

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, June 15, 2020**

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

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

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

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

**APPROVAL OF AGENDA**

Haver moved and Mitchell 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) **June 1, 2020 Regular Town Council Meeting Minutes.**
- 2) **June 8, 2020 Special Town Council Meeting Minutes.**
- 3) **Certification of Town's Official Zoning Map.**
- 4) **Approving a Letter to the Gunnison Watershed School District Board of Education Regarding Preliminary Site Designs for Expansion at the Crested Butte Community School Campus.**
- 5) **Approval of the Use of Town Property for Modifying the Liquor Licensed Premises of: Tincup Pasty Co, Teocalli Tamale Company, Secret Stash/Red Room, Talk of the Town, McGill's, Elk Avenue Prime, The Last Steep Bar & Grill, Brick Oven Pizzeria, Princess Wine Bar & Western Design Co, The Sunflower, Montanya Distillers, Coal Creek Grill, Kochevars Saloon, Bonez, Public House, The Eldo, Pitas in Paradise, The Dogwood, Marchitelli's Gourmet Noodle Inc, and Paradise Café.**

**6) Amend the Location of the Sunday Farmers Market to Include Both the 100 Block and the 10 Block of Elk Avenue and to Amend the Location of the Artists of Crested Butte Art Market to the 1<sup>st</sup> and Elk Parking Lot.**

Kent Cowherd wanted to discuss the letter to the School Board (item #4) regarding the expansion. The letter was added for discussion to just before Old Business.

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

**PUBLIC COMMENT**

None

**STAFF UPDATES**

- Schmidt referred to the Manager's Report.
- Schmidt acknowledged facemask enforcement mentioned in the update from the Marshals.
- Mitchell brought up an ongoing situation, at 1<sup>st</sup> and Elk, regarding a bench and bike rack, precluding ADA compliance.
- Haver thanked the Parks and Rec team for their work as they were short-staffed. He received questions about trashcans for dog poop.
- Schmidt asked whether a Councilperson would be of assistance in serving on the GCEA Climate Action Coalition. Dujardin was agreeable to participating, but he would defer to Yemma. Yemma would find out if one or both of them should serve on the coalition.
- Schmidt noted additional vehicle charging stations had been installed.
- Hansen updated that Town received the green light from the County for summer programs, such as tennis, baseball, and youth skateboarding. Schmidt was aware of a variance requested by the County to increase group size.
- Dujardin noticed there would be a mural at The Center. He wondered about the artist and the mural. Yemma reported on details.
- Dujardin asked about the next quarterly intergovernmental meeting. Schmidt would contact the Mayor in Gunnison. Haver agreed it would be a good time to meet.

**PUBLIC HEARING**

**1) Ordinance No. 16, Series 2020 - An Ordinance of the Crested Butte Town Council Repealing the Adoption of the 2010 Model Traffic Code and, in its Place, Adopting by Reference the 2020 Edition of the Model Traffic Code for Colorado Municipalities; and Providing Penalties for Violation Thereof.**

Schmidt read the title of the ordinance. Reily stated the ordinance was a clean-up item. He reviewed updates to the Model Traffic Code.

Schmidt confirmed proper public notice was given. He opened the public hearing. There were no comments from the public.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 16, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) New Brew Pub License for Public House LLC DBA Public House Located at 202 Elk Avenue.**

Schmidt confirmed the entity currently held a Hotel and Restaurant license. Schmidt asked Robert Runco, representing both Public House LLC and Belleview Brew House LLC, what their plan was. Runco introduced himself. He informed the Council there were no intended changes to the operations of either Public House or Irwin Beer Company. The purpose of the liquor licenses was to consolidate ownership. Public House would sell to go beer manufactured by Irwin Brewing Company.

Schmidt asked for comments from the public. No one from the public chose to comment.

