



*Critical to our success is an engaged community and knowledgeable and experienced staff.*

### **Town Council Values**

- *Preserve our high quality of Life*
- *Resource Efficiency/ Environmental Stewardship*
- *Support a sustainable and healthy business climate*
- *Maintain a "real" community*
- *Fiscally Responsible*
- *Historic Core*

## **AGENDA**

### **Town of Crested Butte**

### **Regular Town Council Meeting**

**Monday, November 21, 2016**  
**Council Chambers, Crested Butte Town Hall**

*The times are approximate. The meeting may move faster or slower than expected.*

#### **6:00 WORK SESSION**

Presentation of Snow Management Guidelines by Town Public Works Director Rodney Due.

#### **7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM**

#### **7:02 APPROVAL OF AGENDA**

#### **7:04 CONSENT AGENDA**

- 1) November 7, 2016 Regular Town Council Meeting Minutes.
- 2) November 14, 2016 Special Town Council Meeting Minutes.
- 3) Resolution No. 38, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Amended Condominium Map of Poverty Gulch Condominiums.
- 4) Comment Letter to the White River National Forest Regarding the West Maroon Trailhead.
- 5) Resolution No. 43, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Town Attorney Representation Letter.
- 6) Resolution No. 44, Series 2016 - Resolutions of the Crested Butte Town Council Affirming Banking Powers of Town of Crested Butte Staff.

*The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.*

#### **7:06 PUBLIC COMMENT**

*Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.*

#### **7:15 STAFF UPDATES**

#### **7:30 PUBLIC HEARING**

- 1) Ordinance No. 14, Series 2016 - An Ordinance of the Crested Butte Town Council Adding a New Chapter 10, Article 12 to the Crested Butte Municipal Code for the Purpose of Regulating Certain Types of Panhandling.

#### **7:40 NEW BUSINESS**

- 1) Resolution No. 39, Series 2016 - Resolutions of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2017, Beginning the First Day of January 2017 and Ending the Last Day of December 2017.

- 2) Resolution No. 40, Series 2016 - Resolutions of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2017, and Ending the Last Day of December 2017, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

- 3) Resolution No. 41, Series 2016 - Resolutions of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2017.

- 7:55** 4) Ordinance No. 15, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$35.50 Per Month Per EQR and Setting the WWTW Pretreatment Charge to \$13.75 Per Month Per Applicable EQR.
- 8:00** 5) Ordinance No. 16, Series 2016 - An Ordinance of the Crested Butte Town Council Adopting Changes and Additions to the 2016 Budget and Appropriations Relative to the General Fund, Sales Tax Fund and Conservation Trust Fund.
- 8:05** 6) Ordinance No. 17, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 6-2 of the Crested Butte Municipal Code Providing for a Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year of 2017; and Providing the Automatic Repeal Thereof Effective on the First Day of January, 2018.
- 8:10** 7) Ordinance No. 18, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Section 11-1-60 of the Crested Butte Municipal Code to Include Requirements for the Issuance of Snow Management Permits.
- 8:30** 8) Presentation by Marcus Lock, Law of the Rockies, Regarding Accessory Dwelling Units and Associated Matters.
- 9:00** 9) Resolution No. 42, Series 2016 - Discussion and Possible Action Regarding Proposed Amendment to Pre-Annexation Agreement with Cypress Foothills, LP.
- 9:25** **LEGAL MATTERS**
- 9:35** **COUNCIL REPORTS AND COMMITTEE UPDATES**
- 9:45** **OTHER BUSINESS TO COME BEFORE THE COUNCIL**
- 10:00** **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**
- Monday, December 5, 2016 - 6:00PM Work Session - 7:00PM Regular Council
  - Monday, December 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council
  - Tuesday, January 3, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- 10:05** **EXECUTIVE SESSION**
- 1) 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).
  - 2) 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 Mt. Emmons transactions with Freeport-McMoRan, Inc.
- 10:50** **ADJOURNMENT**



## **Town of Crested Butte Snow Management Guidelines 2016-2017**

### **INTRODUCTION**

#### **A. Purpose**

The Town of Crested Butte develops a Snow and Ice Control Operations Plan with the primary purpose of outlining municipal responsibilities and procedures for controlling snow and ice accumulation on the streets and sidewalks of this community. Appropriate snow and ice control is necessary to maintain emergency services and routine travel. These responsibilities and procedures will provide a guide for efficient and effective snow and ice control.

#### **B. Annual Snow Summit**

The purpose of the Town of Crested Butte's annual Snow Summit is to discuss with the involved stake-holders general snow removal procedures, outline any proposed changes, and develop a dialogue between the involved parties allowing them to exchange ideas and voice concerns. This Summit is scheduled in early November of each year. This year's Snow Summit invited the following stake-holders:

Crested Butte Marshal's Office  
Crested Butte Public Works Department  
Private Snow Removal Contractors

#### **C. Responsibilities**

1. The Street Division is responsible for conducting snow and ice control operations on municipal streets and public parking areas.
2. The Parks Maintenance Division is responsible for clearing sidewalks, crosswalks, park paths, snow removal at the Ice Arena, and creating "cut-outs" as identified on the Snow Removal Map.
3. Property owners are responsible for snow and ice removal from sidewalks adjacent to their property. (Attachment 1 - Ordinance 3, 2007)
4. Private Contractors removing snow from private property must not obstruct traffic signs, fire hydrants, handicap access areas and public right of ways. Private contractors will also maintain line of sight on intersections, sidewalks, driveways and parking areas for both vehicles and pedestrians.

5. Should we talk about alleys here?
6. Gunnison County Public Works Department works cooperatively with the Town of Crested Butte Public Works Department while plowing snow through town.
7. The Water Division will mark fire hydrants with poles by November 1<sup>st</sup>, and will clear snow from fire hydrants for access.

**D. Periodic Reviews**

The Director of Public Works and the Parks and Recreation Director will review and update the Snow and Ice Control Operations Plan on an annual basis, and present any revisions to the Town Manager in preparation for presentation to the Town Council prior to December 1<sup>st</sup> of each year.

**PERSONNEL**

**A. Staffing**

1. All CDL certified personnel are subject to duty during major snow and ice storms.
2. Tasks assigned during a snow and ice storm will remain within the capabilities of the employee's skill set.
3. The Public Works Department and the Parks and Recreation Department will develop a secondary snow crew in preparation for an extended snow cycle.
4. The primary snow crew will begin at 12:00 a.m. and work until 08:30 a.m. (Crews may work until 10:00a.m. during snow events). One seasonal plow operator will be hired, and augment the crew, generally between December 1<sup>st</sup> and March 31<sup>st</sup> each year.
5. If continued operations are necessary due to an extreme event, the Public Works Director will determine the procedures necessary to direct resources.
6. Parks Maintenance Division removes snow from sidewalks with accumulation of 1" or more. Sidewalk snow removal begins between 6:00-6:30 a.m. and priority is placed on clearing school routes first.

**B. Control and Direction**

The Public Works Department retains responsibility for the overall coordination of snow and ice control preparations for the streets. The Parks Maintenance Division will coordinate with the Public Works Department in providing effective direction to maintain the sidewalks during a snow event.

**C. Organization**

The normal chain of command and line of authority will be followed during snow and ice storms unless otherwise designated.

**D. Telephone Number Lists**

A telephone number list will be updated on an annual basis prior to November 1<sup>st</sup>.

## OPERATIONAL PROCEDURES

The Town's response to a storm event depends on the type, severity, and duration of the weather conditions. The Public Works Director determines plow routes and the sequencing of operations and retains the flexibility to adjust the route assignments based on storm conditions.

### A. Roadways

The following strategic plan shall serve as guidelines for roadway operations subject to specific conditions. The areas below are listed in the sequence of plowing. Snow plowing will commence at 3 inches of accumulation.

1. Plow Public Works yard including access to bus area, search and rescue building, tow lot and wastewater facilities;
2. Plow east side of 6<sup>th</sup> Street including Chamber Parking Lot, and Chamber bus stop;
3. Plow southwest of 6<sup>th</sup> and Elk;
4. Plow 4-way including parking lots, bus turn, and bus pull-out;
5. Plow core area including 5<sup>th</sup>, 4<sup>th</sup>, 3<sup>rd</sup>, 2<sup>nd</sup> streets on both sides of Elk; Elk Avenue Public Parking Lot, Fire Hall and adjacent public parking lot; Alleys one block north and south of Elk Avenue (2<sup>nd</sup> St. to 5<sup>th</sup> St.); and public buildings (e.g. Town Hall, Marshal's and Old Rock Library) parking and access areas.
6. Plow northwest of Elk and 6<sup>th</sup>;
7. Plow Treasury Hill;
8. Plow Center for the Arts

Every effort will be made to keep the Bus Route and Emergency Routes cleared of snow and ice accumulation.

Snow will be plowed to alternate sides of the streets to coincide with the following winter parking rules:

Residential parking restrictions are in effect November 1<sup>st</sup> through April 30<sup>th</sup> and enforced between 01:00 a.m. – 10:00 a.m. Vehicles may be parked on the north and east sides of the streets on Tuesday, Thursday, and Saturdays. Vehicles may be parked on the South and West sides of the streets on Sunday, Monday, Wednesday, and Fridays.

Alleys are not maintained by the Town of Crested Butte. Private contractors may be hired by residents for alley maintenance. Any private contractor interested in plowing, hauling, or storing snow on public property must;

- Obtain a Snow Management Permit from the Town of Crested Butte.
- Have a current Town of Crested Butte business license.
- Provide a current certificate of insurance listing the Town as additionally insured.

Additionally, any snow stored in Town alleys must be hauled prior to the snow reaching a height of one half the height of the adjacent fence line. At a minimum snow **MUST** be hauled from alleys prior to April 1<sup>st</sup> of each calendar year.

### 1. Snow Banks on Elk Avenue

The primary snow crew will remove snow from the banks on Elk Avenue ***between snow events*** to promote pedestrian safety, enhance pedestrian and vehicular visibility, and provide easy access to businesses. ***\*Snow banks will remain on Elk Avenue the week prior***

***to Christmas through the week after New Year's, and to accommodate additional snow required for special events.***

## **2. Snow pack**

Every effort will be made to keep no more than 6 inches of snow pack on the streets prior to removal. The bus route and emergency routes will be cleared of snow and ice after each event.

## **3. Sand**

The Public Works Department deposits sand at the intersections along Elk Avenue, bus routes, and the school zone during normal business hours. The Mt. Express Supervisor will sand the bus routes after normal business hours, weekends, and holidays. The Parks Maintenance Division deposits sand at the cross walks. These tasks are completed when conditions merit, and the Town has the available personnel. The Town of Crested Butte tries to minimize the amount of sand placed on streets due to air quality standards, and to prevent storm drain blockages.

## **4. Snow Hauling**

Certain public right of way locations and dedicated snow storage areas within our community require additional service after snow plowing operations cease. These areas will be maintained between snow events by the primary snow crew. During extended snow cycles this will be done by the secondary snow crew during normal business hours.

The existing snow storage areas include the abutting street right of ways and the following lots:

1. First and Beckwith
2. Ruth's Road Dead-End
3. Three Ladies Park
4. Gravel Pit
5. Public Works Yard
6. Teocalli Eastside Dead-End
7. 412 3<sup>rd</sup> Street
8. Totem Pole Park
9. 307 4<sup>th</sup> Street
10. Lots North of Nordic Center/Ice Rink Parking Lot
11. Lots North of Rainbow Park (Block 76 - Temporary)
12. Blocks 79 and 80 (Temporary)
13. Academy Lots (Temporary)
14. Various leased private properties

## **5. Clean-up Procedures**

The Public Works Department begins street cleaning to remove the sand when both the streets and curb/gutters are dry. Generally, this service begins in late spring.

## B. Pedestrian Areas

The Parks Maintenance Division will clear snow from the following sidewalks and other pedestrian areas after each snow event of 1 inch or greater. These areas are depicted on the Snow Removal Map.

1. Sidewalks /Handicap Ramps – All sidewalks and handicap ramps will be cleared as indicated on the Snow Removal Map.
2. Cut-outs on both Elk Avenue and 6<sup>th</sup> Street will be completed as indicated by the Snow Removal Map.
3. Crosswalks- All entrances to crosswalks on Elk Avenue will be cleared, and the crosswalks entrances on 6<sup>th</sup> Street will be cleared as indicated on the Snow Removal Map.
4. Bus Stop Shelters- Reasonable access to bus stops will be maintained and bus shelters will be cleared of snow when necessary.

## C. Residents/Business and Property Owners

This snow and ice control plan identifies the streets, sidewalks, and public facilities that the Town will maintain during a snow event. ***Property and business owners also have certain responsibilities that include clearing their own driveways and maintaining adjacent sidewalks, clearing areas for wildlife resistant containers and dumpsters, removing snow from sidewalks and public parking areas resulting from plowing, roof and overhang shedding, and remove ice dams created from heated sidewalks.*** We regret that snow must be plowed off the street into driveways, but there is no other choice. Residents/business owners are responsible for these areas and should be cleared without depositing any snow or ice into the roadway or sidewalks, and should not obstruct the vision of driveways and sidewalks. (Attachment 1 – Ordinance 3, 2007)

*Snow pushed into the street not only makes snow plowing more difficult for street crews, but can cause a dangerous obstacle in the roadway or a nuisance to your neighbors. Garbage containers placed too close to the street may be subject to damage by snow plowing operations.*

## **EMERGENCY SNOW OPERATIONS PLAN**

In the event of an extreme and long snow event, the Public Works Director reserves the authority to modify the operational snow plan according to the availability of personnel and equipment, and to ensure employee safety.

If declared, the Public Works Director will convene a stakeholder meeting to initiate the following plan, and initiate a public service notification plan that includes KBUT, and social media.

Priority 1 – Emergency Routes for ambulance and fire equipment, Public Works yard, and Marshal’s parking area.

Priority 2 – Mt. Express Bus Routes as determined by the snow event, and Red Lady Avenue near Community School (if open).

### **A. Elastic Clause**

This plan may be superseded by verbal or written orders when, due to a shortage of personnel, equipment failure, and/or extreme weather cycles, conditions warrant necessary changes to accomplish snow and ice control operations.

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, November 7, 2016**  
**Council Chambers, Crested Butte Town Hall**

Mayor Michel called the meeting to order at 7:03PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, and Town Planner Michael Yerman

Town Clerk Lynelle Stanford, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, and Public Works Director Rodney Due (for part of the meeting)

**APPROVAL OF THE AGENDA**

Belkin amended the agenda to add an Executive Session, after the existing 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).

Merck moved and Ladoulis seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, “Yes,” except for Mason who was not present.  
**Motion passed unanimously.**

**CONSENT AGENDA**

- 1) October 17, 2016 Regular Town Council Meeting Minutes.**
- 2) Letter of Support for the Adaptive Sports Center’s For Everyone Campaign to Build a Program Facility at Crested Butte Mountain Resort.**
- 3) Letter of Support for Western State Colorado University’s Capital Construction Request to the Department of Higher Education to Bring Redundant Broadband to the Gunnison Valley.**
- 4) Letter of Support for the Colorado Parks and Wildlife OHV Trail Grant for the Carbon Creek Trail.**
- 5) Resolution No. 37, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Agreement for the Use of Public Property with Jeremy Rubingh for the Crested Butte Creative District Project Red Promise.**

Schmidt moved and Merck seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, “Yes,” except for Mason who was not present.  
**Motion passed unanimously.**

### **PUBLIC COMMENT**

Jeremy Rubingh - 321 Whiterock Ave

- Thanked the Council for their vision to coordinate with the Creative District.
- Handed out a letter to the Council.
- Told the Council to support more public art projects.

### **STAFF UPDATES**

Lynelle Stanford

- The local polling place at the Parish Hall at Queen of All Saints would be open until 7PM tomorrow.
- Received a special event application for a Turkey Trot proposed for November 24.

Janna Hansen

- She was writing the GoCo grant application for Yelenick playground and had collected letters of support from the community.
- Had been working on: avalanche mitigation, primarily in Big Mine Park; jump lines at the bike park and trail kiosks.

Mike Reily

- Stated that there was a debrief meeting on Vinotok, and it would be appropriate to discuss with Council on a future agenda. Schmidt was disappointed with the (Vinotok) committee and their flagrant disregard. Michel agreed the topic should be on an agenda sooner rather than later. Vohman suggested they explore areas like the gravel pit beforehand. Due added the discussion could dovetail on paving.
- Previous reports of the problem bear’s demise were incorrect. DOW tracked the bear to Peanut Lake, where it was caught. Reily said it was the best solution to the problem after it caused many thousands of dollars of damage.
- The new officer, John Chandler, would be graduating from academy on December 5. The judge would swear him in after court on December 7, and the Sheriff would be present to swear him in as a Sheriff’s deputy.

Michael Yerman

- Reminded the Council of the public arts meeting on November 16 at 6PM at the Center.

Rodney Due

- Held the Snow Summit last week. They discussed alley plowing. He would bring amendments to the ordinance on November 21, and he would report on snow management guidelines at the work session.
- He would be gone next week for the DOLA hearing.
- The sidewalk projects were completed, along with all of the projects for this year.

Dara MacDonald

- Attended the CAST meeting.
- The issues formulation hearing for the State would be held on November 14 in Gunnison. There would be an update at the meeting the same night.
- Barbara Green would be present at the meeting on November 14, advising on Mt. Emmons. Belkin would update on the progress with Congress.
- The Waste Management contract would be up and in front of Council in December. There was a discussion on putting the contract out to bid, and the Council directed Staff to put out a RFP.
- Had discussion with Mike Miller about planning for a combined facility for the Marshals and Fire District. They would be working cooperatively to put together RFPs for initial scoping. They talked about applying for a DOLA grant for planning the project.

## **PUBLIC HEARING**

### **1) Ordinance No. 13, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 13, Article 1 of the Crested Butte Municipal Code Amending the Town's Regulations for the Extension of Town Water and Sewer Services and Associated Systems Outside of Town Boundaries.**

Michel confirmed proper public notice was given. Yerman explained the only change was an amendment to the original pre-annexation agreement, which he anticipated would be ready for the meeting on November 21. Staff still recommended moving forward with the ordinance. There was no public comment, and Michel closed the public comment portion of the hearing. He moved on to Council discussion. Belkin confirmed for Schmidt that it did not obligate Town to provide water to anyone else.

Mason moved and Merck seconded a motion to approve Ordinance No. 13, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **NEW BUSINESS**

### **1) Ordinance No. 14, Series 2016 - An Ordinance of the Crested Butte Town Council Adding a New Chapter 10, Article 12 to the Crested Butte Municipal Code for the Purpose of Regulating and Restraining Certain Limited Types of Panhandling.**

Belkin explained how the ordinance came to be on the agenda. He referred to the letter in the packet from the ACLU and the court case that called into question the Code on

begging. He described it as a housekeeping issue. MacDonald said the ordinance provided a limitation to the manner in which people could panhandle.

Vohman moved and Mason seconded a motion to set Ordinance No. 14, Series 2016 for public hearing at the November 21<sup>st</sup> meeting. **Motion passed.**

## **2) Update from the Town Manager on Region 10 Broadband Efforts and Possible Action by the Council.**

MacDonald stated that Town had been working with Region 10 and the other entities in the County to identify ways to enhance broadband service, and the focus had been on the middle mile. As part of the DOLA grant, Town committed \$40K towards the effort to look at the last mile connection to Crested Butte. They anticipated the funds to be used in 2017, but now they wanted to accelerate the engineering and design. It wouldn't address redundancy between Gunnison and Crested Butte. Michel added there could be more bandwidth available on a provider's existing fiber between Gunnison and Crested Butte. They would be putting in infrastructure to accommodate today's use as well as future use to improve the economy in the valley. MacDonald clarified there was almost unlimited capacity in the fiber itself; it was the equipment at the end that determined capacity. Michel identified the long-term vision was that they hoped for more entryway into the market and more competition. Mason questioned what would be Century Link's incentive to lease fiber to allow more competitors. MacDonald was not sure if it would be required, or if the incentive would be monetary. Michel stated they offered to pay a rental fee. Belkin said they didn't have legal obligation, and it was a matter if they had strands available. MacDonald told the Council that once the component was completed, Region 10 would come back to Council to explain what Town was getting. Mason added that he hoped CB South would come to the table soon.

Merck moved and Mitchell seconded a motion to proceed with the engineering and design of the middle mile broadband network within the Town of Crested Butte and approving the expenditure of up to \$6,000 in 2016 for this purpose. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **LEGAL MATTERS**

Belkin told the Council there would be a more comprehensive update on Mt. Emmons at the meeting on November 14. Tomorrow, he and Yerman would be meeting with the Forest Service, Senator Bennet's office, and Freeport-McMoRan to discuss the current bill that was drafted, maps, and the perspective of getting it through Congress. Barbara Green would provide a full read out on the water treatment plant and water quality control commission hearing in Gunnison.

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Erika Vohman

- Attended a Gunnison County noxious weed committee meeting. Now that Town passed an ordinance, they were able to apply for USDA grants, and they were hoping to get a grant submitted to the USDA for spraying. They had to be careful in applying herbicides.

#### Jim Schmidt

- The Cemetery Committee met. Roads and driveways at the cemetery had been improved, and they installed new flooring in the chapel. \$15K had been allocated in 2017 towards the Jokerville Mine Monument.
- He went to a preliminary meeting on the housing needs assessment.
- Attended the CAST meeting in Pagosa Springs. The City of Aspen issued a challenge for towns to run completely on renewable energy. MacDonald suggested it was a 15-year goal. Ladoulis wondered what was the starting point. MacDonald was not prepared to say how to achieve. Schmidt stated there was room for more solar panels on the public works building. Michel was sensing support from the Council. He recognized they had not discussed the energy action plan, and Council needed to prioritize to provide direction to Staff. No one on the Council disagreed. Michel told them they needed to focus, identify goals, and come up with a plan, and the retreat would be a chance to set priorities.
- Dan Gibbs, Summit County Commissioner, presented on trying to get counties and cities to take a stand against turning over Federal lands to states, which was a mechanism to get land into private hands.
- The Creative District met and awarded grants.
- Schmidt and Ladoulis met for community grants review.
- Including Schmidt, MacDonald, Merck, and Vohman attended the STIP meeting at the County. There was a presentation on County projects. There would be major, major delays to Montrose the summer of 2018. They talked about communication on the closures. They learned that any kind of incident or accident at an intersection helped them judge where the money went. MacDonald stated the Commissioners did a nice job of supporting Town for the roundabout.

#### Chris Ladoulis

- Participated in grant conversations with Schmidt.

#### Glenn Michel

- Thanked MacDonald for attending the broadband meeting.
- Michel explained that Merck expressed interest in serving on the Center for the Arts board, and he was happy to share some of the burden.

Schmidt moved and Mitchell seconded a motion to approve removing Michel from the Center for the Arts board and appointing Merck. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### Roland Mason

- Attended a Mountain Express retreat. They discussed the turnaround at Judd Falls, and they were asking the County to widen the road in a few areas. The

County had done a lot of work, and they would ask them to continue keeping the road in good shape. The bus service would cater to mountain bikers as well as hikers. Mountain Express might be willing to subsidize a bike trailer to shuttle bikes.

- They had good capital reserves. They discussed using funds for expanding shops, cold storage or heated storage, and a couple of extra bays. They also talked about buying an affordable housing unit, and working with other entities could be an option. Mason summarized that Mountain Express felt it was more prudent to spend.
- They considered talking to the Creative District to get feedback on busses.
- RTA meeting was coming up soon. In the meantime, they were in the process of purchasing a third over the road coach, which would use CNG.
- There would be up to 17 trips a day during the winter ski season.
- They were testing a phone app that would show the location of the busses.

Laura Mitchell

- She missed the RTA and Mountain Express meetings.
- The Chamber was doing great. She mentioned the Economic Forecast on November 17.

Paul Merck

- He would be meeting with Jenny Birnie to get up to date on the Center.
- He attended a meeting on opioid addiction. He described spraying and saving (using Narcan). Reily confirmed the Marshals carried Narcan.

Glenn Michel

- Ian Billick, who asked if the Town wanted to support a new management plan for the White River National Forest, approached him. They were considering limiting access. Michel told the Council there could be a letter of support on a future agenda.

Jim Schmidt

- He participated in the Slate River clean-up. There was a good turnout, and it was worthwhile.

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

None

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

- Monday, November 14, 2016 - 6:00PM Special Meeting
- Monday, November 21, 2016 - 6:00PM Work Session - 7:00PM Regular Council

- Monday, December 5, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council

### **EXECUTIVE SESSION**

Schmidt moved and Merck seconded a motion to go into 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 (1) Amendment to Pre-Annexation Agreement with Cypress Foothills, LP, (2) Center for the Arts expansion, and (3) Mt. Emmons transactions with Freeport-McMoRan, Inc. and 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 unanimously.**

The Council went into Executive Session at 8:24PM. Council returned to open meeting at 10:30PM. Mayor Michel made the required announcement before returning to open meeting.

### **ADJOURNMENT**

Mayor Michel adjourned the meeting at 10:31PM.

---

Glenn Michel, Mayor

---

Lynelle Stanford, Town Clerk (SEAL)

**MINUTES**  
**Town of Crested Butte**  
**Special Town Council Meeting**  
**Monday, November 14, 2016**  
**Council Chambers, Crested Butte Town Hall**

Mayor Michel called the meeting to order at 6:03PM.

Council Members Present: Jim Schmidt, Chris Ladoulis, Roland Mason, and Laura Mitchell

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, Town Clerk Lynelle Stanford, and Building and Zoning Director Bob Gillie

Town Planner Michael Yerman (for part of the meeting)

Michel announced that MacDonald received a letter of resignation from Erika Vohman. Michel read the letter. It was confirmed the letter was effective November 11. Stanford explained the process and requirements for appointing a new Town Council member. The member would be appointed at the regular meeting on December 5, or at a special meeting no later than 30 days from the resignation.

**APPROVAL OF THE AGENDA**

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

**NEW BUSINESS**

**1) Presentation by Ashely Bembenek of the Coal Creek Watershed Coalition on Site Specific Standards Update on Coal Creek Regarding Mt. Emmons Mining Company (MEMC).**

Bembenek introduced herself as the Technical Coordinator with the Coal Creek Watershed Coalition (CCWC). She had been working with special counsel to the Town, Barbara Green, to revise water quality standards in Coal Creek. In general, they knew there were metals in Coal Creek. They were most concerned with cadmium, copper and zinc, which exceeded statewide standards. Mt. Emmons Mining Company (MEMC) committed to additional investigation of metal loading sources, and they proposed an adaptive management framework to evaluate sources at the Keystone Mine property.

The current temporary modifications remained in place. They agreed on the path to take no action. They would participate in a rule making hearing in June of 2017, which was according to the original plan. The stakeholder group needed to continue collaboration. In order to support a five year extension of the temporary modifications for metals,

MEMC would likely provide a revised or expanded plan on the proposed activities on the Keystone Mine property and a plan for water quality monitoring during the proposed extension.

Michel asked Bembenek to explain what it meant to the average person in Crested Butte. Bembenek stated MEMC was taking responsibility to reclaim impoundments, and there had been an incredible improvement. Bembenek explained that stakeholders typically met monthly or bi-monthly. The meetings included local and state level partners. Overall, there had been a good, collaborative effort. Bembenek explained the process to establish standards would continue, and water quality would be changing over time.

## **2) Update from Legal Counsel on Mt. Emmons.**

Belkin affirmed the ballot issue had been approved. He referred to the MOU and the MOI that were in the packets. Specifically, he mentioned bullet point number four in the MOI, which addressed the parties working collaboratively with the federal administration and legislative delegation on an administrative and/or legislative withdrawal of the lands on and around Mt. Emmons from future location of mining claims.

Belkin referenced the map included in the packet. He pointed out unpatented mining claims and the patented acres. The unpatented claims to be retained wouldn't be enough land to develop a mine. He explained the bill that referred to the withdrawal to remove the threat of mining for all time how a bill became a law. Senator Bennet was advocating to move the bill through Congress. Belkin confirmed for Schmidt that it would also require Cory Gardner's participation. He thought it made sense to push. Schmidt confirmed they wouldn't do anything yet with the bond that was approved, and Ladoulis confirmed there was not a sunset on the issue.

Michel asked what withdrawal meant. Belkin explained the deal was structured to eliminate (the claims) from mineral entry forever. Responding to Michel, Belkin explained Freeport would be in charge of the treatment plant because there was a discharge permit that required somebody operate it. Michel asked Belkin to explain the ongoing liability for the mine. Belkin was comfortable the treatment plant would be run by Freeport, but he reiterated that someone had to run the plant. Belkin listed steps towards completion: 1) Congress withdrew 2) President signed the bill 3) Freeport would offer a letter that they disposed of claims, but they would not get paid until that happened.

Responding to a question from the public, Belkin talked about an administrative withdrawal, which had to go through the Secretary of the Interior, and had to be approved by Congress to become permanent. The current plan was the fastest, easiest, and cheapest. Belkin answered Michel that the County had been great. The question of what was in it for MEMC was posed. Belkin reviewed the history of the acquisition of Freeport-McMoRan. They were in the chain of title, and they had no choice. He thought Town had a willing partner in Freeport-McMoRan. Green elaborated that it was in their best interest under CERCLA to clean it up. Under CERCLA, those who had the deepest pockets owned the responsibility. Bembenek added that they were maintaining control in

being pro-active. Green said that they saw themselves on the edge of clean up technology. Michel thanked Belkin, and Belkin thanked others who were involved.

**3) Ordinance No. 12, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 6 of the Crested Butte Municipal Code to Include New Regulations in Article 6 Thereof for the Licensing of Vacation Rentals and Making Such Other Recommended Changes to the Code in Connection Therewith.**

Michel described the ongoing issue of short-term rentals (STRs), and he framed where they were right now. He recognized the legal aspects challenged the value side of the issue. Michel read the title of the ordinance. Ladoulis confirmed the ordinance was not related to a cap on STRs. Michel explained how the meeting would be handled. The Council wanted to discuss how they handled the quantity of STRs in Crested Butte. Ladoulis said that the Council didn't want a cap that said a person couldn't rent his or her home. However, there was a point at which an excess, if left unfettered, became too much. The big question was how much was too much. He thought there was a solution that would preserve the community. Schmidt agreed there were two different issues. He would like to see working through monitoring of STRs. He determined partly from the CAST report, that no one really had it figured out. His issue with limiting was he was not sure what would be accomplished. Schmidt acknowledged the issue was exacerbated by VRBO and Airbnb. Mason agreed with Ladoulis's opening remarks. Ordinance No. 12 dealt with the nuts and bolts, and they could move forward with most points in the ordinance. The big question was what the limit was on STRs in Crested Butte. Mitchell saw Ordinance No. 12 as low-hanging fruit and what they were working towards all summer. The reason was so the community didn't turn into a motel room. She asked if it was really a house if someone rented it out 300 days a year. Michel felt STRs would change the community more than any other issue. STRs were good for retail and restaurants, but he wanted to maintain a real community. The Town never went wrong following core values. Michel identified core questions of when was too much, too much, or if there was too much. Ladoulis reviewed the existence and history of zoning. Michel reminded everyone that they wouldn't solve the affordable housing problem with the STR ordinance, and they wouldn't compel second homeowners to rent their homes out for long-term. Gillie agreed STRs were undoubtedly changing the character of the community. He stated the percentage of STRs had increased greatly due to new marketing tools.

Michel opened the meeting to public comment.

Alex Fenlon - 307 8<sup>th</sup> Street

- He handed out a petition that was signed by concerned citizens.
- He agreed there was a point in which STRs were harmful, and he asked Council to address the situation.
- Listen to the people that live in Crested Butte.
- Something needed to be done.
- Never underestimate the industry.

- Michel asked what the problem was they were trying to solve. Fenlon answered if it continued unfettered they wouldn't have enough people living in houses in Crested Butte. The best future would be having people living here.

Jeff Scott - 810 Elk Avenue - Business owner at 719 B 4<sup>th</sup> Street

- He assisted Fenlon in assembling signatures for the petition.
- He was not against the STR business.
- He asked the Council to make smart decisions and manage the negative impacts.
- Explained what happened in Aspen.

Dan Escalante - 29 Gothic

- Believed legislation reflected a community's values.
- Talked about takings such as horizontal zoning and medical marijuana that became retail marijuana. Told the Council to stick through it and they would get the results.
- The (STR) Committee recommended caps.

Kyle Ryan - 712 Gothic #12

- Problem was he wanted to keep community, neighbors, and relationships.
- Neighbors and community were why he was here.

Holly Harmon - 103 1/2 Elk Avenue

- Not opposed to homeowner renting out home for a short period of time.
- Tone from Town on the CAST study was to wait and see what the report said. Time had passed. She urged them to do something.
- Neighborhoods were very much affected, and they would only get worse.

Ben Oldread - 826 Elk

- When he bought his house it wasn't next to a hotel, but now it was.
- Had a lot of problems (with short-term renters). People were disrespectful.
- Renters didn't understand the rules.
- He would like to see the frequency go down. Fifty-two different people staying next to his home in a year were too much.

Steve Ryan - 75 Escalante

- Rebutted Oldread because he managed the home at 822 Elk Avenue. The home rented less than 90 days a year, and most rentals were 1-2 weeks.
- Was on the STR Committee, and due to Colorado laws, they couldn't take fees from STRs and build affordable housing.
- It was not right to say all people coming here were bad.

Emily Montesinos - 25 Hunter Hill in Mt. Crested Butte

- Needed to preserve Town for people who could stay and people who visited that wanted to be part of the community.
- If there was not a cap, there would be no option for long-term renters.

- Had to fight to create more long-term housing.

Priscila Palhava - 312 Sopris

- Seasons were way longer than they used to be. Crested Butte was booming, but it hadn't always been that way.
- She owns two VRBO units. Long-term renters left them in shambles.
- Locals didn't live in Town because fees were so high.
- Town should start incentivizing.
- Require the right insurance.

Marcus Lock - Attorney in Gunnison representing Crested Butte Owners Supporting Sound Housing Practices

- They didn't have data to answer question of what they were trying to solve.
- According to the doctrine of unintended consequences, only the uber wealthy, who have no desire to short-term rent, would be able to buy property.
- Look at the data for taking the steps incrementally.
- Think about fairness. He didn't think caps could be implemented fairly.
- Time to act cautiously not precipitously.

Johnna Bernholtz - 731 Teocalli Avenue

- STRs had multiple issues, including people who rented out when they went on vacation.
- Taxes would eventually price her out of Town, not her mortgage.
- People moved out of Town because of high fees.
- Didn't know how Council could vote on issue of regulating something when 5 out of 7 Councilors had permits.

Mindy Sturm - 117 Teocalli

- Had a heart for the ski bum.
- The discussion changed from a long-term housing issue to more about protecting the community.
- STRs were not going to change Town; it was actually property values that would cause change.
- Limiting STRs would not solve the issue and wouldn't change this place. It would increase demand.

Eric Davis - 311 1<sup>st</sup> Street

- His neighborhood was wonderful, and it was a mixture of uses.
- Short-term renting out his property had been a boon for him.
- Issue he saw was preserving character of neighborhoods, which could be controlled via zoning.
- He asked about zoning, specifically if his B4 Zone was included with the other B's.

Will Dujardin - 711 Gothic Avenue

- Agreed with Michel, and he listed those with whom he agreed.
- They were trying to protect Town and values.
- A cap was needed on the number of licenses.
- Told the Council to encourage and incentivize homeowners to rent to long-term people.
- Had heard of long-term renters subletting for short-term, which was not good.
- Disappointed Town didn't take recommendations from the committee.

Shay Wyckoff - Owner of Alpine Property Management

- Her business had vested interest in keeping STRs alive.
- As Council moved through, she asked them to consider the economy of Town.
- Short-term rentals brought a variety of people into Town.
- They needed to keep elongating the seasons and therefore employment.

Molly Eldridge - Reported to live in Riverbend - Owner of Red Lady Realty

- Most people to whom they sell properties wanted to come to Town. They couldn't long-term rent because that would mean they couldn't come themselves.
- People were not getting rich from VRBO.
- If they restricted STRs, only the uber rich would be able to buy homes.
- Agreed they needed affordable places for people to live in Town, but it was a dangerous slope of those who felt they deserved to live in Town.

Mike Linehan - 9 Butte Avenue

- Appreciated the separation of affordable housing from STRs. He suggested the private sector could be helpful with affordable housing.
- He was impacted by STRs, and he also owned a home that he short-term rented.
- He wished there was a mechanism for a fair cap.
- The only fair way seemed to be that everyone could do it or no one could do it.
- He thought there should be serious consideration to the enforcement of issues, like noise.
- Concept of incentivizing made sense to him.

Chris Mackie - Representing VACASA vacation rentals

- He told the Council to start at the bottom and eliminate issues on the book that weren't being enforced.
- They needed a clear expectation of regulations.

Matthew Verona - 727 between Elk and Maroon

- A person could not rent out their home if it was not their primary, registered residence.

Mark Ewing - 10 Butte

- Town was empty, and it was sad.
- The cell blocks, where he lived previously, were set to be mowed flat.

- The opportunity for kids to grow up in Crested Butte would no longer be possible.
- He seconded the primary residence idea.

Michel opened the meeting to Council discussion.

Mitchell reminded everyone that short-term and long-term rentals were two separate issues. Michel disagreed because he saw price pressure caused by STRs. Mason thought there was a link between market pressure and long-term housing, but he didn't think that a \$1M house would long-term rented if they couldn't short-term. Schmidt agreed long-term and short-term rentals were somewhat connected, but the solutions were different. He agreed that data needed to be obtained. Limiting the number of days was a new consideration. They needed to talk about caps or capping the number of days. They couldn't solve the problem of caps, but Schmidt wanted to address issues such as noise, garbage cans, and contact information tonight, which were in Ordinance No. 12.

Ladoulis added that given the choice, he would rather not do nothing. He wanted to figure out what they could do that would continue to keep Town desirable. Ladoulis wanted to be cautious and take small steps. Mason thought it seemed clear Council didn't want to implement a numerical cap, but he wanted to figure out how zoning and the possibility of limiting days could help address the issue. Mason wanted to see what other communities had done and if they had been challenged. Ladoulis would direct Staff to define business and when it was allowed in a residential zone. Michel didn't think a cap was appropriate. He thought limiting the number of nights could affect how zones were being utilized. Mitchell liked Michel's suggestion of limiting the number of nights, or a property owner could get a conditional use for more nights. Michel asked if Council wanted to direct Staff to look into the legality of limiting the number of nights and inform Council of a potential path forward with it, as well as when the use went from residence to business. MacDonald stated that it was possible, but they would need to hire a consultant. She said they could look at requiring reporting in the ordinance.

Monitoring companies offered the ability to closely estimate the number. They discussed the collection of the average number of nights. Belkin cited the problem in New Orleans; there was a tug of war between residential uses with commercial aspects and business. It was a question of what the community wanted.

Michel brought the Council's attention to Ordinance No. 12. He explained it came from the committee's recommendations, excluding the recommendation of the cap. Mason wanted to re-word transient, and the word guest was suggested instead. Michel focused on various sections of the ordinance:

- 6-6-50 – License Required; Compliance
  - Michel believed that ceasing rental activity for a year (for operating without a license) seemed too short. Gillie said they needed to get STRs licensed. Mitchell was comfortable with two years, and Mason agreed.
  - The discussion changed to if the license belonged with the person or the property. MacDonald said it purposefully went with the property. Gillie said it realistically lived with the person and the property; there were

- infractions that went with the property and ones that went with the person. Ladoulis thought the license would sit better with the person.
- Ladoulis wondered about a remedy period.
- 6-6-60 – Application
    - Michel questioned the last sentence of the section. MacDonald explained it was an annual renewal that would allow people to book out two years.
  - 6-6-70 – Issuance and Renewal
    - The decision of the licensing official or of the Town Manager shall be the final decision of the Town for purposes of judicial review. Michel confirmed they were giving the Town Manager the final say. He preferred decisions were depoliticized, and they didn't want every single appeal coming to the Town Council.
    - Next, the Council discussed the part of Section C dealing with notification of all owners of real property within 200 feet of property. Belkin said the purpose was to create a file and collect data over time. Michel clarified it was notifying neighbors there was a decision being made and they could comment at any time. Ladoulis's concerns were: there was no way to enforce, collecting data was onerous, and it was not an efficient use of time. MacDonald suggested that local contact information could be included in the format of the notification. Michel was in favor. Schmidt said that the Town should collect the information. There was discussion on the 200-foot requirement. Mason thought a 200-foot requirement was too much. Mitchell thought 100 feet were fine. Schmidt was okay with 100 feet. Ladoulis's opinion was if the Town collected the information, then go for 100 feet.
    - Schmidt said there should be a database in Town Hall consisting of contact information. MacDonald said there could be a website available and people could access the information anytime. No one disagreed.
  - 6-6-170 – Parking Required
    - Gillie explained that if Town approved the site plan with parking, the parking must be available. Belkin clarified it was not enlarging the requirement
  - 6-6-180 – Maximum Occupancy
    - Two people per bedroom plus two.
    - Any increase above 10 people in a vacation rental shall include on-site parking space for each four potential occupants.

