

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, September 8, 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

Mitchell connected to the meeting during Executive Session. She voted on all of the motions after approval of the agenda and the motion to go into Executive Session.

Staff Present: Town Attorney Barbara Green, Town Manager Dara MacDonald, Community Development Director Troy Russ, and Town Clerk Lynelle Stanford

Town Attorney John Sullivan, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, Public Works Director Shea Earley, and Town Planner I Mel Yemma (for part of the meeting)

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

APPROVAL OF AGENDA

Magner moved and Dujardin seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes," except for Mitchell, who was not yet present. **Motion passed unanimously.**

EXECUTIVE SESSION

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the potential transfer of TP-1 to CBFPD.

Haver moved and Dujardin seconded a motion to go into Executive Session for that reason. A roll call vote was taken with all voting, "Yes," except for Mitchell, who was not yet present. **Motion passed unanimously.**

The Council went into Executive Session at 5:35PM. The Council returned to open meeting at 6:15PM. Mayor Schmidt made the required announcement upon returning to open meeting.

JOINT DISCUSSION WITH CBFPD BOARD

Jack Dietrich, Chairman of the Crested Butte Fire Protection District Board of Directors, stated they were looking to build a new fire station. He pointed out they would be abandoning downtown Crested Butte real estate. He encouraged the Town to deed the property (in TP-1) to the Fire District. They were aware of the limitations on the property. Dietrich acknowledged they had comparisons to other pieces of property.

Russ brought the discussion around to timing related to the site. Dietrich reported the Fire District was looking at a bond question for 2021. Ken Lodovico, Board Member, affirmed they were looking for the deed in order to move forward. Dietrich identified the Fire District had a 55-year lease on Station One. Schmidt recognized Town had a different idea of what the property was worth. Schmidt confirmed the property would be located in Town through the annexation. MacDonald provided background on the property related to the annexation and that Town's initial priority at the beginning was for Search and Rescue.

The Fire Protection District Board thought all along they were getting this piece of property. MacDonald stated the reverter clause was part of the conversation from the beginning. The discussion became focused on the value of the land. MacDonald acknowledged the property was a valuable asset of the Town's. Russ said the Town could go down the appraisal path. Dietrich thought the Fire District was giving up a lot with Station One. Lodovico suggested they have an appraisal and go from there. Green recognized the entities needed to agree on the appraiser. Eric Tunkey, Secretary of the Fire Protection District Board, felt Town was treating this transaction as a business transaction. Russ clarified the reasoning behind the reverter clause and price range. Dujardin said the bottom line was the value of land was really high. The Council was motivated to find the best solution for the community. Lodovico reiterated that they should move forward with an appraisal.

Schmidt asked whether the Council was agreeable to an appraisal and having the two staffs negotiate. Mitchell questioned which entity would cover the appraisal. Schmidt was okay with splitting the appraisal, and no one voiced disagreement. Russ and MacDonald would work with the Fire District on behalf of the Town.

CONSENT AGENDA

1) August 17, 2020 Regular Town Council Meeting Minutes.

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

PUBLIC COMMENT

Kent Cowherd

- He recommended that the new Fire Station building include a community room and public restrooms.
- He hoped the Town and Fire Department could resolve the land discussion.

Kami Garvey - 717 Butte Avenue

- She lives 100 meters from the location of the new cell tower.
- She asked why residents were not notified until after the vote about the location of the tower.
- She had opposition to the distance and the location of the tower.
- She was disappointed.

STAFF UPDATES

- MacDonald pointed out the broadband question from her staff report that could be discussed under Other Business, as it related to the 2021 budget.
- MacDonald said that Staff would be participating in Diversity, Equity, and Inclusion training, and the Council members were welcome to join.
- Schmidt asked about the fall sports update from Parks and Rec. MacDonald explained they were following County protocols.
- Schmidt questioned the plan for Vinotok, which Stanford summarized from their proposal. The formal application had not been submitted. Dujardin affirmed there were no in-person events. He elaborated upon plans.
- Schmidt noticed the update from Finance regarding funds from the CARES Act.

TAPP PRESENTATION BY JOHN NORTON

Norton was unable to connect to the meeting due to a power outage.

OLD BUSINESS

1) Discussion on the Duration of the Elk Avenue Mandatory Mask Zone.

MacDonald reminded the Council that the health order enacting the mask requirement was set to expire on September 30th. The Council could extend the order or allow it to expire. She thought it would be confusing to lift the enactments and then reinstate them. She was looking for direction from the Council regarding the mask requirement for pedestrians on Elk Avenue. Haver did not see a big negative for continuing the order.