Mitchell moved and Bradley seconded a motion to approve the new Brew Pub license for Public House LLC DBA Public House. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) New Brew Pub License for Belleview Brew House LLC DBA Irwin Beer Company Located at 326 Belleview Avenue.**

Schmidt read the conditions for approval of the license:

- 1) The retail sale of prepared food and the onsite consumption of food is prohibited.
- 2) The microbrewery associated with the 326 Belleview property is allowed for beer to be brewed for private consumption or sold in kegs or growlers as a retail operation, but public consumption onsite by the general public is prohibited.
- 3) The use of outdoor seating areas is to remain private for staff and clients of the owners, and use is prohibited by the general public without the prior approval of the Board.
- 4) The microbrewery operation will comply with all Building Department measures to ensure odor mitigation is provided and maintained for the use of the 326 Belleview property as a microbrewery.

Schmidt asked about private consumption and whether clients would stay onsite. Runco recognized there were historical conditions on the property, and he stated there were no residents. Runco explained the consumption that would take place on the premises,

related to brewing. MacDonald said the intention was to keep the BOZAR conditions in place. Runco affirmed the applicant was agreeable to the conditions.

Schmidt asked for public comment, and no one from the public commented.

Dujardin moved and Haver seconded a motion to approve the Brew Pub license for Belleview Brew House LLC DBA Irwin Beer Company, located at 326 Belleview Avenue, with the conditions in the packet. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **FROM CONSENT AGENDA**

#### **Approving a Letter to the Gunnison Watershed School District Board of Education Regarding Preliminary Site Designs for Expansion at the Crested Butte Community School Campus.**

Cowherd encouraged stronger language in the letter communicating that the School Board actually had to apply to CDOT to improve the intersection at Hwy 135 and Red Lady. Cowherd specified there should be a deceleration lane on 135, with a separate entrance into the school. Schmidt disagreed regarding the deceleration lane.

MacDonald referenced numbers and projections. She acknowledged there would need to be a traffic analysis. She was hesitant to suggest a solution at this time. There would be a larger community conversation. She discouraged the Council from endorsing a solution. Cowherd reiterated the language was too soft. Russ thought the letter, from his perspective, was fine.

Mitchell moved and Dujardin seconded a motion to approve the letter to the Gunnison Watershed School District as written. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **OLD BUSINESS**

#### **1) Updated Financial Forecast and Discussion.**

##### **a) Construction Schedule for Hockey Changing Rooms at Big Mine Park.**

Zillioux began by reporting on the CARES Act funding. Gunnison County would get approximately \$1.5M, which equated to \$85 per capita. There were two allocation methodologies discussed for Gunnison County. He laid out the details of the agreed upon approach. The Town would be reimbursed \$12K, so far, as well as for the small business grants that were funded. There had been discussion about additional grants in the County. MacDonald elaborated upon the process. She asked for approval to sign on to a letter indicating that Town agreed to the scheme of divvying up the funding.

Haver moved and Mitchell seconded a motion that the Town of Crested Butte agrees to the proposed solution methodology for the CARES Act funding and to authorize the Town Manager to sign on to a letter to be submitted to DOLA before the end of the month. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Zillioux reminded that the Council approved putting off the hockey changing rooms until the Town's finances turned back to normal. Staff was exercising caution, not knowing what the fall and winter would hold. Zillioux reviewed the cost of the project and money budgeted. Met Rec agreed to hold grant funding until 2021. He pointed out the Facilities Department was down one person. MacDonald identified sales tax was down 21% for the year. She recommended to the Council not to take on new responsibilities while struggling to maintain what they had.

Merrill recognized the Whatever USA money that had been earmarked for changing rooms. Zillioux explained that every time a facility or park was added, there was maintenance. There was no money to maintain the changing rooms. MacDonald clarified the Staff was not proposing to reallocate the money. Revenues should stabilize before buying more. Schmidt listed three reasons to proceed with the changing facility, citing the importance of social distancing as one reason. Merrill wanted to see the Nordic Center function at a better capacity this winter. Mitchell agreed with Schmidt. She thought they should do it, but she was okay with waiting. Dujardin thought the changing rooms could give people a chance to play hockey. Haver was concerned about Staff's bandwidth. Dujardin questioned the increase in cost. Magner calculated the shortage after the Whatever monies. She thought the spectating area would be really great. Bradley asked about the maintenance costs. Magner questioned what would be cut to make up the shortage. Zillioux recommended the Council look at other capital purchases.