Michel suggested that the Council consider the decision points provided in Gillie's staff report. The first decision point was whether the Council wanted there to be places or zones within Town where STRs were not allowed or limited. MacDonald stated there were sections in Town where licenses had been issued where they should not have been, according to the Land Use Code. Schmidt asked about grandfathering existing ones.

Staff needed clear direction from Council what the trigger would be for non-renewal. Gillie asked if they wanted to limit by zone district. Mason wanted to know how current Code enforcement would affect areas right now. Mason recognized the committee relaxed zoning thinking they were capping the number. He sensed the committee wouldn't recommend relaxing without capping. The discussion became detailed to specific buildings and zones.

Schmidt moved and Ladoulis seconded a motion to continue this hearing to the December 5<sup>th</sup> Monday meeting. **Motion passed.**

### **ADJOURNMENT**

Mayor Michel adjourned the meeting at 10:11PM.

---

Glenn Michel, Mayor

---

Lynelle Stanford, Town Clerk (SEAL)



## Staff Report November 21, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald  
**From:** Bob Gillie, Building and Zoning Director  
**Subject:** **Resolution #38, Series 2016: Poverty Gulch, Condominium Re-plat**  
**Date:** November 15, 2016

---

**Summary:** Terry Parr is selling unit A of Poverty Gulch condominiums to Tyler Hammer. In the past the Parrs did an addition to the unit. There have been several other additions and changes to other condominium units over the years. In order to update the plat to reflect what actually exists for each unit a re-plat was necessary prior to the sale. The staff has reviewed the plat for compliance and is requiring sign-off on the plat by lien holders. Resolution #38 authorizes the Mayor to sign the plat once all parties with an interest have executed the plat and it is approved by the Town Attorney.

**Proposed Motion:** Approve Resolution #38, Series 2016 and authorize the Mayor to sign the plat as part of the consent agenda.

**RESOLUTION NO. 38**

**SERIES NO. 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN  
COUNCIL APPROVING THE AMENDED  
CONDOMINIUM MAP OF POVERTY GULCH  
CONDOMINIUMS**

WHEREAS, the Town of Crested Butte, Colorado (the “**Town**”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Chapter 16, Article 12 of the Crested Butte Municipal Code, the Town Council may approve plats for, among other things, the creation of condominium property interests;

WHEREAS, the owners of the Poverty Gulch Condominiums (collectively, the “**Subject Property**”) desire to replat the Subject Property to address certain additions that have occurred to the Subject Property over time;

WHEREAS, the Town staff and the Town Attorney have worked cooperatively with the owners on the replat and have recommended to the Town Council that it approve the replat of the Subject Property; and

WHEREAS, the Town Council finds hereby that approving the replat of the Subject Property, as recommended by Town staff and the Town Attorney, is in the best interest of the health, safety and welfare of the Town, its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.** The Town Council hereby finds that replatting the Subject Property is in public interest.
2. **Authorization of Mayor.** Based on the foregoing, the Town Council hereby authorizes the Mayor to execute the Amended Condominium Map of Poverty Gulch Condominiums in substantially the same form as attached hereto as **Exhibit “A”** (the “**Map**”) upon proper execution of all parties with an interest therein as approved by the Town Attorney.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS \_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST

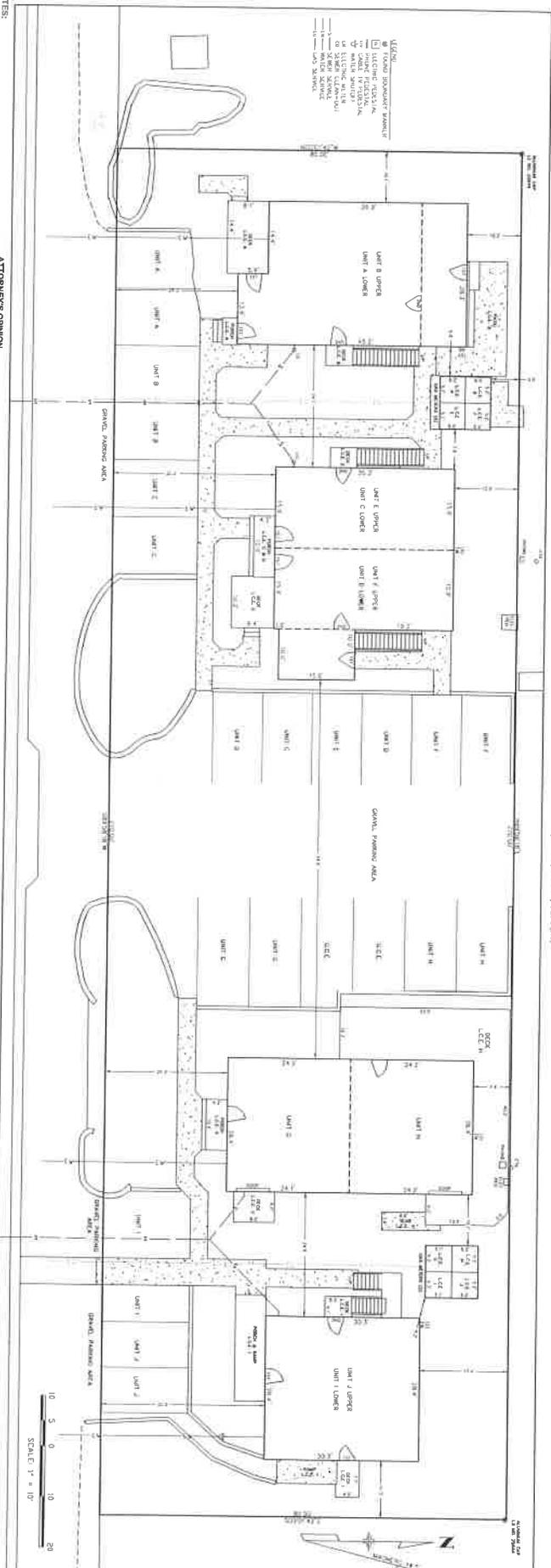
\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**EXHIBIT "A"**  
**(Map)**

[attach copy of Amended Condominium Map of Poverty Gulch Condominiums here]

**AMENDED CONDOMINIUM MAP OF  
POVERTY GULCH CONDOMINIUMS**  
TOWN OF CRESTED BUTTE, GUNNISON COUNTY, COLORADO  
WITHIN THE SW1/4 SECTION 35, T13S, R69W, 60E P.M.



**NOTES:**

1. Boundary and dimensions are as shown on the Town Plat.
2. Location based on Town plat and corner of Section 35.
3. Street and EA Avenue and 7th Street and EA Avenue.
4. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
5. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
6. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
7. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
8. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
9. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.
10. The applicant certifies that the information provided in this application is true and correct to the best of their knowledge and belief.

**ATTORNEY'S OPINION**

I, David F. Anderson, Attorney at Law, do hereby certify that the Amended Condominium Map of Poverty Gulch Condominiums was prepared by me and under my supervision and control, and that I am a duly licensed attorney in the State of Colorado. I have reviewed the Amended Condominium Map and the information contained therein, and I am satisfied that the same conform to the provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38, and the applicable provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38, and the applicable provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38.

Dated this 16th day of November, 2018.

**LAND SURVEYOR'S CERTIFICATE**

I, Norman C. Whitehead, being a registered land surveyor in the State of Colorado, do hereby certify that the Amended Condominium Map of Poverty Gulch Condominiums was prepared by me and under my supervision and control, and that I am a duly licensed land surveyor in the State of Colorado. I have reviewed the Amended Condominium Map and the information contained therein, and I am satisfied that the same conform to the provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38, and the applicable provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38.

Dated this 16th day of November, 2018.

**DEDICATION AND CERTIFICATION**

**KNOW ALL MEN BY THESE PRESENTS**, that the Poverty Gulch Condominium Association, a Colorado nonprofit corporation, has adopted and approved by vote of its board of directors the Amended Condominium Map of Poverty Gulch Condominiums, and that the same has been filed for record in the County of Gunnison, State of Colorado, on this 16th day of November, 2018.

**1. LEGAL DESCRIPTION:** The property described in the map hereby set out and placed in Poverty Gulch Condominiums and shown on the Amended Condominium Map is:

That 2.00 Acres, Town of Crested Butte, County of Gunnison, State of Colorado.

**2. CONDOMINIUM REGISTRATION:** The said property has been registered in the Public Records of the State of Colorado, under the name of Poverty Gulch Condominiums, in accordance with the provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38, and the applicable provisions of the Colorado Condominium Act, C.R.S. Title 38, Article 38.

**3. IDENTIFICATION OF UNIT OWNERS APPLICABLE:** The Amended Condominium Map has been adopted and approved by vote of its board of directors, and the same has been filed for record in the County of Gunnison, State of Colorado, on this 16th day of November, 2018.

**4. RESOLUTION:** Upon recording of this Amended Condominium Map, the office of the Gunnison County Clerk and Recorder, the original entry by the Amended Condominium Map, shall be returned to the applicant, and the applicant shall be deemed to have accepted the Amended Condominium Map.

**IN WITNESS WHEREOF**, David F. Anderson, Attorney at Law, has executed the Dedication and Certification on this 16th day of November, 2018.

**POVERTY GULCH CONDOMINIUMS ASSOCIATION,**  
a Colorado nonprofit corporation

**CRESTED BUTTE TOWN COUNCIL APPROVAL**

The Amended Condominium Map of Poverty Gulch Condominiums is hereby approved by the Town Council of Crested Butte, Colorado, on this 16th day of November, 2018.

By: \_\_\_\_\_ Mayor

By: \_\_\_\_\_ Clerk

**GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE**

This Amended Condominium Map was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this 16th day of November, 2018.

By: \_\_\_\_\_ County Clerk

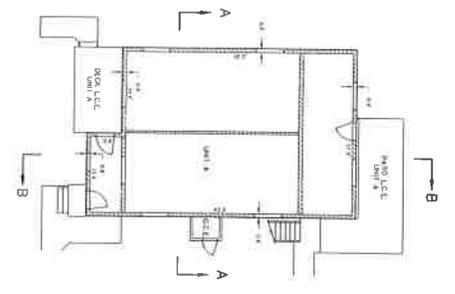


**AMENDED CONDOMINIUM MAP  
POVERTY GULCH CONDOMINIUMS  
TOWN OF CRESTED BUTTE  
GUNNISON COUNTY, COLORADO**

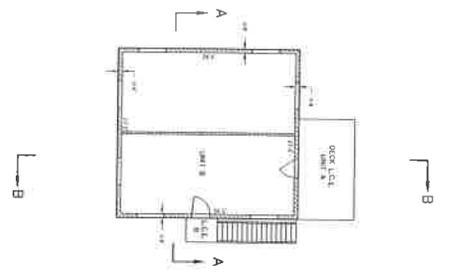
COVER

Prepared by: NCR & Associates, Inc.  
1001 1st Street, Suite 100  
Crested Butte, Colorado 81224  
Phone: 970-338-2000  
Fax: 970-338-2001  
E-mail: ncr@ncra.com

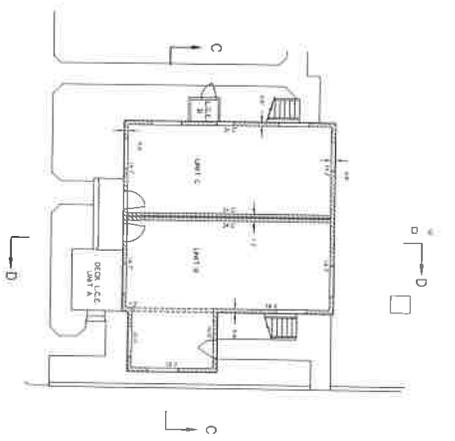
PROJECT: 16020-20  
DATE: 11/14/18  
SHEET: 1 OF 1



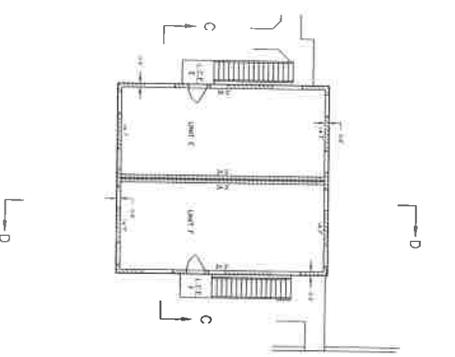
SECTION A-A



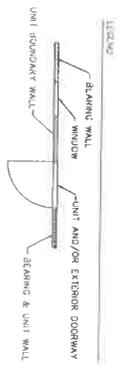
SECTION B-B



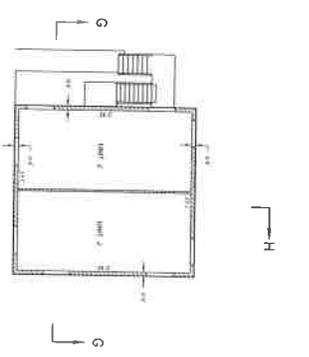
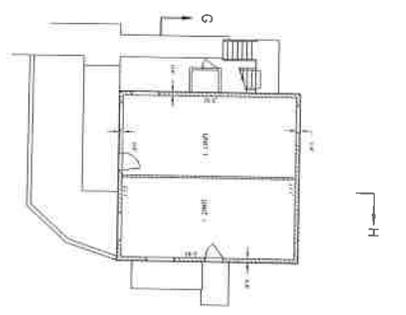
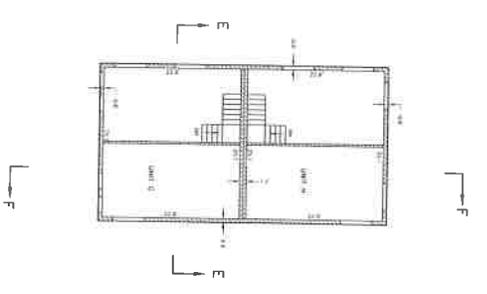
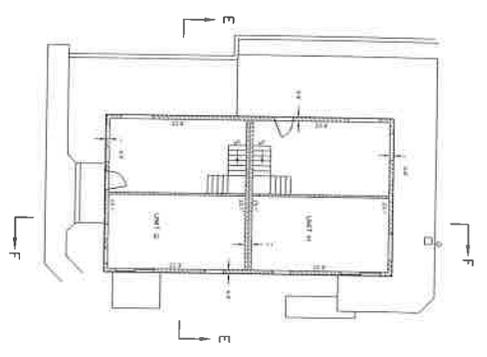
SECTION C-C



SECTION D-D



AMENDED ORDINANCE 148 PROPERTY DEVELOPMENT COMMISSION TOWN OF CHESTERVILLE GUNNISON COUNTY, COLORADO	COVER
Prepared by: NFW & Associates, Inc. 10700 E. South Suite 100 Greenwood Village, CO 80111	General BAYNE 25100 E. 112th Suite 100 Denver, CO 80231
PROJECT: 10022102 DATE: 11/14/10	SHEET: 2 OF 3

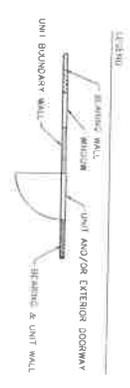


SECTION E-E

SECTION F-F

SECTION G-G

SECTION H-H



PREPARED BY: F. R. GUY SMITH ARCHITECT-PLANNER 1000 N. W. 10TH AVENUE MIAMI, FL 33136	COVER NCM & Associates, Inc. CHARLES BURT CHAIRMAN 1170 N.W. 10TH AVENUE MIAMI, FL 33136
---	---

APPROVED FOR THE BOARD OF SUPERVISORS  
 TOWN OF CRESTED BUTTE  
 CLINTON COUNTY, COLORADO

November 22, 2016

Scott Fitzwilliams, Forest Supervisor  
c/o Erin Carey, Project Leader  
620 Main Street  
Carbondale, CO 81623

RE: MBSW Visitor Use Management Plan

Dear Mr. Fitzwilliams:

The Crested Butte Town Council would like to express our support for the efforts of the U.S. Forest Service to address the increasing impacts of human travel in the Maroon Bells-Snowmass Wilderness ("MBSW").

We too are seeing the impacts of increased visitation on this side of the MBSW. Recent years have brought increased visitor numbers to neighboring forest lands along with associated impacts of garbage, resource degradation, fire rings, and improper disposal of human waste. In particular, the human impacts at the trailhead for the West Maroon Trail are quickly approaching an untenable state.

We appreciate the efforts by the U.S. Forest Service to manage visitor numbers and balance the preservation of natural conditions while continuing to provide opportunities for primitive and unconfined recreation. As it relates to the MBSW, the Town would like to bring the need for restroom facilities at the trailhead for the West Maroon Trail in Schofield Park to your attention. The popularity of this trail continues to attract visitors and unfortunately the trailhead receives the unintended negative consequences of this popularity.

Thank you again for undertaking the Visitor Use Management Plan effort for the MBSW. The Town enjoys collaborative working relationships with our neighboring land management agencies and appreciates the sometimes difficult work you undertake to manage resources for this and future generations.

Sincerely,

Glenn Michel  
Mayor

## Maroon Bells-Snowmass Wilderness Overnight Visitor Use Management Plan

The primary purpose of this project is to create a visitor use management strategy to restore and preserve the natural conditions by addressing biophysical impacts resulting from increasing overnight use within the Maroon Bells Snowmass Wilderness (MBSW). The proposed MBSW Visitor Use Management Plan will define an overnight visitor carrying capacity per zone for a number of groups at one time (GAOT). The GAOT capacity allocation will serve as a primary indicator threshold which when exceeded will trigger a limited entry permit system for a zone. A permit system would be implemented with a fee through the authority of the Federal Lands Recreation Enhancement Act (FLREA). The limited entry permit system would be implemented in phases for zones that are exceeding the GAOT capacity as administrative capacity allows. The White River and Grand Mesa, Uncompahgre, Gunnison National Forests will evaluate this action to determine compliance with respective Forest Plans.

### Location Summary

---

Maroon Bells Snowmass Wilderness, Colorado

**Forests:** Gunnison Ranger District, West Zone/Aspen Ranger District, West Zone/Sopris Ranger District

### Project Documents

---

<b>Scoping</b>	<b>Date Published</b>
MBSW VUM Legal Notice (PDF 3969kb)	<b>11-03-2016</b>
FACT SHEET (PDF 540kb)	<b>11-03-2016</b>
MBSW Scoping_signed letter (PDF 1753kb)	<b>11-03-2016</b>
FREQUENTLY ASKED QUESTIONS (PDF 295kb)	<b>11-03-2016</b>
OVERNIGHT VISITOR USE MANAGEMENT PLAN (PDF 3254kb)	<b>11-03-2016</b>
MBSW VUM Plan Appendices A-D (PDF 908kb)	<b>11-03-2016</b>
MBSW VUM Plan Appendix-F-Overnight-Zone-Maps (PDF 6688kb)	<b>11-03-2016</b>
<b>Supporting</b>	
2016 Wilderness Program Report (PDF 1030kb)	<b>11-03-2016</b>

**J. D. BELKIN & ASSOCIATES, LLC**

ATTORNEYS AT LAW  
Whiterock Professional Building  
502 Whiterock Avenue, Suite 200  
P.O. Box 2919 (U.S. Mail Stop)  
Crested Butte, Colorado 81224  
Direct: 970.349.6698  
Facsimile: 970.497.4401

John D. Belkin, Esq.  
E-mail: jbelkin@jbelkinlaw.com

**MEMORANDUM**

**\*\*\*Non Attorney - Client Privileged and Confidential Communication\*\*\***

**TO:** Town Council  
**FROM:** John D. Belkin, Esq., Town Attorney  
**CC:** Dara MacDonald, Town Manager  
**DATE:** November 17, 2016  
**RE:** Town Attorney Representation Letter

---

- Coming out of my review last July, I was asked to prepare a new representation letter for my legal representation of the Town as Town Attorney. Attached is that representation letter for your review and approval along with the approval resolutions in connection therewith. This representation letter is similar to letters the Town has entered into with me in the past.
- For your information, the rates in the letter are equal to and below local market (i.e., City of Gunnison and Town of Mt. Crested Butte (both \$185.00 per hour) and are the same as has been billed for the last year and previously.
- Separately, as you may know, when I was hired as Town Attorney in 2006, I was with the law firm Garfield & Hecht, P.C. Since August I have been speaking with Garfield & Hecht about rejoining the firm as Of Counsel and I will be doing so as of January 1, 2017. My rejoining the Firm will be seamless to the Town. My services and office will remain the same. I will always be the appointed Town Attorney, and my rejoining the Firm provides many benefits to the Town. I will now have the resources of Garfield & Hecht to support me. Other attorneys at Garfield & Hecht who may assist me will bill at rates equal to or less than my rates. This arrangement provide for the provision of additional legal services to the Town in areas such as water representation and will provide support on litigation matters. It will also provide for a back-up attorney in the event that I am unable to make a Town Council meeting. If you recall, this was something that you asked me to address during my last Town Attorney review in July.

**\*\*\*Non Attorney - Client Privileged and Confidential Communication\*\*\***

Town Council  
Re: Town Attorney Representation Letter  
November 17, 2016  
Page 2

Again, there will be no change in any of the legal services that I provide, other than that I will now have the resources of one of the best law firms in the State that also represents a number of Western Slope municipalities and special districts. They currently have five licensed attorneys (including me as of January) in their municipal practice group, as well as highly competent water counsel. Because Garfield & Hecht is based in Aspen and Glenwood Springs, conflicts in my representation of the Town will be rare if ever. To date this has been the case as you are probably aware.

- If you have any questions, please contact me or I can address them during the Town Council meeting on Monday night. Thank you.

Encl.

###

**\*\*\*Attorney - Client Privileged and Confidential Communication\*\*\*  
No Secondary Dissemination**

**RESOLUTION NO. 43**

**SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL  
APPROVING TOWN ATTORNEY REPRESENTATION LETTER**

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Section 7.1 of the Home Rule Charter of the Town of Crested Butte, the Town Council appoints the Town Attorney to serve at the pleasure of the Town Council;

WHEREAS, the Town Attorney is the legal representative of the Town and shall advise the Town Council and Town officials in matters relating to their official powers and duties and perform such other duties as the Town Council desires;

WHEREAS, the Town Council finds it necessary and appropriate to enter into a representation letter with the Town Attorney governing the Town Attorney's performance of legal services for the Town; and

WHEREAS, the Town Council hereby finds that it is in the best interest of the health, safety and general welfare of the citizens and visitors of Crested Butte to enter into an agreement with the Town Attorney for the Town Attorney's performance of legal services for the Town for the above-stated purposes, and in connection therewith, adopt and execute the Town Attorney representation letter referenced below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Findings.** The Town Council hereby finds that entering into the Town Attorney representation letter with the Town Attorney for the Town Attorney's performance of legal services for the Town is in the best interest of the health, safety and general welfare of the citizens and visitors of Crested Butte.

2. **Approval; Authorization of Mayor.** Based on the foregoing, the Town Council hereby approves the Town Attorney representation letter in substantially the same form as attached hereto as **Exhibit "A"** (the "**Letter**"). The Mayor is hereby authorized to execute the Letter in such form.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**EXHIBIT "A"**

**Town Attorney Representation Letter**

[attach letter here]

**J. D. BELKIN & ASSOCIATES, LLC**

ATTORNEYS AT LAW  
Whiterock Professional Building  
502 Whiterock Avenue, Suite 200  
P.O. Box 2919 (U.S. Mail Stop)  
Crested Butte, Colorado 81224  
Direct: 970.349.6698  
Facsimile: 970.497.4401

John D. Belkin, Esq.  
E-mail: jbelkin@jbelkinlaw.com

November 21, 2016

**VIA E-MAIL TRANSMITTAL**

Town Council, Town of Crested Butte  
Attn: Dara MacDonald, Town Manager  
P.O. Box 39  
507 Maroon Avenue  
Crested Butte, CO 81224  
E-mail: dmacdonald@crestedbutte-co.gov

Re: **Town Attorney Representation Letter**

Dear Town Council:

This representation letter sets forth our agreement for your retention of me to serve as the Town Attorney for the Town of Crested Butte.

Because the Town, a municipal corporation, is in fact my client, I represent only the Town and not its elected officials, officers or staff members in their unofficial capacities. This means that it is my duty to place the Town's welfare and interests ahead of the interests of any of the individual elected officials, officers or staff members. As the Town Attorney, I cannot ethically conceal a problem I discover in the course of my representation concerning the Town or any elected official, officer or staff member relating to the Town. Instead, I would be required to disclose that information to the Town Council even if that disclosure could be to the detriment of one or more of the elected officials, officers or staff members.

Please be assured I always protect my clients' privacy. In particular, I adhere to professional and ethical standards regarding attorney-client privilege and the confidentiality requirements of the applicable ethics rules. Confidential information may be shared with other attorneys retained by the Town, paralegals or legal assistants and outside consultants retained on the Town's behalf whose services are necessary in the course of my representation. Confidential information may also be disclosed to third parties where such disclosure is implied from the legal services you have requested me to provide. This duty of privacy and confidentiality is of course subject to the requirements of the Colorado Open Records Act.

As you know, many local governments use a two-tiered rate billing system where there is a lower rate for general municipal work, as well as a higher rate for legal work that is charged back to developers and reimbursed to the Town. This is how I have operated for the last 10 years and this allows municipal attorneys to keep the general rate lower.

- For Town unreimbursed work: \$175.00 general work
- For developer reimbursed work: \$275.00 developer reimbursable work\*

Town Council  
Attn: Dara MacDonald  
November 21, 2016  
Page 2

\*As we have discussed, if the developer does not reimburse the Town, such developer unreimbursed work will be billed to the Town at the general legal work rate of \$175.00.

The Town agrees to reimburse me for customary expenditures made on the Town's behalf such as court reporters, copying costs, postage, Federal Express or other overnight carriers, filing and recording fees and secretarial and/or paralegal time allocated to Town legal matters. I may also incur mileage at the applicable IRS rate. Lodging and subsistence expenses may be billed to the Town only after approval in advance by the Town Manager. In the event that I feel the need to obtain the services of consultants, vendors and experts on the Town's behalf to assist me with the performance of legal services, I will gain the approval of the Town Council and/or Town Manager in advance thereof. This is, again, how I have operated for the last 10 years.

As of January 1, 2017, I will be joining the law firm of Garfield & Hecht, P.C. For your information, I was with Garfield & Hecht when I was hired as the Town Attorney in 2006. This arrangement will be seamless to the Town, and there will be no change in the services I provide. I will remain as the appointed Town Attorney under the Town Charter, but I will now have the resources of Garfield & Hecht to support me. The rates will also remain the same. Other attorneys at Garfield & Hecht who may assist me will bill at rates equal to or less than my rates as set forth above. This arrangement will allow for the provision of additional legal services to the Town in areas such as water representation and litigation support. It will also allow me to have a back-up attorney in the event that I am not able to make a Town Council meeting. If you recall, this was something that you asked me to address during my last review. When I join the firm in January there will be five licensed attorneys in the Garfield & Hecht municipal practice group, which serves multiple special districts and municipalities across the Western Slope. Because Garfield & Hecht is based in Aspen, conflicts in my representation of the Town will be rare if ever. This has been the case to date. Accordingly, as of January 1, this representation letter will transfer to Garfield & Hecht with me continuing to support you as I always have.

My commitment in representing the Town has been and will continue to be providing the Town with the finest legal services available. If this representation letter is acceptable to you, please countersign the same in the space provided below. Thank you.

Very truly yours,

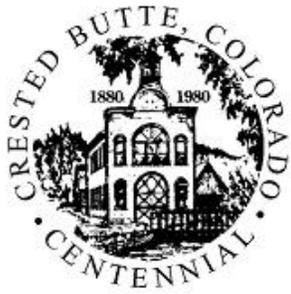
J. D. BELKIN & ASSOCIATES, LLC

By: \_\_\_\_\_  
John D. Belkin

AGREED:

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject: Resolution No. 44 – Affirming Banking Powers**

---

**Summary:** Resolution No. 44 is a housekeeping item to comply with current banking regulations.

**Discussion:** The previous banking powers resolution was adopted in 2006. Due to several changes in banking regulations, Bank of the West has requested a new resolution from the Town to be in compliance with the regulations. The attached resolution grants the banking powers to the positions of Town Manager and Finance Director. Additionally, the Town's Financial Policy contains strict requirements concerning the opening and closing of accounts as well as check signing policies for internal control purposes.

**Recommendation:** Staff recommends approving Resolution No. 44, Series 2016 under the consent agenda.

**RESOLUTION NO. 44  
SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL AFFIRMING  
BANKING POWERS OF TOWN OF CRESTED BUTTE STAFF**

**WHEREAS**, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, the Town of Crested Butte is desirous of continuing various banking relations with Bank of the West, Community Banks of Colorado, The Crested Butte Bank and ColoTrust, or their successors due to merger or purchase; and

**WHEREAS**, the Town Council finds that it is in the best interests of the general welfare of the citizens of the Town to adopt the resolution set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO**, that the following banking powers be granted to the Town Manager and the Finance Director as agents for the Town:

Powers granted:

1. Open any deposit or share account(s) in the Town's name
2. Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with financial institution
3. Close any deposit or share account(s) in the Town's name
4. Enter into Online Business Banking Agreements
5. Cash Management Service Agreements
6. Open credit card line of credit account

**BE IT FURTHER RESOLVED, THAT THE TOWN COUNCIL WILL PROVIDE NOTIFICATION OF PERSONNEL CHANGES IN THE POSITIONS OF TOWN MANAGER AND FINANCE DIRECTOR AS NEEDED. CURRENT PERSONNEL IS AS FOLLOWS:**

TOWN MANAGER: Dara T. MacDonald \_\_\_\_\_  
Signature

FINANCE DIRECTOR: Lois Rozman \_\_\_\_\_  
Signature

**INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS TWENTY-FIRST DAY OF NOVEMBER 2016.**

**TOWN OF CRESTED BUTTE**

(SEAL)

By: \_\_\_\_\_  
Glenn Michel, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Lynelle Stanford, Town Clerk

**J. D. BELKIN & ASSOCIATES, LLC**

ATTORNEYS AT LAW  
Whiterock Professional Building  
502 Whiterock Avenue, Suite 200  
P.O. Box 2919 (U.S. Mail Stop)  
Crested Butte, Colorado 81224  
Direct: 970.349.6698  
Facsimile: 970.497.4401

John D. Belkin, Esq.  
E-mail: jbelkin@jbelkinlaw.com

**MEMORANDUM**

**\*\*\*Non Attorney - Client Privileged and Confidential Communication\*\*\***

**TO:** Town Council

**FROM:** John D. Belkin, Esq., Town Attorney

**CC:** Dara MacDonald, Town Manager

**DATE:** November 21, 2016

**RE:** Ordinance No. 14, Series 2016 – “Panhandling Ordinance”

---

**BACKGROUND:**

- In August 2016 we received correspondence from the American Civil Liberties Union of Colorado (the “**ACLU**”) regarding Section 10-4-50(b)(1) of the Crested Butte Municipal Code concerning the Town’s restrictions on loitering.
- To summarize, in light of the *Browne v. City of Grand Junction*, 2015 U.S. Dist. Lexis 73834 (D. Colo. June 8, 2015) decision in the U.S. District Court for the District of Colorado, it is the view of the ACLU that Section 10-4-50(b)(1) offends the court’s decision in *Browne*.
- As background, Colorado municipalities have been evaluating panhandling and begging laws and have been evaluating their options to regulate such conduct more significantly in recent years. The *Browne* case has put the bookends of sorts on how a Colorado municipality may regulate this kind of conduct. Many Colorado municipalities, including, without limitation, Telluride, Telluride Mountain Village, Loveland and Colorado Springs have adopted new panhandling regulations and/or amended their municipal codes on panhandling and begging to take into consideration the court’s ruling in *Browne*.

**\*\*\*Non Attorney - Client Privileged and Confidential Communication\*\*\***

Town Council

Re: Ordinance No. 14, Series 2016 – “Panhandling Ordinance”

November 4, 2016

Page 2

**RECOMMENDATION:**

- Enclosed in your packets is Ordinance No. 14, Series 2016 striking Section 10-4-50(b)(1) from the Code and adding new panhandling regulations thereto that comport with the *Browne* ruling. This ordinance is consistent with the ACLU’s view of the state of the law in this area.
- **RECOMMENDATION:** Approve Ordinance No. 14, Series 2016.
- If you have any questions, please contact me or I can address them during the Town Council meeting on Monday night. Thank you.

Encl.

###

**\*\*\*Non Attorney - Client Privileged and Confidential Communication\*\*\*  
No Secondary Dissemination**

**ORDINANCE NO. 14**

**SERIES 2016**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADDING A NEW CHAPTER 10, ARTICLE 12 TO THE CRESTED BUTTE MUNICIPAL CODE FOR THE PURPOSE OF REGULATING CERTAIN TYPES OF PANHANDLING**

WHEREAS, the Town of Crested Butte, Colorado (“**Town**”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado;

WHEREAS, the Town has the authority and power to regulate disorderly persons in order to maintain order in public places for its residents and visitors, pursuant to, *inter alia*, the following authorities: (1) Article XX of the Colorado Constitution; (2) the Home Rule Charter of the Town of Crested Butte; (3) the Crested Butte Municipal Code; (4) the provisions of the Colorado Revised Statutes, including C.R.S. § 31-15-401, *et seq.*, General Police Powers of a Municipality, and C.R.S. § 16-13-301 *et seq.*, Colorado criminal provisions related to nuisances; and (5) any and all other powers granted to the Town authorized by statute or by common law for the regulation of disorderly persons or disorderly behavior;

WHEREAS, the Town has the authority and power to regulate persons in connection with the use of sidewalks, streets, parks and other public places;

WHEREAS, the Town has a valid governmental objective and interest in protecting the safety and convenience of its residents and visitors using public places;

WHEREAS, the Town makes no distinction nor expresses a basis of opinion as to any message or content conveyed or delivered with solicitation or panhandling, but rather is attempting to regulate behavior based upon the time, place and manner of the conduct of the solicitor or panhandler and not upon the content of the message such person carry;

WHEREAS, the Town, by way of the regulations adopted in this Ordinance, intends to leave sufficient alternative means and methods of communication available to all residents and visitors of Crested Butte, provided that such conduct is consistent with and not in violation of the limited panhandling prohibitions imposed by such regulations;

WHEREAS, the Town, by way of the regulations adopted in this Ordinance, intends to regulate panhandling activities through reasonable time, place and manner restrictions, that will serve to protect property, public safety and will otherwise benefit the general health, safety and welfare of the residents and visitors of Crested Butte;

WHEREAS, the Town does not intend, by enactment of the regulations adopted in this Ordinance, to interfere with the exercise of constitutionally protected rights of freedom of

expression, conduct, speech or association, and the Town Council recognizes the constitutional rights of every person to express beliefs and opinions on any subject and to lawfully associate with other persons;

WHEREAS, the Town, by enactment of the regulations adopted in this Ordinance, does not intend to interfere with or limit the rights of private property owners to otherwise license and regulate solicitation activities on private property; and

WHEREAS, for the foregoing reasons, the Town Council hereby finds that the regulations adopted in this Ordinance, and the amendments to the Code proposed hereby, are in the best interest of general health, safety and welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1.** **Adding a New Chapter 10, Article 12 to the Code.** A new Article 12 is added to Chapter 10 of the Code and shall read as follows:

**“Pandhandling**

**Sec. 10-12-10. Purpose.**

The Town has the authority and power to regulate behavior in the use of sidewalks, streets, parks and other public places by panhandlers and to otherwise protect the safety and convenience of its residents and visitors and to maintain order in public places from panhandling activities, all of which are valid and reasonable governmental objectives and interests. The Town makes no distinction nor expresses a basis of opinion as to any message or content conveyed or delivered with solicitation or panhandling, but rather is attempting by the provisions of this Article to regulate the time, place and manner of the conduct of the solicitor or panhandler and not upon the content of the message they carry. Specifically, the Town intends by this Article to regulate panhandling activities through reasonable time, place and manner restrictions that will serve to protect property, public safety and will otherwise benefit the general health, safety and welfare of residents and visitors of Crested Butte.

**Sec. 10-12-20. Definitions.**

The following terms shall have the meanings ascribed thereto throughout this Article:

*Coercive* shall mean to compel another person by physical force to do what his or her free will would refuse.

*Intimidating* shall mean conduct that puts the fear of bodily harm in another person.

*Obscene* shall mean a blatantly offensive description of a sexual act or solicitation to commit a sexual act, whether or not such sexual act is normal or perverted, actual or

simulated, including but not limited to masturbation, cunnilingus, fellatio, anilingus or human excretory functions.

*Panhandle or Panhandling* shall include using the spoken, singing, written or printed word, or any bodily gestures, signs or other means of communicating with the purpose of obtaining a gift of money or any other thing of value.

*Public Place* shall mean a place where a governmental entity has title or right of access, to which the public also has access, including but not limited to any sidewalk, street, alley, bridges, buildings, driveways, highway, public parking lot or public parking garages, plaza, transportation facility, school, place of amusement, park, playground or restrooms.

*Sidewalk* shall mean that portion of a street between the curb line and the adjacent property lines intended for the use by the public.

*Threatening* shall mean conduct that expresses an avowed present determination or intent to inflict physical or other harm or injury to another person presently or in the future.

**Sec. 10-12-30. Prohibited Panhandling Activities.**

It shall be unlawful for any person to panhandle if such panhandling involves the following prohibited conduct:

(1) If the person panhandling engages in conduct toward the person solicited that is coercive, intimidating, obscene or threatening and that causes the person solicited to reasonably fear for his or her safety.

(2) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace.

(3) If the person panhandling touches or grabs any person being solicited.

(4) If the person panhandles in such a manner so as to intentionally obstruct or block a sidewalk, doorway, entryway or other passageway in a public place used by the public or obstructs the passage of a person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person.

**Sec. 10-12-40. Violation.**

A violation of this Article shall be enforced pursuant to Chapter 1, Article 4 of the Code.”

**Section 2. Deletion of Section 10-5-40(b)(1) from the Code.** Section 10-5-40(b)(1) is hereby deleted in its entirety from the Code with the subsections appearing thereafter renumbered accordingly.

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS \_\_ DAY OF \_\_\_\_\_, 2016.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST:

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

[SEAL]



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** **Resolution No. 39, Series 2016 Adopting Mill Levy for 2017 Budget**

---

### **Summary:**

The Town has two distinct mill levies, one for the General Fund and one for the Street Fund.

- **General Fund:** The General Fund mill levy must follow TABOR rules and the calculation for 2017 using a calculated local growth rate plus Denver/Boulder/Greeley CPI per TABOR requirements, sets the mill levy to a net of 2.740 mills. This is a 0.107 mill increase from 2016 due to the growth rate calculation and slight decrease in assessed valuation of property within the Town of Crested Butte. The maximum mill levy for the General Fund is 7.30 mills. In order to preserve this mill level, the Town annually issues a temporary tax credit allowed under TABOR to get the net mill levy. For the 2017 budget, the temporary tax credit is 4.560 mills.
- **Street Fund:** The Street Fund mill levy is exempt from TABOR requirements by virtue of the ballot language with which it was voted upon. The maximum mill levy for the Street Fund is 16.00 mills. The mill levy for the 2017 budget is set to remain at 8.000. The Town internally splits the Street mill levy between regular street projects and the upcoming needs of the transportation plan. For 2017 the 8.000 mills is broken down as 7.000 mills for Streets and 1.000 for needs coming from the transportation plan.

**Recommendation:** Staff recommends setting Resolution No. 39 for public hearing at the December 5<sup>th</sup> Council meeting.

**Proposed Motion:** I move to set Resolution No. 39, Series 2016 for public hearing at the December 5, 2016 Council meeting.

**RESOLUTION NO. 39  
SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL ADOPTING THE MILL LEVY FOR THE TOWN OF CRESTED BUTTE, COLORADO FOR THE FISCAL YEAR 2017, BEGINNING THE FIRST DAY OF JANUARY 2017 AND ENDING THE LAST DAY OF DECEMBER 2017.**

**WHEREAS**, the mill levy for the Town is presently 7.30 for General operating purposes and 8.00 for Street and Alley on an assessed valuation of \$87,290,110; and

**WHEREAS**, the assessed valuation of taxable property for the year 2016 in the Town of Crested Butte, as returned by the County Assessor of Gunnison County, Colorado is \$86,599,760; and

**WHEREAS**, the Town Council has determined that it is in the public interest to maintain the mill levy for the upcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO:**

Section 1. That for the purpose of defraying expenses of the "General Fund", the Town Council has determined that the proper mill levy shall be 7.300 mills with a Temporary Tax Credit of 4.560 mills for a net mill levy of 2.740 mills; and during the fiscal year beginning January 1, 2017 and ending December 31, 2017, there is hereby levied a net tax of 2.740 mills upon each dollar of total assessed valuation of all taxable property within the Town of Crested Butte, Colorado.