Mitchell moved and Magner seconded a motion to direct the Town Manager to extend the public health order requiring pedestrians to wear face coverings on a portion of Elk Avenue and its side streets until such time as the order is repealed. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Green told Council the attorneys were spending time on dealing with staff issues and the items in front of Council today.

The rule making on the Oil and Gas Commission was going through. It was going well, but it was never ending.

Green, responding to Schmidt's question regarding Mt. Emmons, informed the Council they were focusing on the water quality piece. MacDonald said they would present to the Council after they wrapped up the remediation work. Green elaborated that the mining company said the reclamation was going really well. They were still interested in a land exchange, and the Forest Service was open to it.

OTHER BUSINESS

Schmidt brought up the broadband question from the Manager's Report. MacDonald reminded the Council that Region 10 had applied for a DOLA grant, and that grant was really successful. The grant was about to expire. A portion of the grant was to match the cost of a carrier neutral location. She explained what a carrier neutral location was. There was a local match required. She reviewed cost breakdowns to entities, including the Town matching about \$75,000, in addition to the \$35,000 needed to construct the carrier neutral location. Mt. Crested Butte was at the table. MacDonald expected that the entities could close the funding gap. She wanted to know whether the Council was interested in moving ahead. If so, the funds would be included in the 2021 budget. No one on the Council voiced disagreement.

COUNCIL REPORTS AND COMMITTEE UPDATES

Mona Merrill

- She attended the STOR meeting.
 - A lot of the meeting was presenting on backcountry expectations for this winter.
 - They were discussing having a board at the entrance to Town reflecting the avalanche danger.
 - MacDonald stated that Hedda Peterson from Met Rec was involved. Peterson would be coming to the Council to ask to leverage Town money with Met Rec money.
 - Merrill appreciated they were already being proactive.
 - Schmidt was aware of CDOT funds available for trail work.

Laura Mitchell

- She attended Chris Larsen's retirement so-called party.

Mallika Magner

- The Valley Housing Fund was in the process of creating a statement in regards to doing their part to end racial inequality and injustice.

Candice Bradley

- She attended one of the Crested Butte Marshals' trainings. The training covered information about victims' rights and resources in the valley.

- The Marshals held trainings each month, and she encouraged the Council members to attend.

Will Dujardin

- He had Black Lives Matters meetings. He thanked Yemma and MacDonald and other citizens for getting involved.
- The EOC meetings were moving to one day a week on Thursdays. He recognized it could be tough for Gunnison County to make COVID thresholds due to the population.
- The Upper Gunnison River Water Conservancy District affirmed the area was still in a drought despite the snow.
- There were meetings about the crises response in the community. Kari Commerford suggested municipalities prioritize mental health in their plans. It seemed the meetings would keep going.
- He was part of a group that met with Senator Bennet at Rainbow Park.
- He attended the intergovernmental dinner. Affordable housing was still a big issue.
- He met with Julie McCluskie and Barbara McLachlan. They wanted to check in on issues.

Jim Schmidt

- The meeting with Senator Bennet went on for longer than planned.
- He appreciated the intergovernmental meeting. He took away that the housing problem was still large. The Garden Walk should be open sometime in the spring. Paintbrush would be ready in more like a year from now.
- The Mayor/Managers meeting was hosted by the school district. They had a detailed report on how the school would deal with COVID.
- He attended a Region 10 Zoom meeting.
 - They talked about broadband.
 - The Little Blue Canyon project would start in February. There would be delays through February and March and major delays thereafter. Marlene Crosby and he brought up Kebler many times, to which the response was wishing them good luck.

NEW BUSINESS

1) Black Lives Matter Committee Recommendations.

Yemma reported on the inception of the Crested Butte Black Lives Matter Committee, beginning with direction from the Council from the work session. The first meeting was spent discussing the mission. She explained that each committee member was assigned to a subcommittee. Yemma listed the five subcommittees. She named the leaders of the subcommittees and briefly described each subcommittee.

Yemma reviewed the recommendations to the Council from the committee, starting with continuing to convene the committee. Yemma pointed out a proposal in the packet from

the REAL consultants. The second recommendation was for the Council to endorse the action items of the subcommittees. The third recommendation was for the Town Council to make a formal proclamation against and condemning racism. The fourth recommendation was to paint Black Lives Matter on Elk Avenue.

Schmidt opened the meeting to public comment.

Chloe Bowman

- They were seeking the Town to really condemn racism and show support of a community facing a lot of trauma.
- They were asking the Town to acknowledge what was happening outside of the bubble.

Karen Hoskin

- It was hard and exhausting for people of color.
- Her goals were to welcome and amplify their voices.
- It was important to back up and listen.
- She emphasized the unification that was taking place.
- There was an opportunity to do beautiful things together as a community.