Wendy Buckhanan - From WEHA

- They were planning for a full season next season.
- The locker rooms would allow for social distancing.
- She agreed the spectating area was lovely and would love to talk more about fitting it into the budget.

Christie Hicks - Crested Butte Nordic

- CB Nordic felt the amount of risk for doing the project this year was pretty minimal.
- More space would make social distancing easier.
- CB Nordic would love to see the project happen this year.

Jarrold Hinton - Athletic Director from Gunnison Watershed School District

- He thought the changing rooms would be a great resource to have.
- It would give the kids a chance to feel like they had a home.
- He was in favor of it.

Magner asked whether not having the changing rooms endangered either the Nordic or hockey program. Buckhanan agreed hockey was at risk.

Sarah Jones - On the WEHA Board

- She supported the project.
- She asked about adding the spectating area later.

Dujardin noted there were kids trying out for programs outside of the area. It was important to keep kids around.

Schmidt summarized the options, which were to rebid the project or put off for another year. Mitchell asked about revisiting the decision later. Haver was concerned about Staff workloads. Dujardin did not feel they could put the changing rooms off another year. He would like to see the project be put out to bid and then see where June sales tax was. Merrill agreed with Dujardin. Schmidt agreed. At least four of the Council members directed there to be a rebid for the hockey changing rooms.

## **2) Approval for the Request of Use of Public Property for Businesses Not Located on Elk Avenue.**

Yemma provided background on the agenda item. The Council directed Staff to work with businesses off Elk Avenue to expand on to Town rights of way. There were four businesses on 3<sup>rd</sup> Street that proposed expansions. Paradise Café proposed the use of sidewalk in front of their building. Schmidt asked about Slogar. Yemma stated the usage of private property was being approved administratively.

Magner moved and Dujardin seconded a motion to approve the requests to utilize public right of way on Third and Sixth Streets as described in the staff report and attached maps. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **EXECUTIVE SESSION**

Schmidt read the reason for the 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) regarding COVID enforcement.

Dujardin 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 8:42PM. The Council returned to open meeting at 9:00PM. Mayor Schmidt made the required announcement upon returning to open meeting.

## **NEW BUSINESS**

**1) Resolution No. 15, Series 2020 - A Resolution of the Crested Butte Town Council Endorsing the Public Health Orders Issued by Gunnison County's Public Health Official.**

Schmidt informed the Council they did not have to vote on the resolution tonight. The County health order was in effect, and he felt strongly about supporting the County on the issue. He reiterated the Council did not need to vote on the resolution. The effects of the pandemic on Crested Butte could be deadly serious. Town needed to enforce the County health orders in order to prevent closing. The virus was peaking in the states around Colorado. Schmidt thought the health orders were important. He supported what the County and the County Health Officer had done. Dujardin agreed it was important to support the County the best they could, including by applauding Joni Reynolds. Magner and Haver agreed.

Dujardin moved and Magner seconded a motion to approve Resolution No. 15, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **LEGAL MATTERS**

Green updated the Council there had been final legislation that expanded criminal liability for police and civil liability for municipalities and police. She would send a complete review prepared by CML. The legislation imposed a lot more requirements than to what Town was accustomed.

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

Laura Mitchell

- Mountain Express hired a new Executive Director, whom she would announce later in the week. MacDonald identified Mountain Express hired Jeremy Herzog.

Candice Bradley

- She sat in the Mountain Express interviews.
- CB and Valley lodging were recovering faster than others in the metric set.
- They were working on marketing to the drive markets right now. The fly market was coming back. The discussion became focused on marketing.