Section 2. That for the purpose of maintaining a "Street and Alley Fund" pursuant to Ordinance No. 3, Series 1987, Town of Crested Butte, Colorado, the Town Council has determined that the proper mill levy shall be 8.000 mills; and during the fiscal year beginning January 1, 2017 and ending December 31, 2017, there is hereby levied a tax of 8.000 mills upon each dollar of total assessed valuation of all taxable property within the Town of Crested Butte, Colorado.

**INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF DECEMBER, 2016.**

**TOWN OF CRESTED BUTTE, COLORADO**

(SEAL)

By \_\_\_\_\_  
Glenn Michel, Mayor

**ATTEST:**

\_\_\_\_\_  
Lynelle Stanford, Town Clerk



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** **Resolution No. 40, Series 2016 -- Adopting the 2017 Budget**

---

### **SUMMARY:**

Resolution No. 40, Series 2016 adopts the 2017 budget. Council has held several work sessions over the past couple of months dealing with the proposed 2017 budget for the various funds of the Town. The budget attached to Resolution No. 40, is the product of those work sessions.

### **DISCUSSION:**

Included in this budget packet is a staff report on the recommendation of the Grant Committee for award of Community Grant funds. The amount available for Community Grants in 2016 is \$100,000 which is included in the General Government department in the General Fund.

Changes made to the 2017 budget from what was presented to the Council in previous work sessions:

#### General Fund:

- The Community Grants line under the General Government department was increased from \$90,000 to \$100,000 for an additional grant cycle for entities that carry out programs dealing with substance abuse and addiction.
- The Marshals Dept. was increased by \$7,000 for the expenses of a Dept. of Justice grant obtained for mobile equipment allowing data access and data sharing.
- A Department of Justice Grant line item was added to General Fund Revenue to match the \$7,000 grant expenses in the Marshals dept. (noted above). The total grant awarded was \$20,000 of which \$13,000 is expected to be spent in 2016 and the remaining \$7,000 to be spent in 2017. (The 2016 budget is being amended to include the \$13,000.)
- Managers Dept. line item for the Broadband initiative was reduced by \$6,000 to \$34,410. The \$6,000 will be spent in 2016.
- Contribution from Reserve revenue line item was changed to take into account the \$10,000 additional Community Grants and the change in the Region 10 Broadband for \$6,000 of the \$40,410 to be spent in 2016

Water & Sewer Fund: No Changes

General Capital Fund:

- A line item called Mt. Emmons Project was added to the Open Space portion of the fund in the amount of \$2,110,000. This is for the potential payment for the withdrawal of the mining claims on Mt. Emmons. A corresponding “Debt Proceeds” line item was added for the same \$2,110,000 amount for the bonds as approved by the voters on November 8.

Conservation Trust Fund: No Changes

Sales Tax Fund: No Changes

Street & Alley:

- The Paving Project line item was increased to add \$25,000 for fire ring, fencing and landscaping to the 4-way lot paving project

Affordable Housing Fund: No Changes

**RECOMMENDATION:** Staff recommends setting Resolution No. 40 for public hearing at the December 5<sup>th</sup> Council meeting.

**MOTION:** I move to set Resolution No. 40, Series 2016 for public hearing at the December 5, 2016 Council meeting.



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** 2017 Community Grant Funding Recommendations

---

**Summary:** The Community Grants committee of Chris Ladoulis and Jim Schmidt met on November 7, 2016 to determine funding recommendations for the 2017 Community Grants. There were 24 grants received totaling \$101,475 in requests. The total available for Community Grants for 2017 was \$90,000. In previous years, \$7,000 was taken from the Community Grant line item and set aside for a Growing Winter grant program in conjunction with Mt. Crested Butte. Due to lateness in the year, it was decided not to proceed with that grant program for this year. The grant line item was split using \$61,500 for the current grant cycle and leaving \$28,500 for the spring cycle.

The grant committee makes the following recommendations for funding:

- Adaptive Sports – \$1,000 purchase of kids skis for Community Kids Program
- Arts Festival -- \$2,000 artists demonstrations & children's art alley
- Avalanche Center -- \$1,000 Avalanche Awareness Night event
- CB Development Team -- \$1,000 Junior Crested Butte Bike Week event
- CB Mountain Bike Association -- \$4,000 Fat Bike Grooming & Winter Trails Amenity
- Center for the Arts -- \$2,500 Winter programming marketing
- Center for Mental Health – \$2,500 Free or low cost mental health services
- Chamber of Commerce -- \$2,000 Bike Week event
  - \$4,000 Fat Bike Championship event
  - \$5,000 July 4<sup>th</sup> Celebration event
  - \$1,500 Pole, Pedal, Paddle event
- Coal Creek Watershed Coalition -- \$6,500 Coal Creek monitoring & portable toilets in the Upper Slate River watershed
- Community Foundation -- \$500 Rural Philanthropy Days
- Dance Collective -- \$2,000 Move the Butte dance program
- Film Festival -- \$2,000 advertise festival on the front range
- Living Journeys -- \$7,500 Youth Group and digital story telling initiative
- Mountain Heritage Museum -- \$6,500 match for grant for historic building repairs
- Nordic Center -- \$4,000 grooming of Town Ranch for free access including dogs
- Northwest Colo. Legal Services -- \$1,500 support of local legal service clinics
- School of Dance -- \$1,500 bring a visiting dance company to Crested Butte
- Sustainable CB -- \$2,000 purchase of boomerang bags

- Wildflower Festival -- \$1,000 Mountain Manners program

The following entities were not awarded grant monies: Chamber for the Butte Bucks program and Solar Hydrogen Inc. for hydrogen training.

At the November 7 budget work session, the Council took up the earlier request from Gunnison County Substance Abuse Prevention Program to be included in the Town's budget as a line item for \$25,000. Council decided to increase the Community Grant line item by \$10,000 and do another grant cycle specific to substance abuse and addiction rather than put in a line item amount for a specific entity. Staff will work on getting this grant cycle put together.

Attached for your information, is a listing of the total grants requested and awarded for this grant cycle as well as the past couple of years.

**Recommendation:** Staff recommends following the grant committee's funding recommendations and approving the 2017 Community Grant funding with the approval of the 2017 budget.

COMMUNITY GRANT REQUEST	Granted 2014 Fall	Granted 2014 Spring	Granted 2015 Fall	Granted 2015 Spring	Requested 2016 Fall	Granted 2016 Fall	Requested 2016 Spring	Granted 2016 Spring	Requested 2017	Recommend 2017
Adaptive Sports Center	1,000	1,250	1,000	2,000	4,400	2,000	2,000	-	2,500	1,000
Arts Festival	1,500		2,000		5,000	2,000			2,500	2,000
Avalanche Center	500		750		1,000	1,000			1,500	1,000
CB Development Team									2,000	1,000
CB Mountain Bike Association							4,000	2,000	5,000	4,000
CB Snowsports Foundation					2,500	-				
Center for Mental Health	2,000		2,000		4,500	2,000			4,500	2,500
Center for the Arts - Alpenglow	2,000			1,400	5,000	2,000	2,000	2,000		
Center for the Arts - Wine & Food							3,000	-		
Center for the Arts - Winter Season production									3,000	2,500
Chamber-Butte Bucks	4,000		4,000		5,500	4,000			5,500	-
Chamber-Bike Week		2,750	3,500		5,000	3,000			3,000	2,000
Chamber - Fat Bike Championships					5,000	5,000			5,000	4,000
Chamber - July 4th		2,500	3,500		5,000	3,500			5,000	5,000
Chamber-Light Up Night					1,000	-	1,000	500		
Chamber - Pole, Pedal, Paddle					3,000	2,000			3,000	1,500
Coal Creek Watershed Coalition			3,500		5,750	5,750	1,500	1,500	6,500	6,500
Community Foundation-Rural Philanthropy Days									1,500	500
Dance Collective					3,500	1,500			3,500	2,000
Film Festival							5,000	1,500	5,000	2,000
Gunnison Valley Health Foundation							1,800	-		
Gunnison Valley Mentors (Partners)	2,000		2,000		4,500	2,000				
KBUT	1,000		2,500		5,000	2,500	5,000	-		
Living Journeys	1,000	2,500	1,500	4,000	1,500	1,000	5,000	-	10,000	7,500
Mountain Heritage Museum	3,000		2,500		4,500	3,000	2,510	1,200	11,500	6,500
Mountain Roots	3,000		3,000		5,000	2,500				
Mountain Theatre	2,000		2,000	3,000	4,000	2,000	3,500	-		
Nordic Center	3,000		3,500		7,500	4,000	2,000	-	5,000	4,000
Northwest Colo. Legal Services	1,000		1,000		1,500	1,000			1,500	1,500
Old Rock Library	1,170			600			2,000	-		
Paradise Animal Welfare Society (PAWS)					4,000	3,000				
Project Hope							3,000	1,500		
School of Dance					4,250	2,500			2,500	1,500
Six Points	1,000		2,000		2,500	1,000				
Solar Hydrogen,Inc (CB Fire Protection Dist)									4,500	-
Sustainable CB									3,350	2,000
Trailhead Children's Museum					2,500	-	2,500	-		
Upper Gunnison Water Conservancy Dist.					2,467	2,467				
Upper Gunnison Water Conservancy Dist.					2,000	2,000				
Vinotok					4,957	2,000	4,257	2,000		
West Elk Soccer Assoc. (WESA)							4,000	2,000		
Wildflower Festival		1,750		1,500	1,500	-	3,480	2,000	4,125	1,000
Total Community Grants	29,170	10,750	40,250	12,500	113,824	64,717	57,547	16,200	101,475	61,500

**RESOLUTION NO. 40  
SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL ADOPTING  
THE BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE TOWN  
OF CRESTED BUTTE, COLORADO FOR THE FISCAL YEAR BEGINNING  
THE FIRST DAY OF JANUARY 2017, AND ENDING THE LAST DAY OF  
DECEMBER 2017, ESTIMATING THE AMOUNT OF MONEY NECESSARY TO  
BE DERIVED FROM REVENUE SOURCES, AND SETTING FORTH THE  
TOTAL ESTIMATED EXPENDITURES FOR EACH FUND.**

**WHEREAS,** the Town Manager is directed to prepare the annual budget for the Town of Crested Butte, Colorado for the fiscal year beginning January 1, 2017, and ending December 31, 2017, and has prepared said budget and submitted to the Town Council, and

**WHEREAS,** the Town Council has reviewed the proposed budget as submitted by the Town Manager and is fully advised in the premises, and

**WHEREAS,** upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at the Town Hall, so that interested taxpayers could be given the opportunity to file or register any objections to said proposed budget at the Council meetings when budget was set for public hearing, and then heard, and

**WHEREAS,** the Town Council has held its public hearing, and

**WHEREAS,** whatever increases may have been made in the expenditures, equal increases were added to the revenues so that the budget remains in balance, as required by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF CRESTED BUTTE, COLORADO:**

That the following expenditures for the various funds of the Town of Crested Butte be as follows:

<b>GENERAL FUND</b>	<b>\$ 4,241,964</b>
<b>GENERAL CAPITAL FUND</b>	<b>\$ 5,503,915</b>
<b>SEWER &amp; WATER FUND</b>	<b>\$ 4,905,929</b>
<b>STREET &amp; ALLEY FUND</b> (The Street & Alley Fund budget includes Highway Users money in the amount of \$52,865.)	<b>\$ 1,273,297</b>

<b>CONSERVATION TRUST FUND</b>	<b>\$</b>	<b>0</b>
<b>SALES TAX FUND</b>	<b>\$</b>	<b>4,572,474</b>
<b>AFFORDABLE HOUSING FUND</b>	<b>\$</b>	<b>493,640</b>
<b>TOTAL</b>		<b>\$20,991,219</b>

That the budget for the Town of Crested Butte, Colorado for the fiscal year beginning January 1, 2017, and ending December 31, 2017, as heretofore submitted to the Town Council by the Town Manager is hereby adopted and approved as the Budget for the Town of Crested Butte, Colorado for said fiscal year.

**INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_ DAY OF DECEMBER, 2016.**

**TOWN OF CRESTED BUTTE**

(SEAL)

By \_\_\_\_\_  
**Glenn Michel, Mayor**

**ATTEST:**

By \_\_\_\_\_  
**Lynelle Stanford, Town Clerk**



# TOWN OF CRESTED BUTTE 2017 BUDGET



**Town of Crested Butte**  
**2017 Budget**  
**Table of Contents**

	Page
Budget Message .....	4
Organization Chart .....	14
Revenue Flow Chart .....	15
2017 Revenue Chart – All Funds Combined .....	16
2017 Expense Chart – All Funds Combined .....	17
<b>GENERAL FUND:</b>	
Revenue Chart .....	18
Expenditure Chart .....	19
Narrative .....	20
General Fund Summary .....	22
Revenue .....	23
General Government .....	25
Court .....	27
Council .....	28
Elections .....	29
Legal .....	30
Clerk .....	31
Manager .....	32
Finance/Human Resource .....	33
Marshals .....	34
Planning/GIS .....	35
Facilities Maintenance .....	36
Town Shop .....	37
Public Works .....	38
Building .....	39
Recreation .....	40
<b>WATER &amp; SEWER FUND:</b>	
Narrative .....	42
Revenue .....	43
Administration .....	44
Water .....	45
Sewer .....	46
Capital .....	47
Segment Information .....	48
10 Year Capital Plan .....	49
<b>GENERAL CAPITAL FUND:</b>	
Narrative .....	51
Budget .....	52
Capital Project/Purchase List .....	55
5 Year Capital Plan .....	56

CONSERVATION FUND:	
Narrative .....	61
Budget .....	62
SALES TAX FUND:	
Narrative .....	63
Budget .....	64
STREET & ALLEY FUND:	
Narrative .....	65
Budget .....	66
Street Paving Project Maps .....	67
15 Year Plan .....	70
AFFORDABLE HOUSING FUND:	
Narrative .....	72
Budget .....	73
Long Term Debt Schedule .....	74

**I. Introduction and Background**

This budget message provides readers with an overview of the regular municipal government services provided and the projects to be completed in the coming year and how this work is paid for. The narrative tells the story behind the numbers by describing goals, priorities, underlying assumptions and other factors considered in determining how the Town's available resources will be spent. Information is provided to better understand the schedules and supplemental information that comprise the annual budget package. It includes the following sections:

- I. Introduction and Background
- II. Organization and Services of the Town
- III. Executive Summary of the 2017 Budget
- IV. Background, Budget Assumptions and Changes from the Previous Year
- V. Summary of all Town Funds
- VI. Personnel
- VII. 2017 Budgets by Fund
- VIII. Overview of Town-Wide Goals, Major Initiatives and Projects
- IX. Grant Revenue
- X. Financial Transparency

The Town Council formally adopts a budget and appropriates money to run the Town of Crested Butte (the Town or Crested Butte) each year. By state law the governing body must adopt a budget before the end of the year and submit a mill levy to the Board of County Commissioners. The Council reviewed the budget on November 21 and a public hearing on the proposed budget was held during the regular Town council meeting on December 5th.

The Town held public budget work sessions on October 3 and November 7.

Budget work sessions included discussions of staffing levels, compensation issues, fees for services, operating and capital expenditures, sales tax growth assumptions, priorities of the community and capital projects. The area where council exercises the most significant degree of flexibility and discretion is in one-time spending for capital purchases and special projects. However, it is important to note that many projects require years of planning and may have already had funds committed for design and/or matching grant funds. A list of all capital projects is included in the budget report. The list includes those items that will be classified as fixed assets as well as those allowable expenditures for maintenance of assets.

In the budget schedules that follow, financial resources are shown along with the uses of such funds. Additional supplemental schedules highlight other information of significance to the Town.

Should readers seek additional information not included in the budget package, it may be requested from the Finance Director at Town Hall.

**II. Organization and Services of the Town**

Services provided by different municipalities vary widely. Although citizens have many of the same services available to them in any incorporated area, some may be served by a special district or other

governmental entity. Therefore, one city or town may not be directly comparable to another. It is important that readers of the budget know what services the Town provides in order to understand the budget. The broad services provided by Crested Butte's employees across the various funds (described below) include the following:

- Town Marshals – police protection, vehicle and foot patrol, crime prevention and law enforcement; vehicle identification number inspections, school safety, special event support, DUI awareness programs, drug task force, regional preparedness, E911 board representation, general code enforcement
- Public works – operation, maintenance and improvement of streets, alleys, walkways, parking lots, public structures, trees, and other public infrastructure, as well as vehicle, equipment and facility maintenance
- Parks & Recreation – recreational programming for community members of all ages; rentals of parks and recreation facilities; maintenance of parks, ball fields, playgrounds, and other Town-owned landscaped areas; management of raw water collection for park irrigation; irrigation system maintenance; weed management; planting and maintenance of flower boxes; tree planting and maintenance; maintenance of benches, bike racks, picnic tables, trash and recycling receptacles, in parks, on Elk Avenue, and other locations throughout town; management of holiday lights and wreaths on Elk Avenue; project management; grant writing and reporting; winter snow removal on sidewalks and in parks; management of Big Mine Ice Arena.
- Water and Wastewater – Treatment and distribution of municipal water; collection, treatment and safe discharge of wastewater (including wastewater services for the Town of Mt. Crested Butte); lab testing, composting, acceptance and treatment of outside septage, operation, maintenance and improvement of underground distribution or collection lines and appurtenances as well as raw water collection for treatment, protection of water rights and watershed
- Building & Zoning - land use and zoning, administrative review of development plans, subdivision exemptions, building permits and sign permits, historic preservation, BOZAR
- Planning – long range and current planning, grant writing and reporting, Creative District, trails & open space
- Town Clerk – liquor and marijuana licensing, vendors, special events, sidewalk seating, snow cat permitting, municipal court, records management, public information, meeting coordination, support for elected officials, administration of cemetery, elections
- Finance – billing and collection of water and wastewater services, payroll, accounts payable, accounts receivable, budgeting, financial reporting, human resources, cash management / treasury, risk management
- General – costs in the general fund that do not fall under the responsibility of one of the department heads such as utilities for Town property used by multiple departments and those not in public use, town clean-up, IT and community grants

The Town has a population of approximately 1,580 residents and serves as an activity hub for northern Gunnison County and tourism destination. Combined with the effect of tourism and second home owners, Crested Butte's municipal government serves a population estimated at more than twice the size of its residential base with the number of visitors swelling to upwards of 15,000 during busy summer events.

Crested Butte is organized as a home rule Town under the constitution of the State of Colorado. The Town operates under a council-manager form of government with six council members, and a mayor serving in elected positions. All powers of the Town are vested in the elected Mayor and Council, hereinafter referred to as the “Council”, which enacts local legislation, adopts budgets, determines policies and appoints the Town Manager. The Town Manager shall execute the laws and administer the Town government.

Government accounts are organized on the basis of funds or account groups, each of which is considered to be a separate accounting entity. The Town has six general government and one business-type (or “enterprise”) fund.

Government Funds

- General Fund
- Sales Tax Fund
  - Transportation Fund
- General Capital Fund
  - Open Space Fund
  - Parks & Trails
- Affordable Housing Fund
- Street & Alley Fund
  - Transportation Plan Fund
- Conservation Trust Fund

Business-Type or Enterprise Funds

- Water and Wastewater Activity Enterprise Fund

Government funds rely primarily on tax revenue to provide public services, while business-type funds charge fees to users of specific services, typically with a goal to be self-sustaining.

All funds use the accrual basis of accounting for financial statement reporting in accordance with Government Accounting Standards Board (GASB) Statement No. 34. The budget was prepared using the modified accrual basis. The format closely follows disclosures published annually in the audited financial statements to aid in comparisons of the budget to actual financial results at the end of each year. One difference between the budget and audit is that under the fund reporting requirements of GASB 54, the sales tax fund is combined with the General fund for reporting purposes in the audit.

**General Fund** – The General fund is the primary operating fund for the Town. Within the General fund budget you will find details of revenues and operating expenditures for most departments of the Town. At the end of 2016, the projected unassigned fund balance for the General fund is \$3,684,165. The unassigned fund balance is 94% of the total 2016 expenditures projected for the General fund. The 2017 budget includes significant use of General fund reserves for unique one-time expenditures. The budget anticipates a General fund balance of \$3,227,187 at the end of 2017 which is 77% of the total 2017 expenditures for the General fund.

**Sales Tax Fund** - The purpose of the Sales Tax Fund is for the collection and distribution of the Town’s sales tax. The main sources of revenue are the 4.5% Town sales tax and the share back of 50% of the County’s 1% sales tax on sales within the Town of Crested Butte. Of the 4.5% Town sales tax, .5% is dedicated for parks, recreation and trails. The remaining 4% is split with 1% dedicated to transportation and 3% for the needs of General Fund or other Town fund as needed.

Expenses of the Sales Tax Fund are distributions to the General Fund, Capital Fund and Transportation Fund expenses. At the end of 2016 the Sales Tax fund is projected to have a fund balance of \$1,031,331. The budget anticipates a Sales Tax fund balance of \$517,346 at the end of 2017. This balance includes the Transportation fund, TABOR reserve, Interest fund and funding for the Center for the Arts expansion.

- Transportation Fund - The Transportation Fund is housed within the Sales Tax Fund. It receives 25% of the Town's 4% sales tax. The Town pays the Mountain Express 95% of the revenue with the remaining 5% to go towards other transportation services such as bus stops, transportation planning, RTA contributions and Late Night Taxi Service. At the end of 2016 the Transportation fund is projected to have a fund balance of \$97,941. The budget anticipates a Transportation fund balance of \$24,877 at the end of 2017.

**General Capital Fund** – The General Capital fund accounts for general capital acquisitions and maintenance expenditures. Real estate transfer taxes and use tax revenues are its major sources of revenue. The Town maintains a rolling 5-year plan for anticipated expenditures from this fund. At the end of 2016 the General Capital fund is projected to have a fund balance of \$4,842,609 (inclusive of the Open Space fund). The budget anticipates a General Capital fund balance of \$3,327,717 at the end of 2017.

- Open Space Fund – The Open Space fund is housed within the General Capital fund. The Open Space fund receives ½ of the Town's real estate transfer taxes ("RETT") in revenue. At the end of 2016 the Open Space fund is projected to have a fund balance of \$987,734. The budget anticipates an Open Space fund balance of \$518,820 at the end of 2017.
- Parks & Trails – Citizens of the Town approved a ballot measure in 2016 approving a new 0.5% sales tax to fund capital projects and maintenance of parks and trails. This revenue and related expenditures are housed within the General Capital fund.

**Affordable Housing Fund** – The Affordable Housing fund accounts for development of affordable housing units, including acquisition and maintenance expenditures for Town owned units and infrastructure development for affordable housing areas within Town. Its main source of revenue is a fee assessment on both residential and commercial building permits within Town and grants. At the end of 2016 the Affordable Housing fund is projected to have a fund balance of \$300,491. The budget anticipates fund balance of \$97,451 at the end of 2017.

**Street & Alley Fund** – The Street and Alley fund accounts for construction and maintenance expenditures on the Town's streets, alleys, right of ways, sidewalks and parking lots. Its main source of revenue is a dedicated property tax. The Town maintains a rolling 15-year plan for anticipated expenditures from this fund with large projects planned a 5-year intervals. At the end of 2016 the Street & Alley fund is projected to have a fund balance of \$2,302,820. The budget anticipates fund balance of \$1,781,186 at the end of 2017. This balance includes the Snow Removal Contingency, Parking in Lieu fund, and the Transportation Plan fund.

- Transportation Plan Fund – Beginning with the 2015 budget, Council has directed that a small amount of the Street & Alley mill levy be set aside for future needs specifically

identified in the Transportation Plan. At the end of 2016 the Transportation Plan fund is projected to have a fund balance of \$280,326. The budget anticipates fund balance of \$366,926 at the end of 2017.

**Conservation Trust Fund** – The Conservation Trust fund accounts for the funds received from the Colorado State Lottery Commission and Gunnison County Metropolitan Recreation District. Use of these funds are limited with guidelines established by the State of Colorado. The Town receives approximately \$8,000 per year from the Lottery Commission and \$3,700 annually from the Recreation District. At the end of 2016 the Conservation Trust fund is projected to have a fund balance of \$40,155. There are no planned expenditures from this fund 2017 in an attempt to build up fund balance for future large projects. The budget anticipates fund balance of \$51,975 at the end of 2017.

**Water and Wastewater Activity Enterprise Fund** – The Water & Wastewater fund is the Town's only proprietary fund and accounts for water, sewer and trash operations. Revenues for this fund are derived primarily from fees for services and are supplemented by grants. At the end of 2016 the Water & Wastewater fund is projected to have a fund balance of \$4,355,083. The budget anticipates fund balance of \$4,664,140 at the end of 2017.

### III. Executive Summary

Restaurant and retail sales within the Town continued to grow and development activity was strong during the 2016 calendar year to date. These factors provide positive overall economic conditions for the Town and some optimism for trends in the 2017 budget. Capital expenditures vary from year to year and the timing of certain one-time costs and special projects will result in changes from the 2016 projection; however, the 2017 capital budget stays the course from recent years of planning. Operating expenditures will increase due cost inflation and personnel changes. A separate budget is prepared for each fund and/or area of operations and is discussed in more detail in the next section of this narrative.

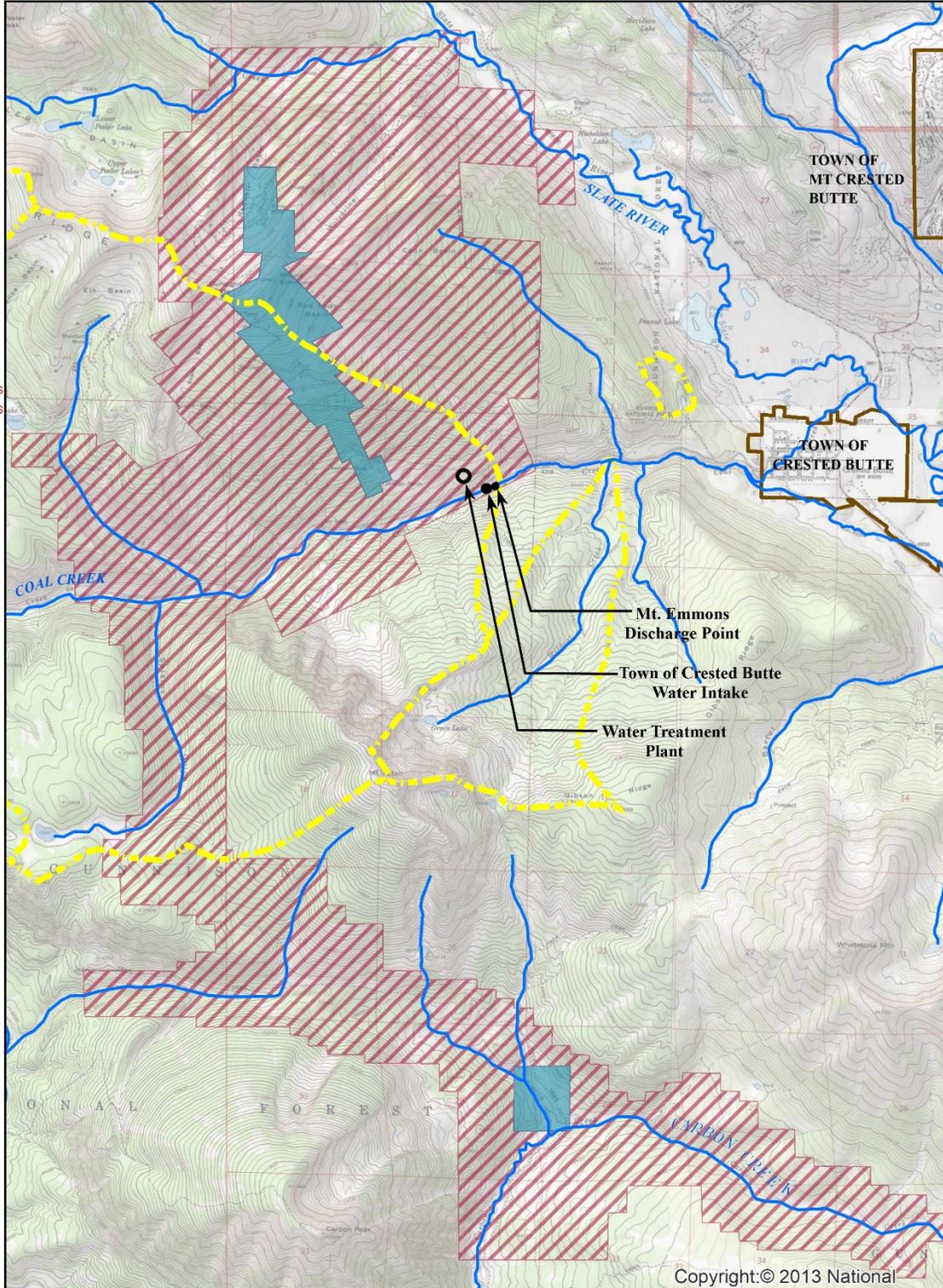
Overall, Crested Butte's current financial condition is stable due to the growth in tax and development related revenue, combined with rate increases and closely managed expenditures. The 2017 budget does include debt issuance and the use of significant reserves for a number of large, one-time expenditures. This level of activity is not anticipated nor would it be sustainable for future years. Discipline over spending has been a long-standing practice in all departments to ensure dollars are spent wisely and with long-term benefits in mind. Requests for funds for both operations and capital always exceed revenue sources.

The ballot measure approved in November, 2016 will allow for the Town to issue up to \$2,110,000 in debt. The funds will be used to pay the Mt. Emmons Mining Company ("MEMC") \$2,000,000 once they have abandoned the more than 9,000 acres of unpatented mining claims on and around Mt. Emmons, also known as the Red Lady. MEMC, a subsidiary of Freeport McMoRan has been working with the Town, County and community partners towards this goal over the past year. Withdrawal and abandonment of the claims requires Federal approval the timeline of which is uncertain, but all parties are hopeful of the completion in 2017. The debt would be secured by projected revenues from the existing real estate transfer tax ("RETT") with no new taxes required. Concurrent with these efforts are significant legal expenses to support the efforts. Elimination of the threat of a large-scale mining operation on Mt. Emmons has been a community goal for decades and thus the Council is supportive of utilizing reserves to support these efforts.

R. 87 W. R. 86 W.

T. 13 S.  
T. 14 S.

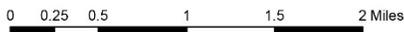
T. 13 S.  
T. 14 S.



R. 87 W. R. 86 W.

**MT. EMMONS MINING COMPANY UNPATENTED CLAIM BOUNDARY,  
GUNNISON COUNTY, COLORADO**

- - - Municipal Watershed Protection District
- Fee Simple Lands (Not Included in Withdrawal)
- Town Boundaries
- Unpatented Claims Boundary (~9,220 acres)
- Streams



Sources:  
 Gunnison County Parcel Database  
 Town of Crested Butte - Official Watershed Protection District Map  
 Claim Boundary is an approximation taken from US Energy Corp Map  
 ESRI Topographic Map

C:\project\town-projects\MtEmmons2016\UnpatentedClaims.mxd  
 September 6, 2016

The other anticipated debt issuance in 2017 is a \$2.3M loan from the State Revolving Loan Fund to the water & wastewater fund for the construction of significant improvements at the wastewater treatment plant. The Town also anticipates a DOLA grant in the amount of \$1,000,000 to help fund this needed improvement.

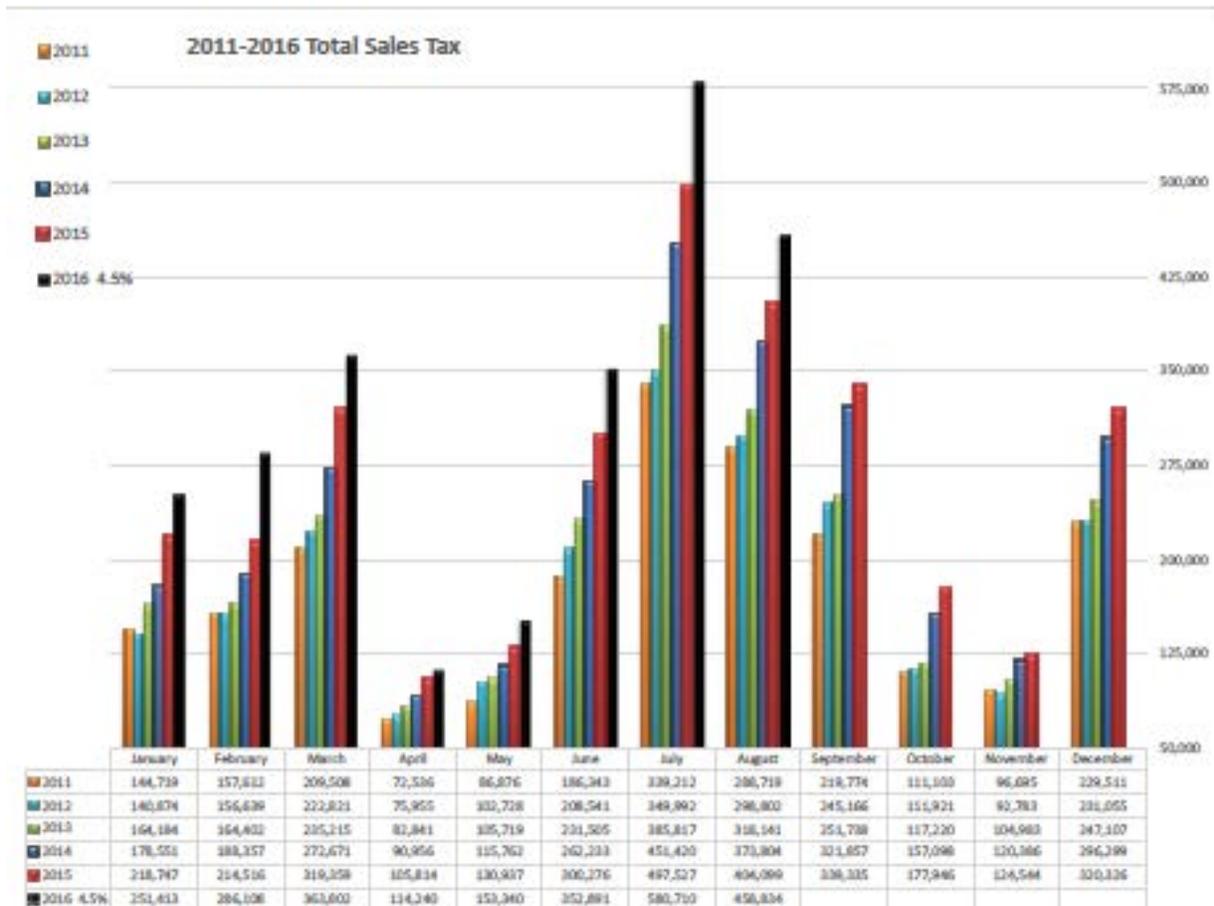
The Center for the Arts is planning to break ground on a \$13 million expansion in the spring of 2017. The Center is housed in a building in Town Park that is owned by the Town and Council has committed \$1,000,000 towards the expansion with no more than \$500,000 in cash. The budget includes much of the \$500,000 cash contribution in 2017. Funds are being withdrawn from existing reserves in the Sales Tax Fund.

#### **IV. Background, Budget Assumptions and Changes from the Previous Year**

The budget is based on historic trends and assumptions about the future. With very few exceptions, we do not know today which vendors will be paid how much for what particular product or service during 2017. We look back at recent experience and use that data, along with indicators for the future, to estimate costs for many different supplies, utilities, contracted services, repairs and maintenance, etc. Likewise, the revenue budget is based on limited known data and projections for many unknowns.

The most significant economic indicator for the Town is sales tax. Following two years of declining sales tax, the trend reversed during 2010. Through the month of September 2016, collections increased 68 of the past 72 consecutive months. Town sales tax revenue of nearly \$4.05 million is budgeted in 2017, a 2% increase over the 2016 projected actual revenue and 16% above 2015 sales tax revenue. Visitors contribute significantly to Crested Butte's economy. Crested Butte's largest month for sales tax collections (July) is typically at least 80% greater than the lowest month (April).

The chart below illustrates the recent Town sales tax revenue growth along with the significance of the summer tourist season and special events, the majority of which are run by one of the local nonprofit organizations.



From 2009 to 2015, the Town’s 4% sales tax revenue increased by 61% from \$1.9 million to almost \$3.2 million. For this same time period, the Town’s General Fund budgeted expenditures increased by 20% to \$3.6 million. The increase is much lower than the growth in sales tax revenue over the same time period. Additional funding has been directed to capital projects during this time period. A portion of the cash reserves is expected to be spent for capital projects and one-time operating expenses in 2017.

Crested Butte receives a portion of the Gunnison County sales tax, which is projected to be just under \$382,000 in 2017 applying the same growth assumptions as for the Town tax. The Town receives ½ of the County sales tax generated within the municipality.

With the positive sales tax trend and insignificant level of general fund debt, the Town has made significant progress toward streets and other general infrastructure needs as well as vehicle replacements and one-time projects.

A greater volume of system development fees has helped fund water and wastewater treatment plant upgrades and infrastructure replacements or major improvements. New treatment processes are anticipated in 2017 and future years to provide safe, clean drinking water for the community and also ensure wastewater is safely treated before flowing into the Slate River, which is enjoyed by many fisherman and boaters and is important to numerous other downstream users.

Certain predictions must be made regarding the coming year. These key assumptions and changes were some of the primary topics for discussion and analysis during the public budget work sessions with Town Council.

