the County.
- He attended Senator Bennett's town halls.
- Other CAST towns were experiencing similar issues.
- They would have mayor/managers on Thursday. Dujardin offered to serve as back up for attending mayor/managers.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Haver asked the Council if they would want Staff to look into a giant order of hand sanitizer to help businesses as they opened. Mitchell suggested hand-washing stations that could be placed around Town. MacDonald affirmed hand-washing stations were on the radar and part of the plan. She would look into pricing and availability.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, May 18, 2020 - 6:00PM Regular Council then Planning Commission
- Monday, June 1, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 15, 2020 - 6:00PM Work Session - 7:00PM Regular Council

Dujardin was in favor of setting a meeting for next Monday. Magner would not be able to attend. No meeting was scheduled.

Schmidt expressed condolences to Dan Escalante's family.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:40PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)