Chris Haver

- He attended the RTA meeting.
  - Fourteen passengers were allowed per bus.
  - They were looking into electro static sprayers.
  - More locals were using the airport compared to five years ago.
  - There would be two flights a day starting July 6<sup>th</sup>.
  - They were looking at building a Bustang shelter.
- He had a Housing Authority meeting.

Mallika Magner

- Regarding the Valley Housing Fund, the Redden Project retained BOZAR approval.
- The Chamber meeting would be tomorrow morning.

#### Will Dujardin

- He had been plugging along with the EOC.
- There would be a CC4CA retreat later this week.
- Community members approached him to see how we could do better here. The local Marshals were really good at their jobs, but he heard worrisome things about officers from different departments. We could do better. A public conversation could be useful.

#### Jim Schmidt

- He had a Housing meeting last Thursday.
  - There had been a lottery for the 20 units in Mt. Crested Butte. Twenty people applied for 20 units.
  - Anthracite Place was completely full. They discussed the process for violations.
- He attended the CAST Mayors' meeting.
  - Everyone was going through the same issues.
  - They talked about masks a lot. The general consensus was it was difficult to enforce.
  - He mentioned Ketchum, ID and the similarities to this area related to the virus.

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

Magner acknowledged how lucky Town was with the Marshals. However, it was a national conversation. She would love to have the discussion. Secondly, she wondered if the Town wanted to honor Pride Month. Dujardin and Schmidt voiced their support. Schmidt and Magner would work on a proclamation. Then, Dujardin brought up a citizen proclamation. He wanted to recognize community members who were helping to give away food. He specified Kyleena Falzone deserved recognition. He cited the volume she had done was large. He suggested they develop a list of people, who had really stepped up, to be included in the recognition. Schmidt asked the Council to email Magner and him.

Haver brought up messaging. He wanted to get an encouraging message out there. It would be helpful to get Town's message out in a positive light. He thought Town could do better. MacDonald acknowledged marketing was not what the Staff did. She knew of professionals in the community who did really great messaging. Merrill supported it. Dujardin agreed.

Haver communicated frustration with what had been happening with the industry subgroups. He was blown away that it fell apart. The combined voice, such as in lodging, was really helpful. Dujardin wondered what the best way was to send a message. Bradley agreed the industry subgroups were really important. She mentioned issues she experienced. She identified where she saw the shift happening, and she was willing to see what it was like. TAPP needed to hear from each and every person that sat

in the calls. Schmidt asked to whom they needed to deliver the message. Haver summarized the message he wanted to communicate. Bradley emphasized the importance of communication. MacDonald recommended two Council members work to draft a letter that generally captured what was discussed. Schmidt suggested Bradley and Haver work on the letter. Haver and Bradley would work with MacDonald to draft the letter.

Haver pulled together questions for clarification on the new health order. The County was asking for a waiver to allow larger group sizes. The Coronameter would allow the County to lessen restrictions, tighten them, and be more in charge of their own destiny. A waiver was needed to be less strict. Haver then spoke about face coverings. Six foot distancing was standard in the County. Businesses needed to be aware of more than the health order. He mentioned statutory authority and contact tracing. Haver said education was first. The discussion was briefly focused on bars. Face coverings would help in the ability to stay open and move forward. Schmidt concurred people needed to be following the rules to avoid going to the next level. He knew of restaurants in Aspen and Basalt that had been closed.

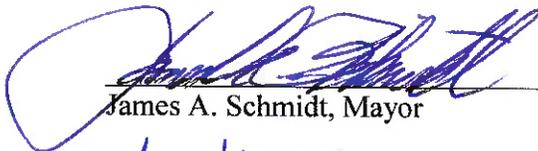
**DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

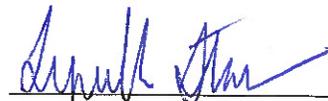
- Monday, July 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 20, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, August 4, 2020 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt reminded that Elk Avenue would become a one-way tomorrow.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:15PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk (SEAL)