#### Total Revenue

- Sales tax revenue – assumes 14.5% growth in 2016 followed by another 2% in 2017 for both the Town of Crested Butte and Gunnison County tax collections
- Other taxes – marijuana sales have provided a new source of tax revenue in recent years, however, 2016 has seen a decline in marijuana related revenues likely due to the opening of several stores in Gunnison in 2016; the use tax and real estate transfer tax are projected to be consistent with 2016
- Grant and contribution revenue totaling \$1,077,000 is expected including funds from Department of Local Affairs (DOLA), Department of Justice and Colorado Creative Industries
- Sewer fees – fees for monthly sewer service are increasing \$2.00 per EQR from \$33.50/EQR per month to \$35.50

#### Total Expenditures

- Personnel – Two positions in Town Hall are being adjusted and increased from part-time to full time benefitted positions. An additional facility worker will be added in the 4<sup>th</sup> quarter of 2017 to assist with additional bathrooms coming on line and other facility needs. An additional employee is being added in wastewater; 4% increase for wages.
- Employee health insurance – 3.5% increase from 2016
- Legal Services – Significant expense is anticipated in 2017 to complete efforts to withdraw unpatented claims on Mt. Emmons, complete the Cypress annexation and for one-time water rights projects

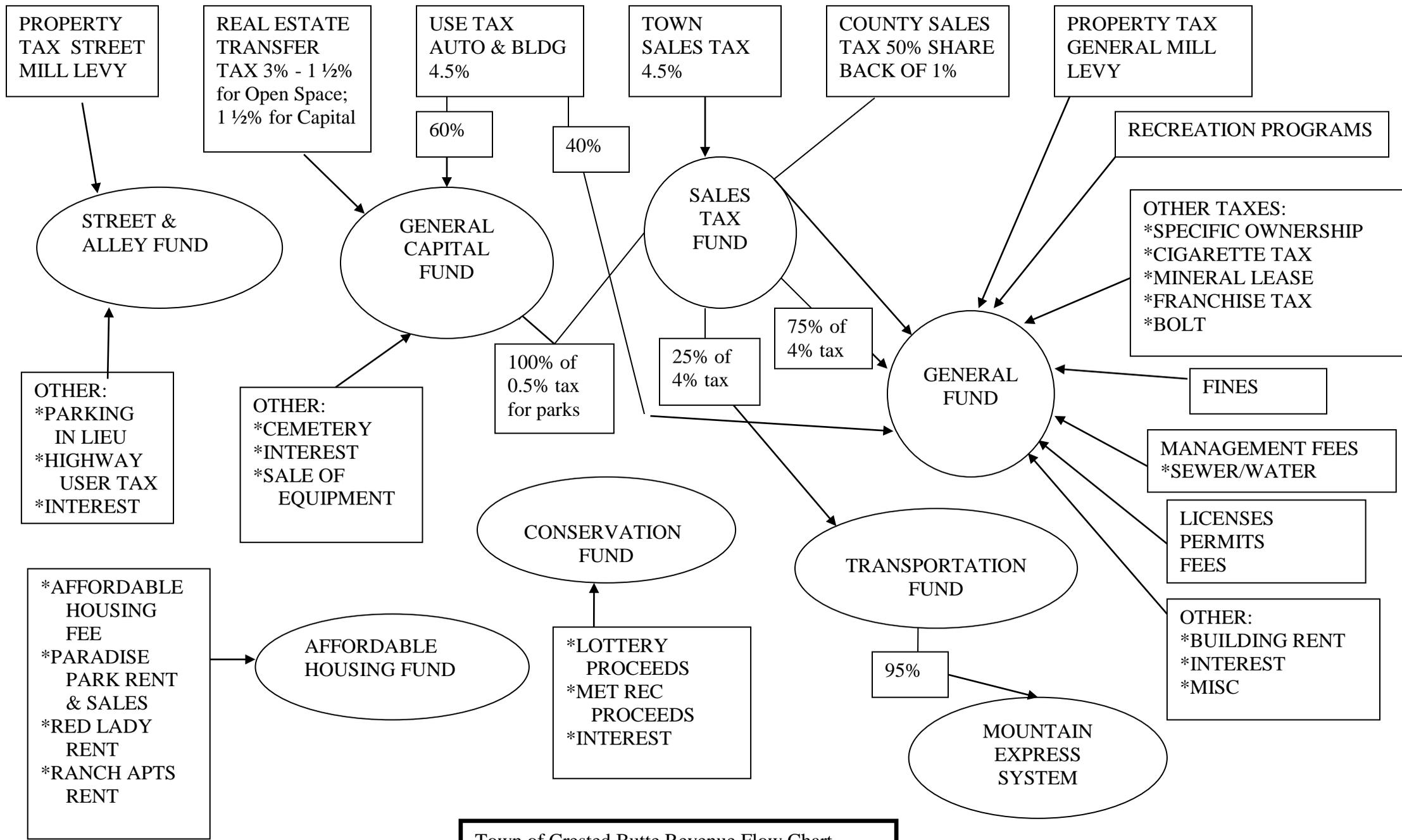
TOWN OF CRESTED BUTTE  
ORGANIZATIONAL CHART

MAYOR & TOWN COUNCIL

Town Manager

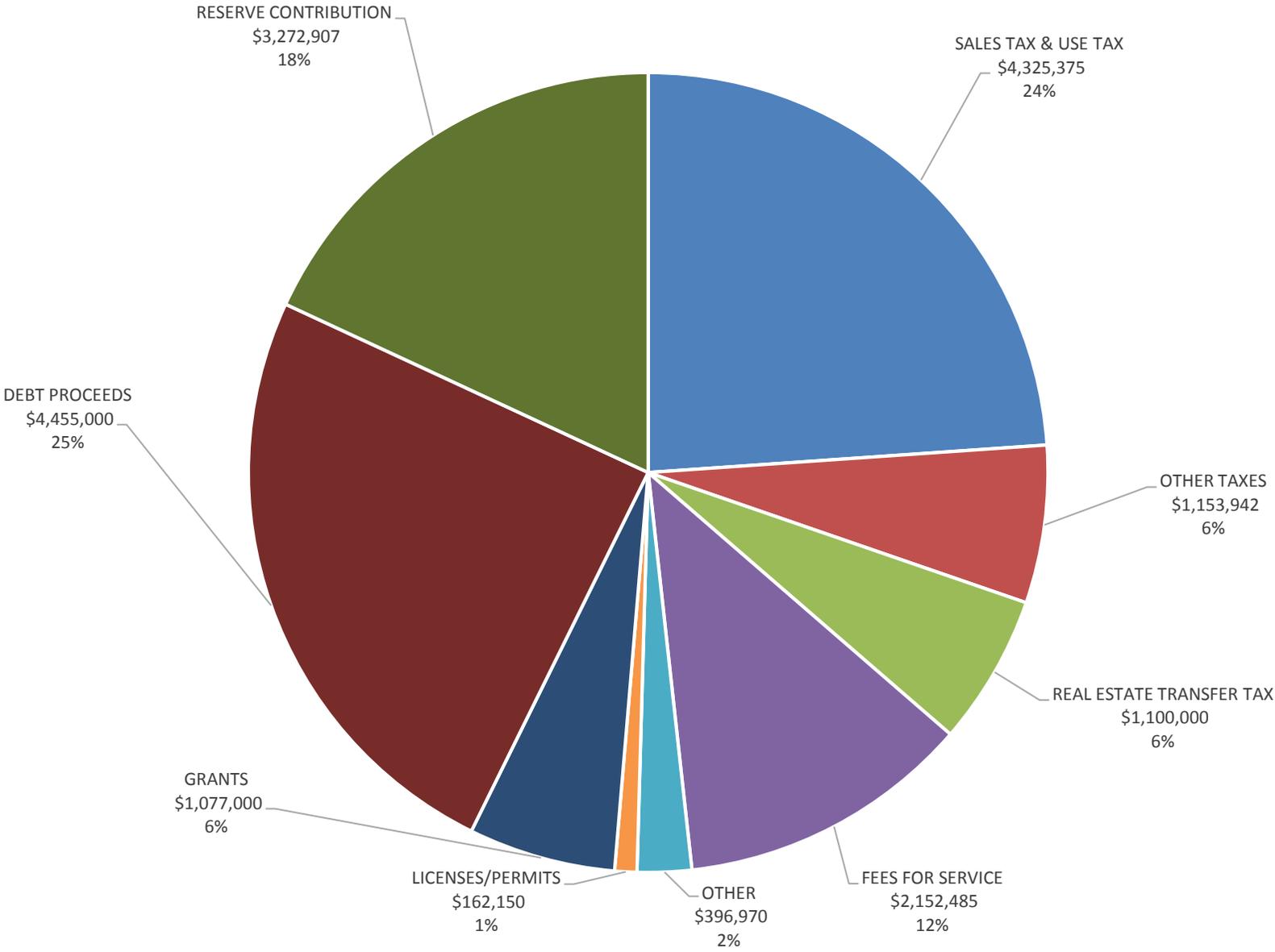
Public Works Director	Planning Director	Building & Zoning Director Capital Projects	Finance & Personnel Director	Town Clerk	Chief Marshal	Parks & Recreation Director
Water Plant Manager	GIS/Mapping Specialist	Historic Preservation Building/Zoning Coordinator	Finance Assistant	Deputy Town Clerk	Assistant Chief Marshal	Recreation Programmer
Sewer Plant Manager	Creative Dist. Assistant	Building Inspector	Human Resource Technician		Deputy Marshal	Park Supervisor
Water & Sewer Crew		Building/Zoning Admin. Assistant	Admin. Assistant & Reception		Administrative Assistant	Park Maintenance Crew Lead
Public Works Foreman						Park Maintenance Crew
Public Works Crew						Seasonal Crew
Mechanics						
Facilities Maintenance						

Town Attorney and Municipal Judge are hired by the Town Council

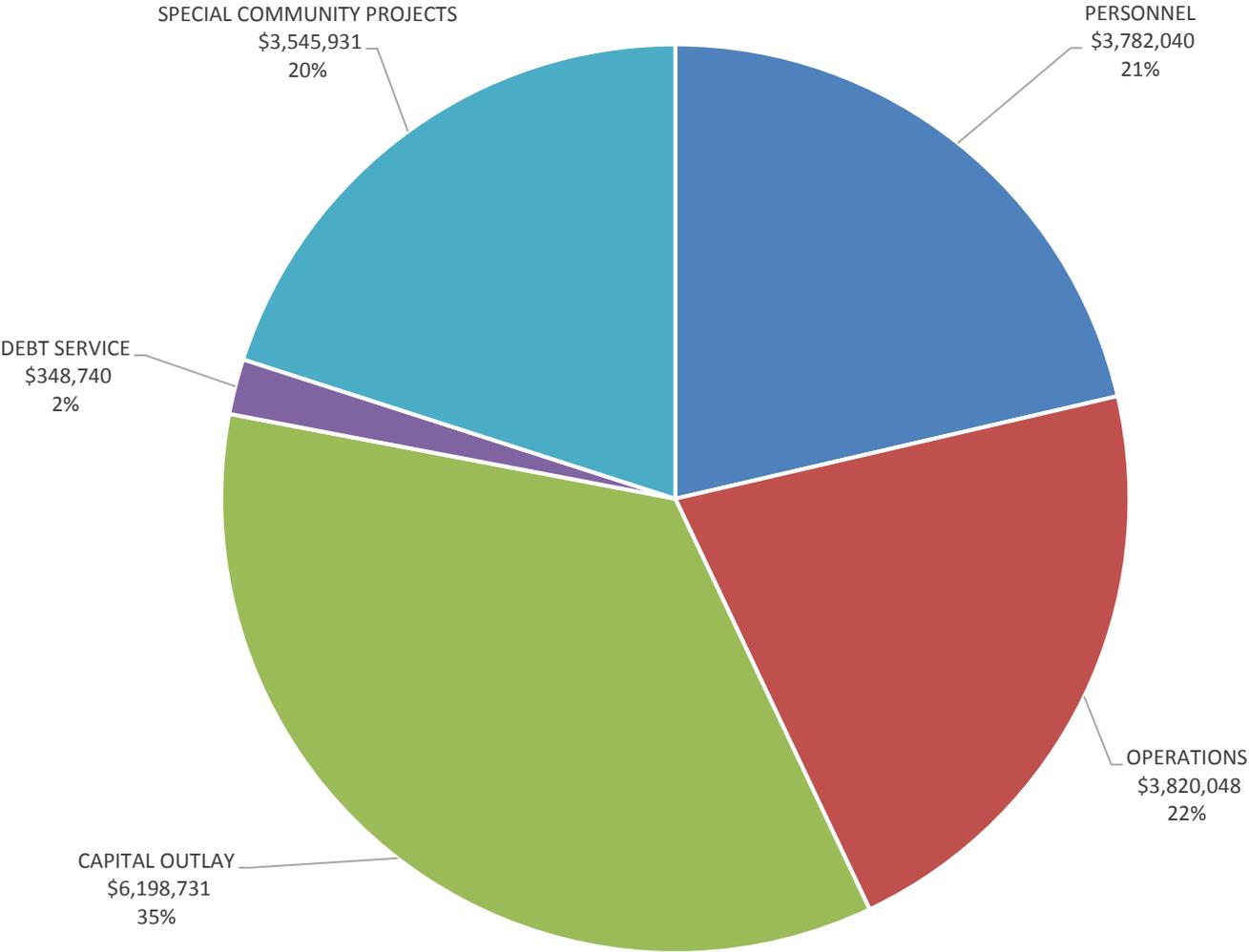


Town of Crested Butte Revenue Flow Chart  
 (does not include enterprise funds)

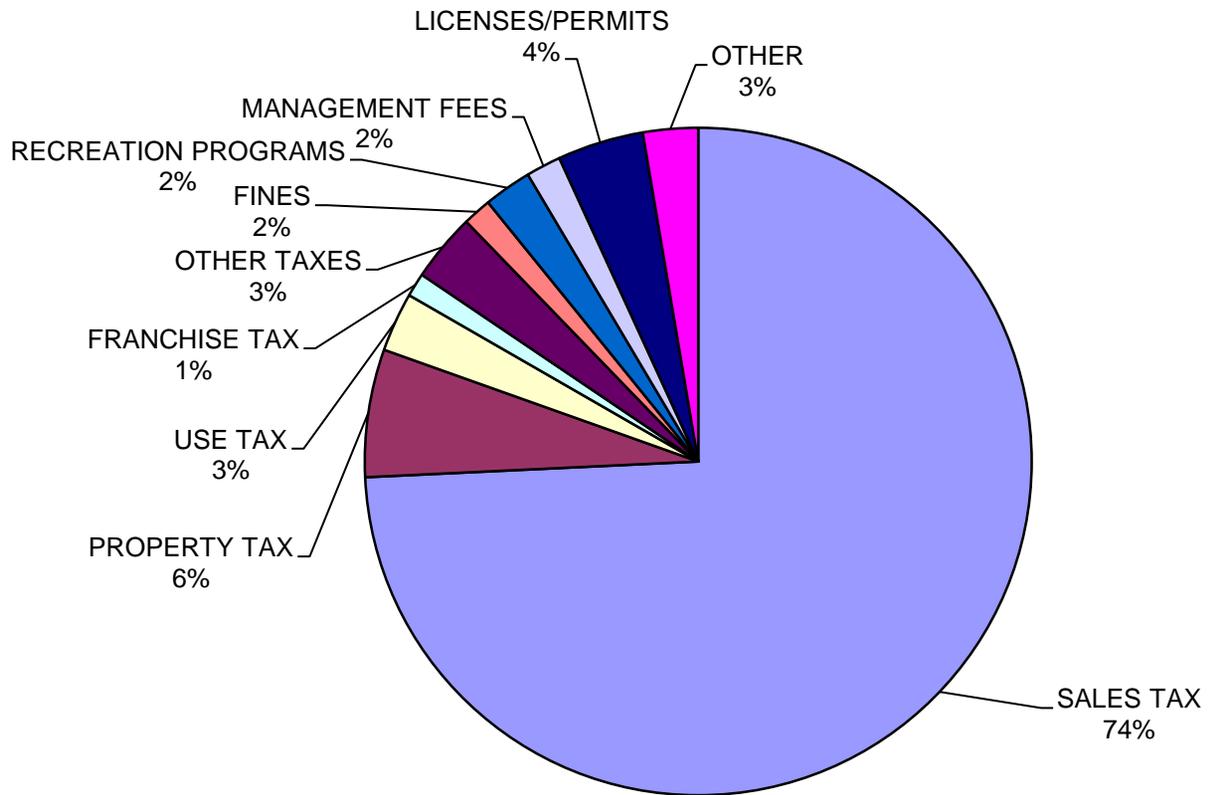
REVENUE - ALL FUNDS COMBINED  
2017 BUDGET



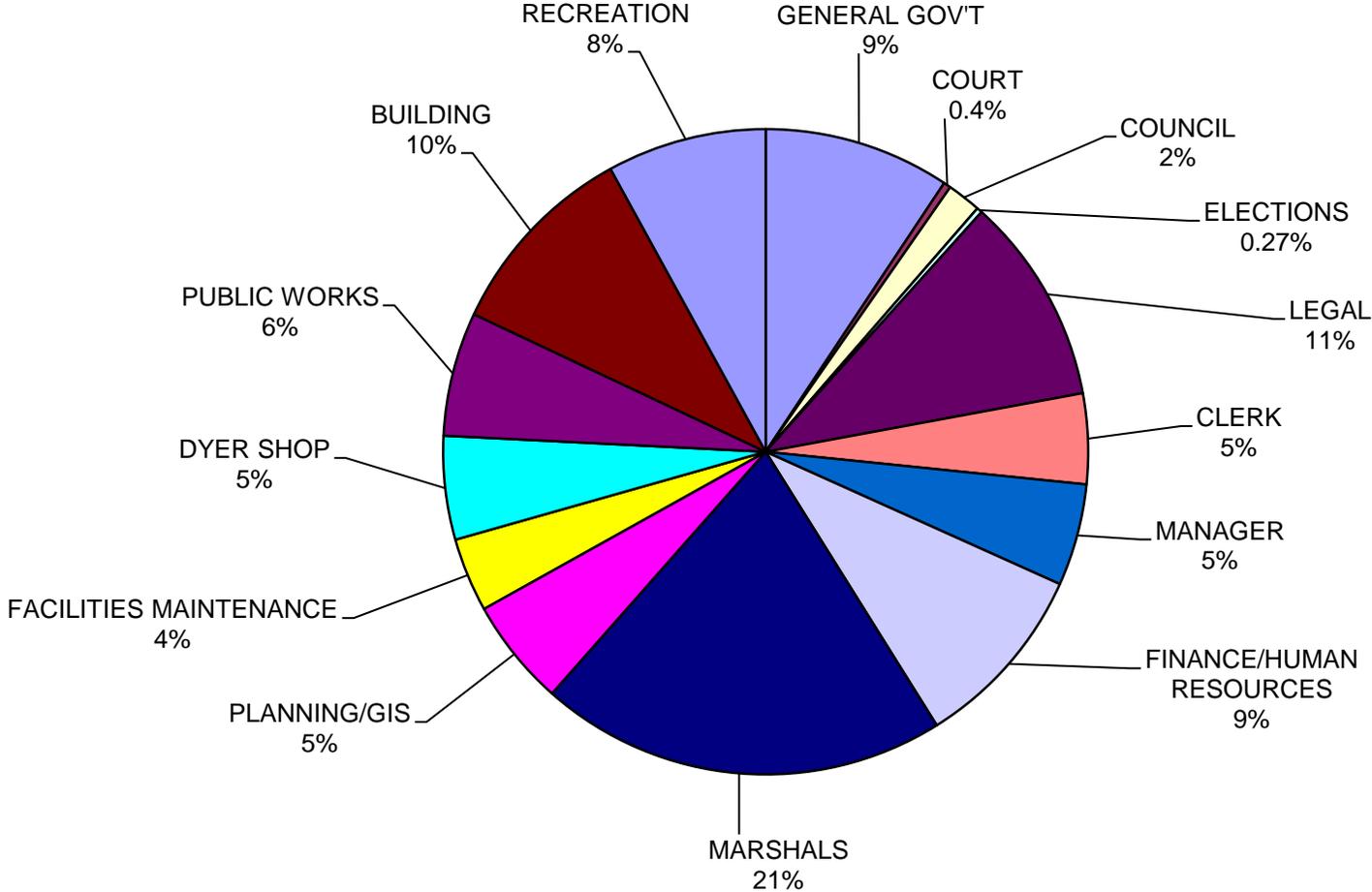
**EXPENDITURES  
ALL FUNDS COMBINED  
2017 BUDGET**



**GENERAL FUND REVENUE  
2017 BUDGET**



**GENERAL FUND EXPENSES  
2017 BUDGET**



## **GENERAL FUND 2017 BUDGET HIGHLIGHTS**

The General Fund is the main operating fund for the Town of Crested Butte. The main sources of revenue are sales tax, use tax, permits & licenses, fees for services and recreation program revenue. Departments of the General Fund include general government, court, council, elections, legal, clerk, manager, finance, marshals, planning, town shop, public works, building, facility maintenance and recreation. Expenditures include personnel, utilities, property insurance, community grants, office expenses, tools and equipment, vehicle fuel and maintenance, and program expenses.

### **2017 Highlights:**

#### **REVENUE:**

- Sales Tax revenue accounts for the majority (74%) of the General Fund revenues not including reserve contribution. The maximum amount of sales tax collections that may be distributed to the General Fund is 75%. The 2017 budget anticipates needing the full 75%.
- Building revenues are expected to be similar to 2016 collections. There are some possible large projects, however, they are not yet firm enough to be counted upon for 2017 revenue.
- Property tax revenue must follow TABOR rules and is estimated to have a very small increase in revenue due to the local growth calculation. The overall mill levy is projected to go from a net of 2.633 mills to 2.740 mills.
- Recreation program revenue is projected to be similar to 2016 program revenue.
- Contribution from reserve is up significantly from 2016. Items identified as eligible to come from the reserve are: community grants, Region 10 broadband initiative and legal fees for one-time projects such as Mt. Emmons, Cypress annexation and water cases.

#### **EXPENDITURES:**

- Personnel wage increases are budgeted at 4%. Health insurance rates increased 3.5%.
- There are 3 staffing position changes requested in 2017.
  - Finance/HR Dept: Reorganizing the department and taking the vacant Sales Tax Specialists ¾ time position and making it a full-time HR Technician position
  - Planning Dept: Taking the ½ time Creative District position and making it a full-time Creative District/Open Space/Trails position (1/4 of this position to be funded from the General Capital fund)
  - Facilities Maintenance Dept: Adding an additional full time employee in the 4<sup>th</sup> quarter of the year due to the additional amount of public restrooms coming on board in 2017 and beyond. The full financial impact of this position will be felt in 2018.
- Departments with greater than 10% increase from 2016 budget:
  - Court – Court case requiring an outside attorney which effects both 2016 and 2017
  - Council – Coal Creek Coalition special project, Ipad replacements
  - Elections – Reflecting the actual cost incurred for the 2015 coordinated election
  - Legal – Mt. Emmons, Cypress annexation and water cases; also reflects the increase in the hourly rate granted by Council for 2016
  - Clerk – Upgrade to Laserfiche records software and master record organization project
  - Manager – Region 10 broadband initiative

- Planning – Creative District expenses (revenue includes \$30,000 grant) and additional employee
- Facilities Maintenance – additional employee in 4<sup>th</sup> quarter of 2017
- Other items:
  - Utilities generally have a 10% increase
  - Liability and work comp insurance generally have a 10% increase
  - There is a line item in the General Government dept. for Electronic Recycling which is to host 2 electronic recycling events in 2017
  - Dues & Subscriptions are up to reflect increases we have been notified about
  - Towing Expense increase reflects increased tow fee from the towing company

GENERAL FUND SUMMARY					Variance	% Change
	2015	2016	2016	2017	Budget 16	16 Budget
	ACTUAL	BUDGET	PROJECTED	BUDGET	to Budget 17	17 Budget
REVENUES	3,477,485	3,628,449	3,685,184	3,834,986	206,537	5.7%
CONTRIBUTION FROM RESERVE		75,000	220,520	414,410		
TOTAL REVENUES	3,477,485	3,703,449	3,905,704	4,249,396	545,947	14.7%
DEPARTMENT EXPENSES:						
GENERAL GOVERNMENT	736,588	358,960	358,610	395,949	(36,989)	10.3%
COURT	6,434	7,717	9,867	15,392	(7,675)	99.5%
COUNCIL	56,709	59,828	73,828	72,028	(12,200)	20.4%
ELECTIONS	10,363	3,450	5,300	11,600	(8,150)	236.2%
LEGAL	210,740	242,100	377,100	442,100	(200,000)	82.6%
CLERK	143,211	164,272	156,772	191,893	(27,621)	16.8%
MANAGER	164,930	175,532	247,689	216,841	(41,310)	23.5%
FINANCE/HR	306,258	379,136	361,224	397,726	(18,590)	4.9%
MARSHALS	734,479	834,077	855,490	866,352	(32,275)	3.9%
PLANNING/GIS	149,888	156,875	156,875	228,282	(71,407)	45.5%
FACILITIES MAINTENANCE	0	132,498	132,498	156,931	(24,433)	18.4%
TOWN SHOP	158,952	211,160	211,160	220,136	(8,976)	4.3%
PUBLIC WORKS	174,103	255,055	255,055	263,472	(8,417)	3.3%
BUILDING	361,647	394,714	394,714	424,378	(29,664)	7.5%
RECREATION	365,307	317,188	309,522	338,884	(21,696)	6.8%
TOTAL EXPENSES	3,579,609	3,692,561	3,905,704	4,241,964	(549,403)	14.9%
REVENUE OVER(UNDER) EXPENSES	(102,124)	10,888	0	7,432		
SALARIES/WAGES/BENEFITS				2,567,961		
% OF GENERAL FUND BUDGET				61%		
FUND BALANCE	3,904,685	3,840,573	3,684,165	3,277,187		
Reserve Contribution: \$100,000 for Community Grants; \$280,000 legal projects (Cypress/Mt Emmons/Water cases); \$34,410 Broadband MOU						

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-REVENUES				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
PROPERTY TAX	226,876	230,009	230,009	237,279
SPECIFIC OWNERSHIP TAX	53,175	45,000	45,000	45,000
SALES TAX	2,145,692	2,648,090	2,730,000	2,847,407
CIGARETTE TAX	10,097	7,000	8,000	8,000
USE TAX - GENERAL CAPITAL	178,751	110,000	110,000	110,000
CNTY SALES/MINERAL LEASE	46,854	20,000	20,000	20,000
TELEPHONE TAX	4,609	3,500	3,500	4,000
GAS FRANCHISE TAX	28,714	32,000	30,000	30,000
INTEREST & PENALTIES	597	700	600	600
CATV LEASE	9,888	10,000	10,000	10,000
LIQUOR LICENSES	11,459	8,000	8,000	8,000
BUSINESS LICENSES	23,125	22,000	25,000	25,000
DOG LICENSES	835	750	750	750
BUILDING PERMITS	146,947	90,000	65,000	65,000
PLAN REVIEW-BLDG	57,958	24,000	24,000	24,000
SPECIAL REVIEW/INSPECTION-BLDG	0	300	0	6,000
ENERGY MITIGATION FEE	56,154	0	0	0
SIGN PERMITS	525	600	600	600
CERTIFICATE OF ASSESSMENT	330	200	200	200
MISC BUILDING FEES	23,417	3,500	3,500	3,500
BOZAR FEES	20,176	16,000	16,000	16,000
SIDEWALK CAFÉ LICENSE	2,826	2,800	2,800	2,800
MISC LICENSE FEES	2,797	2,500	2,500	2,500
LICENSE PLATE FEES	6,926	6,000	6,000	6,000
OCCUPATION TAX	51,829	48,000	48,000	48,000
HISTORIC PRESERVATION GRANT	0	1,400	1,400	0
BIG MINE PLANNING GRANT	50,400	0	0	0
CREATIVE DISTRICT GRANT	8,100	13,100	13,100	30,000
DEPT OF JUSTICE GRANT			13,000	7,000
PUBLICATIONS	40	0	0	0
MGMT FEES SEWER AND WATER	59,583	65,000	65,000	65,000
MECHANIC/GIS-SW	16,500	18,000	18,000	18,000

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-REVENUES				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
COUNTY COURT - FINES	2,290	2,000	1,500	2,000
TICKET SURCHARGE	1,054	1,000	1,000	1,000
FINES - GENERAL	28,964	25,000	25,000	25,000
COURT COSTS	1,210	1,300	1,500	1,300
DOG TICKETS	1,017	1,000	500	750
TOWING INCOME	16,430	20,000	20,000	22,000
VIN INSPECTIONS/FINGERPRINTS	1,615	1,000	1,000	1,000
INTEREST INCOME	1,157	2,000	2,500	3,000
RENT- TOWN BLDGS	39,169	40,000	36,000	40,000
SPECIAL EVENTS FEES	5,575	6,000	6,000	6,000
COPIES/RESEARCH FEES	267	350	250	300
GYMNASTICS	19,161	15,000	12,000	12,500
TUMBLE BUG	710	600	600	600
SOCCER FEES	28,593	10,500	5,000	6,000
BASKETBALL FEES	940	1,000	1,750	1,200
ICE SKATING LESSONS				1,000
TENNIS TOURNAMENT	0	750	0	1,000
TENNIS LESSONS	10,746	10,000	9,200	10,000
SOFTBALL FEES-ADULT	12,824	12,000	12,000	12,000
DODGEBALL	0	500	500	500
VOLLEYBALL FEE	0	1,000	1,000	1,000
BASEBALL FEES	8,215	9,000	7,230	8,000
FLAG FOOTBALL	1,250	1,200	1,200	1,200
GARDEN CAMP FEES	1,467	0		
CHEER CAMP	843	700	495	0
PARK FEES	35,761	32,000	36,000	34,000
OTHER REVENUE	9,230	6,000	3,000	3,000
INDOOR CLIMBING	0	100	0	0
DIRT JUMP PARK	3,817	0	0	0
CONTR. FROM RESERVE		75,000	220,520	414,410
Total Revenue	3,477,485	3,703,449	3,905,704	4,249,396

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-GENERAL GOVERNMENT				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	39,354	0		0
CUSTODIAL LABOR	39,667	0		0
FICA	5,308	0	0	0
HEALTH INSURANCE	6,894	0		0
TELEPHONE	6,112	6,250	6,250	6,250
TELEPHONE-DEPOT	0	300	1,000	1,380
UTILITIES - 308 OFFICES	3,942	4,950	4,950	5,445
UTILITIES - OTH/JAIL	34	100	100	100
UTILITIES-TOWN HALL	11,531	12,760	12,760	14,036
UTILITIES-DEPOT	5,583	8,500	7,500	10,000
UTILITIES-OTHER	1,690	2,200	2,200	2,420
OFFICE SUPPLIES	7,527	8,500	8,000	8,500
POSTAGE	3,098	5,000	7,500	6,000
COPIER LEASE/MAINTENANCE	5,358	6,500	7,000	8,000
AUDITING	4,900	5,500	4,900	5,500
RECORDING - COUNTY	1,029	1,000	500	500
INSURANCE AND BONDS	19,244	21,450	24,000	26,400
INSURANCE LIABILITY	1,000	4,000	4,000	4,000
UNEMPLOYMENT INSURANCE	174	0	0	0
WORKERS COMP	1,877	0	0	0
DUES AND SUBSRIPTIONS	10,312	15,000	12,000	15,000
SPECIAL EVENTS	2,030	3,000	3,000	3,000
TRASH PICKUP	4,522	5,000	6,500	7,000
REPAIR & MAINT - MACHINES	1,990	3,000	3,000	3,000
POSTAGE METER RENTAL	621	750	750	750
TOWING EXPENSE	17,395	20,000	20,000	24,000
FUEL	0	300	300	300
R&M VEHICLE	0	1,500	0	750
TOWN CLEANUP	1,365	3,500	2,500	3,500
OTHER EXPENSES	13,790	8,000	8,000	12,000
COMMUNITY GRANTS	76,250	90,000	90,000	100,000
ENERGY CONSERVATION		2,000	2,000	2,000

TREASURER FEES	4,726	6,900	6,900	7,118
OCCUPATIONAL TAX - CHAMBER	49,648	48,000	48,000	50,000
COMPUTER/IT - MAINTENANCE & CAPITAL	49,397	35,000	35,000	35,000
Employee Retirement/Transition Contingency	0	30,000	30,000	30,000
REC PATH PAVING	15,220			
CONTRIBUTION TO AFFORDABLE HOUSING	325,000			
ELECTRONIC RECYCLING				4,000
TOTAL EXPENSES	736,588	358,960	358,610	395,949

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL FUND-COURT					
	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
WAGES	5,950	6,500	6,500	6,500	
FICA	455	497	497	497	
CONTRACT LABOR	0	350	2,500	350	
TRIAL COSTS	0	325	325	8,000	*
UNEMPLOYMENT INSURANCE	18	20	20	20	
WORK COMP INSURANCE	11	25	25	25	
TOTAL EXPENSES	6,434	7,717	9,867	15,392	
Potential trial using outside attorney					

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-COUNCIL				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
FICA	2,867	2,938	2,938	2,938
TELEPHONE	1,234	2,100	2,100	2,100
OFFICE SUPPLIES	1,983	500	1,500	4,200
COUNCIL COMPENSATION	36,232	38,400	38,400	38,400
DESCRETIONARY FUND	6,450	7,500	7,500	7,500
COAL CREEK WATERSHED COALITION			13,000	8,000
TRAVEL AND EDUCATION	7,791	8,000	8,000	8,500
UNEMPLOYMENT INSURANCE	109	115	115	115
WORK COMP INSURANCE	43	275	275	275
TOTAL EXPENSES	56,709	59,828	73,828	72,028
Office Supplies increase for iPad replacement				

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-ELECTIONS				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
PROFESSIONAL SERVICES	9,824	3,100	5,200	11,000
OFFICE SUPPLIES	501	350	100	500
ADVERTISING AND LEGAL	38			100
TOTAL EXPENSES	10,363	3,450	5,300	11,600

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-LEGAL				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
OFFICE SUPPLIES	1,954	2,000	2,000	2,000
LEGAL FEES - Town Attorney	131,098	130,000	150,000	150,000
LEGAL FILING FEES	0	100	100	100
MT. EMMONS-SPECIAL PROJECT	40,078	75,000	150,000	150,000
CYPRESS FOOTHILLS PROJECT		25,000	25,000	20,000
LEGAL FEES-THIRD PARTY BILLOUT	(9,332)	0		
CONSULTING	46,942	10,000	10,000	10,000
WATER ATTORNEY			25,000	70,000
ENGINEERING-WATER CASES			15,000	40,000
TOTAL EXPENSES	210,740	242,100	377,100	442,100

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-CLERK				
	2015	2016	2016	2017
	ACTUALS	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	96,320	101,119	101,119	108,164
OVERTIME	0	0	0	500
FICA	7,120	7,736	7,736	8,313
HEALTH INSURANCE	22,467	26,233	26,233	27,079
RETIREMENT	3,914	6,678	6,678	7,015
TELEPHONE	300	300	300	300
OFFICE SUPPLIES	1,921	2,000	2,000	2,000
SOFTWARE/WEBSITE MAINTENANCE	2,826	3,000	3,000	3,000
ADVERTISING AND LEGAL	2,368	2,500	2,000	2,500
TRAVEL AND EDUCATION	2,188	5,500	4,000	5,500
UNEMPLOYMENT INSURANCE	287	303	303	324
WORK COMP INSURANCE	150	363	363	417
DUES AND SUBSCRIPTIONS	155	540	540	780
OTHER EXPENSES/CODIFICATION	3,196	8,000	2,500	4,500
MASTER RECORDS PROJECT				21,500
TOTAL EXPENSES	143,211	164,272	156,772	191,893

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-MANAGER				
	2015	2016	2016	2017
	ACTUALS	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	92,153	96,390	136,000	110,000
FICA	8,346	8,292	10,404	9,333
HEALTH INSURANCE	23,165	21,060	16,500	17,205
RETIREMENT	5,508	5,783	1,410	6,600
TELEPHONE	1,500	1,500	800	1,500
OFFICE SUPPLIES	74	500	750	500
TRAVEL AND EDUCATION	4,984	6,500	6,500	6,500
RECRUITING/INTERIM EXP			40,000	
UNEMPLOYMENT INSURANCE	275	289	408	330
WORK COMP INSURANCE	161	220	220	266
DUES AND SUBSCRIPTIONS	1,518	2,000	2,000	2,000
GAS AND OIL	675	2,500	1,200	2,500
R&M VEHICLE	874	5,500	500	1,500
TIRES	0	800	800	
LEASE-PRINCIPAL	17,042	17,919	17,919	17,919
LEASE-INTEREST	2,155	1,278	1,278	1,278
EMPLOYEE RECOGNITION PROGRAM	0	5,000	5,000	5,000
VALLEY WIDE ECONOMIC PLANNING	6,500	0	0	
BROADBAND-REGION 10 MOU			6,000	34,410
TOTAL EXPENSES	164,930	175,532	247,689	216,841

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-FINANCE/HR				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	206,932	227,139	210,500	248,624
FICA	15,650	17,376	16,103	19,020
HEALTH INSURANCE	44,694	55,333	55,333	66,616
RETIREMENT	22,239	24,744	24,744	22,961
TELEPHONE	300	300	300	300
OFFICE SUPPLIES	3,513	1,750	1,750	1,750
SOFTWARE MAINT/SUBSCRIPTION	3,866	24,000	24,000	30,000
TRAVEL AND EDUCATION	1,652	1,300	1,300	1,300
UNEMPLOYMENT INSURANCE	613	681	681	746
WORK COMP INSURANCE	344	513	513	409
DUES AND SUBSCRIPTIONS	205	6,000	6,000	6,000
SOFTWARE	6,250	20,000	20,000	
	306,258	379,136	361,224	397,726

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-MARSHALS				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	453,697	483,300	483,300	488,651
OVERTIME	5,409	13,000	13,000	13,000
FICA	34,893	37,967	37,967	38,376
HEALTH INSURANCE	80,612	113,034	113,034	128,802
RETIREMENT	47,347	43,184	43,184	38,727
TELEPHONE	5,222	5,200	5,200	5,200
UTILITIES	5,037	5,400	5,400	6,000
OFFICE SUPPLIES	1,908	2,500	2,500	2,500
OPERATING SUPPLIES	1,624	3,500	3,500	3,500
SOFTWARE MAINTENANCE	3,345	3,429	3,429	5,697
ADVERTISING AND LEGAL	0	300	300	300
TRAVEL AND EDUCATION	2,726	5,000	19,000	5,000
UNEMPLOYMENT INSURANCE	1,375	1,489	1,489	1,505
WORK COMP INSURANCE	14,205	20,522	16,960	19,504
DUES AND SUBSCRIPTIONS	1,043	1,500	1,500	1,500
REPAIR & MAINT - MACHINES	320	1,000	1,000	1,000
UNIFORM EXPENSE	4,713	5,600	5,600	6,300
MEDICAL EXPENSE	426	300	300	300
EQUIPMENT	9,628	17,000	17,000	20,000
DOJ GRANT EXPENSE			13,000	7,000
GAS AND OIL	9,091	15,000	15,000	15,000
R&M VEHICLES	3,241	5,000	5,000	5,000
TIRES	1,566	1,600	1,600	1,600
DISPATCH FEES	40,687	42,553	40,527	45,189
COUNTY JAIL/LANGUAGE LINE	0	200	200	200
VICTIMS ASSISTANCE PROGRAM	6,364	6,500	6,500	6,500
TOTAL EXPENSES	734,479	834,077	855,490	866,352

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-PLANNING/GIS				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	96,770	100,943	100,943	122,648
FICA	7,426	7,721	7,721	9,383
HEALTH INSURANCE	7,669	9,202	9,202	18,595
RETIREMENT	7,171	7,672	7,672	7,819
TELEPHONE	461	800	800	1,200
OFFICE SUPPLIES	846	1,500	1,500	5,500
GIS SUPPLIES	250	1,000	1,000	1,000
R&M MACHINES	80	500	500	500
TRAVEL AND EDUCATION	1,664	2,500	2,500	3,000
UNEMPLOYMENT INSURANCE	291	303	303	368
WORK COMP INSURANCE	161	234	234	269
DUES AND SUBSCRIPTIONS	1,135	500	500	500
TRAIL TOOLS & SIGNAGE	446	1,500	1,500	-
SPECIAL PROJECTS	42	2,000	2,000	2,000
GIS/GPS STATION	18,145	-	0	1,000
CREATIVE DISTRICT	7,332	15,500	15,500	43,000
CREATIVE DIST. WAGES	0	5,000	5,000	9,500
T&E CREATIVE DISTRICT				2,000
TOTAL EXPENSES	149,888	156,875	156,875	228,282

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL FUND-FACILITIES					
	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
WAGES		88,740	88,740	97,888	
OVERTIME		0	1,000	1,200	
FICA		6,789	6,789	7,580	
HEALTH INSURANCE		18,042	18,042	21,572	
RETIREMENT		2,761	1,800	3,919	
TELEPHONE		600	300	300	
OFFICE SUPPLIES		300	300	5,600	*
CUSTODIAL SUPPLIES:		8,000	8,000	9,000	
TRASH PICKUP		0	75	180	
TRAVEL & EDUCATION		500	500	500	
UNEMPLOYMENT INSURANCE		266	266	294	
WORK COMP INSURANCE		3,000	3,824	4,398	
TOOLS & EQUIPMENT		500	500	1,000	
UNIFORM ALLOWANCE:		500	500	500	
SAFETY EQUIPMENT		500	200	500	
FUEL & OIL		1,000	1,200	1,500	
R&M VEHICLE		1,000	462	1,000	
TIRES					
TOTAL EXPENSES					
	0	132,498	132,498	156,931	
*New employee set up \$5,000 -- 4th qtr hire					

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-TOWN SHOP				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	90,229	114,177	114,177	118,700
OVERTIME	179	500	500	500
FICA	6,807	8,735	8,735	9,119
HEALTH INSURANCE	32,019	41,640	41,640	43,228
RETIREMENT	8,278	11,160	11,160	11,770
TELEPHONE	784	900	900	1,200
UTILITIES	6,682	8,500	8,500	8,500
SUPPLIES	3,207	4,500	4,500	4,700
SHOP TOWELS	926	1,100	1,100	1,250
TRASH PICKUP	1,589	2,000	2,000	2,000
TRAVEL & EDUCATION	1,487	2,000	2,000	2,000
UNEMPLOYMENT INSURANCE	310	343	343	356
WORK COMP INSURANCE	545	3,555	3,555	3,263
MEDICAL	260	300	300	300
TOOLS & EQUIPMENT	1,433	3,500	3,500	3,500
UNIFORM ALLOWANCE	500	500	500	500
SAFETY EQUIPMENT	784	750	750	750
SOFTWARE LICENSE/MAINTENANCE				1,500
OIL & FLUIDS	2,934	7,000	7,000	7,000
TOTAL EXPENSES	158,952	211,160	211,160	220,136

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL FUND-PUBLIC WORKS					
	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
SALARIES & WAGES	109,767	138,797	138,797	143,384	*
OVERTIME	324	1,000	1,000	1,000	
FICA	8,434	10,694	10,694	11,045	
HEALTH INSURANCE	14,251	34,440	33,534	34,418	*
RETIREMENT	9,168	13,075	13,075	13,886	*
TELEPHONE	1,022	1,200	1,200	1,200	
UTILITIES	4,665	7,000	7,000	7,000	
SUPPLIES	2,628	2,000	2,000	2,200	
SAFETY EQUIPMENT	656	1,000	1,000	1,500	
ENGINEERING AND SURVEYS	0	1,000	1,000	1,000	
ADVERTISING	1,699	1,500	1,500	1,650	
TRAVEL AND EDUCATION	790	2,000	2,000	2,000	
UNEMPLOYMENT INSURANCE	678	419	419	433	
WORK COMP INSURANCE	3,350	5,130	6,006	6,907	
DUES AND SUBSCRIPTIONS	316	300	330	350	
REPAIR AND MAINT.	618	2,000	2,000	2,000	
MEDICAL	556	1,000	1,000	1,000	
TOOLS AND EQUIPMENT	1,188	2,000	2,000	2,000	
GAS AND OIL	5,899	13,000	13,000	13,000	
R&M VEHICLES	3,834	7,500	7,500	7,500	
TIRES	3,646	9,000	9,000	9,000	
UNIFORM ALLOWANCE	617	1,000	1,000	1,000	
TOTAL EXPENSES	174,103	255,055	255,055	263,472	
*50% of Public Works crew wages, Health Insurance and Retirement, the remaining 50% is in the Street & Alley Fund					

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-BUILDING				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	243,843	259,210	259,210	268,483
TEMPORARY HELP	592	0	4,000	
OVERTIME	0	2,000	2,000	3,000
FICA	18,259	19,983	19,983	20,768
HEALTH INSURANCE	40,985	48,819	45,424	53,613
RETIREMENT	20,454	23,736	23,736	26,195
TELEPHONE	496	350	500	500
OFFICE SUPPLIES	4,670	3,000	3,000	5,000
BOZAR PROFESSIONAL SERVICE	12,915	14,000	14,000	15,000
CONSULTING-PLAN REVIEW	3,875	0	0	6,000
COPIER MAINTENANCE	182	750	750	750
ADVERTISING & LEGAL	5,256	6,500	6,500	6,500
TRAVEL & ED-BOZAR	1,334	2,000	2,500	3,000
CODE BOOKS	655	1,200	650	1,200
TRAVEL & ED-BLDG	989	3,500	3,500	4,500
UNEMPLOYMENT TAX	716	784	784	814
WORK COMP INSURANCE	2,009	2,432	2,178	2,505
DUES & SUBSCRIPTIONS	405	700	500	700
HISTORIC PRESERVATION	119	3,400	3,400	3,500
SHED PRESERVATION	200	400	400	400
GAS AND OIL	62	450	200	450
R&M VEHICLES	1,103	500	500	500
SOFTWARE	2,528	1,000	1,000	1,000
TOTAL EXPENSES	361,647	394,714	394,714	424,378

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-RECREATION				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	106,482	103,492	108,492	118,830
GYMNASTIC COACHES	13,884	12,000	7,000	12,000
TUMBLE BUG EXPENSES	328	500	500	500
PART TIME-TENNIS LABOR	5,222	9,000	5,000	9,900
INTERN WAGES	5,455	3,000	0	4,000
REC FACILITY EXPENSE	15,286	12,000	12,000	12,000
TEMPORARY LABOR	2,221	5,000	5,000	5,000
ZAMBONI OPERATOR	4,152	8,500	8,500	8,900
FICA	10,048	11,321	11,015	12,594
HEALTH INSURANCE	16,637	29,860	27,000	30,984
RETIREMENT	2,560	7,589	7,589	6,173
TELEPHONE	920	800	800	1,500
TELEPHONE-WRMG HOUSE	336	700	700	700
TELEPHONE-SHOP	518	700	700	700
TRASH PICKUP	6,148	6,500	6,500	6,000
UTILITIES-SHOP	4,286	6,000	6,000	5,000
UTILITIES-ICE RINK	7,679	8,500	8,500	8,000
UTILITIES-WARMING HSE	3,933	6,500	6,500	5,000
UTILITIES-PARKS	6,033	8,000	8,000	7,000
OFFICE/CLEANING SUPPLIES	1,925	2,000	2,000	1,500
SOFTWARE MAINTENANCE	802	3,595	3,595	3,595
BANKCARD PROCESSING	3,107	3,000	3,000	3,000
ADVERTISING	5,285	4,000	6,500	5,000
TRAVEL AND EDUCATION	5,126	4,000	4,000	5,000
UNEMPLOYMENT INSURANCE	395	394	394	449
WORK COMP INSURANCE	3,573	4,487	4,487	5,160
DUES AND SUBSCRIPTIONS	183	1,000	1,000	500
UNIFORM ALLOWANCE	598	1,000	1,000	2,500
MEDICAL	226	1,000	1,000	600
FLAG FOOTBALL	512	600	600	600
SOCCER EXPENSES	9,951	3,000	3,000	1,500

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-RECREATION				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SOCCER COACHES	7,836	1,500	500	2,400
BASKETBALL	1,032	800	800	600
INDOOR CLIMBING EXPENSE	240	400	400	0
TENNIS LESSONS EXP	921	1,000	1,000	1,000
GYMNASTIC EXPENSES	3,028	1,500	1,500	1,500
DODGEBALL EXPENSE	115	200	200	200
VOLLEYBALL EXPENSE	193	750	750	750
SOFTBALL EXP-ADULT	7,976	10,000	10,000	10,000
SKATEBOARD/SKATEPARK	116	500	500	500
GARDEN CAMP EXPENSE	0	0	0	500
BASEBALL EXPENSES	5,111	6,000	6,000	5,000
BASEBALL COACHES	165	3,000	500	1,500
GAS & OIL	9,496	15,000	15,000	15,000
R&M VEHICLES	8,651	7,500	11,000	8,000
TIRES	922	1,000	1,000	1,000
JERSERYS				3,500
ICE SKATING EXPENSE				2,500
ICE SKATING COACHES				750
BIG MINE PLANNING	75,695	0	0	0
TOTAL EXPENSES	365,307	317,188	309,522	338,884

## **WATER & WASTEWATER FUND 2017 BUDGET HIGHLIGHTS**

### **REVENUE:**

The 2017 budget anticipates fee increases to the monthly sewer service fee and to the monthly grease pretreatment fee.