Peter Viets

- He voiced his support for painting Black Lives Matter on Elk.

Laura Yale

- She supported some form of public expression of Black Lives Matter.
- The statement was not political; it was communal.

Susan Sweetra - Lives on Bellevue Avenue

- The work that was beginning sounded fabulous.
- She was concerned about city services that had not been provided to people, particularly on the east side of town, due to not having money.
- She would much rather see an expenditure of money for a substantive thing.

Elana Hirschkatz

- She supported Chloe and Karen.
- Painting Black Lives Matter on Elk is a step toward proving Town is inclusive.
- She did not think it was unfair to ask for money for this.

Kelly Jo Clark - Pastor at the Union Congregational Church

- She agreed with Karen and Laura, that it was a human rights issue.
- What was being put forth for the mural was absolutely fabulous from a faith perspective.

Malia Jones - 701 Red Lady

- She supported painting Black Lives Matter on Elk Avenue.

- Through art was the Crested Butte way.
- It was a great way to set Crested Butte apart.

Arvin Ramgoolam - 121 Packer Way and Co-owner of Townie Books/Rumors Coffee and Tea House

- He referred to his letter that he sent to the Council.
- They were showing the identity of the Town that had been in flux.
- It was a great thing to underline who we were and what we value in the community.

Chase Rockwell - 602 Butte

- If it came down to financing, he would help with raising funds.

Mary Boddington

- She agreed that this was a way as a community to express ourselves.
- It could be figured out financially.

Betty Sue Gurk - 413 2nd Street

- She supported what the subcommittees brought to the Council and painting Black Lives Matter on Elk Avenue.

Sooner McKay

- She was in full support of painting Black Lives Matter on Elk Avenue.

Merrill questioned the timeline and the inception of the committee. Merrill did not question that Crested Butte wanted to be open to everybody. She thought there was more to gain, including pulling in the community members who might not be aware. She felt like this was a difficult subject, and it was quick for her to absorb. Magner agreed with what all of the speakers had said. The identity of the Town was at stake. She was proud of the Council and the Staff for making this a priority. Mitchell acknowledged most respondents wanted to paint the street. She thought a long-term art installation would be long lasting and have a larger impact. She would support painting the street. She thought messaging as people were coming into Town was important. Mitchell was persuaded by the multitude of letters today. Haver appreciated the sentiment. He wanted to make sure they were not skipping over anything. He asked if they could start working on the formal proclamation. Merrill reiterated she wanted to gain more awareness and knowledge. Mitchell said they needed more time to process and digest where they were going. Haver wanted to show his support for specific goals from the subcommittees. The education piece was huge. He cited examples of proposed actions that stood out to him. He wanted to move forward on a lot of things. Magner agreed that it would be awesome for the Council to draft a strong proclamation that clearly stated their support and intent to make this community an anti-racist community. She recommended diversity training for the Council. Magner would like to see the committee and subcommittees be able to finish their work. She thought some of the proposals needed more discussion. Bradley recognized the community was in support of the actions. She acknowledged that a lot of people focused on the painting on Elk Avenue, but there were many great actions listed

that would make real change. Dujardin made observations regarding the letters that were sent. He saw that a lot of the community wanted the Council to take action. When they said they needed more time, they triggered community members with traumatic experiences. There was so much work. Schmidt was heartbroken that the country was going backwards. He thought they should proceed with the proclamation. He attempted to summarize that the Council should go forward with education and training and generally endorse action items, separating and specifically discussing the painting and uniforms. Merrill mentioned the idea of a retreat to help the Council understand how to continue.

The discussion became focused on the next two agenda items (painting on the street and the Marshals' uniforms) and the subcommittees' recommendations. Mitchell supported agenda item one (the committee and subcommittee recommendations) as it stood. Magner heard other great ideas that were worthy of consideration, such as an idea from the museum.

Dujardin moved and Haver seconded a motion to continue to convene the subcommittees and endorse them to continue to develop and refine these action items.

Suzanne Pierson

- She asked whether the Council could make a motion for a proclamation.
- It was not trivial to change the color of the Marshals' uniforms.
- She recommended options to get a top-notch training piece.

Zibula NuNu Tilton

- It was frustrating to be putting in all of this energy and then seeing it not go anywhere.
- She asked whether the Council could just make up their minds.
- They were being told again and again they had not done enough work.

Karen Hoskin

- They were talking about people dying.
- They were continuing the work and did not ask the Town to be in charge.
- She identified what actions the Town could do, which were a proclamation and painting on the street.

Ashley UpChurch - 526A Teocalli Road

- She urged the Council to make a motion approving the painting of Black Lives Matter on the street.
- It was time to stop dithering and standing with the status quo.
- There were enough committees.