- The increase to the monthly sewer service fee is \$2.00 per EQR, raising the fee from \$33.50/EQR per month to \$35.50/EQR per month. This is a 6% increase.
- The increase to the grease pretreatment fee is \$3.20 per EQR, raising the fee from \$10.55/EQR per month to \$13.75/EQR per month. This fee is charged to restaurants that have not put in an approved grease handling device or interceptor. Staff is proposing the fee be set to \$13.75/EQR per month for a 3 year certificate period, allowing the restaurant 3 years to put in an approved new technology interceptor. After the 3 year period, the fees will increase 3 fold. That increase will be higher than the cost of pumping an interceptor, as an incentive to purchase the new technology interceptor.

The segment information worksheet shows the necessity for the rate increases. With the rate increases, the operating loss for the wastewater system is \$34,817. Without the rate increases, wastewater operations would show an operating loss of \$73,037. There is no rate increase proposed for the Availability of Service or Tap-In fees.

The sanitation fee will increase by CPI in accordance with the contract with Waste Management.

### **EXPENDITURES:**

- One new staff position is requested for the wastewater treatment facility. The additional staff is needed in the wastewater treatment plant due to the increased work load caused by implementing the pretreatment program, composting program, and the expansion of the Wastewater Treatment Facility in 2017. The last staffing increase to the water/sewer departments was in 2009.
- Wage increases are projected at 4%.
- The overall decrease in the wastewater department is due to debt service. 2016 was the final year for payment on the 1996 ATAD loan. 2017 anticipates a new \$2,300,000 low interest loan for the plant upgrade.
- The main capital expenditure is the \$3.3 million wastewater plant upgrade. The engineering work for this upgrade is being completed in 2016. The major components to the upgrade are: replacing the mechanical bar screen and grit collection system (that are at the end of their useable life), construction of a new biological treatment process (currently no redundancy, and unable to take off line for maintenance or cleaning), and replace the existing UV disinfection system (no longer serviced by the manufacturer, and has no redundancy as required by CDPHE Policy WPC-DR-1).
- Water plant capital includes upgrading the chlorination system because the old system is at the end of its useable life, and engineering for the chemical treatment of the water system to meet the expected new lead and copper rules in 2017.

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
INTEREST & PENALTIES	5,320	5,000	5,000	5,000
WATER METERS	1,431	1,000	1,000	1,000
INTEREST INCOME	3,667	3,500	8,000	8,000
OTHER	460	2,000	2,000	2,000
ATAD CONTRIBUTION-MT CBW&S	75,729	58,000	63,000	58,000
SEPTIC STATION FEE	3,216	3,100	3,100	5,000
COMPOST FEES		5,000	2,500	5,000
WATER TAP FEE	479,701	80,000	84,000	120,000
SEWER TAP FEE	558,334	95,000	98,000	142,500
SEWER CHARGES	619,494	634,959	636,000	686,250
SEWER AVAILABILITY CHG	11,624	12,852	12,451	11,772
PRE-TREATMENT CHARGES	9,356	9,400	9,400	12,000
WATER CHARGES	557,199	579,255	585,000	589,650
WATER AVAILABILITY CHG	12,776	14,148	13,747	12,960
SANITATION CHARGES	246,739	251,887	250,000	255,853
GRANT REVENUE				1,000,000
DEBT PROCEEDS				2,300,000
TOTAL REVENUE	2,585,046	1,755,101	1,773,198	5,214,985
EXPENSES (SUMMARY):				
ADMINISTRATION	460,945	468,670	456,572	482,389
WATER	296,746	337,461	325,675	340,761
SEWER	638,269	700,314	714,893	661,779
CAPITAL	138,611	567,500	530,500	3,421,000
TOTAL EXPENSES	1,534,571	2,073,946	2,027,640	4,905,929
AVAILABLE RESOURCES:				
GENERAL	4,214,789	3,970,944	4,013,347	4,322,404
FILTER MODULE REPLACEMENT	234,000	159,000	181,000	181,000
DEBT SERVICE	160,736	160,736	160,736	160,736

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>Water Sewer Administration</b>				
SALARIES & WAGES	69,068	46,725	46,275	48,594
FICA	5,307	3,551	3,540	3,693
HEALTH INSURANCE	13,024	9,439	13,015	16,754
RETIREMENT	4,401	6,970	4,673	7,249
TELEPHONE	1,468	1,400	1,400	1,400
OFFICE SUPPLIES	384	2,500	400	2,500
POSTAGE	3,800	4,000	4,000	4,000
WATERSHED STANDARDS	3,889	4,000	4,000	4,000
WATER LEVEL STUDIES	2,697	3,000	3,000	5,500
DAMAGE LIABILITY	0	2,500	2,500	2,500
LEGAL SERVICES	0	1,500	1,500	1,500
AUDITING	3,700	4,000	3,700	4,000
MANAGEMENT FEES	59,583	65,000	65,000	65,000
COAL CREEK STUDY	1,500	5,000	3,500	5,000
TRAVEL AND EDUCATION	889	1,500	1,500	1,500
INSURANCE	31,719	33,000	31,719	33,000
UNEMPLOYMENT INSURANCE	275	140	140	146
WORKERS COMP INSURANCE	816	987	922	1,116
DUES AND SUBSCRIPTIONS	976	976	838	900
REPAIR & MAINT VEHICLES	12	500	100	250
UNIFORM ALLOWANCE	225	250	250	250
MEDICAL	110	200	200	200
GAS & OIL	85	1,200	400	1,000
MECHANIC/GIS SVCS	16,500	18,000	18,000	18,000
SANITATION CONTRACT PYMT	240,353	250,132	245,000	252,138
OTHER EXPENSES	164	2,200	1,000	2,200
<b>TOTAL EXPENSES</b>	<b>460,945</b>	<b>468,670</b>	<b>456,572</b>	<b>482,389</b>

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>Water</b>				
SALARIES & WAGES	135,477	141,743	141,743	147,345
OVERTIME	188	1,500	500	1,000
FICA	10,063	10,958	10,882	11,348
HEALTH INSURANCE	28,444	33,026	33,026	37,058
RETIREMENT	9,290	11,119	11,119	11,388
TELEPHONE	2,323	2,200	2,200	2,500
UTILITIES-FILTER PLANT	25,150	30,371	30,371	30,371
OPERATING SUPPLIES-WATER	27,954	30,000	20,000	25,000
STATE DRINKING H2O PERMIT	726	1,000	465	500
ENGINEERING AND SURVEYS	0	500	0	0
ADVERTISING AND LEGAL	634	1,500	1,275	1,500
TRAVEL AND EDUCATION	1,753	2,500	2,000	2,500
UNEMPLOYMENT INSURANCE	404	430	430	445
WORKERS COMP INSURANCE	3,521	4,950	3,900	4,290
INTEREST EXPENSE-WATER	7,144	6,849	6,849	6,489
SOFTWARE LICENSE/MAINT	1,140	2,900	1,500	1,500
LAB TEST FEES - WATER	3,102	5,000	3,000	3,500
REPAIR & MAINT - DISTRIBUTION	3,849	5,000	15,000	5,000
REPAIR & MAINT - WATER	12,724	17,500	15,000	20,000
METERS & HYDRANTS	0	1,500	0	500
TRASH PICKUP			0	250
UNIFORM ALLOWANCE	560	625	625	625
MEDICAL	346	350	350	350
EQUIPMENT & TOOLS	427	1,500	2,000	1,500
SAFETY EQUIPMENT	0	500	500	500
GAS & OIL	2,452	4,000	2,500	4,000
R&M VEHICLE	1,049	1,500	2,000	2,500
TIRES	440	500	500	500
BOND PRINCIPAL - WATER	17,586	17,940	17,940	18,301
TOTAL EXPENSES	296,746	337,461	325,675	340,761

TOWN OF CRESTED BUTTE				
2017 BUDGET	2015	2016	2016	2017
WATER & WASTEWATER	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>Sewer</b>				
SALARIES & WAGES	118,797	127,517	118,850	164,085
OVERTIME	0	2,000	600	2,000
FICA	9,455	9,908	9,138	12,706
HEALTH INSURANCE	20,536	25,176	25,176	38,666
RETIREMENT	7,195	7,531	7,531	8,064
TELEPHONE	2,282	2,500	2,500	2,800
UTILITIES-LIFT STATIONS	2,836	2,500	3,000	3,200
UTILITIES- WWT PLANT	39,796	45,000	53,000	55,000
UTILITIES-ATAD SOLIDS HANDLING	36,272	33,000	32,000	34,000
OPERATING SUPPLIES-WW PLANT	4,001	5,000	5,000	5,000
OPERATING SUPPLIES-ATAD	12,160	15,000	15,000	17,500
ATAD-SOLIDS HANDLING	15,951	18,000	23,000	26,000
STATE DISCHARGE PERMIT	4,725	4,000	4,000	4,000
ENGINEERING AND SURVEYS	1,680	2,000	2,000	2,000
ADVERTISING AND LEGAL	368	1,000	300	1,000
TRAVEL AND EDUCATION	2,664	2,500	2,500	2,500
UNEMPLOYMENT INSURANCE	394	389	360	498
WORKERS COMP INSURANCE	5,915	3,605	4,000	4,120
INTEREST EXPENSE - SEWER	42,696	33,084	33,084	33,228
SOFTWARE LICENSE/MAINT	99	200	200	3,000
LAB TEST FEES - WW PLANT	4,352	7,000	7,250	7,500
LAB TEST FEES - ATAD	380	1,400	1,500	1,500
COMPOSTING	21,843	24,000	32,000	34,000
GREASE HANDLING	7,214	9,000	9,000	12,000
REPAIR & MAINT - COLLECTIONS	7,493	10,000	10,000	10,000
REPAIR & MAINT - ATAD	4,743	7,000	5,000	7,000
REPAIR & MAINT - WW PLANT	14,869	16,000	27,000	16,000
TRASH PICKUP	1,539	1,600	1,600	1,600
UNIFORM ALLOWANCE	690	625	625	875
MEDICAL	878	450	450	600
EQUIPMENT & TOOLS	206	3,500	3,500	3,500
EQUIPMENT-ATAD	346	4,000	4,000	4,000
SAFETY EQUIPMENT	458	1,500	1,500	2,500
GAS & OIL	3,081	4,000	3,000	4,000
R&M VEHICLE	3,777	15,000	12,000	9,000
TIRES	1,353	750	650	750
BOND PRINCIPAL - SEWER	237,225	254,579	254,579	127,587
<b>TOTAL EXPENSES</b>	<b>638,269</b>	<b>700,314</b>	<b>714,893</b>	<b>661,779</b>

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>CAPITAL</b>				
CAPITAL EQUIPMENT	82,626			40,000
ATAD/SOLIDS HANDLING CAPITAL	44,794	25,000	50,000	17,500
WASTEWATER PLANT CAPITAL	11,191	427,500	427,500	3,328,500
WATERLINE REPLACEMENT				
SEWER MAIN REPLACEMENT				
WATER PLANT CAPITAL		115,000	53,000	35,000
TOTAL CAPITAL EXPENSES	138,611	567,500	530,500	3,421,000
<b>2017 CAPITAL BREAKDOWN</b>				
Capital Equipment:				
Pickup - Wastewater	40,000			
Total Captial Equipment		40,000		
Water Plant:				
Design/Engineering of Chemical Treatment of Water System	15,000			
Upgrade Chlorination System	20,000			
Total Water		35,000		
Wastewater Plant:				
Surge Supression System (Lift station)	7,500			
Man Hole Rehab	8,000			
WWTP Upgrade - Construction	3,306,000			
RAS VFD Replacement	7,000			
Subtotal:		3,328,500		
ATAD - Solids Handling				
Solids Handling - Engineering	10,000			
Biofilter Replacement	7,500			
Subtotal:		17,500		
Total Wastewater		3,346,000		

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER SEGMENT INFORMATION				
	WATER	WASTE- WATER	TRASH	TOTAL
Operating Revenues	607,110	781,522	255,853	1,644,485
Operating Expenses	463,136	608,839	252,138	1,324,114
Depreciation Expense	140,500	207,500		348,000
Total Operating Expenses	603,636	816,339	252,138	1,672,114
Net Operating Income(loss)	3,474	-34,817	3,715	-27,628
Non-Operating income(expenses)				
Interest income	4,000	4,000		8,000
Interest expense	-6,489	-33,228		-39,717
Sale of Equipment				0
Total non-operating income(expense)	-2,489	-29,228		-31,717
Income(loss)before capital contrib.	985	-64,045	3,715	-59,345
Capital Contribution tap fees	120,000	142,500		262,500
Debt Service Principal	18,301	127,587		145,888
Capital Outlay	35,000	3,386,000		3,421,000

10 Year Capital Plan	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
<b>Capital Equipment:</b>											
Vehicle - Water					30,000					30,000	
Vehicle - Wastewater		40,000		28,000							
Loader			200,000								
Skid Steer				65,000							
Jet Truck											300,000
<b>Equipment Total</b>	<b>-</b>	<b>40,000</b>	<b>200,000</b>	<b>93,000</b>	<b>30,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>30,000</b>	<b>300,000</b>

<b>Wastewater Plant Capital:</b>											
Clarifier #1 rebuild	100,000										
Clarifier #1 rebuild (Engineering)											
Main building renovations			20,000								
SCADA - lift stations			75,000								
SCADA CPU Upgrade	20,000										
Clarifier #1 roof repair					25,000						
Man Hole Rehab	7,500	8,000	8,000								
UV Upgrade	25,000										
RAS pump rebuild					15,000						
Lab upgrades	25,000										
WWTP upgrades engineering	250,000										
WWTP upgrades construction		3,306,000									
Clarifier #1 engineering									200,000		
Replace Clarifier #1										2,000,000	
Teocalli Lift Station Rehab											
Belleview Lift Station Rehab									75,000		
HVAC-diamond plate in headworks					100,000						
Office-Lab Facility Upgrades						150,000					
RAS-WAS Pump Replacement								75,000			
Sewer Main Rehab							100,000				
Perimeter Fence			50,000								
Surge Supression System at CSLS		7,500									
RAS VFD Replacement		7,000									

\* **ATAD Capital:**

Vehicle Storage Building	25,000										
Solids handling modification engineering		10,000									
Solids handling modification construction (A & B tanks)			100,000								
Centrifuge Rebuild				7,500							

10 Year Capital Plan	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Backup Centrifuge	25,000										
Backup Centrifuge Installation			50,000								
Replace Polymere station							50,000				
Odor control modifications								200,000			
Biofilter replacement		7,500									
New compost building				300,000							
Conveyor Rehab							50,000				
STP 1,2,3 Pump Replacement											20,000
<b>Wastewater total</b>	<b>477,500</b>	<b>3,346,000</b>	<b>303,000</b>	<b>307,500</b>	<b>140,000</b>	<b>150,000</b>	<b>200,000</b>	<b>275,000</b>	<b>275,000</b>	<b>2,000,000</b>	<b>20,000</b>
<b>Water System Capital:</b>											
AP-4 Skid replacement											
Upgrade Chlorination System		20,000									
Flow meter replacement				15,000			15,000			15,000	
UV System replacement							200,000				
Skid filter replacement	53,000		75,000		75,000						75,000
Upgrade Lab equipment							10,000				
Distribution valves/hydrants				25,000	25,000		25,000	25,000		25,000	25,000
Water main replacement					150,000				150,000		
Chemical treatment of water system		15,000									
Engineering Water Plant Expansion				100,000							
Construction Water Plant Expansion					1,200,000						
<b>Water Total</b>	<b>53,000</b>	<b>35,000</b>	<b>75,000</b>	<b>140,000</b>	<b>1,450,000</b>	<b>-</b>	<b>35,000</b>	<b>25,000</b>	<b>150,000</b>	<b>25,000</b>	<b>100,000</b>
<b>Total capital requests</b>	<b>530,500</b>	<b>3,421,000</b>	<b>578,000</b>	<b>540,500</b>	<b>1,620,000</b>	<b>150,000</b>	<b>235,000</b>	<b>300,000</b>	<b>425,000</b>	<b>2,055,000</b>	<b>420,000</b>

\* Represents 1/2 of the actual cost as the amount is split with Mt. CB W&S  
Additional Projects on the horizon:

## **GENERAL CAPITAL (“CAPITAL”) FUND 2017 BUDGET HIGHLIGHTS**

The General Capital Fund, more commonly called Capital Fund, is comprised of the Open Space Fund and the Capital Fund. Additionally, the Capital Fund portion is broken down between general capital expenses and parks capital expenses. The main sources of revenue for the Capital Fund are real estate transfer tax, use tax and sales tax. Included with the Capital Fund budget is the 5 year capital plan.

### **OPEN SPACE FUND:**

Revenue for the Open Space Fund is Real Estate Transfer Tax (“RETT”). For 2016, RETT is projected to be \$575,000. The budget for 2017 is \$550,000. Expenditures from the Open Space Fund include \$1,000,000 for the Trampe project, \$2,110,000 for the Mt. Emmons project and \$20,000 for Open Space Maintenance. The Open Space Maintenance line item includes \$13,000 for Youth Corps to come and work on various trails on Town open space and \$5,100 for partial wages of a new employee to work on easement monitoring and reporting.

### **2017**

#### *Revenue:*

The portion of sales tax revenue going towards “general” capital has been reduced from 5% in 2016 to 0 in 2017 due to the General Fund needing the full 75% of sales tax which is available for allotment to the General Fund or other Town fund as needed. Sales tax specifically passed for Parks and Trails is budgeted for a 2% increase. Real Estate Transfer Tax is budgeted at \$550,000, the same as for Open Space. Automobile and building materials use tax is budgeted to be the same as 2016 revenue. There is a \$100,000 budgeted revenue for Contribution Sales Tax – Transportation. This is the Transportation Fund’s contribution towards the new 4-way transit stop.

#### *Expenditures:*

- Personnel:
  - 25% of a new employee split between Open Space Admin/Maintenance and Parks/Trails
  - 4% increase in wages for full time positions and an increase to the hourly wage for seasonal employees
- Health insurance rates increased 3.5%
- Capital equipment purchases include a new patrol car and 4 new vehicles. Only one vehicle is an addition to the vehicle fleet (an electric vehicle for facilities maintenance), the rest are replacements of current vehicles. Non-vehicle equipment includes a second vehicle service lift and a new air compressor for the Town Shop and 3 fixed post speed alert signs.
- There is only one carry-over project from 2016 and that is the Dirt Jump Park.
- Park capital projects include finishing the Dirt Jump/Bike Park and architectural/engineering work for the hockey locker rooms. Work on the Town Park Playground relative to the Center for the Arts expansion is included in the Sales Tax Fund budget.
- Major capital projects include the 4-way transit stop & bathrooms, Cypress Foothills annexation land purchase and wayfinding signage
- There are several major building maintenance projects/upgrades planned including tuck pointing the Old Rock Library, windows/foundation repair/roof snow shed for Town Hall, and upgrading the Depot bathrooms

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL CAPITAL	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
<b>OPEN SPACE:</b>					
Revenue:					
TRANSFER TAX-OPEN SPACE	692,514	500,000	575,000	550,000	
GRANT REVENUE/OTHER	1,200	1,200	1,200	1,200	
DEBT PROCEEDS				2,110,000	
CONTRIBUTION FROM RESERVE-OPEN SPACE		521,800		508,914	
Total Open Space Revenue	693,714	1,023,000	576,200	3,170,114	
Expenses:					
OPEN SPACE TRUST	725,030	1,000,000		1,000,000	
OPEN SPACE MAINT/ADMIN	2,730	23,000	10,000	20,114	
MT EMMONS PROJECT				2,110,000	
Total Open Space Expenses	727,760	1,023,000	10,000	3,130,114	
<b>CAPITAL:</b>					
Revenue					
SALES TAX-CAPITAL	94,248	94,680	96,076	0	
USE TAX-AUTOMOBILE	58,168	40,000	58,000	58,000	
USE TAX-BLDG MATERIAL	209,247	90,000	100,000	100,000	
TRANSFER TAX-GEN CAP	692,519	500,000	575,000	550,000	
INTEREST INCOME	1,646	2,000	3,500	3,500	
DEBT/LEASE PROCEEDS		265,000	169,750		
CONTRIBUTION RESERVE-DEPOT	0	113,997	37,124		
CONTR. SALES TAX - TRANSPORTATION				100,000	
SALE OF EQUIPMENT	11,975	2,000	13,128		
CEMETERY FEES	7,830	4,000	4,000	4,000	
GRANTS-DEPOT	66,242	207,292	207,292		
GRANTS-OTHER				40,000	
OTHER REVENUE	36,449	16,000	16,000	16,000	
Total Capital Revenue	1,178,324	1,334,969	1,279,870	871,500	

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL CAPITAL	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
<b>Expenses</b>					
AUDITING	4,650	5,500	5,500	5,500	
USE TAX RETURN	242	25,000	25,000	35,000	
DEBT SERVICE PRINCIPAL	42,124	79,972	79,972	76,140	
DEBT SERVICE INTEREST	4,362	17,358	17,358	3,614	
INSURANCE	23,019	26,620	26,620	29,482	
DAMAGE LIABILITY	785	2,000	2,000	2,000	
MARSHAL CAPITAL EQUIP	40,448	47,000	48,000	56,800	
CAPITAL EQUIPMENT	204,897	362,500	362,500	83,500	
CEMETERY	8,484	15,000	15,000	25,000	
STEPPING STONE-MAINT	1,500	1,500	1,500	1,500	
BUILDING/PROPERTY MAINT	75,572	146,000	166,000	160,800	
308 3RD STREET HEAT SYSTEM	16,778				
308 3RD STREET PUBLIC RESTROOMS	29,198				
MARSHALS BUILDING HEAT SYSTEM		35,000	35,000		
TOWN HALL LOWER LEVEL REST ROOM		50,000	54,000		
WAYFINDING SIGNAGE				75,000	
VERZUH REC PATH EXTENSION	65,974				
TOWN HALL UPGRADES				236,000	
OLD ROCK LIBRARY TUCKPOINTING				50,000	
DEPOT RENOVATION	162,969	211,000	211,000	24,000	
4-WAY TRANSIT/BATHROOMS				400,000	
CYPRESS - LAND PURCHASE				350,000	
EMERGENCY CENTER DESIGN				55,000	
PUBLIC WORKS RETAINING WALL				10,000	
TRAIL KIOSKS	4,228	10,000	10,000	10,000	
OTHER EXPENSES		3,000	3,000	3,000	
Total Capital Expenditures	685,230	1,037,450	1,062,450	1,692,336	
<b>PARKS</b>					
<b>Revenue</b>					
SALES TAX - PARKS		394,500	400,316	408,322	
CONTRIBUTION RESERVE "WHATEVER USA"		206,000	85,000	43,000	***
CONTRIBUTION-TRANSPORTATION FUND	5,000	5,000	5,000	5,000	*
GRANTS/FUNDRAISING	678	0	0	0	
Total Parks Revenue	5,678	605,500	490,316	456,322	
<b>Expenses</b>					
WAGES - FULL TIME	169,161	194,713	186,000	208,657	
WAGES - SEASONAL	73,421	102,163	80,000	117,280	
TRAILS WAGES				4,750	
OVERTIME	10,515	5,000	7,000	8,000	
FICA	19,161	23,094	20,885	25,910	
HEALTH INSURANCE	40,954	56,416	52,500	58,553	
RETIREMENT	11,548	13,638	12,138	15,194	
UNEMPLOYMENT INSURANCE	748	871	871	1,002	
WORKERS COMPENSATION INSURANCE	10,016	13,119	11,000	13,119	
PARK MAINT SUPPLIES	41,432	45,000	45,000	45,000	
PORTABLE TOILETS	6,245	6,000	6,000	7,000	
TREE PROJECT		2,500	2,500	2,500	
FLOWERS & SHRUBS	7,275	8,000	8,050	10,000	
DOGGIE DOO PROJECT	2,472	2,500	4,500	2,500	

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL CAPITAL	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
WEED MANAGEMENT		3,000	3,900	3,000	
PARK CAPITAL EQUIPMENT	135,197	63,226	63,226	97,000	
PARK PROJECTS	76,498	15,000	15,000		
ELK AVE HOLIDAY LIGHTS	3,365	3,500	3,500	3,500	
TENNIS COURTS RENOVATION	80,852		134		
BIG MINE PARK		206,000	85,000	43,000	
TENNIS COURTS SIDEWALK		27,000	28,263		
DIRT JUMP/BIKE PARK		40,000	20,032	15,500	
AVALANCHE PARK - PLANNING		15,000	15,000		
Total Park Capital Expenses	688,860	845,740	670,499	681,465	
REVENUE OVER(UNDER) EXPENSES	-190,088	57,279	37,237	-1,045,978	
FUND BALANCES:					
GENERAL CAPITAL	3,142,504	2,807,928	3,301,865	2,298,887	
DEPOT RENOVATION	37,124	0	0	0	
BUILDING MAINTENANCE FUND	141,799	141,799	121,799	121,799	
HEATING SYSTEM REPAIR FUND	251,211	216,211	216,211	216,211	
WHATEVER USA (BIG MINE)	300,000	94,000	215,000	172,000	
OPEN SPACE FUND:					
OPEN SPACE TRUST	261,534		827,734	338,820	
CONSERVATION EASEMENT STEWARDSHIP	160,000	160,000	160,000	180,000	
*Contribution from Transportation Fund is for snow removal at the bus stops					
***Contribution Reserve "Whatever USA" is using part of the \$300,000 given in 2014 for Big Mine Projects					

Equipment/Projects 2017	
<b>Marshals Capital Equipment:</b>	
Patrol Car	56,800
<b>Capital Equipment:</b>	
Administration Vehicle (hybrid)	36,000
Facilities Vehicle (electric vehicle)	27,000
Fixed post speed alert signs (3)	9,000
Service lift (town shop)	6,500
Air Compressor (town shop)	5,000
Subtotal	83,500
<b>Park Capital Equipment:</b>	
1 Ton Dump Truck	52,000
Bike Racks/Benches/Bleachers	5,000
Pickup Truck	40,000
Subtotal	97,000
<b>Capital Projects:</b>	
<u>Town Hall Upgrades:</u>	
Windows	95,000
Foundation Repair	90,000
Roof -- snow fence	35,000
Security	16,000
Subtotal	236,000
Depot Renovations	24,000
Trail Kiosks	10,000
Bike Park/Dirt Jump Project	15,500
Big Mine Park (architect/engineer)	43,000
Old Rock Library Tuckpointing	50,000
4-way transit stop/bathrooms	400,000
Cypress -- land purchase	350,000
Public Works Retaining Wall	10,000
Cemetery -- Jokerville Mine Memorial	15,000
Wayfinding Signage	75,000
Emergency Center Design	55,000
<b>Total Capital Requests:</b>	<b>1,283,500</b>

TOWN OF CRESTED BUTTE						
CAPITAL FUND 5 YEAR PLAN	Projected					
	2016	2017	2018	2019	2020	2021
<b>GENERAL CAPITAL BREAKOUT:</b>						
REVENUES						
TRANSFER TAX/GEN CAP	575,000	550,000	500,000	525,000	525,000	525,000
USE TAX	158,000	158,000	150,000	175,000	175,000	175,000
INTEREST	3,500	3,500	7,500	7,500	10,000	10,000
CEMETERY FEES	4,000	4,000	4,000	4,000	4,000	4,000
OTHER REVENUE	29,128	16,000	15,000	20,000	20,000	20,000
GRANTS/Fundraising	207,292	40,000				
SALES TAX	96,076	0	0	0	0	0
DEBT/LEASE PROCEEDS	169,750					160,000
CONTR. RESERVE - DEPOT	37,124					
CONTR. TRANSPORTATION - BUS STOP		100,000				
	-----	-----	-----	-----	-----	-----
TOTAL REVENUES	1,279,870	871,500	676,500	731,500	734,000	894,000
FIXED EXPENDITURES						
PROPERTY/CASUALTY INS	28,620	31,482	34,630	38,093	41,903	46,093
AUDIT	5,500	5,500	6,000	6,500	7,000	7,000
USE TAX RETURNS	25,000	35,000	35,000	40,000	40,000	50,000
BUILDING/PROP MAINT	166,000	160,800	100,000	100,000	75,000	75,000
CEMETERY	15,000	10,000	7,500	7,500	7,500	7,500
STEPPING STONES MAINTENANCE	1,500	1,500	1,500	1,500	1,500	1,500
OTHER	3,000	3,000	4,000	4,000	4,000	4,000
	-----	-----	-----	-----	-----	-----
TOTAL FIXED GENERAL CAPITAL EXPENSES	244,620	247,282	188,630	197,593	176,903	191,093
CAPITAL EQUIPMENT PURCHASES	410,500	140,300	62,030	122,233	322,965	160,000
CAPITAL LEASE PAYMENTS	97,330	79,754	127,900	119,000	44,000	
CAPITAL PROJECTS	310,000	1,225,000	100,000	0	0	0
	-----	-----	-----	-----	-----	-----
TOTAL CAPITAL PURCHASES	817,830	1,445,054	289,930	241,233	366,965	160,000
TOTAL CAPITAL EXPENSES	1,062,450	1,692,336	478,560	438,826	543,868	351,093
NET GENERAL CAPITAL REVENUE(EXPENSES)	217,420	(820,836)	197,940	292,674	190,132	542,907

TOWN OF CRESTED BUTTE						
CAPITAL FUND 5 YEAR PLAN	Projected					
	2016	2017	2018	2019	2020	2021
<b>PARKS/TRAILS BREAKOUT:</b>						
REVENUE						
SALES TAX - PARKS	400,316	408,322	420,572	433,189	446,184	459,570
From Reserve - Whatever USA	85,000	43,000				
Contribution-Transportation Fund	5,000	5,000				
Grants			47,000	395,000		350,000
	-----	-----	-----	-----	-----	-----
TOTAL REVENUES	490,316	456,322	467,572	828,189	446,184	809,570
FIXED EXPENDITURES						
PARK MAINT LABOR	273,000	338,687	352,234	366,324	380,977	396,216
EMPLOYEE TAXES/BENEFITS	97,394	113,778	124,018	135,180	147,346	160,607
PARKS MAINT SUPPLIES	45,000	45,000	45,000	45,000	45,000	45,000
PORTABLE TOILETS	6,000	7,000	7,000	7,000	7,000	7,000
FLOWERS/SHRUBS	8,050	10,000	10,000	10,000	10,000	10,000
TREE PROJECTS	2,500	2,500	2,500	2,500	2,500	2,500
DOGGIE DOO PROJECT	4,500	2,500	2,500	2,500	2,500	2,500
WEED MANAGEMENT	3,900	3,000	3,000	3,000	3,000	3,000
HOLIDAY DECORATIONS	3,500	3,500	3,500	4,000	4,000	4,000
TOTAL FIXED EXPENSES	443,844	525,965	549,753	575,504	602,323	630,823
CAPITAL EQUIPMENT PURCHASES	63,226	97,000	129,000	89,000	123,000	69,000
CAPITAL PROJECTS	163,429	58,500	497,000	585,000	75,000	544,000
TOTAL CAPITAL PURCHASES	226,655	155,500	626,000	674,000	198,000	613,000
TOTAL CAPITAL EXPENSES PARKS/TRAILS	670,499	681,465	1,175,753	1,249,504	800,323	1,243,823
NET PARKS/TRAILS REVENUE(EXPENSE)	(180,183)	(225,143)	(708,181)	(421,315)	(354,138)	(434,253)
NET FUND BALANCE	3,301,865	2,298,886	1,788,645	1,660,004	1,495,998	1,604,653
Whatever USA for Big Mine	215,000	172,000				
Other Unscheduled Project Requests	4,370,000					

	2016	2017	2018	2019	2020	2021			
<b>General Capital:</b>	<b>Budget</b>								
<b>Equipment:</b>									
Marshal Dept Patrol Car	\$ 48,000	\$ 56,800	\$ 62,030	\$ 67,233	\$72,965				
Manager Vehicle	\$ 33,000								
Administration Vehicle (hybrid)		\$ 36,000			-				
PW Director Vehicle	\$ 33,000								
Facilities Vehicle (Electric vehicle)		\$ 27,000							
Dump Truck						\$ 160,000			
Loader 950G	\$ 265,000				\$250,000				
Trailer	\$ 25,000								
Vehicle Diagnostic Scanner	\$ 6,500								
Fixed post speed alert signs (3)		\$ 9,000							
Service Lift		\$ 6,500							
Air Compressor - shop		\$ 5,000							
Skid Steer (50/50 Parks & PW)				\$ 55,000					
<b>Total Equipment:</b>	<b>\$ 410,500</b>	<b>\$ 140,300</b>	<b>\$ 62,030</b>	<b>\$ 122,233</b>	<b>\$ 322,965</b>	<b>\$ 160,000</b>			
<b>Projects:</b>									
Depot Renovation	\$ 211,000	\$ 24,000							
4-way transit stop/bathrooms		\$ 400,000							
Old Rock Library Tuck Pointing		\$ 50,000							
Town Hall Bathrooms-gym level	\$ 54,000								
Marshals Building Heat Replacement	\$ 35,000								
Trail Kiosks	\$ 10,000	\$ 10,000							
Annexation-land purchase		\$ 350,000							
Fencing PW yards			\$ 50,000						
Public Works Retaining Wall		\$ 10,000	\$ 50,000						
Cemetery - Jokerville Mine Memorial		\$ 15,000							
Wayfinding Signage		\$ 75,000							
Town Hall - Foundation Repair		\$ 90,000							
Town Hall Roof - Snow fencing		\$ 35,000							
Town Hall Windows		\$ 95,000							
Town Hall Security		\$ 16,000							
Emergency Center Design		\$ 55,000							
Arts Center Expansion									
<b>Total Projects:</b>	<b>\$ 310,000</b>	<b>\$ 1,225,000</b>	<b>\$ 100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>			
<b>Total General Capital Requests:</b>	<b>\$ 720,500</b>	<b>\$ 1,365,300</b>	<b>\$ 162,030</b>	<b>\$ 122,233</b>	<b>\$ 322,965</b>	<b>\$ 160,000</b>			

	2016	2017	2018	2019	2020	2021			
<b>Parks/Trails Capital:</b>									
<b>Parks Equipment:</b>									
Z Turn Mower	\$ 13,226								
Ice Resurfacer & hot water heater									
Flower MiniVan (Electric Vehicle)	\$ 25,000				\$ 29,000				
Skid Steer					\$ 60,000				
1 Ton Dump Truck		\$ 52,000							
Electric Vehicle	\$ 20,000		\$ 28,000		\$ 29,000	\$ 29,000			
Chemical Sprayer			\$ 25,000						
Irrigation Smart Clock			\$ 30,000						
Man Lift						\$ 40,000			
Bike Racks/Benches/Bleachers	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000				
4X4 Pickup		\$ 40,000	\$ 41,000	\$ 84,000					
<b>Total Parks Equipment</b>	<b>\$ 63,226</b>	<b>\$ 97,000</b>	<b>\$ 129,000</b>	<b>\$ 89,000</b>	<b>\$ 123,000</b>	<b>\$ 69,000</b>			
<b>Parks/Trails Projects:</b>									
Gothic Field Renovations	\$ 15,000								
8th Street Greenway				\$ 75,000	\$ 75,000				
Gothic Field Raw Water Irrigation			\$ 70,000						
Henderson Park Remodel				\$ 60,000					
Big Mine Park Utilities	\$ 85,000								
Big Mine Hockey/Nordic Expansions		\$ 43,000	\$ 387,000						
Big Mine Skatepark/Sled Hill						\$ 544,000			
Tennis Court Sidewalks	\$ 28,397								
Dirt Jump Park	\$ 20,032	\$ 15,500							
Avalanche Park Campground	\$ 15,000		\$ 15,000	\$ 450,000					
CB to Carbondale Trail			\$ 25,000						
<b>Total Parks/Trails Projects:</b>	<b>\$ 163,429</b>	<b>\$ 58,500</b>	<b>\$ 497,000</b>	<b>\$ 585,000</b>	<b>\$ 75,000</b>	<b>\$ 544,000</b>			
<b>Total Parks/Trails Capital Requests</b>	<b>\$ 226,655</b>	<b>\$ 155,500</b>	<b>\$ 626,000</b>	<b>\$ 674,000</b>	<b>\$ 198,000</b>	<b>\$ 613,000</b>			

	2016	2017	2018	2019	2020	2021			
<b>OTHER UNSCHEDULED PROJECTS:</b>									
Emergency Center	\$ 300,000								
Rehab Fire Hall	\$ 200,000								
Gothic Field Bathrooms	\$ 75,000								
Park Sand Replacement	\$ 5,000								
Big Mine Hockey Warming House	\$ 1,400,000								
Big Mine Zamboni Shed & Refrigeration	\$ 1,400,000								
Big Mine Park Improvements	\$ 850,000								
Tommy V Bathroom Solar Panels	\$ 20,000								
Tommy V Parking Paving	\$ 20,000								
Underground entrance electric line	\$ 100,000								
<b>Total Other Project Requests</b>	<b>\$ 4,370,000</b>								

**CONSERVATION TRUST FUND  
2017 BUDGET**

The purpose of the Conservation Trust Fund is receipt of lottery proceeds from both the State of Colorado and Gunnison County Metropolitan Recreation District. The State of Colorado has set very strict guidelines on the segregation of funds and how the funds may be expended. The Town of Crested Butte has used this money as matching money for grants on park capital projects such as Rainbow Park, Big Mine Park and most recently the Tennis Court Project. There are no expenditures from this fund planned for 2017 in an effort to allow the fund balance to accumulate and use it for larger projects such as Big Mine Park, Town Park and Henderson Park improvements.

TOWN OF CRESTED BUTTE				
2017 BUDGET REQUEST				
CONSERVATION TRUST FUND	2015	2016	2016	2017
	ACTUALS	BUDGET	PROJECTED	BUDGET
STATE LOTTERY PROCEEDS	7,293	8,000	8,000	8,100
INTEREST INCOME	16	15	15	20
GUNN CNTY REC DIST	3,641	3,700	17,095	3,700
CONTRIBUTION FROM RESERVE				
TOTAL REVENUE	10,950	11,715	25,110	11,820
EXPENSES				
PARK MAINTENANCE		0	0	0
CAPITAL-PROJECT	1,100	0	13,469	0
TOTAL EXPENSES	1,100	0	13,469	0
EXCESS REVENUE OVER(UNDER) EXPENSES	9,850	11,715	11,641	11,820
FUND BALANCE	16,799	28,514	28,440	40,260

## **SALES TAX FUND 2017 BUDGET**

The purpose of the Sales Tax Fund is for the collection and distribution of the Town's sales tax. The main sources of revenue are the 4.5% Town sales tax and the share back of one-half of the County's 1% sales tax on sales within the Town of Crested Butte. Of the 4.5% Town sales tax, 0.5% is dedicated for parks, recreation and trails, 1% for transportation and the remaining 3% is for the needs of General Fund or other Town funds as needed. Expenses of the Sales Tax Fund are distributions to the General Fund, Capital Fund and Transportation Fund.

The Transportation Fund is housed within the Sales Tax Fund. It receives a 1% Town sales tax. The Town pays the Mountain Express 95% of the revenue from the 1% sales tax, with the remaining 5% to go towards other transportation services such as bus stops, transportation planning, RTA contributions and Late Night Taxi Service.

The required Amendment 1 ("TABOR") Emergency Reserve is kept within the Sales Tax Fund. The Emergency Reserve requirement is 3% of overall expenditures with some exclusions such as enterprise fund and state grant funds. Expenditures out of this reserve are very restricted under TABOR.

The Interest Fund balance is an accumulation of interest earnings and excess revenue over time. The Council has reserved \$500,000 of this balance for the Center for the Arts building project.

### *Revenue:*

Sales tax revenue for 2017 is budgeted at 2% above the projected revenue for 2016 and 16% above 2015 actual collections.

### *Expenditures:*

Distribution to the General Fund is capped at 75% of Town 4% Sales Tax collections. Each year the distribution is based on the projected needs of the General Fund and any remaining amount is distributed to the Capital Fund, Affordable Housing Fund, Street Fund or Sewer/Water Fund as needed. The distribution percentage for 2017 has been increased from 73% to 75%.

The \$100,000 Bus Stop Upgrade line item is for of a new transit stop and bathrooms at the current 4-way location. The estimated cost of the project is \$400,000 with the remaining funds coming out of the General Capital Fund.

The \$435,931 Center for the Arts Expansion is for expenses of the proposed expansion project. Town anticipates incurring expenses for utilities, tap fees, building plan and pro-forma reviews, playground planning and legal fees for 2017. Council approved a \$1,000,000 total contribution to the project with the maximum of \$500,000 of this in cash. Staff anticipates the remaining portion of cash as well as a large amount of in-kind work being needed in 2018.

TOWN OF CRESTED BUTTE				
2017 BUDGET	2015	2016	2016	2017
SALES TAX FUND	ACTUAL	BUDGET	PROJECTED	BUDGET
INTEREST & PENALTY	15,285	15,000	18,000	15,000
TOWN SALES TAX-MISC	1,781	0		0
TOWN SALES TAX-DIRECT	3,149,856	3,156,007	3,602,845	3,674,902
COUNTY SALES TAXES	362,408	355,765	378,686	382,473
CONTR. RESERVE-TRANSPORTATION	0	14,550	14,550	100,000
CONTR. RESERVE-ARTS CENTER			25,594	435,931
INTEREST INCOME	1,034	1,200	1,200	1,200
TOTAL REVENUE	3,530,364	3,542,522	4,040,875	4,609,506
EXPENSES				
GENERAL FUND DISTRIBUTION	2,100,000	2,628,090	2,700,000	2,832,407
TRANSPORTATION DISTR	748,514	749,552	780,000	775,813
GENERAL CAPTIAL DISTRIBUTION	94,549	94,680	100,000	
GENERAL CAPITAL - PARKS			405,000	408,322
AFFORDABLE HOUSING CONTR.	220,000			
OTHER/BANK FEES	-28	100	1,000	1,000
TRANSPORTATION CHARGES	13,636	19,000	19,000	19,000 *
CONTRIBUTION-RTA	7,500			0
BUS STOP UPGRADES		35,000	35,000	100,000
TRANSPORTATION STUDY	21,186	0	6,000	0
CENTER FOR THE ARTS EXPANSION			25,594	435,931
CAPITAL PURCHASE	261,780			
TOTAL EXPENSES	3,467,137	3,526,422	4,071,594	4,572,474
NET REVENUE	63,227	16,100	-30,719	37,032
FUND BALANCE				
TRANSPORTATION	112,905	98,355	97,941	24,877
INTEREST	228,854	220,054	220,054	225,054
TABOR RESERVE	238,930	218,930	238,930	228,930
CENTER FOR THE ARTS EXPANSIO	500,000	500,000	474,406	38,475
* Breakdown of Transportation Charges:				
Bus Stop Utilities	\$ 1,300			
Bus Stop Maintenance	\$ 3,000			
Bus Stop Snow Removal	\$ 5,000			
Late Night Taxi Contribution	\$ 7,700			
Other Expenses	\$ 2,000			

## **STREET & ALLEY FUND 2017 BUDGET**

The Street & Alley Fund came into existence in 1987 by virtue of a voter approved mill levy for the purpose of providing and maintaining the Town's streets, alleys and right-of-ways. The main source of revenue is property tax. Highway Users Tax from the State is also included in the Street & Alley Fund.

The Parking Fund is included under the Street & Alley Fund and its sole source of income is Parking in Lieu Fees. Parking in Lieu fees are collected on commercial building projects which are unable to comply with the required amount of parking for their business. Expenditures from the Parking Fund are for acquisition of additional parking which includes purchase of land and improvements to land in order to increase available parking. It is the Town's policy to only budget for Parking In Lieu fees when there is a known project coming on board which will be paying the fees.

Beginning with the 2015 budget, Council elected to put a small amount of the Street & Alley mill levy towards future needs as identified in the Transportation Plan. This Transportation Plan reserve is segregated out separately from the regular Street Fund balance.

### *REVENUE:*

The total mill levy available for the Street & Alley Fund is 16 mills. This is adjusted annually to the amount needed taking into consideration current expenditures and the long-range 15 year plan. In the mid 1990's, the Town moved away from issuing debt and to saving up fund balance to do street projects. The 15 year plan helps lay the ground work for this philosophy and the adjusting of the mill levy to accomplish it.

The mill levy for 2017 is set to remain at the same 8.00 mills as in 2016. The amount of the mill levy set aside for the transportation plan needs goes from .500 mills in 2016 to 1.000 mills in 2017 and the amount to the regular street fund drops from 7.500 mills to 7.000 mills to maintain the 8.000 mill levy.

### *EXPENDITURES:*

Personnel costs are based on 50% of the Public Works crew with the amount split 60/40 between snow removal and street maintenance. The remaining 50% of the Public Works crew personnel cost goes into the General Fund. 2017 wages have a projected 4% increase.

Paving Projects for 2017 include the mill down and full repaving (Full Depth Recycling or "FDR") for the streets marked in purple on the accompanying map, increasing the size and paving of the 4-way parking lot, paving of the public lot by the fire hall and work on the 412 3rd Street lot.

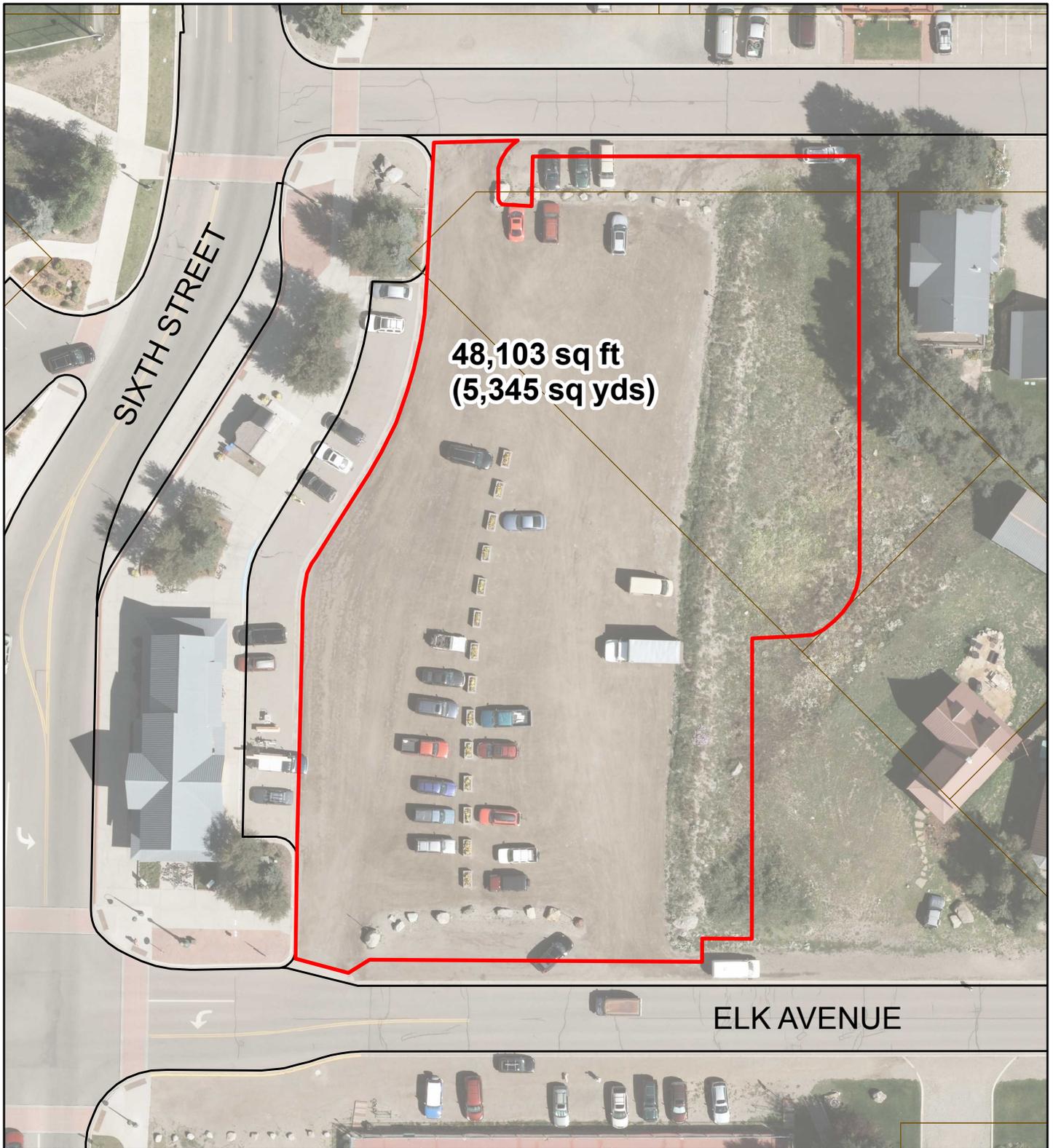
The increase in engineering is for paving projects. The 2016 budget anticipated the engineering work to be done on the 4-way lot project, however, staff does not believe this will be accomplished by year end and is budgeting for it as a carry-over in 2017.

TOWN OF CRESTED BUTTE				
2017 BUDGET				
STREET & ALLEY	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>REVENUE:</b>				
TAX FROM MILL LEVY-Street	670,329	655,060	655,060	606,198
TAX FROM MILL LEVY-Transportation		43,671	43,671	86,600
INTEREST & PENALTIES	1,778	2,000	1,500	1,500
OTHER REVENUE	2,100	3,000	2,000	2,000
PARKING IN LIEU	320,819		13,000	
HIGHWAY USERS TAX	50,270	47,829	50,552	52,865
INTEREST INCOME	860	1,200	2,000	2,500
<b>TOTAL REVENUE</b>	<b>1,046,156</b>	<b>752,760</b>	<b>767,783</b>	<b>751,663</b>
<b>EXPENSES:</b>				
SNOW REMOVAL-LABOR	69,163	90,883	90,883	93,000
R&M STREETS-LABOR	83,969	58,922	58,922	60,333
SNOW REMOVAL-SEASONAL LABOR	9,438	20,000	20,000	20,000
FICA	12,302	12,990	12,990	13,260
HEALTH INSURANCE	40,383	30,851	30,851	32,039
RETIREMENT	13,177	13,275	13,275	14,197
UNEMPLOYMENT INSURANCE	16	509	509	520
WORKMANS COMP INSURANCE	7,816	9,680	7,000	7,700
R&M STREETS-SUPPLIES	19,579	35,000	32,000	35,000
SIDEWALK REPAIR/MAINT	1,297	20,000	20,000	20,000
WEED SPRAY-RIGHT OF WAY	1,800	2,800	2,800	3,000
PARKING LOTS	2,191	2,000	2,000	2,000
ENGINEERING	9,640	10,000	5,000	25,000
PAVING PROJECT	125,925	132,000	132,000	771,000
STORM WATER PROJECT	10,186	0	0	30,000
SPILL RESPONSE	0	1,500	1,500	1,500
FUEL	16,151	40,000	18,000	25,000
R&M VEHICLES	18,385	20,000	30,000	40,000
SNOW REMOVAL-SUPPLIES/CONTRACT	15,318	35,000	35,000	40,000
STREET SIGNS	2,989	3,000	3,000	4,000
STREET LIGHTS	690		2,000	2,500
DAMAGE LIABILITY	0	5,000	5,000	5,000
TREASURER FEES	16,790	24,456	24,456	24,248
CAPITAL EQUIPMENT	24,998	22,000	24,202	0
OTHER EXPENSES	1,398	3,000	10,000	4,000
<b>TOTAL EXPENSES</b>	<b>503,601</b>	<b>592,867</b>	<b>581,388</b>	<b>1,273,297</b>
<b>EXCESS REVENUE OVER(UNDER) EXPENSES</b>	<b>542,555</b>	<b>159,893</b>	<b>186,395</b>	<b>(521,634)</b>
<b>FUND BALANCE</b>	<b>1,734,761</b>	<b>1,896,654</b>	<b>1,910,156</b>	<b>1,303,922</b>
SNOW REMOVAL CONTINGENCY	100,000	100,000	100,000	100,000
PARKING IN LIEU FUND BALANCE	1,338	(662)	12,338	10,338
DESIGNATED FOR TRANSPORTATION PLAN	236,681	278,637	280,326	366,926
<b>2017 Project/Capital Detail:</b>				
<b>Paving Projects:</b>				
Full Depth Recycle - streets marked in purple on map	\$455,000			
Pave & increase size of 4-way lot	\$225,000			
Pave parking lot - fire hall	\$45,000			
Other Parking paving: (412 3rd St & 3rd Street right of ways)	\$46,000			

TOWN OF CRESTED BUTTE							
Street & Alley Fund 15 Year Plan							
Transportation Plan Utilizing Grant Funds							
	Projected						
Revenue	2016	2017	2018	2019	2020	2021	2022
Property Tax-Street	655,060	606,198	668,983	671,250	691,388	696,375	717,266
Property Tax-Transportation	43,671	86,600	89,198	89,500	92,185	92,850	95,636
Interest & Penalties	1,500	1,500	1,300	1,300	1,300	1,300	1,400
Interest Income	2,000	2,500	5,000	5,000	10,000	10,000	5,000
Highway Users Tax	50,552	52,865	53,365	53,865	54,365	54,865	55,365
Other Rev/Contributions	2,000	2,000	4,000	4,000	5,000	5,000	5,000
Total Revenue	754,783	751,663	821,846	824,915	854,238	860,390	879,667
Payroll Obligations	64,625	67,716	79,102	83,057	87,210	91,570	96,149
Repair & Maint. Streets	90,922	95,333	118,146	122,872	127,787	132,899	138,214
Snow Removal	145,883	153,000	173,120	180,045	187,247	194,736	202,526
Fuel	18,000	25,000	25,750	26,523	27,318	28,138	28,982
R&M Vehicle	30,000	40,000	18,000	18,000	18,000	18,000	20,000
Paving Projects	132,000	771,000	85,000	85,000	85,000	85,000	1,000,000
Engineering	5,000	25,000	5,000	5,000	5,000	50,000	20,000
Sidewalk Repair & Maint	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Storm Water Projects		30,000		30,000		30,000	
Treasurers Fees	24,456	24,248	23,414	23,494	24,199	24,373	25,104
Street Signs/Other Expenses	24,300	20,000	18,000	18,000	18,000	18,000	18,000
Blower/Sweeper/Plow Blade	24,202			150,000			
Total Expenditures	579,388	1,271,297	565,533	761,990	599,760	692,716	1,568,975
AVAILABLE FUND BALANCE	1,910,156	1,303,922	1,471,038	1,444,463	1,606,755	1,681,579	896,635
ASSESSED VALUE FOR TAXES	86,599,760	89,197,753	89,500,000	92,185,000	92,850,000	95,635,500	95,650,000
MILL LEVY	7.500	7.000	7.500	7.500	7.500	7.500	7.500
Transportation Plan Mill	0.500	1.000	1.000	1.000	1.000	1.000	1.000
Transportation Plan Revenue	43,645	86,600	89,198	89,500	92,185	92,850	95,636
Fund Balance - Trans. Plan	280,326	366,926	456,124	545,624	387,809	480,659	76,294
Red Lady/135/7th					250,000		500,000
3% growth reassessment years							

TOWN OF CRESTED BUTTE								
Street & Alley Fund 15 Year								
Transportation Plan Utilizing								
<u>Revenue</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Property Tax-Street	717,375	788,156	886,725	913,327	913,500	931,770	931,950	959,909
Property Tax-Transportation	95,650	98,520	98,525	101,481	101,500	103,530	103,550	106,657
Interest & Penalties	1,400	1,400	1,400	1,500	1,500	1,500	1,500	1,500
Interest Income	5,000	10,000	12,000	15,000	1,000	5,000	8,000	8,000
Highway Users Tax	55,865	56,365	56,865	57,365	57,865	58,365	58,865	59,365
Other Rev/Contributions	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Total Revenue	880,290	959,441	1,060,515	1,093,673	1,080,365	1,105,165	1,108,865	1,140,430
Payroll Obligations	100,956	106,004	111,304	116,869	122,713	128,848	135,291	142,055
Repair & Maint. Streets	143,743	149,493	155,472	161,691	168,159	174,885	181,881	189,156
Snow Removal	210,627	219,052	227,814	236,927	246,404	256,260	266,510	277,171
Fuel	29,851	30,747	31,669	32,619	33,598	34,606	35,644	36,713
R&M Vehicle	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Paving Projects	85,000	85,000	85,000	85,000	1,100,000	85,000	85,000	85,000
Engineering	7,500	7,500	7,500	60,000	20,000	10,000	10,000	10,000
Sidewalk Repair & Maint	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Storm Water Projects	35,000		35,000		35,000	35,000		
Treasurers Fees	25,108	27,585	31,035	31,966	31,973	32,612	32,618	33,597
Street Signs/Other Expenses	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000
Blower/Sweeper/Plow Blade	225,000	220,000						
Total Expenditures	925,786	908,381	747,795	788,073	1,820,846	820,212	809,944	836,692
AVAILABLE FUND BALANCE	755,489	708,029	922,224	1,126,342	284,361	465,785	661,156	858,237
ASSESSED VALUE FOR TAXES	98,519,500	98,525,000	101,480,750	101,500,000	103,530,000	103,550,000	106,656,500	106,700,000
MILL LEVY	7.500	8.000	9.000	9.000	9.000	9.000	9.000	9.000
Transportation Plan Mill	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Transportation Plan Revenue	95,650	98,520	98,525	101,481	101,500	103,530	103,550	106,657
Fund Balance - Trans. Plan	171,944	270,464	368,989	470,469	571,969	675,499	779,049	885,706
Red Lady/135/7th								
3% growth reassessment years								

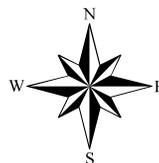




## 4-Way Parking Lot - Paving Project

 Parcel Boundaries

Area to be paved = 48,103 square feet





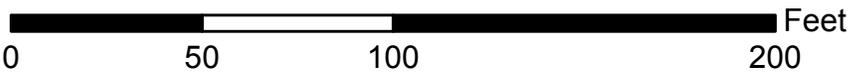
MAROON AVENUE

THIRD STREET

11,664 sq ft  
(1,296 sq yds)

### Fire Hall Parking Lot - Paving Project

Area to be paved = 11,664 square feet



## **AFFORDABLE HOUSING FUND 2017 BUDGET**

The purpose of the Affordable Housing Fund is for the advancement of lower priced housing stock in Crested Butte. Over the years, the gap between worker's wages in the Crested Butte area and the price of housing has significantly widened. The Town of Crested Butte has been active on many fronts in an effort to help ease this issue.

### **2017 Budget**

#### *Revenue:*

The main source of revenue is the housing payment in lieu fees. These fees are collected on both residential and commercial building projects. Fees for 2017 are projected to be similar to the anticipated 2016 collections.

The 2017 budget anticipates the sale of 4 lots in blocks 79 & 80, Paradise Park subdivision. No revenue is projected for the transfer of three lots to the GVRHA for the facilitation of the construction of seven for-sale units in the coming year.

#### *Expenditures:*

Line items with significant increases:

- Affordable Housing Taps – (this is the 2/3 difference between a deed restricted tap-in fee and a regular tap-in fee) – 2017 anticipates up to 20 taps; 2 ADU's, 4 Block 79/80, 7 GHRHA project, 1 Town build, 6 ROAH units for 6<sup>th</sup> Street Station project
- Housing Authority – Town's share of GVRHA cost, up due to wage increase of the Executive Director and additional time spent in Crested Butte
- Space to Create – Applications for this project are due in January. The grant could provide several million dollars to facilitate this build. Funds budgeted for 2017 are for design and financing services. If selected additional funds may be needed to facilitate the project dependent on required matching funds.
- Town Rental Build – This is the project being done in conjunction with the school district and the high school engineering class. This unit is anticipated to break ground this summer and become a Town employee rental upon completion.
- GVRHA Build- \$25,000 to assist with building designs and donations of 3 lots in Blocks 79 & 80

TOWN OF CRESTED BUTTE				
2017 BUDGET				
AFFORDABLE HOUSING	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
REVENUES:				
AFFORDABLE HOUSING PMT IN LIEU	212,412	130,000	60,000	60,000
DUPLEX/RANCH HOUSE-RENTS	32,893	35,280	35,280	35,280
RED LADY ESTATE RENT	5,675	5,220	5,220	5,220
PARADISE PARK LOT SALES		340,000	195,000	190,000
PARADISE PARK - UNIT SALES	137,307	0		
INTEREST INCOME	154	100	100	100
OTHER/GRANTS	712,500	0	3,088	
CONTRIBUTION FROM RESERVE		75,200		
TOTAL REVENUE	1,100,941	585,800	298,688	290,600
EXPENSES:				
TEMPORARY HELP	798			
LEGAL FEES	(3,000)	30,000	20,000	10,000
AUDITING	750	1,000	750	1,000
INSURANCE	3,694	4,000	4,000	4,000
AFFORDABLE HOUSING TAPS	385,058	128,500	58,334	233,340
TRAVEL & EDUCATION	1,691	1,500	1,500	1,500
UTILITIES	2,474	3,800	3,800	3,800
HOUSING AUTHORITY	30,000	48,000	48,000	55,000
HOUSING PROJECT BUILD/GVRHA		125,000	25,000	25,000
TOWN RENTAL BUILD				130,000
SPACE TO CREATE	0	25,000	10,000	15,000
BLOCK 79/80 INFRASTRUCTURE	361,774	155,000	230,000	
HOUSING MAINTENANCE	10,684	48,000	35,000	15,000
NEEDS ASSESSMENT		16,000	13,000	
OTHER EXPENSES	677	0	1,500	
TOTAL EXPENSES	794,600	585,800	450,884	493,640
REVENUE OVER(UNDER) EXPENSES	306,341	0	(152,196)	(203,040)
FUND BALANCE	452,687	377,487	300,491	97,451

Town of Crested Butte  
Debt & Lease Schedule

DEBT TYPE	ISSUE DATE	MATURITY DATE	ORIGINAL PRINCIPAL	AMOUNT OUTSTANDING 12/31/16	PRINCIPAL DUE 2017	INTEREST DUE 2017	FUND
<b>General Obligation:</b>							
No Issues outstanding							
<b>Revenue Bonds:</b>							
CWRPDA-Clarifier loan	2010	2030	1,900,000	1,103,564	69,039	21,728	Water & Sewer
CWRPDA-Water Tank	2012	2032	400,000	328,971	18,300	6,489	Water & Sewer
<b>Capital Leases:</b>							
Community Banks Manager's Residence	2007	2017	150,000	14,042	14,042	356	General Fund
GE Capital Dump Truck	2014	2018	131,200	43,211	34,400	1,187	Capital Fund
HP Financial Desktop Computers	2014	2018	40,933	15,933	10,524	441	General Fund
NBH Bank 2016 Loader	2016	2020	170,000	138,703	41,738	2,425	Capital Fund
<b>2017 Anticipated Debt:</b>							
CWRPDA Loan - Wastewater Plant			2,300,000				
RETT Bond -- Mt. Emmons Project			2,155,000				



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** Resolution 41, Series 2016 – Fee Schedule

---

---

### Summary:

Resolution No. 41, Series 2016 is the resolution to adopt the 2017 fee schedule. The fee schedule includes fees that are required to be adopted by ordinance and the fee adoption resolution does not affect these fees, they are merely included for the convenience of having all fees listed on one document. The 2017 budget reflects the fees as listed in the schedule.

### Discussion:

#### FEE CHANGES:

- P.U.D. Application fees have been changed from a flat fee to various fees dependent upon the type of submittal and are a better reflection of the amount of staff time required for the submittal. The fees included in the schedule are the maximum fee that could be charged for the most complex P.U.D. Verbiage has been included to allow staff flexibility to charge lower fees for less complex projects.
- Sewer Service fee increased from \$33.50 to \$35.50 per EQR – per budget discussion.
- Sewer Pretreatment fee increased from \$10.55 to \$13.75 per EQR—per budget discussion.
- Water Meter Prices increased per price quote from the meter manufacturer.
- State Liquor License Fee schedule has changed per State. No change to Town’s liquor license fees.
- Rental rates for the pavilions and gym have changed from an hourly rate to a block of time rate to allow for better facility management. Hourly rate was \$15.00/hour; new block of time rate is \$100 for 4 hours.
- Facility Deposit rates have been changed from type of event (minimal/moderate/major) to facility type. Deposits have been generally increased to help with facility management.
- Depot Rentals are now included under the Parks department and are in line with the other facilities.
- The following fees were changed in the Police Dept. to better reflect current times & costs:
  - Fingerprints from \$5 to \$10 for Residents & from \$10 to \$20 for non-Residents
  - VIN inspections from \$5 to \$10 for Residents & from \$10 to \$20 for non-Residents
  - Transcripts fee was deleted
  - Video Tape fee was deleted

**NEW FEES:**

- Snow Management Permit -- \$25.00
- Non-potable Water Truck Fill Station -- \$10.00 per truck fill
- Sex Offender Registration -- \$25.00
- Sex Offender Re-Registration -- \$10.00
- Accident Report -- \$2.00 flat fee & \$0.25 per page
- Record Request, Non-Accident -- \$5.00 flat fee & \$0.25 per page

**RECOMMENDATION:**

Staff recommends approval of Resolution No. 41 for the adoption of fees for 2017.

**MOTION:**

I move to approve Resolution No. 41, Series 2016.

**RESOLUTION NO. 41  
SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN  
COUNCIL ADOPTING CERTAIN FEES AND  
CHARGES FOR THE FISCAL YEAR 2017**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

**WHEREAS**, the Town has determined that costs associated with the Town's providing certain services should be defrayed by specific fees; and

**WHEREAS**, the Town imposes certain rates, charges or fees for services performed or materials provided by the Town; and

**WHEREAS**, the Town Council has established a "Fee Schedule" containing a listing of certain fees and charges to be reviewed annually; and

**WHEREAS**, certain Town rates, charges and fees are required to be set by ordinance and as to such rates, charges and fees the Fee Schedule shall have no application, even though those fees are set forth in the Fee Schedule for informational purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THAT:**

1. There are hereby established, effective January 1, 2017, certain rates, fees or charges of the Town, as set forth in Exhibit "A" attached hereto.

**INTRODUCED, READ AND ADOPTED UPON THIS FIRST READING THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_  
Glenn Michel, Mayor

**ATTEST:**

**(SEAL)**

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

## 2017 Fee Schedule

<b>Administration and Misc.</b>		
<b>Record Request Fees:</b>		
Audio Tapes, CD or DVD	\$15.00	
Agendas	No charge for copies of current agendas	
Bid Documents	Fee based on reproduction and actual cost	
Copies:	No fee for single page	This is the average cost of a copy taking into account the cost of paper, machine time, supplies and personnel time, necessary research time not to exceed 15 minutes.
	\$.25 each additional page	
	\$1.50 each color page	
Certified Copies	\$1.25 per page	
	\$2.25 for color copies	
<b>Computer Generated Reports:</b>		
Printed	\$1.00 per page	
Provided on CD	\$25.00	
E-mailed	\$.25 per page	
Faxes (local or long distance)	\$.50 per page excluding cover sheet	20 page maximum
Mailing Fees	actual cost of mailing	
Photos	\$5.00 plus cost of reproduction	
Research and Retrieval Fees	\$ 25.00 per hour for requests requiring more than 15 minutes; \$130 per hour Town Attorney Research fees	
Recording Fee	\$11.00 for 1st page and \$5.00 for each page after	
Requiring Special Programming	\$75.00 per hour	
<b>Maps:</b>		
Standard Map fees:		
Zoning Map	\$20.00	
Parcel Map	\$15.00	
Open Space map	\$25.00	
A -size map (8.5" x 11")	\$8.00	
B-size map (11"x17")	\$10.00	
C-size map (17"x22")	\$15.00	
D-size map (24"x36")	\$20.00	
E-size (36"x48")	\$25.00	
Custom	\$50.00 per hour personnel; with a minimum 1 hour charge plus standard map fee	
Custom, non-profit	\$40.00 per hour	
<b>Cemetery Fees:</b>		
Large Cemetery Plot (22' X 11')	\$1,000	
Small Cemetery Plot (5.5' X 11')	\$300	
Casket Burial (Weekdays)	\$400	
Casket Burial (Winter Weekdays)	\$600	
Casket Burial (Weekends, Holidays, Emergencies)	\$550	
Casket Burial (Winter Weekends, Holidays, Emergencies)	\$750	
Creman Burial (Weekdays)	\$200	
Creman Burial (Winter Weekdays)	\$400	
Creman Burial (Weekends, Holidays, Emergencies)	\$350	
Creman Burial (Winter Weekends, Holidays, Emergencies)	\$450	
Grave Disinterment	\$600	
<b>Misc Fees:</b>		
Returned Check	\$15.00	
Lien	\$75 late fee	
Town Attorney Fee (third party bill out)	\$275.00	Hourly rate for Town Attorney time to be billed out to third parties

<b>Business Fees:</b>		
Business License	\$25.00 per year	
Occupation Tax	\$75.00 per year	
Pillow Tax	\$10.00 per pillow	
<b>Business License Renewal-Late Fees:</b>		
Renewals received after January 31st	\$25.00	In addition to the regular license fee
Renewals received after March 31st	\$50.00	In addition to the regular license fee
Renewals received after June 30th	\$75.00	In addition to the regular license fee
Renewals received after September 30th	\$100.00	In addition to the regular license fee
Sales Tax License	No charge	
Transfer of Business License	\$25.00	
Cart Vending License	\$25.00	
Farmers Market Application	\$25.00	
Street performers permit	\$25.00	
Sidewalk Seating Revocable License	\$3.00/Square Foot	
<b>Late Night Food Truck License:</b>		
Application Fee	\$10.00	
License	\$400.00	
<b>Marijuana Establishment License:</b>		
Transfer of permit to business entity	\$1,000.00	
Changes in members	\$200/member	
New Application	\$1,500 per license	
Renewal	\$500, 1 license/ \$750, dual license	
Modification of Premise	\$50.00	
<b>Dogs:</b>		
License, spayed or neutered	\$7.00 per year	
License, not spayed or neutered	\$15.00 per year	
Duplicate License	\$3.00	
Dog Care/Maintenance	\$10.00 per day	
Dog Redemption	\$7.50	
<b>Publications:</b>		
Crested Butte Area Plan	\$57.00	
CB/Gunnison Housing Needs Assessment	\$10.00	
Building and Zoning Section of Town Code	\$42.00	
Community Profile	\$10.00	
Design Review Guidelines	\$20.00	
Eccher Ranch Wetland Study	\$10.00	
Flood Plain Studies	\$25.00	
Land Use Plan	\$50.00	
Slate River Hydrology Study	\$10.00	
Town Code	\$80.00	
Town Code on CD	\$25.00	
Wetlands of the CB Vicinity	\$10.00	
Town Code Updates	Actual Cost	

<b>Special Event Fees:</b>		
Application Fee	\$25.00	
Late Application Fee	\$100.00	
Minimal Impact Event Permit Fee	\$0.00	
Moderate Impact Event Permit Fee	\$50.00	For recurring moderate impact events that take place 5 or more times in one calendar year: 50% reduction in permit fees
Major Impact Event Permit Fee	\$200.00	For recurring major impact events that take place 5 or more times in one calendar year: 25% reduction in permit fees
Minimal Impact Event Clean-up Deposit	\$0.00	
Moderate Impact Event Clean-up Deposit	\$50.00	
Major Impact Event Clean-up Deposit	\$200.00	
For Special Events at the Big Mine Ice Arena and Town Ranch Event Area, special Facility Use Fees will be applied in place of Special Event Permit Fees		
<b>Liquor License Fees:</b>		
Liquor Tasting Permit	\$50.00 per year	
Special Event Local Liquor License	\$25.00 per day	
Special Event State Liquor License	No Charge	
Art Gallery Liquor Application	\$5.00 per year	
All other liquor application and license fees	Maximum allowed by the State (see attached fee schedule)	
<b>Building &amp; Planning</b>		
Design Review and Publication		
	\$60.00	Insubstantial Design Review and Publication
	\$470.00	Publication of picture
	\$320.00	No Picture Publication
	\$500.00	additional for Special Review Classification
Additional DRC Meeting	\$60.00	per meeting for each additional meeting needed beyond the first 2
P.U.D:		
Concept Plan Submittal	\$500.00	Fees represent maximum fee dependent on complexity of the submittal. In addition, Design Review and Publication costs will be assessed plus \$300 for each full Board meeting and \$60 for each DRC meeting beyond 2 for each submittal.
General Plan Submittal	\$750.00	
Building Permit Review Submittal	\$750.00	
Combined General Plan and Building Permit Review Submittal	\$1,250.00	
Use Tax Deposit		Not less than 4.5% of 45% of total permit value
Performance Deposit	0.50%	Total Structure Value: building valuation multiplied by .50%
Fine for Non-Compliance with Restrictive Covenant Violations	\$100.00	Per infraction per day
Building Permit		Total Structure Value*
	\$28.42	\$1.00 - \$500.00
	\$28.42 plus \$3.68 per \$100 of TSV or fraction thereof above \$501	\$501.00 - \$2,000.00
	\$83.74 + \$16.95 per \$1,000 of TSV or fraction thereof above \$2,001	\$2,001.00 - \$25,000.00
	\$473.79 + \$12.18 per \$1,000 of TSV or fraction thereof above \$25,001	\$25,001.00 - \$50,000.00
	\$778.58 + \$8.47 per \$1,000 of TSV or fraction thereof above \$50,001	\$50,001.00 - \$100,000.00
	\$1,202.07 + \$6.77 per \$1,000 of TSV or fraction thereof above \$100,001	\$100,001.00 - \$500,000.00
	\$3,911.05 + \$5.74 per \$1,000 of TSV or fraction thereof above \$500,001	\$500,001.00 - \$1,000,000.00
	\$6,781.04 + \$4.41 per \$1,000 of TSV or fraction thereof above \$1,000,001	\$1,000,001.00 and up
*The total Structure Value or building valuation for all permit fees shall be based on the building valuation data table of the most current issue of "Building Safety Journal" published by the International Code Council, using a regional modifier of 1.54, or other evidence of value, whichever is greater, as determined by the Building Official. Active solar installations-maximum of \$500 residential, \$1,000 commercial.		
Work without Permit	\$100 up to \$1,000 per day	Plus Applicable Permit Fee
Construction Documents Examination	60%	of Permit Fee - Commercial
	30%	of Permit Fee - Residential
Special Review and Inspections	Actual	Outside Consultants
	\$65.00/hr	Other
Request for FAR Calculation	\$25.00	FAR on file
	\$50.00	FAR from existing plans
	\$125.00	FAR calculated from field measurements
Vested Property Right	\$75.00	
Application for amendment to Zoning	\$250.00	

<b>Building &amp; Planning (continued)</b>		
Right-of-Way Use Permit	\$40/ 25 feet of right of way per month	Minimum annual fee for use of right-of-way during construction
Tree Cutting Permit	\$25.00	
Sign Permit	\$20.00	Plus \$2/Sq Ft over 10 Sq. Ft.
Sign without Permit	\$50.00	Plus Permit Fee
Payment in Lieu of Parking	\$13,000	Per parking space
Condominium Declaration Docs + Plat Review	\$250.00	
Resident Occupied Affordable Housing		
payment assessed on newly constructed non-residential floor area in-lieu of providing ROAH units:	\$37.01	per sq. ft .
assessed on newly constructed lodging units or short-term residential accomodation units in -lieu of providing ROAH units:	\$4,395.22	per lodging unit
New Residential floor area in-lieu of providing a fraction of a ROAH unit when total size of the residential unit is within the following range:		
Unit Size Range (sq. ft.)	Annual Payment in-lieu("PIL") per Sq. Ft.	
1 -499	\$1.38	per sq. ft .
500 - 999	\$1.95	per sq. ft .
1,000 - 1,499	\$2.11	per sq. ft .
1,500 - 1,999	\$2.36	per sq. ft .
2,000 - 2,499	\$2.69	per sq. ft .
2,500 - 2,999	\$3.09	per sq. ft .
3,000 - 3,499	\$3.56	per sq. ft .
3,500 - 3,999	\$4.11	per sq. ft .
4,000 - 4,499	\$4.75	per sq. ft .
4,500 or more	\$5.40	per sq. ft .
Carbon Mitigation Fee	\$2.35	Per lbs. of CO2 emission per dept. calculation
Solid Fuel Burning Device application	\$100.00	
Solid Fuel Burning Device replacement	\$25.00	