Dujardin made a motion regarding a proclamation that he withdrew.

There was a roll call vote on Dujardin's motion that Haver seconded, to continue to convene the subcommittees and endorse them to continue to develop and refine these action items, with all voting, "Yes." **Motion passed unanimously.**

Dujardin moved and Bradley seconded a motion for the Crested Butte Town Council to make a formal proclamation against and condemning racism. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Consider the Town of Crested Butte Painting the Message Black Lives Matter on Elk Avenue.

Schmidt pointed out this agenda item was not on the agenda published in the paper, although it was properly noticed, and that CB South lost power for a while. Merrill wanted to hear more and had more questions and concerns in order to make the right decision as a Town Council member. Haver identified controversy in the words. He thought they should use their own words and stand behind what they meant. Bradley was trying to honor the emails and voices they heard this evening. Mitchell supported the painting on Elk. She also hoped they could have a bus that would be painted and a permanent work of art in Town. Schmidt suggested a sign at the entrance to Town. He asked whether they considered other venues and whether this was the best and most effective. Dujardin recognized it was about the Council using its voice. Magner would love to see the Town make a statement in support of people of color. Her personal preference was for it not to be something on which people walked or drove. She would like to see Black Lives Matter emblazoned somewhere. Merrill felt they could do something that was better and bolder. Yemma clarified the sentiment on street painting that she took away from the meeting.

Mary Boddington

- This was not a one-time project.
- She wondered why it was even a question.
- They needed to be bold as a community.

Paige Rumery

- Their energy should be towards the community taking a strong front.
- They should be taking a worldwide voice.

Laura Yale

- She was on the community expressions subcommittee.
- Painting on the street was meaningful.

Ashley UpChurch

- Black Lives Matter was not a "red herring."
- Stay away from negative rhetoric.

Kyle Anderson - 506 5th Street

- He felt that there needed to continue to be movement.

- Painting Black Lives Matter was not the end of the fight.
- He begged the Council to really listen.

Olivia Haas

- They asked Black residents what they wanted to see in the community, and they wanted to see the street painted with Black Lives Matter.

Elana Hirschkatz

- She reminded the Council they were voted in to speak for the community. The community had spoken a lot and had not been listened to.

Bill Leer

- He was on the committee and lived part-time in Skyland.
- The spokesperson for his subcommittee was not on the call tonight.
- It seemed there was pressure to vote and an ultimatum to vote tonight.

Sooner McKay

- This request for a street mural was brought to the Council as an act of good faith moving forward.

The discussion focused on logistics for the painting, such as design. Green advised the Council that the Town exercise control over its own property. If the Council turned the public street into a forum, anyone could write anything on the street. Magner questioned the environmental impacts from the paint. Green explained that art could be done under the art in public places policy. Haver asked for clarity on the meaning of Black Lives Matter. He wanted to be clear they were saying what they meant by these words.

Bradley moved and Dujardin seconded a motion to paint Black Lives Matter on Elk Avenue at 3rd and Elk. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Consider Changes to Marshals' Uniforms.

Agenda item was deferred to the next meeting.

4) Update from Chief Marshal Mike Reily on Emergency Mental Health Services. Agenda item was deferred to the next meeting.

Agenda item was deferred to the next meeting.

5) Update on Town's Fall/Winter Initiatives for COVID-19 Business Assistance Considerations (Tents).

Yemma explained they were thinking of ways to support restaurants through the fall and winter seasons. If directed by Council, Staff would waive the BOZAR requirement, in order to allow tents on private property. Yemma outlined other ideas that had been

discussed in the recovery group. In the short-term, Staff recommended they waive the requirements through the emergency order by the Town Manager. Schmidt clarified they were talking about parking spaces on private property. He had no problem with it. He knew that in Breckenridge they asked for an okay from the Fire District. Merrill suggested it might not be fair to all businesses. Russ said they were still working with the industry to find other ideas. Staff was looking at ways to be equitable to the other businesses. Merrill was in support of it. No one on the Council voiced opposition.

OTHER BUSINESS

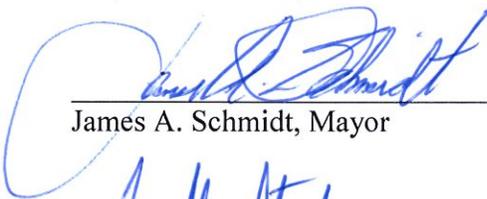
Haver requested a retreat to discuss their role as Council. Magner voiced she was not in favor. Merrill said she was in favor, but the discussion did not proceed.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

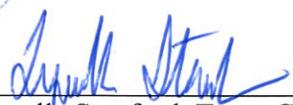
- Monday, September 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 5, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 19, 2020 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:02PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