<b>Building &amp; Planning (continued)</b>		
Mechanical Permit	\$28.43	
Supplemental Permit	\$8.77	
Furnaces up to 100,000 BTU/hr	\$17.91	Installation or Relocation
Furnaces over 100,000 BTU/hr	\$22.02	Installation or Relocation
Floor Furnace & Vent	\$17.91	Installation or Relocation
Suspended/Recessed/Wall-mount Furnace	\$17.91	Installation or Relocation
Installed Appliance Vents	\$8.77	Installation or Relocation
Repairs/Alterations of Appliances	\$16.58	
Boiler/Compressor/Absorb. System	\$17.79	3 horsepower or 100,000 BTU/hr
	\$32.85	up to 15 hp or 100,000 to 500,000 BTU/hr
	\$45.07	up to 30 hp or 500,000 to 1,000,000 BTU/hr
	\$67.09	up to 50 hp or 1,000,000 to 1,750,000 BTU/hr
	\$112.10	over 50 hp or 1,750,000 BTU/hr
Air Handler	\$12.89	up to 10 cfm or 4,719 L/s
	\$21.90	over 10 cfm or 4,719 L/s
Evaporative Coolers	\$12.89	non-portable type
Single-Duct Vent Fan	\$8.77	
Ventilation System	\$12.89	
Mechanical Exhaust Hood	\$12.89	
Domestic Incinerator	\$22.02	
Comm./Industrial Incinerator	\$17.54	
Misc. Mechanical Equipment	\$12.89	
Inspection after Business Hours	\$59.89/hour	Minimum 2 hour charge
Reinspection Fee	\$59.89	Per Inspection
Plan Review/Misc. Inspection	\$59.89	Per hour or inspection
Annexation petition processing fee		With the submission requirements for formal annexation petition or petition for annexation election: applicant delivers to the Town an executed annexation cost and expense reimbursement agreement obligating the applicant to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the annexation.
Concept Annexation Request processing fee	\$500.00	Per request
Subdivision Application Review Fees:		
Minor Subdivision	\$200.00	
Major Subdivision Review:		With the submittals for subdivision sketch plan: applicant delivers to the Town an executed annexation cost and expense reimbursement agreement obligating the applicant to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the subdivision
Site specific development		
Plan application	\$75.00	
Plat Approval	\$150.00	

<b>Building &amp; Planning (continued)</b>		
Capital Expansion Recovery System Fees for land that paid RETT		
Parks & Rec. Improvements SFR	\$2,510.20	
Parks & Rec. Improvements MFR	\$2,382.95	
Parks & Rec. Commercial Res. Unit	\$2,070.62	
Fire SFR	\$388.79	
Fire MFR	\$388.79	
Fire ea Sq. ft. business/commercial/tourist	\$0.00138	
Capital Expansion Recovery System Fees for land that did not pay RETT		
Parks & Rec. Improvements SFR	\$2,540.41	
Parks & Rec. Improvements MFR	\$2,411.63	
Parks & Rec. Commercial Res. Unit	\$2,095.55	
Fire SFR	\$388.79	
Fire MFR	\$388.79	
Fire ea. Sq. ft. business/commercial/tourist	\$0.138	
Snow Plow equipment		per sq ft of R.O.W. (right of way)
If RETT has been paid on developed land		
Single family areas	\$0.1287	
R2 zoned areas	\$0.1122	
Multi-family zoned areas	\$0.0256	
Business/Commercial Tourist areas	\$0.0468	
If RETT has not been paid on developed land		
Single family areas	\$0.1370	
R2 zoned areas	\$0.1254	
Multi-family zoned areas	\$0.0654	
Business/Commercial Tourist areas	\$0.0491	
Calculation of Affordable Housing maximum sales price	\$50.00	Administrative fee to calculate the maximum sales price of an affordable housing unit when new receipts are provided to the Town after issuance of a certificate of occupancy or when new receipts are provided after an improvement is made.
<b>Parks and Recreation:</b>		
Adult Activities		Fees are established yearly using the following general policy: Fees are to cover the direct activity program costs plus 30%
Youth Activities		Fees are established yearly using the following general policy: Fees are to cover the direct activity program costs.
Early Registration Discount	\$10.00	
Cancellation/Transfer Fee	\$10.00	Subject to the Parks & Recreation Program Fee Schedule found online at <a href="http://Townofcrestedbutte.com">Townofcrestedbutte.com</a>

<b>Parks and Recreation (cont):</b>		
<b>Facility Rental Rates: All Fields, Facilities, Buildings, Pavilions and Other Recreational Amenities without private leases</b>		
Big Mine Ice Arena Winter Ice Slots	\$70/hr.	Ice slots on Big Mine Ice Arena
Big Mine Open Space for Summer Events	\$150/day or \$375/three day rental for set up and take down of large tented events	Rules, amenities and more information online.
Town Ranch Event Area and Big Mine Ice Arena for Summer Events with <300 people	\$300/day or \$750/three day rental for set up and take down of large tented events	Rules, amenities and more information online.
Big Mine Ice Arena for Summer Events with 300-499 people	\$500/day or \$1200/three day rental for set up and take down of large tented events	Rules, amenities and more information online.
Rainbow Park Pavilion and Yelenick Pavilion	\$80/four hour time slot	Any organization, group, or individual up to 100 people who desires to use the facility. More information online.
All Other Facilities	\$10.00/hour	Any organization, group, individual who desires to use the facility
All Facilities	\$1.00/hour credit	For programs with a quarterly or yearly contract with the Town, except for Town Ranch Event Area & Big Mine Ice Arena
	No Charge	Crested Butte Community School programs
Cancellation Policy: All Other Facilities		30 days prior to reservation: A full refund will be issued for both the deposit amount and the facility rental fee. 7 – 30 days prior to 90 days prior to reservation: A refund will be issued for the deposit and
Cancellation Policy: Town Ranch Event Area and Big Mine Ice Arena for Summer Events		half of the facility rental amounts. Less than 90 days prior to reservation: Facility rental fee will not be refunded. Deposit will be refunded. Post Reservation: If the facility is reserved and not used, no refund for the facility rental fee will be issued. Deposit will be refunded.
<b>Facility Deposit Rates: All Fields, Facilities, Buildings, Pavilions and Other Recreational Amenities without private leases, except Big Mine Ice Rink</b>		
Town Hall/Key Deposits	\$50.00	Deposit for rental of any facility that requires key access, and all reservations for downstairs spaces in Town Hall.
Rainbow Park Pavilion and Yelenick Pavilion	\$100.00	*Events with less than 100 participants and a total rental time of up to four (4) hours.
Town Ranch Event Area and Big Mine Ice Arena for Summer Events with <300 people	\$150/single day or \$375/three day rental	Rules, amenities and more information online.
Big Mine Ice Arena for Summer Events with 300-499 people	\$250/single day or \$600/three day rental	Rules, amenities and more information online.
<b>Depot Facility Rental and Deposit Rates</b>		
Depot Half Day	\$150 half day up to six hours plus \$200 deposit	Maximum of 49 people in winter and 100 people in summer
Depot Full Day	\$300 for one day up to twelve hours plus \$250 deposit	Maximum of 49 people in winter and 100 people in summer
Depot Multi-day Large Events	\$750 for 3 days plus \$300 deposit	Event having 50-100 people that may include alcohol, dancing, food, small pop-up tents, weddings/receptions

<b>Police Department:</b>		
Fingerprints	\$10.00	for Residents or court ordered
	\$20.00	Non-residents
VIN Inspections	\$10.00	for Residents
	\$20.00	for non-Residents
Sex Offender Registration	\$25.00	Includes fingerprint cards, photos & paperwork)
Sex Offender Re-Registration	\$10.00	
Accident Report	\$2.00 flat fee & \$0.25/page	Free for victim (fee applies to emailed reports)
Record Request, Non-Accident	\$5.00 flat fee & \$0.25/page	Free for victim (fee applies to emailed reports)
Copy of CD/DVD	\$15.00	
Vehicle Impoundment	\$50.00	Plus towing charges
Hearing re:vehicle impoundment	\$50 admin	cost plus bond
Scofflaw list and civil penalty	\$50.00	
Review of private event noise control measures	\$250.00	Maximum fee
Review of noise supression plan	\$250.00	Maximum fee
<b>Public Works:</b>		
Construction Standards	\$25.00	
Right-of-Way Dig Permit - Minor	\$35.00	Plus minimum \$500.00 deposit
Right-of-Way Dig Permit - Major	\$70.00	Plus minimum \$1,000.00 deposit
Snow Storage Permit (commercial)	\$250.00	Plus \$250.00 deposit
Snow Storage Permit (non-commercial)	\$10.00	Per regular dump truck load (non-commercial hauler)
Snow Management Permit	\$25.00	
Snow Cat Permit	\$100.00	Plus \$500.00 deposit
Equipment	Weekly	Monthly
Labor Charges	\$35.00	per hour (Overtime rate = 1.5 x hours)
<b>Sewer and Water</b>		
Watershed Permit	\$100.00	
Pretreatment Application Fee	\$35.00	
Compulsory Refuse Collection Fee	based on contract	
<b>Base Rates:</b>		
Water	\$27.50	Per EQR- 1st 8000 gallons per EQR base rate
	Tier #	Rate Per 1,000 Gallons over base
	1	\$3.00
	2	\$3.25
	3	\$3.50
	4	\$3.75
	5	\$4.25
	6	\$5.00
Sewer	\$35.50	Per EQR
Sewer Pretreatment	\$13.75	Per EQR
Availability of service	\$18.00	
The above rates are based on 1 EQR. An EQR (Equivalent Residential Usage) is the amount of water and sewer used by a standard residential unit of 1875 square feet. The water/sewer director calculates the number of EQR's associated with a project.		

<b>Sewer and Water (cont.):</b>		
Water Meter Prices	\$290.00	5/8 inch meter
	\$320.00	3/4 inch meter
	\$415.00	1 inch meter (model 55)
	\$425.00	1 inch meter (model 70)
	\$760.00	1 1/2 inch meter
Water Meter Adapter Prices	\$10.00	small
	\$13.00	large
Tap Fees	\$8,000.00	water per EQR
	\$9,500.00	sewer per EQR
Water Shut Off Fee	\$50.00	
Water Reconnect Fee	\$25.00	
Fire Hydrant Meter	\$35.00	\$80.00
Hydrant Connection Fee	\$25.00	plus \$1,000 deposit (meter price) for commercial use
Hydrant Water Fee	\$8.45	per 1,000 gallons
BF Preventer	\$18.00	\$50.00
FH Valve	\$13.00	\$30.00
Nozzle	\$11.00	\$27.00
Jack Stand	\$5.00	\$12.00
Hose	\$5.00	\$12.00
Compost	\$20.00/cubic yard	
Compost per Pick-up truck load	\$20.00	
Septic Tank Sludge, sanitary tanks	\$30/load + \$.20/gallon	
RV Septic Tank Dump	\$10.00	
RV Water Tank Fill	\$5.00	
Non-potable Water Truck Fill Station	\$10.00	per truck fill

## COLORADO LIQUOR ENFORCEMENT Fee Schedule

*Effective July 1, 2016*

### State Administrative and Legal Fees

Subpoena Testimony - \$200.00 for first 4 hours of appearance or on-call or travel time to court & mileage, meals, and lodging at state employee per-diem rates. Actual hourly rate for all hours in excess of four (4).

Copy Cost | .25¢ per page.

<b>License Type and Fees</b>	<b>Located In</b>	<b>Local Fee</b>	<b>State Fee</b>
Alternating Proprietor Licensed Premises			\$150.00
Application Fee for New license	City or County	\$1000.00	\$920.00
Application Fee for New License with <i>Concurrent Review</i>	City or County	\$1000.00	\$1020.00
Application Fee Transfer of Ownership	City or County	\$750.00	\$920.00
Art License	City or County	\$41.25	\$308.75
Beer & Wine License	City	\$48.75	\$351.25
Beer & Wine License	County	\$63.75	\$436.25
Brew-Pub License	City or County	\$75.00	\$750.00
Club License	City or County	\$41.25	\$308.75
Hotel & Restaurant License	City or County	\$75.00	\$500.00
Hotel & Restaurant License with <i>optional premises</i>	City or County	\$75.00	\$500.00
Liquor licensed Drugstore	City	\$22.50	\$227.50
Liquor licensed Drugstore	County	\$37.50	\$312.50
Optional Premises License	City or County	\$75.00	\$500.00
Racetrack License City or	County	\$75.00	\$500.00
Resort Complex License	City or County	\$75.00	\$500.00
Retail Gaming Tavern License	City or County	\$75.00	\$500.00
Retail Liquor Store License	City	\$22.50	\$227.50
Retail Liquor Store License	County	\$37.50	\$312.50
Tavern License	City or County	\$75.00	\$500.00
Vintner's Restaurant	City or County	\$75.00	\$750.00
<b>Related Fees and Permits</b>	<b>Located In</b>	<b>Local Fee</b>	<b>State Fee</b>
Annual Renewal application Fee	City or County	\$100.00	\$0.00
Addition of related facility Permits to <i>existing Resort Complex License (each)</i>	City or County	\$100.00	\$75.00
Art Gallery Application	City or County	\$100.00	\$0.00
Art Gallery Permit	City or County	\$3.75	\$71.25
Art Gallery Renewal Application fee	City or County	\$100.00	\$0.00
Bed & Breakfast Permits	City or County	\$25.00	\$50.00
Branch Warehouse or Warehouse <i>Storage Permit</i>	City or County	\$0.00	\$100.00
Change of Location	City or County	\$750.00	\$150.00
Change of Trade name/Corporate name	City or County	\$0.00	\$50.00

<b>Related Fees and Permits</b>	<b>Located In</b>	<b>Local Fee</b>	<b>State Fee</b>
Corp/LLC Change (per person) <i>may be charged for background investigation by local OR state (not both) non Master File only</i>	City or County	\$100.00	\$100.00
Duplicate License	City or County	\$0.00	\$50.00
Expansion-add Optional Premises to existing <i>Hotel and Restaurant</i>	City or County	\$0.00	\$100.00
Hotel/Tavern Manager's Registration	City or County	\$75.00	\$75.00
Late Renewal Application Fee	City or County	\$500.00	\$0.00
Master file-State issued	City or County	\$0.00	\$25.00*
Mini Bar Permit (No OAP contribution) <i>with Hotel/Restaurant license</i>	City or County	\$325.00	\$0.00
Modification of Premises	City or County	\$0.00	\$150.00
New Product Registration (Per Unit)			\$5.00
Retail Warehouse Storage Permit	City or County	\$0.00	\$100.00
Special Events Permit (Liquor) per event	City or County	\$100.00	\$25.00
Special Events Permit (3.2%) per event	City or County	\$100.00	\$10.00
Temporary Permit	City or County	\$100.00	\$0.00
Winery Direct Shipper Permit	City or County	\$0.00	\$50.00
<b>3.2% Beer Licensee Fees</b>	<b>Located In</b>	<b>Local Fee</b>	<b>State Fee</b>
Retail 3.2% Beer On Premises	City	\$3.75	\$96.25
Retail 3.2% Beer On Premises	County	\$7.50	\$117.50
Retail 3.2% Beer Off Premises	City	\$3.75	\$96.25
Retail 3.2% Beer Off Premises	County	\$7.50	\$117.50
Retail 3.2% Beer On/Off Premises	City	\$3.75	\$96.25
Retail 3.2% Beer On/Off Premises	County	\$7.50	\$117.50

\* Per location (Max. \$1000.00 and \$250.00 per person).



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director

**Subject: Ordinance 15, Series 2016 – Increasing Sewer Service Charges and WWTW Pretreatment Service Charges**

---

---

**Summary:** Ordinance No. 15, Series 2016 proposes to adjust the monthly sewer service fee and the monthly sewer pretreatment fee. During the 2017 budget discussions, staff presented the need to increase these fees to cover the operational costs of the system and the cost of pretreatment service to those properties required to participate in the pretreatment program.

**Discussion:**

**WWTW PRETREATMENT FEE:**

The WWTW (Waste Water Treatment Works) pretreatment program became effective in 2014. This program requires properties, mostly restaurants, to install approved grease handling devices or interceptors. The pretreatment fee is charged to properties that have not yet installed approved equipment. The current fee of \$10.55 is not commensurate with the cost of cleaning the sewer line or of pumping out an interceptor. Staff recommends the fee be increased to \$13.75 per EQR per month for 3 years with a much higher rate is anticipated after the 3 year period to encourage businesses to install the appropriate equipment.

**SEWER SERVICE FEE:**

The 2017 budget proposes to increase the monthly sewer service fee from \$33.50 per EQR per month to \$35.50 per EQR per month, a 6% increase. The increase is needed to cover current operational costs, including depreciation, of the sewer system.

With the proposed fee increases, total operating revenues for the sewer system are expected to be \$781,522 and operating expenses are expected to be \$816,039 for a net operating loss of \$34,517. Staff will continue to look for savings/efficiencies to make up the operating loss.

**Recommendation:** Staff recommends setting Ordinance No. 15, Series 2016 for public hearing at the December 5<sup>th</sup> Council meeting.

**Proposed Motion:** I move to set Ordinance No. 15, Series 2016 for public hearing at the December 5, 2016 Council meeting.

**ORDINANCE NO. 15  
SERIES 2016**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING SECTION 13-1-150 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCREASE THE MONTHLY SERVICE CHARGE FOR SEWER SERVICE TO \$35.50 PER MONTH PER EQR AND SETTING THE WWTW PRETREATMENT CHARGE TO \$13.75 PER MONTH PER APPLICABLE EQR**

**WHEREAS**, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, the Town Council has established monthly service charges for the provision of sewer services to properties located within the Town, and the Town staff has recommended that adjustments be made in these charges because the present service rates are inadequate to meet the costs of providing these services; and

**WHEREAS**, the Town Council has established a Wastewater Treatment Works (WWTW) pretreatment program for the discharge of fats, oils and greases into the Town's sewage system and established monthly service charges for the provision of sewer services to properties required to participate in the pretreatment program, and the Town Staff has recommended adjustments be made in these charges to adequately reflect the cost of the provision of sewer services to the properties which have yet to install approved interceptor or separator equipment; and

**WHEREAS**, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

Section 1. Increase in Monthly Sewer Service rates. Section 13-1-150 of the Code is hereby amended by deleting it in its entirety and replacing it with the following:

- (a) "There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of Town sewer system. The monthly service charge for use of Town sewer system shall be Thirty-Five Dollars and Fifty Cents (\$35.50) times the respective EQR calculated pursuant to Section 13-1-170 below. Monthly service charges shall commence upon the issuance of a certificate of occupancy, or six (6) months after payment of the system development fee, whichever occurs first. There shall be no abatement or reduction of the monthly service charge, except as otherwise provided in Section 13-1-140 above."

- (b) "There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of the WWTW a pretreatment charge for any property that is required to have a grease interceptor or oil/sand separator and that does not have such system installed an operating in accordance with Town requirements. The monthly service charge for use of WWTW shall be Thirteen Dollars and Seventy-Five Cents (\$13.75) times the respective EQR calculated for restaurants pursuant to Section 13-1-170 below. Monthly service charges shall not be abated or reduced until the variance for the installation of a grease interceptor or oil/sand separator effecting the subject property is terminated."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as hereby amended, the Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

Section 4. Effective Date. The provisions of this Ordinance shall take effect as of January 1, 2017.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF DECEMBER, 2016.**

**TOWN OF CRESTED BUTTE, COLORADO**

By \_\_\_\_\_  
**Glenn Michel, Mayor**

(SEAL)

**ATTEST:**

By \_\_\_\_\_  
**Lynelle Stanford, Town Clerk**



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject: Ordinance No. 16 – Amending the 2016 Budget**

---

**Summary:** Ordinance No. 16 adopts changes to the 2016 budget for additional expenditures out of the General, Sales Tax and Conservation Trust funds.

**Previous Council Action:** Council adopted the 2016 Budget via Resolution No. 36 on November 2, 2015. Additionally, Council amended the 2016 Budget via Ordinance No. 2 on March 21, 2016.

**Discussion:** The changes to the 2016 Budget are as follows:

*General Fund increased from \$3,692,561 to \$3,905,704*

Court:

- Contract Labor increased by \$2,150 for outside attorney

Council:

- Office Supplies increased by \$1,000 for iPad replacement
- Added Coal Creek Watershed Coalition line item for \$13,000 for Council approved site specific standards project contract with the Coalition

Elections:

- Professional Services increased by \$2,100 for estimated cost from County on coordinated election
- Office Supplies decreased by \$250

Legal:

- Legal Fees – Town Attorney increased by \$20,000 to reflect Council approved hourly rate increase
- Mt. Emmons Special Project increased by \$75,000 to reflect estimate of actual 2016 costs
- Added Water Attorney line item for \$25,000 to reflect estimate of actual 2016 costs
- Added Engineering-Water Cases line item for \$15,000 to reflect estimate of actual 2016 costs

Clerk:

- Advertising & Legal decreased by \$500 – fewer legal publications
- Travel & Education decreased by \$1,500 – did not attend fall conference
- Other Expenses/Codification decreased by \$5,500 – actual costs

Manager:

- Broadband-Region 10 MOU was added for \$6,000 (total MOU is \$40,410 with the remaining to be spent in 2017)
- R&M Vehicle line was decreased by \$5,000 – new vehicle purchased
- The following line items increased or decreased due to employee turnover in the position:
  - Salaries & Wages increased by \$39,610
  - FICA increased by \$2,112
  - Health Insurance decreased by \$4,560
  - Retirement decreased by \$4,372
  - Telephone decreased by \$700
  - Office Supplies increased by \$250
  - Recruiting/Interim Exp increased by \$40,000
  - Unemployment Insurance increased by \$119
  - Gas & Oil decreased by \$1,300

Finance:

- Wages decreased by \$16,639 – employee turnover
- FICA decreased by \$1,273 – employee turnover

Marshals:

- Travel & Education increased by \$14,000 – new hire academy
- DOJ Grant Expense line added for \$13,000 (corresponding \$13,000 grant revenue line added)
- Work Comp Insurance decreased by \$3,561 – actual cost
- Dispatch Fees decreased by \$2,026 – actual cost

Recreation:

- Salaries & Wages increased by \$5,000 – actual cost
- Gymnastic Coaches decreased by \$5,000 – actual cost, unable to fill coach positions
- Intern Wages decreased by \$3,000 – didn't hire an intern in 2016
- Tennis Labor/Expense decreased by \$4,000 – actual cost, courts not available for full season
- FICA decreased by \$306 – actual cost
- Health Insurance decreased by \$2,860 – actual cost
- Baseball Coaches decreased by \$2,500 – actual cost
- Advertising increased by \$2,500 – actual cost
- Soccer Coaches decreased by \$1,000 – actual cost
- R&M Vehicle increased by \$3,500 – old vehicles

Total General Fund revenue is estimated to be \$3,905,704 including \$220,520 Contribution from Reserve

*Sales Tax Fund increased from \$3,526,422 to \$4,071,594*

- General Fund Distribution increased from \$2,628,090 to \$2,700,000 due to increased sales tax collection
- Transportation Distribution increased from \$749,552 to \$780,000 due to increased sales tax collection
- General Capital Distribution increased from \$94,680 to \$100,000 due to increased sales tax collection
- Add General Capital – Parks Distribution line in the amount of \$405,000

- Other/Bank Fees increased by \$900 – additional bank fees in connection with the online sales tax system
- Add Transportation Study line in the amount of \$6,000 – carry over from 2015 project which we thought would be completed by the end of 2015, but was not
- Add Center for the Arts Expansion line in the amount of \$25,594 for Mundus Bishop services and BOZAR fees. This is a part of the \$500,000 cash pledge to the Center’s project.

Total revenue is estimated to be \$4,071,594 including \$70,863 Contribution from Reserve.

*Conservation Trust Fund increased from \$0 to \$13,469*

- Capital Project line item increased by \$13,469 for the Bike Park project to account for the expenses related to the Gunnison Met. Rec. grant received in the same amount

Total revenue is estimated to be \$25,110.

**Recommendation:** Staff recommends setting Ordinance No. 16 for public hearing at the December 5<sup>th</sup> Council meeting.

**Proposed Motion:** I move to set Ordinance No. 16, Series 2016 for public hearing at the December 5<sup>th</sup> Town Council meeting.

**ORDINANCE NO. 16  
SERIES 2016**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADOPTING CHANGES AND ADDITIONS TO THE 2016 BUDGET AND APPROPRIATIONS RELATIVE TO THE GENERAL FUND, SALES TAX FUND AND CONSERVATION TRUST FUND**

**WHEREAS**, the Town Council, pursuant to Resolution No. 36, Series 2015, and Ordinance No. 2, Series 2016, adopted the budget and projected expenditures for the Town for 2016, and

**WHEREAS**, the income and expenditures for the General Fund, Sales Tax Fund and Conservation Trust Fund for the fiscal year 2016, January 1 through December 31, are more than budgeted and appropriated, and

**WHEREAS**, the increases and contingencies could not have been reasonably foreseen at the time of adoption of Resolution No. 36, Series 2015, and Ordinance No. 2, Series 2016, and

**WHEREAS**, the revenues to pay the increased expenditures are available in the same funds from unappropriated funds and surpluses,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO:**

That the appropriation for expenditures from the following funds are increased as set forth below:

1. General Fund from \$3,692,561 to \$3,905,704
2. Sales Tax Fund from \$3,526,422 to \$4,071,594
3. Conservation Trust Fund from \$0 to \$13,469

**INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF DECEMBER, 2016.**

**TOWN OF CRESTED BUTTE**

(SEAL)

By \_\_\_\_\_  
**Glenn Michel, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Lynelle Stanford, Town Clerk**



## Staff Report

November 16, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director

**Subject: Ordinance No. 17 Setting Business & Occupation License Tax (BOLT) for 2017 (Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax)**

---

**Summary:** Ordinance No 17, Series 2016 sets the Business and Occupation License Tax (“BOLT”) for 2017 to \$100.00, \$25.00 if the business has paid BOLT in Mt. Crested Butte. Voters passed a significantly higher BOLT tax ranging from \$100.00 up to \$1,500 based on the number of employees a business had. In an effort to get more business to join the Chamber, both Crested Butte and Mt. Crested Butte annually lower the BOLT to \$100.00 per year. To comply with Amendment 1 (“TABOR”) regulations and preserve the higher voter approved BOLT rate, the Council must adopt the lower BOLT rate annually. Of the \$100.00 collected, \$25.00 stays with the Town for the business license and the remaining \$75.00 goes to the Chamber to operate the Visitor Center and market the area.

**Recommendation:** Staff recommends setting Ordinance No. 17 for public hearing at the December 5<sup>th</sup> Council meeting.

**Proposed Motion:** I move to set Ordinance No. 17, Series 2016 for public hearing at the December 5, 2016 Council meeting.

**ORDINANCE NO. 17  
SERIES 2016**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL  
AMENDING CHAPTER 6-2 OF THE CRESTED BUTTE MUNICIPAL  
CODE PROVIDING FOR A TEMPORARY REDUCTION TO CERTAIN  
PORTIONS OF THE BUSINESS AND OCCUPATION LICENSING TAX  
FOR FISCAL AND CALENDAR YEAR OF 2017; AND PROVIDING THE  
AUTOMATIC REPEAL THEREOF EFFECTIVE ON THE FIRST DAY  
OF JANUARY, 2018.**

**WHEREAS**, the Town of Crested Butte, Colorado (the Town) is a Home Rule Municipality, duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and,

**WHEREAS**, the Town Council of the Town of Crested Butte wishes to encourage businesses subject to the various provisions of the Town Code pertaining to the licensing of businesses within the Town, and, specifically, Section 6-2-40 of the Town Code pertaining to the required payments of the Business and Occupation Licensing Tax, to participate in the Chamber of Commerce in order to more effectively market and promote the Town of Crested Butte as a year-around resort and tourist destination, and promote activities and events beneficial to the business community; and,

**WHEREAS**, the Town Council finds that temporarily amending the Business Occupation and Licensing Tax for the calendar and fiscal year 2017 is in the best interest of the businesses within the Town of Crested Butte;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:**

**Section 1. Amending the Ordinance.** Section 6-2-40 of the Crested Butte Municipal Code is temporarily amended to read as follows: “A Business Occupation Licensing Tax is hereby levied and there shall be collected and paid on any person doing business in the Town of Crested Butte, Colorado in the amount as set forth in Appendix A to this Code, in the calendar and fiscal year 2017.

**Section 2. Amending Appendix A.** Chapter 6 Business Licenses is hereby amended to change the effective date to Calendar Year 2017 and adding provision for additional fees due to late payment of business license renewals. Appendix A is hereby attached as “Exhibit A.”

**Section 3. Effective Date.** The provisions of this Ordinance amending Section 6-2-40 of the Town Code shall take effect at 12:01 A.M. on January 1, 2017, and shall expire at 12:00 Midnight on December, 31, 2017 without further action by the Town Council of the Town of Crested Butte, Colorado. Upon expiration of the terms of this Ordinance, the provisions of Section 6-2-40, of the Town Code of the Town of Crested Butte, Colorado as enacted prior to the

effective date hereof shall be in full force and effect.

**Section 4. Savings Clause.** Except as hereby amended, the Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this Ordinance is hereby repealed as of the enforcement date thereof.

**Section 5. Severability.** If any Section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining Sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any Section, sentence clause, phrase, word or other provision. If any Section, provision, clause, phrase, word or other provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS TWENTY-FIRST DAY OF NOVEMBER, 2016.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF DECEMBER, 2016.**

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST:

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**“Exhibit A”**

**APPENDIX A**

**Fee Schedule**

<b>CHAPTER 6</b> <i>Business Licenses</i>			
<i>Code Section</i>	<i>Description</i>	<i>Effective Dates</i>	<i>Fee</i>
6-2-40	Business license occupation license	Calendar Year 2017	\$100.00
6-2-40	Late fee for renewals after January 31 <sup>st</sup> - additional fee	Calendar Year 2017	\$25.00
6-2-40	Late fee for renewals after March 31 <sup>st</sup> -additional fee	Calendar Year 2017	\$50.00
6-2-40	Late fee for renewals after June 30 <sup>th</sup> -additional fee	Calendar Year 2017	\$75.00
6-2-40	Late fee for renewals after September 30 <sup>th</sup> -additional fee	Calendar Year 2017	\$100.00



## Staff Report

November 21, 2016

**To:** Mayor and Town Council

**Thru:** Dara MacDonald, Town Manager

**From:** Rodney Due, Public Works Director

**Subject: Ordinance No. 18, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Section 11-1-60 of the Crested Butte Municipal Code to Include Requirements for the Issuance of Snow Management Permits.**

**Date:** November 16, 2016

---

**Summary:** Ordinance No. 18 selects and establishes legal authority and a compliance approach for implementation for the issuance of Snow Management Permits. The new permits will allow Town Staff to track and regulate private contractors hauling, dumping, and transporting snow on public rights of way.

**Background:** The number of home owners building accessory dwellings and garages on Town alleys is increasing, along with the demand for access to these dwellings. Town Staff has neither the staff nor the budget to maintain the alleys. Private contractors are hired by residents to keep the alleys clear. Over the past several years this practice has become a source of conflict between residents and some contractors who have disregarded Town-adopted policies and procedures. The Snow Management Permit will allow Town Staff to track and regulate contractors hauling, dumping, and transporting snow on public rights of way.

**Recommendation:** Staff recommends setting Ordinance No. 18, Series 2016 for public hearing at the December 5<sup>th</sup> Council meeting.

**Proposed Motion:** I move to set Ordinance No. 18, Series 2016 for public hearing at the December 5<sup>th</sup>, 2016 Council meeting.

**ORDINANCE NO. 18**

**SERIES 2016**

**AN ORDINANCE OF THE CRESETD BUTTE TOWN COUNCIL AMENDING SECTION 11-1-60 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REQUIREMENTS FOR THE ISSUANCE OF SNOW MANAGEMENT PERMITS**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town has broad constitutional and statutory powers to regulate the use of lands within its boundaries, including, without limitation, Town-owned property and public rights of way, streets and alleys;

WHEREAS, Section 11-1-60 of the Crested Butte Municipal Code, as amended (the "Code"), contains regulations regulating the hauling, dumping, transportation and storage of snow on Town-owed property and public rights or way, streets and alleys;

WHEREAS, the Town staff has found that the hauling, dumping, transportation and storage of snow on Town-owned property and public rights of way, streets and alleys has been a source of conflict in the past as persons have at times conducted such activities in disregard of Town-adopted policies and in an otherwise inefficient and un-orderly manner;

WHEREAS, the Town staff has recommended that in order improve the efficiency and order of the hauling, dumping, transportation and storage of snow, the Town Council should require a snow management permit designed to improve efficiencies and order of such activities and so that persons engaging in such activities better adhere to Town policies regarding such activities;

WHEREAS, the Town Council has determined that the efficient, orderly and safe hauling, dumping, transportation and storage of snow is important to the residents and visitors of Crested Butte and an essential piece of the Town's responsibility to keep public travel within Crested Butte safe and organized, and therefore it desires to amend the Code to include regulations regarding permitting for such activities; and

WHEREAS, the Town Council finds that the below amendments to the Code are in the best interests of the health, safety and general welfare of the residents and visitors of the Town and such amendments advance the aforestated goals of the Town staff and the Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1. Amending Section 11-1-60 of the Code.** Section 11-1-60 of the Code is amended to add a new subsection (c) thereto, with all subsections that follow thereafter revised accordingly:

“(c) Any person permitted to haul, dump, transport or store snow within Town shall comply with the following requirements:

(1) Keep and maintain in force at all times during the performance of such activities a snow management permit issued by the Town Manager

(2) Provide the Town with a certificate of insurance naming the Town as an additional insured reflecting coverage satisfactory to the Town Manager.

(3) Snow stored on Town-owned property, public rights of way, streets and alleys shall be removed no later than April 1 of each year.

(4) Snow accumulated in alleys shall be hauled away after the snow has reached a point of 1/2 the height of any adjacent fence line, or as deemed necessary by Town Staff.

(5) Persons hauling, dumping, transporting or storing snow within Town shall be responsible and liable for any damage to private and public property as set forth in snow management permit.”

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glen Michel, Mayor

ATTEST:

---

Lynelle Stanford, Town Clerk



## Staff Report

November 21, 2016

**To:** Mayor Michel and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Michael Yerman, Director of Planning  
**Subject:** **Resolution 42, Series 2016- Cypress Foothills, LP Amendment to Pre-Annexation Agreement**  
**Date:** November 21, 2016

---

### **Background:**

On October 3rd, Cypress Foothills, LP presented a request for Town Water Service in association with their County Major Impact Development Application to the Town Council. Their request comes with several proposed benefits to the Town in association with the County development. In exchange for Water Service the Town would receive the following:

- Cypress will purchase and deliver the senior rights in the McCormick Ditch to the Town. From the water court decree the first 6 HCUs will go to the Town. The next 6 will go to in stream flows and be used by Lacy downstream. HCUs 12-18 will be split between the Town and Verzuh. Any remaining HCUs go to instream flows for Verzuh's future use.
- Cypress would be responsible for all water infrastructure extensions to service their development.
- Cypress would adhere to the Town's water regulations.
- Cypress will pipe raw irrigation water down 8<sup>th</sup> Street to irrigate the Town owned parcels that will be annexed.
- Cypress will place a voluntary 3% RETT on the County development. The RETT on the developer sale would not be applicable.
- Cypress would pay out of Town tap and user fees.
- Cypress will agree to adhere to the Town's Wood burning stove regulations.
- Cypress and the Town would split the first \$50,000 of the water court change case fees in association with the McCormick Ditch water change case. Cypress's obligations would not exceed \$25,000.

- Cypress has agreed to pay for the Town's 2<sup>nd</sup> party engineering review of Town owned infrastructure in association with the Applicant's Preliminary/Final Plat Application.

Cypress has also requested/offered to the following revisions to the original Pre-Annexation Agreement Reception # 638399:

- Cypress has agreed to allow the Town to begin site planning and programming for Town Parcel 1 and 3 for the purposes of applying for grants.
- The \$350,000 payment from the Town will be directed towards Town Parcel 3 instead of Town Parcel 4. This will allow the Town to leverage these funds for a future affordable housing project.
- Cypress has agreed to allow the Town the ability to use the low quality wetland pond for possible irrigation water storage if permitted through the proper environmental clearances.
- Cypress has requested the ability to install the river trail, boat ramp, associated fencing, and landscaping prior to the annexation of the western parcel.
- Cypress has requested that temporary signage be installed along gothic Road to their subdivision be permitted until the western parcel is annexed into the Town. Cypress has requested that their subdivision be included into future wayfinding signage along Gothic Road. Cypress has reserved the right to use the bridge located on the County parcel as an entry future to the County subdivision.

**Process:**

Ordinance 13, Series 2016 revised the requirements for the extension of water services to outside the Town boundaries. The new ordinance gives the Town Council the ability to decide whether or not to extend water services. In no way does this Ordinance obligate the Council to provide water service to the applicant nor does it set a future precedent for providing water services for a future development. All requests for future water or sewer service will be considered on a case by case basis.

If the amendment is approved by the Town Council, the applicant will allow the Town to file for change case to convert the McCormick Ditch water to Municipal use. This permission must be given by December 15, 2016. The applicant will continue to proceed through the County Major Impact Land Use process for the eastern parcel. The Town will review the applicant's plans to ensure the extension of both Town water and sewer mains meet the Town's specifications. The town will also review the extension of Road A through Town property.

If the applicant's Major Impact application is approved by the County, the town will execute a future development improvements agreement to memorialize the installation and warranty all Town's associated infrastructure. The Town will begin the annexation process to annex and plan the western parcel if the applicant receives approval for the Major Impact Application.

**Staff Recommendation:**

A council person should make a motion to approve Resolution 42, Series 2016 an Amendment to the Pre-Annexation Agreement with Cypress Foothills, LP.

**RESOLUTION NO. 42**

**SERIES NO. 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN  
APPROVING THE AMENDMENT TO PRE-ANNEXATION  
AGREEMENT PURSUANT TO SECTION 13-1-280 OF THE  
CRESTED BUTTE MUNICIPAL CODE BETWEEN THE  
TOWN AND CYPRESS FOOTHILLS, LP**

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Cypress Foothills, LP ("**Applicant**") submitted to the Town on September 29, 2016 a Proposal (the "**Proposal**") requesting that Applicant be given the right and approval to connect certain of its real property, approximately thirty one and a half acres (31.5) (the "**Subject Property**"), to the Town's water system pursuant to §13-1-280 of the Crested Butte Municipal Code (the "**Code**");

WHEREAS, §13-1-280 of the Code authorizes the Town to provide water services outside of the Town's municipal boundaries in certain circumstances, as further described in the Code;

WHEREAS, in connection with the Proposal, Applicant has agreed, in exchange for the right and approval to connect the Subject Property to the Town's water system, to convey certain water rights to the Town, subject to certain requirements and conditions, along with Applicant's performance of certain other obligations, all to be memorialized in an amendment (the "**Amendment**") to the Pre-Annexation Agreement by and between Applicant and the Town dated February 16, 2016 and recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado on March 14, 2016 at Reception No.638399;

WHEREAS, at the Town Council's October 3, 2016 Town Council meeting, the Town Council, following presentations by Applicant and Town Staff, instructed Town Staff to prepare a draft of the Amendment and these resolutions for their consideration, discussion and possible action following further presentation by Town Staff and receipt of public comments related to the Amendment;

WHEREAS, following consideration of Town Staff's presentation of the Amendment, subsequent discussion of the Amendment with Applicant, receipt of recommendations from Town Staff and receipt and consideration of public comment on the Amendment during the Town Council's November 21, 2016 Town Council meeting, the Town Council now desires to approve the Amendment by these resolutions addressing the right and approval of Applicant to connect the Subject Property to the Town's water system, to convey certain water rights to the Town, subject to certain requirements and conditions, along with Applicant's performance of certain other obligations, the terms thereof to be addressed in the Amendment; and

WHEREAS, the Town Council finds that following consideration of Town Staff's presentation of the Amendment, subsequent discussion of the Amendment with Applicant, receipt of recommendations from Town Staff and receipt and consideration of public comment on the Amendment during the Town Council's November 21, 2016 Town Council meeting, these resolutions approving the Amendment are found by the Town Council to be in the best interest of the health, safety and welfare of the Town, its residents and visitors

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. **Approval of Amendment.** The Town Council hereby approves the Amendment in the form attached hereto as **Exhibit "A."** The following findings support such approval as being in the best interest of the health, safety and welfare of the residents and visitors of Crested Butte.

1.1 The Amendment recognizes the authority of Gunnison County and the Town to approve land use applications that shall be submitted by Applicant in conjunction with the Amendment.

1.2 The Town has the capacity to serve Applicant's 23 proposed residential lots and associated accessory uses to be developed within the jurisdiction of Gunnison County with water services conditioned upon Applicant's conveyance of certain water rights to the Town, subject to certain requirements and conditions, along with Applicant's performance of certain other obligations, the terms thereof are addressed in the Amendment.

2. **Authorization of Mayor to Execute Amendment; Recording.** The Town Council hereby authorizes the Mayor to execute the Amendment in the form attached hereto with only those changes made thereto as are approved by the Town Attorney. Following execution by the Mayor, the Amendment shall be promptly recorded by the Town Clerk in the official real property records of the Clerk and Recorder of Gunnison County, Colorado.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE THIS \_\_TH DAY OF \_\_\_\_\_ 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**EXHIBIT “A”**  
**(Amendment to Pre-Annexation Agreement)**

[attach form of Amendment here]

**RECORDING REQUESTED BY:  
WHEN RECORDED RETURN TO:**

Town of Crested Butte  
Attn: Town Clerk  
P.O. Box 39  
Crested Butte, CO 81224

**AMENDMENT TO PRE-ANNEXATION AGREEMENT**

THIS AMENDMENT TO PRE-ANNEXATION AGREEMENT (this "**Amendment**") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2016 (the "**Effective Date**"), by and between the **TOWN OF CRESTED BUTTE, COLORADO** (the "**Town**"), a Colorado home rule municipality and **CYPRESS FOOTHILLS, LP** ("**Applicant**"), a Texas limited partnership.

RECITALS:

A. The Town and Applicant entered into a Pre-Annexation Agreement (the "**Agreement**") dated February 16, 2016 and recorded in the official real property records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 14, 2016 at Reception No. 638399 whereby the Town gave the right and approval to Applicant to connect the Subject Property (as defined in the Agreement) to the Town's sewer service system pursuant to §13-1-280 of the Crested Butte Municipal Code (the "**Code**").

B. At the Town Council's October 3, 2016 Town Council meeting, the Town Council considered Applicant's request that Applicant be given the right and approval to connect the East Parcel (as defined in the Agreement) of the Subject Property to the Town's water service system pursuant to §13-1-280.

B. Section 13-1-280, as amended by Ordinance 13, Series 2016, authorizes the Town to provide water services outside of the Town's municipal boundaries in certain circumstances following Town Council approval.

C. As part of Applicant's request to be given the right and approval to connect the East Parcel to the Town's water service system, Applicant has agreed, in exchange for such right and approval, to perform certain other obligations relative to the Subject Property as set forth herein.

D. During said Town Council meeting, the Town Council received and considered a Town Staff Report addressing Applicant's request to be given the right and approval to connect the East Parcel to the Town's water service system.

E. Following the Town Council's receipt of Applicant's presentation and consideration of Town Staff's Report, the Town Council considered Applicant's request to be given the right and approval to connect the East Parcel to the Town's water service system and moved to instruct the Town Staff and Town Attorney to prepare an amendment to the Agreement reflecting Applicant's request and including therein such other terms and condition as are deemed necessary and advisable.

F. The Town and Applicant now desire to memorialize the terms and conditions respecting Applicant's request to be given the right and approval to connect the East Parcel to the Town's water service system pursuant to §13-1-280 of the Code, the requirements and conditions in connection with such request and Applicant's performance of certain other obligations relative to the Subject Property as set forth herein.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Applicant agree as follows:

1. **Scope of Amendment; Conflict of Terms.** This Amendment amends and modifies the Agreement, however only to the extent provided herein. In the event of any conflict or inconsistency between any term or condition of this Amendment and any term or condition of the Agreement, this Amendment and the terms hereof shall in all cases prevail, govern and control. This Amendment is supported by the same consideration as the Agreement and the additional consideration as provided herein. Reference herein to the Amendment shall include the Agreement, *mutatis mutandi*, as amended hereby.

2. **Capitalized Terms.** Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Agreement.

3. **Purpose.** The purpose of this Amendment is to set forth certain binding terms and conditions upon which the Town and Applicant agree as respects the discrete subject matters addressed herein.

4. **No Vested Right.** No vested rights or entitlements of any kind whatsoever are being granted or conveyed by the Town to Applicant other than the contractual rights between the parties arising by virtue of this Amendment.

5. **Term; Termination.** This Amendment shall have a term that coincides with Section 4 of the Agreement, with any termination of this Amendment occurring pursuant to the terms of the Agreement. In addition, in the event that the Agreement is terminated, or otherwise becomes null and void pursuant to the Agreement, this Amendment shall automatically terminate (or become null and void) therewith.

6. **Compliance with Law.** When fulfilling its obligations under this Amendment, Applicant shall comply with all relevant laws, ordinances and regulations in effect as of the Effective Date. In addition, Applicant shall be subject to all laws, ordinances and regulations of general applicability that become effective after the Effective Date.

7. **Right and Authority to Connect to Water System; Requirements.** By Applicant's performance of its obligations set forth herein, Applicant shall have the right and authority to connect the East Parcel to the Town's water system pursuant to §13-1-280 of the Code subject to the terms and conditions hereof. As more specifically set forth in Section 7.6 below, Applicant shall have the right to use treated water from the Town for all indoor uses on

the East Parcel, irrigation of the 0.46 acre park to be owned by the homeowners association for the East Parcel, irrigation of up to 2,500 square feet per residential lot on the East Parcel, and all required fire flows. Upon Applicant's receipt of the Requisite Approval, Applicant and the Town will enter into a water services agreement (the "**Water Services Agreement**") that will be consistent with the terms and conditions of the Agreement and this Amendment, and that will not impose any additional system development charges, tap fees, assessments, or costs on the Applicant under Chapter 13 of the Code, other than as specified in the Agreement or this Amendment. The Water Services Agreement shall be recorded in the official real property records of the office of the Clerk and Recorder of Gunnison County, Colorado. Applicant's right and authority to connect the East Parcel to the Town's water system shall be conditioned upon compliance with the terms and conditions of the Agreement and this Amendment, including but not limited to the following:

7.1 ***Water Rights Dedication.*** In exchange for the Town giving Applicant the right and authority to connect the Subject Property to the Town's water system pursuant to §13-1-280 of the Code, upon Applicant's receipt of the Requisite Approval, and immediately after the execution of the Sewer Connection Agreement and Water Services Agreement, Applicant shall convey to the Town (by Special Warranty Deed) interests in the McCormick Ditch in the amounts and priorities described on the attached **Exhibit "A"** (the "**McCormick Ditch Water Rights**"), subject to Applicant's reservation of rights as described below. Applicant provides no representations or warranties of any kind regarding the amount of historical consumptive use water or actual available flow rates associated with the McCormick Ditch Water Rights as discussed further in Section 7.2 below, or the amount of water that may be available to change to municipal use. The parties understand the McCormick Ditch Water Rights are currently owned by Verzuh Ranch, Inc., and that Applicant will need to acquire title to the McCormick Ditch Water Rights from Verzuh Ranch, Inc., in order to satisfy the above water rights dedication to the Town. The parties also understand the McCormick Ditch Water Rights were or are used for irrigation on what is known as (or formerly known as) the McCormick Ranch outside and east of the Town boundaries (the "McCormick Ranch"). The Town seeks to change the McCormick Ditch Water Rights in certain amounts, as discussed below, for uses within the Town water system and for Town purposes; and seeks to file a water court case for such changes in December 2016. Therefore, on or before December 15<sup>th</sup>, 2016, Applicant shall acquire authorization and consent from Verzuh Ranch, Inc., in writing and in a form acceptable to Town, which allows the Town's use of the McCormick Ditch Water Rights in the "Change Case" as defined below ("Vezuh Authorization"). Such Verzuh Authorization will provide that the Town has Verzuh Ranch Inc.'s irrevocable authority to file the Change Case with Town as the applicant, and prosecute such application to completion so long as this Amendment is still in effect. Such Verzuh Authorization shall also include an agreement by Verzuh Ranch, Inc. to: (1) cooperate, at no expense to Verzuh Ranch, Inc., with the Change Case; (2) not file a statement of opposition or other opposition to the Change Case; and (3) provide information in its possession, custody, and control as to the use of said McCormick Ditch Water Rights, including internal diversion records, irrigation records, aerial photographs, affidavits, and other available information concerning the historic use of the McCormick Ditch Water Rights. In the event Applicant does not obtain the Verzuh Authorization by December 15<sup>th</sup>, 2016, this Amendment shall automatically terminate and be of no further force and effect. In the event the Agreement or this Amendment terminates for any reason and the Applicant's right to connect to the Town's

water system becomes null and void, Town will abandon the Change Case and convey or grant any interests, contractual or otherwise, in the McCormick Ditch Water Rights back to Verzuh Ranch, Inc.

7.2 **Water Court Case.** No later than three months after the Verzuh Authorization or conveyance of the McCormick Ditch Water Rights to the Town, whichever comes first, the Town will file a change case in Water Court (the “**Change Case**”) to: (a) change the type of uses, places of use and decree an alternate point of diversion at the Town’s municipal intake for up to 9 (nine) acre feet of historic consumptive use (the “**HCU**”) credit and associated diversion rate amount under the McCormick Ditch Water Rights as used on the McCormick Ranch; (b) potentially include up to 9 (nine) acre feet of HCU from the McCormick Ditch Water Rights in a plan for augmentation and/or exchange for Town purposes; (c) quantify the total acre feet of HCU credit associated with the existing and/or potential dry-up of historically irrigated acres under the McCormick Ditch Water Rights as used on the McCormick Ranch; and (d) change that portion of the McCormick Ditch Water Rights to be allocated to Applicant (see Section 7.3, below); Applicant shall provide a description of such change for inclusion in the Town’s water court application no later than December 15<sup>th</sup>, 2016. The Town will take all reasonable and cost-effective steps to maximize the amount of HCU credit quantified in the Change Case, and Applicant will cooperate with those efforts. Applicant shall not file a statement of opposition or otherwise oppose the Change Case; except that Applicant may intervene at any time if Applicant reasonably believes its reserved rights pursuant to Section 7.3 below are being adversely affected or that this Agreement is or will be violated as it relates to the McCormick Ditch Water Rights under this Section 7. In addition, the Town agrees to keep Applicant reasonably apprised of the status of the Change Case and provide copies to Applicant of all pleadings and other documents filed in the Change Case. Applicant does not warranty or make any representation as to the amount of HCU credit, if any, the Town may be able to quantify and decree in the Change Case; and similarly, the Town provides no representations or warranties of any kind regarding the amount of historical consumptive use water that may be quantified or obtained in the Change Case, or the amount of historical consumptive use water that may be available to allocate to Applicant for its purposes. Applicant shall execute any documents, affidavits or covenants required by the Town, the water court, and/or the Division of Water Resources to memorialize, delineate, map and effectuate the dry up of any portions of the McCormick Ranch required to generate and quantify the HCU credit available for transfer, provided that Applicant is the appropriate party to execute such documents, affidavits, or covenants, and provided further that such documents affidavits, or covenants do not increase Applicant’s obligations under this Amendment or result in any expense to Applicant.

7.3 **Applicant’s Reservation of Rights.** Following entry of a final, non-appealable water court decree in the Change Case, the Town shall allocate the average annual HCU credit quantified by the court as follows: the Town shall receive the first six (6) acre feet of decreed HCU credit; Applicant shall receive the next six (6) acre feet of HCU credit; the Town and Applicant shall share equally in the next six (6) acre feet, i.e., any HCU credit from 12-18 acre feet shall be split 50/50; and Applicant shall receive any HCU credit in excess of 18 acre feet. Each party shall receive a proportionate share of the flow rates associated with the McCormick Ditch Water Rights commensurate with its HCU credit allocation. If the quantity of water physically and legally available for diversion at any given time under the McCormick

Ditch Water Rights is less than 100%, each party's proportionate share of the flow rate will be reduced pro rata. Each party will be allocated, and responsible for complying with, a proportionate share of any diversion limits, return flow obligations, or other related terms and conditions of the final decree. Each party shall receive the exclusive right and entitlement to claim and enforce dry-up on the acres associated with its HCU credit allocation. Existing dry-up acres shall be assigned to the first HCU credits, and future dry-up acres shall be assigned to the later HCU credits. The Town shall cause a map to be prepared delineating the locations of the dry-up areas assigned to the Town and Applicant, in a manner that is consistent with this paragraph. Once the Change Case is completed and the allocation is made, the Town shall promptly convey Applicant's allocated interest in the McCormick Ditch Water Rights and HCU credits by Special Warranty Deed, together with all appurtenances to Applicant, or, at Applicant's written direction, to Applicant's designee or assign. Thereafter, Applicant agrees to not "call" for its McCormick Ditch Water Rights so as to prevent or curtail the Town from exercising its changed or exchanged McCormick Ditch interest at the Town municipal intake on Coal Creek. This restriction shall bind and run with Applicant's interest in the McCormick Ditch Water Rights. The Town shall not file a statement of opposition or otherwise oppose any future water court case changing the Applicant's interest in the McCormick Ditch Water Rights; except that Town may intervene at any time if Town reasonably believes its interests in the McCormick Ditch Water Rights are being adversely affected or that this Agreement is or will be violated as it relates to the McCormick Ditch Water Rights under this Section 7. In addition, in the event of such future change case involving the McCormick Ditch Water Rights, the Applicant agrees to keep the Town reasonably apprised of the status of the water court case and provide copies to the Town of all pleadings and other documents filed in the case.

7.4 **Water Court Case Costs.** Applicant and the Town agree to split the first \$50,000.00 of costs and expenses incurred by the Town in pursuing the Change Case. Applicant shall reimburse to Town, within 30 days of invoicing, all fees, costs and expenses to file and prosecute the Change Case up to a maximum amount not to exceed \$25,000.00.

7.5 **Water Infrastructure.** At the time Applicant submits its preliminary plan as part of the County Application, Applicant shall also submit to the Town its plan for connecting the East Parcel to the Town's water system and its plan for constructing Road A on the West Parcel according to the Town Specifications. Applicant shall be responsible for the installation of all utility infrastructure necessary to connect the Town's water systems to the East Parcel pursuant to and in accordance with the terms and conditions of a standard development improvements agreement to be executed by Applicant upon receipt of the Requisite Approval that is (a) substantially similar to the development improvement agreements the Town has previously used, and (b) not inconsistent with this Amendment. Such infrastructure shall be constructed in accordance with the Town Specifications, dedicated to the Town, and maintained by the Town following acceptance thereof, subject to a two-year warranty by the Applicant. Applicant shall pay the cost and expense of the Town's review and acceptance of the utility infrastructure.

7.6 **Treated Water Service.** The Town will provide treated water service to the East Parcel for all uses approved by Gunnison County in the Requisite Approval, including all indoor uses in up to twenty-three (23) homes of 5,000 square feet, each with up to a 750 square

foot accessory structure and an owners' complex to be owned by the homeowners association for the East Parcel; irrigation of the 0.46 acre park to be owned by the homeowners association for the East Parcel; irrigation of up to 2,500 square feet per residential lot on the East Parcel (such allowance not to be combined or cumulated); and all required fire flows. Applicant understands and agrees that the Town will be the sole provider of treated water to the East Parcel and that Town shall not be obligated to provide more than the total number of equivalent residential units (EQRs) represented by such above development, as converted to gross maximum and average water demands and depletions using Town water engineering assumptions and standards. The treated water to be delivered by the Town under the terms of this Amendment may be used for all lawful in-building residential purposes and normal and reasonable outside irrigation of trees, lawns and gardens, such outdoor irrigation or landscaping area not to exceed irrigation of the 0.46 acre park to be owned by the homeowners association for the East Parcel, plus an additional 2,500 square feet per residential lot with treated water; such treated water further subject to all Town water-related ordinances and policies now or then in effect, and which are equally applicable to residents of Town. The recording of this Amendment and/or the Water Services Agreement will constitute a covenant running with the land restricting the use of treated water delivered hereunder to the terms and conditions contained in this Amendment and/or Water Services Agreement, and to all Town ordinances and policies now or in the future in effect, which are equally applicable to residents of Town, and the limitation to no more than the irrigation of the 0.46 acre park to be owned by the homeowners association for the East Parcel, plus an additional 2,500 square feet of lawn and garden irrigation per residential lot by drip or sprinkler irrigation means. The treated water to be delivered by the Town under the terms of this Amendment shall be used consistent with all Town water-related ordinances and policies now or then in effect, provided that such water-related ordinances and policies are equally applicable to all residents of the Town.

7.7 ***Use of Raw Water for Outside Uses.*** Applicant understands and agrees that the Town will not provide any raw water for irrigation or other uses. Nothing in this Amendment or the Agreement will prevent Applicant from seeking separate, additional raw water if it desires. Any and all raw water use on the Subject Property will be in accordance with Colorado water law governing the appropriation and use of water, provided, however that if Applicant seeks to change or develop any additional water rights or supplies, the Town may take such actions as it deems appropriate to protect its own water rights and supplies so long as any such actions are consistent with the Town's obligations under the Agreement and this Amendment. There will be no cross-connections of the Applicant's raw water supplies or infrastructure to the Town's treated water system. All backflow prevention devices shall be installed and inspected according to Town Code. Applicant will demonstrate in its plans, to the satisfaction of the Town, and be responsible for, the proper installation, maintenance and testing of required backflow prevention devices and for assuring that unprotected cross-connections, structural or sanitary hazards do not exist on the East Parcel. Applicant's water systems (for both treated and raw water) will be available for inspection as provided in the Code, to authorized Town Representatives to determine whether cross-connections or other structural or sanitary hazards exist, and to confirm that no treated municipal water is being used for outdoor irrigation or aesthetic purposes other than as provided herein.

7.8 ***Tap Fees, System Development Fees, Availability of Service Fee.*** As further set forth in Section 9.6 below, all tap fees, system development fees, availability fees and service charges, now or later in effect, and equally applicable to residents of Town, for treated water service will be assessed and determined utilizing the Town's applicable fees and rates at the time of application for a building permit for the structure for which service is sought. No water service will be provided to any structure absent payment of the appropriate fee and charges. Such fees and charges shall be paid to the Town at the time of building permit submittal to the County. The Town Public Works Department will determine scheduling of all physical taps or connections to the main lines, which scheduling will be done in accordance with then applicable Code, rules, regulations, standards and policies of the Town. Applicant understands and agrees it obligation to pay to the Town an availability fee according to Code 13-1-160 for each building site during the period of time in which the building sites are not connected to the Town water and sewer lines. The availability of service fee charges will commence and begin to accrue at the time of acceptance of water system infrastructure. Applicant understands that the Town is under no obligation to reimburse these or any applicable fees.

7.9. ***Limitations on Provision of Water Service.*** This Amendment is for the supply of treated water service as herein described and no expansion of uses, connections, or water service beyond those set forth herein is in any way authorized by this Amendment. The Town is not by this Amendment representing its ability to provide treated water service to any use or structure except as provided herein. Applicant understands and agrees that the Town's water supply is dependent upon sources from which the supply is variable in quantity and quality and beyond the Town's reasonable control; therefore, no liability will attach to the Town under this Agreement on account of any failure to accurately anticipate availability of water supply or because of an actual failure of water supply due to inadequate runoff, poor quality, failure of infrastructure, drought, or other occurrence beyond the Town's reasonable control. The Town agrees that it shall not treat actual or potential water users on the East Parcel any differently than it treats actual or potential water users within the Town's municipal boundaries, except as set forth herein.

8. **Additional Requirements in Exchange for Right and Authority to Connect.**  
In exchange for granting Applicant the right and authority to connect to the Town's water system, Applicant shall comply with the following additional requirements:

8.1 ***Irrigation of Town Parcels.*** Upon and in coordination with the construction of Eighth Street as contemplated in Section 6.4.12 of the Agreement, Applicant shall cause the delivery of raw water from the McCormick Ditch to the Town Parcels via underground pipe, appurtenances and related facilities (the "**Town Parcel Irrigation Facilities**") to be constructed by either Applicant or the Town pursuant to the Agreement. The design, location and construction of the Town Parcel Irrigation Facilities shall be in accordance with the Town Specifications and shall be approved in advance by the Town, such approval to not be unreasonably withheld. Such Town Parcel Irrigation Facilities shall be designed and constructed at Applicant's sole cost and expense. Following dedication to and acceptance thereof by the Town, the Town shall maintain the same provided that Applicant shall provide a two-year warranty on the materials and workmanship of such Town Parcel Irrigation Facilities. Such additional terms and conditions reflecting the Town Parcel Irrigation Facilities' design,

installation and construction shall be included in the Sewer Connection Agreement and the development improvements agreement contemplated in Sections 6.1.2 and 6.4.14 of the Agreement, provided that such additional terms and conditions (a) shall be substantially similar to the terms and conditions of sewer connection agreements and development improvement agreements the Town has previously used and (b) shall not be inconsistent with this Amendment.

8.2 ***Voluntary Declaration of Covenant.*** Upon Applicant's receipt of the Requisite Approval, Applicant shall record a declaration of covenant (the "**Declaration of Covenant**") encumbering all lots located on the East Parcel. The Declaration of Covenant shall be in substantially the same form as **Exhibit "B"** attached hereto.

8.3 ***Wood Burning Stove Requirements.*** All solid-fuel burning devices as defined in Chapter 18, Article 8 of the Code located on the East Parcel shall conform to the requirements of such Article 8, as amended and modified from time to time. The Town shall have the right to inspect compliance with and enforce such requirements in accordance with the Code.

8.4 ***Grant Applications.*** Applicant grants the Town the right to, and shall use all reasonable good faith efforts to assist the Town in, applying for grant funding for and allowing the design of, affordable housing on Town Parcel 3 and an emergency services center on Town Parcel 1. Applicant agrees to party with the Town and provide consent if necessary on any grant applications. Applicant agrees to allow the Town and associated parties to prepare site specific designs for new facilities and structures. Applicant's obligations under this Section 8.4 shall not require Applicant to incur any cost or expense and shall not be inconsistent with any other provision of this Amendment.

9. **Other Amendments to Agreement.**

9.1 Section 6.4.3 of the Agreement shall be revised to read as follows:

"Town Parcel 1, Town Parcel 2 and Town Parcel 4 shall be conveyed to the Town without any financial consideration. Town Parcel 3 shall be conveyed to the Town for \$350,000.00, which amount is a portion of the anticipated costs of obtaining the No Action Determination."

9.2 Section 6.4.12 of the Agreement shall be shall be revised to read as follows:

"Once the parties have agreed upon the construction of Eighth Street pursuant to Section 6.4.12, Applicant shall enter into a standard development improvements agreement with the Town that is (a) substantially similar to the development improvement agreements the Town has previously used, and (b) not inconsistent with this Amendment. All infrastructure constructed pursuant to such development improvements agreement shall be constructed in accordance with the Town Specifications, dedicated to the Town, and maintained by the Town following acceptance thereof, subject to a two-year warranty by the Applicant."

9.3 Section 6.4.1.2 of the Agreement shall be revised to read as follows:

“Town Parcel 1 shall be zoned “P” Public. Any emergency services center to be located on the Town Parcels shall be located only on Town Parcel 1. No building constructed on Town Parcel 1 shall exceed 30 feet in height. The Town shall not develop the pond wetlands located within Town Parcel 1, other than as related to the extension of Road B, or for the temporary storage of irrigation water. In the event the Town uses the pond wetlands for the storage of irrigation water, it shall keep the pond full during the irrigation season and maintain the pond in a neat and attractive condition so that it serves as an aesthetic amenity for the Town Parcels and residential lots on the Applicant Retained Lands. In order to maintain the pond, the Town will periodically drain and/or clean the pond in order to keep the pond from gaining unreasonable amounts of sediment.

9.4 Section 6.4.1.6 of the Agreement shall be revised to read as follows:

“Within two years of annexation, Applicant will construct a river trail along with west bank of the Slate River through the West Parcel as shown on **Exhibit B** (the “**River Trail**”) in order to provide potential connectivity to the existing Rec Path south and east of the Subject Property. Concurrently, with the construction of the River Trail, or sooner if Applicant so desires, Applicant will construct fencing between the River Trail and the Town’s Public Works Yard. Applicant shall choose the design, style, and material for such fencing, but Applicant shall consult with the Town to ensure that the final design, style, and materials selected for this fencing are reasonably sufficient to create a distinct barrier between the River Trail and the Public Works Yard that is no less secure than a chain link fence six feet in height. In addition, in order to provide boater access to the Slate River from its west bank, immediately north of the Road A bridge (the “**Boat Launch**”), and on the Slate River as it flows through the Property, Applicant and the Town shall enter into a boater access easement agreement concurrently with the conveyance of the Town Parcels memorializing such access in perpetuity. This easement agreement will address the terms and conditions for boater access to the Slate River as it flows through the Property as well as associated uses of the Boat Launch, including but not necessarily limited to, other permissible recreational uses of the Boat Launch and vehicular access to and from the Boat Launch. Finally, Applicant reserves the right, in its sole discretion, and at its sole expense, to require that the Town install odor controls on the wastewater treatment plant, as contemplated by the Public Works Facility Master Plan prepared by JVA, Incorporated, or as otherwise agreed to by the parties. Such odor control mitigation work shall be performed by the Town and/or its contractors.

9.5 Section 6.4.9 of the Agreement shall be shall be revised to read as follows:

“The Town shall cooperate with Applicant to ensure compatible development and appropriate buffering between development of the East Parcel and the Applicant Retained Lands, on the one hand, and the Town Parcels and any Town properties, on the other hand. Development of the Town Parcels shall not compete from a market perspective with Applicant’s residential development on the East Parcel and the Applicant Retained Lands, and the Town and Applicant shall cooperate with respect to the placement of Applicant’s signage at agreed upon locations on the West Parcels. Immediately after Applicant obtains the Requisite

Approval, the Town shall reasonably permit the installation of (a) temporary signage along Gothic Road (in a form reasonably acceptable to Applicant and the Town); and (b) buffers, and other mitigation measures at Applicant's expense on the West Parcel and on Town property around the Town Public Works Yard as contemplated in the Town Public Works facility master plan, or as otherwise agreed to by the Town Manager. Applicant's temporary signage along Gothic Road shall ultimately be replaced by permanent signage along Gothic Road (in a form reasonably acceptable to Applicant and the Town) pointing the way to Applicant's subdivision. Applicant shall have the right to erect permanent "entry feature" signage on the bridge across the Slate River, all property to be retained by Applicant adjacent thereto, as well as any additional signage Applicant desires on the East Parcel."

9.6 Sections 6.4.16, 6.4.17, and 6.4.19 of the Agreement shall be shall be revised to read as follows:

"6.4.16 Applicant shall be responsible to pay availability fees for water and sewer service in accordance with Section 13-1-160 of the Code (the "**Availability Fees**"). Applicant shall pay all Availability Fees for the East Parcel and Applicant Retained Lands upon the Town's acceptance of all water and wastewater infrastructure.

6.4.17 Pursuant to Section 13-1-280 of the Code, tap fees for water and sewer service for residential lots on the East Parcel will be one and one half times (1.5x) per EQR of the in-Town rate (the "**Tap Fees**") as of the date of building permit application for such lot seeking service. The one half times (1.5x) multiplier will not be subject to change.

6.4.18 Monthly service fees for residential lots on the East parcel (the "**Service Fees**") will be two times (2x) per EQR of the in-Town rate pursuant to Section 13-1-280. The (2x) per EQR multiplier will not be subject to change, however, such monthly fees will be amended by the Town from time to time."

9.7 Section 6.4.10 of the Agreement shall be revised to read as follows:

"Applicant shall observe a 50-foot building setback from all high-quality wetlands on the East Parcel. Applicant shall observe a 25-foot building setback from all low-quality wetlands on the East Parcel."

10. **Service Lines.** The installation, maintenance, repair and upgrade of all service lines (as defined in Section 13-1-40 of the Code), including that portion which traverses public property, shall be the sole and absolute responsibility of Applicant and the individual property owners of the Subject Property, at the same's sole cost and expense, except that water meters may only be maintained, repaired or replaced by the Town according to Section 13-1-220 of the Code.

11. **Easements.** Applicant shall obtain at its own cost and expense and shall convey in perpetuity to the Town as-built, non-exclusive easements for all water mains, sewer mains, lines, tanks, pump houses and other water and sewer facilities constructed under this Amendment and the Agreement located on or adjacent to the Subject Property, along with all necessary access easements for maintenance, upgrade and repair purposes. Unless otherwise approved by

the Town, all such easements will be a maximum of thirty feet (30') in width unless a maximum width of thirty-five feet (35') is necessary to accommodate the parallel installation of water and sewer lines. Such easements shall be shown on the Final Plat of the subdivision of the East Parcel if and when approved by Gunnison County and where appropriate, in the reasonable determination of the Town, memorialized in separate grants of easements instruments.

12. **Water and Sewer Service Subject to the Town's Charter, Codes, Rules, Regulations and Policies.** All water and sewer service provided by the Town to Applicant and its assigns or successors in interest, in whole or in part, will be subject to, all provisions of the Code and the rules, policies or regulations of the Town now in effect or as may be hereafter adopted as to provision of water and sewer service by the Town, provided that all such provisions of the Code and such rules, policies and regulations are equally applicable to all residents of the Town.

13. **Costs and Expenses.** Except where the responsibility is otherwise assigned to a party in this Amendment or the Agreement, all costs and expenses associated with a particular performance item shall be the sole and absolute responsibility of Applicant.

14. **Enforcement.** The parties, their assigns or successors in interest, in whole or in part, to this Amendment and the Agreement recognize and agree that the damages flowing from any violation of the Amendment or the Agreement are irreparable, and there may be no adequate remedy at law for such violations. Accordingly, in addition to any other rights that may be available to them in law or equity, each party has the right to specifically enforce the Amendment and the Agreement against the other party, their assigns or successors in interest, in whole or in part, by seeking injunctive relief in the District Court in and for Gunnison County, Colorado. All remedies are cumulative and may be applied concurrently.

15. **No Waiver.** Applicant acknowledges and agrees that the Town is relying upon, and does not waive or intend to waive by any provision of this Amendment, the monetary limitations (currently \$350,000.00 per person and \$990,000.00 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as from time to time amended, or otherwise available to the parties, their officers, or their employees.

16. **TABOR; Colorado Constitution, Article X, Section 20.** Notwithstanding any other provision in this Amendment to the contrary, the parties understand and acknowledge that the Town is subject to Article X, § 20 of the Colorado Constitution ("**TABOR**"). (a) The parties do not intend to violate the terms and requirements of TABOR by the execution of this Amendment. (b) It is understood and agreed that this Amendment does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Amendment to the contrary, all payment obligations of the Town are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the parties' current fiscal period ending upon the next succeeding December 31. (c) Financial obligations of the Town payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available in accordance with ordinances and resolutions of the Town and other applicable law. (d) Nothing contained in this

Amendment shall constitute a pledge of the full faith and credit of the general tax revenues, funds or moneys of the Town except the amount appropriated for the purpose of making payments hereunder during the current fiscal year. (e) The Town's obligation to pay \$350,000 to Applicant in exchange for the conveyance of Town Parcel 3 is subject to annual renewal and such obligation to pay shall be terminated upon the occurrence of an event of non-appropriation and, in such event, (i) The Town shall not be obligated to pay \$350,000 for the conveyance of Town Parcel 3, and (ii) Applicant shall not be obligated to convey Town Parcel 3.

17. **Cooperation; Other Documentation; Instruments.** The parties shall reasonably cooperate with each other in order effect the transactions contemplated in this Amendment. The parties shall give, enter into, execute and approve such additional agreements, corporate approvals and instruments as are necessary and appropriate to effect such transactions.

18. **Assignment; Assumption.** Applicant's rights and obligations under paragraphs 7.2 and 7.3 shall be absolutely assignable by Applicant without the approval of the Town Council, written or otherwise, including but not limited to (a) Applicant's right to be reasonably apprised of the status of the Change Case and to be provided with copies of pleadings and other documents filed in the Change Case and (b) Applicant's right to have the Town convey Applicant's allocated interest in the McCormick Ditch Water Rights and HCU credits by Special Warranty Deed, together with all appurtenances. All other rights and obligations contained in this Amendment may be assigned or transferred by Applicant only upon written consent approved by resolutions of the Town Council, which such consent shall not be unreasonably withheld. Any transfer or assignment without written consent, where such consent is required, shall be void *ab initio*. Upon any proper assignment or transfer hereunder, the assignee or transferee shall assume all the rights and obligations, as applicable, of Applicant hereunder.

19. **Authority.** The person executing this Amendment on behalf of Applicant does hereby covenant and warrant that as to Applicant, such person is duly authorized and has full right and authority to enter into this Amendment and that the person signing on behalf of Applicant is authorized to do so.

20. **Waiver of Defects.** In executing this Amendment, the parties waive all objections they may have over defects, if any, in the form of this Amendment, the formalities for execution, concerning the power of the Town to impose the conditions on Applicant as set forth herein, or over the procedure, substance or form of the resolutions adopting this Amendment.

21. **Entire Agreement.** This Amendment supersedes and controls all prior written and oral agreements and representations of the parties with respect to the subject matters addressed herein and represents the total integrated agreement between the parties with respect to such subject matters.

22. **Modification.** This Amendment shall not be amended or modified, except by subsequent written agreement of the parties approved by resolutions of the Town Council.

23. **No Waiver.** A waiver of any right or remedy on any one occasion shall not be construed as a bar to or waiver of any such right or remedy on any other occasion.

24. **General Release.** It is expressly understood that the Town cannot be legally bound by the representations of any of its elected officials, officers, employees, agents, representatives and attorneys or their designees, except in accordance with Town ordinances, the Code and the laws of the State of Colorado, and that Applicant, when dealing with the Town, acts at its own risk as to any representation or undertaking by the Town, its elected officials, officers, employees, agents, representatives, and attorneys or their designees, which is subsequently held unlawful by a court of law; provided, however, this paragraph shall not be construed to limit the rights and remedies of the parties otherwise provided by law, including under equitable doctrines such as estoppel.

25. **Notices.** Any notice or other information required by this Amendment to be sent to a party shall be sent by facsimile, e-mail, overnight courier or certified mail to the following:

Cypress Foothills, LP  
Attention: Cameron Aderhold  
8343 Douglas Ave., Suite 200  
Dallas, Texas 75225  
Facsimile: 214-283-1600  
[cameron.aderhold@cypressequities.com](mailto:cameron.aderhold@cypressequities.com)

with a copy to:

Cypress Foothills, LP  
Attention: Brian Parro  
8343 Douglas Ave., Suite 200  
Dallas, Texas 75225  
Facsimile: 214-283-1600  
[brian.parro@cypressequities.com](mailto:brian.parro@cypressequities.com)

with a copy to:

Law of the Rockies  
Attention: Marcus J. Lock  
525 North Main Street  
Gunnison, Colorado 81230  
Facsimile: 970-641-1943  
[mlock@lawoftherockies.com](mailto:mlock@lawoftherockies.com)

Town of Crested Butte  
Attention: Michael Yerman  
507 Maroon Avenue  
P.O. Box 39  
Crested Butte, Colorado 81224  
Facsimile: 970-349-6626  
[myerman@crestedbutte-co.gov](mailto:myerman@crestedbutte-co.gov)

with a copy to:

J. D. Belkin & Associates, LLC  
Attention: John Belkin, Town Attorney  
502 Whiterock Avenue, Suite 200  
P.O. Box 2919  
Crested Butte Colorado 81224  
Facsimile: 970-497-4401  
[jbelkin@jbelkinlaw.com](mailto:jbelkin@jbelkinlaw.com)

Notice shall be effective when actually received by the party intended to be notified.

26. **Voluntary Agreement.** Applicant's continued compliance with all of the terms and conditions of this Amendment on a voluntary and contractual basis is a condition of its right to connect to the Town's water system.

27. **Attorneys' Fees; Costs.** Should this Amendment become the subject of a dispute between the Town and Applicant, the substantially prevailing party shall be entitled to reasonable attorneys' fees, costs, and expenses incurred in such dispute.

28. **Governing Law; Venue.** This Amendment and all rights conferred and obligations imposed hereunder shall be interpreted and construed in accordance with the laws and internal judicial decisions of the State of Colorado. The sole venue in any dispute shall be the District Court for Gunnison County, State of Colorado.

29. **No Third Party Beneficiary.** The parties intend no third party beneficiaries to this Amendment, and none shall be permitted hereunder.

30. **Recording.** Upon execution, Applicant shall record this Amendment in the Office of the Gunnison County Clerk and Recorder. The benefits and burdens of this Amendment shall run with the Subject Property and be binding upon the parties' successors and assigns. In the event this Amendment becomes null and void for any of the reasons set forth herein, the parties agree to execute and record a notice of termination of this Amendment and, in addition, if necessary to remove this Amendment as an exception to title to the Subject Property.

31. **Electronic Reproductions; Counterparts.** For purposes of enforcement of terms of this Amendment, electronic reproductions of this Amendment shall be deemed to be originals. This Amendment may be executed in multiple counterparts, each of which, when taken together shall constitute one and the same instrument.

*[Remainder of Page Intentionally Left Blank;  
Signature Page(s) to Follow]*



**EXHIBIT "A"**

**McCormick Ditch Water Rights**

- (a) 0.64 cubic feet of water per second of time decreed to the McCormick Ditch, being Ditch No. 168, Priority Number 164, in Civil Action No. 1325, in District Court, Gunnison County, Colorado, September 14, 1906, with an appropriation date of June 1, 1903, inclusive of the 0.5 c.f.s. that was changed to add domestic and municipal uses by judgment and decree entered November 22, 1972, in Case No. W-578, District Court, Water Division No. 4, and which change was confirmed by the Order entered December 14, 1984, in Case No. 83CW20, District Court, Water Division No. 4. The decreed point of diversion of the McCormick Ditch is located at a point whence the northeast corner of Section 3, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., bears North 67 degrees East 890 feet;
- (b) 1.853 cubic feet of water per second of time decreed to the McCormick Ditch, being Ditch No. 168, Priority Number 533, in Civil Action No. 5590, in District Court, Gunnison County, Colorado, January 27, 1961, with an appropriation date of June 1, 1903. The decreed point of division of the McCormick Ditch is located at a point whence the northeast corner of Section 3, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., bears North 67 degrees East 890 feet; and
- (c) 1.0 cubic feet of water per second of time decreed to the McCormick Ditch, being Ditch No. 168, Priority Number 558, in Civil Action No. 5590, in District Court, Gunnison County, Colorado, January 27, 1961, with an appropriation date of April 1, 1952. The decreed point of diversion of the McCormick Ditch is located at a point whence the northeast corner of Section 3, Township 14 South, Range 86 West, 6<sup>th</sup> P.M., bears North 67 degrees East 890 feet.

**EXHIBIT “B”**

**Declaration of Covenant**

## **December 5, 2016**

### Work Session

- 1) Wayfinding
- 2) Leases

Appointment of Council Member  
First Reading (con't) Ordinance No. 12 - STRs  
Public Hearing and Adoption of Budget  
Update by Eliza Cress from the Chamber  
Amendment to Parking Regulations  
Amendment to the Sign Code  
Adoption of 2015 IBC Building Code

## **December 19, 2016**

## **January 3, 2017**

Vinotok Discussion

### **Future Work Session Items:**

- Camping @ Town Ranch (allow? Not allow? Allow camping in other places?)
- BLM and OBJ Campground/Seasonal Housing Shortage (this could be combined with others – especially the Affordable Housing item at the bottom of this list)
- Perimeter Trail – Update, timelines, costs, what does this look like when finished
- Land Trust and Town Preservation Priorities – basically a joint planning/discussion with the CBLT (maybe in Exec Session if they would like) to confer on the priority parcels identified by the CBLT and the priorities of the Town (for planning future open space acquisitions). Maybe even a discussion about purchasing trail easements.
- Elk Avenue Rule Set re: Private Clubs – the whole “private clubs on Elk Avenue” concern that was raised when Irwin obtained a private liquor license for the Scarp Ridge Lodge.
- Affordable Housing/Density/Workforce – Blk 79/80
- Double Basements & Condo Combines
- Drones
- Special Events
- Speeding
- Crested Butte to Carbondale Trail