



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, December 5, 2016

Council Chambers, Crested Butte Town Hall

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

6:00 WORK SESSION

- 1) Presentation of 2017 Wayfinding Project.
- 2) Review of Leases of Town-owned Property by Town Manager Dara MacDonald and Facilities Maintenance Lead Dale Hoots.

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 21, 2016 Regular Town Council Meeting Minutes.
- 2) Regular Town Council Meeting Schedule for 2017.
- 3) Snow Management Guidelines.

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.

7:07 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) 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) 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.
- 4) 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.
- 5) 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.

6) 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.

8:00 NEW BUSINESS

1) 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.

9:00 2) Resolution No. 42, Series 2016 - Discussion and Possible Action Regarding Proposed Amendment to Pre-Annexation Agreement with Cypress Foothills, LP.

9:40 3) Ordinance No. 19, Series 2016 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Adopt by Reference the 2015 Series of the International Building Code, International Residential Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Property Management Code, the 2014 National Electric Code and Various Elements of Chapter 18 Related to Construction Activities.

9:50 APPOINTMENT AND SWEARING IN OF NEW TOWN COUNCIL MEMBER

10:20 LEGAL MATTERS

10:25 COUNCIL REPORTS AND COMMITTEE UPDATES

10:35 OTHER BUSINESS TO COME BEFORE THE COUNCIL

10:45 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, December 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, January 3, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, January 17, 2017 - 6:00PM Work Session - 7:00PM Regular Council

10:55 ADJOURNMENT

Town of Crested Butte Wayfinding Signage Plan 2017

Prepared by,
Michael Yerman
Hillary Mayes
Heather Bischoff



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Part 1: Introduction



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Goals for the Wayfinding System

- Consult a creative in the design of a wayfinding system that integrates art/design
- Promote the Town, Historic District and Crested Butte Creative District
- Foster wandering through the Town
- Direct residents and visitors to a central sites for additional, detailed information (ie. Chamber of Commerce)
- Partner with other public organizations with an interest in the wayfinding system
- Promote the integration of wayfinding signs with landscaping and architectural design
- Direct visitors to destinations, points of interest in and near the Town
- Promote underutilized public parking areas

The Town of Crested Butte is planning a customized way-finding sign system after inventorying all of the Town's existing signs, age and condition of the signs. A comprehensive approach to this project has been undertaken in order to strengthen the Town of Crested Butte's unique identity as a historic mining town, outdoor recreation center and creative culture rich town. This approach coupled with efforts for rebranding the newly Certified Creative District located in the Historic District will phase in new wayfinding signage around the Town over the next two years.

Wayfinding is how people orient themselves and navigate from place to place throughout the Town. The ability for visitors and residents of the Town to navigate themselves to the different commercial districts, points of interest, and destinations around the Town is important to the visitor experience and Town's economic vitality. By creating a wayfinding system that merges functional wayfinding information with creativity and visual innovation, traffic circulation — bicycle, pedestrian, and vehicular — will be enhanced throughout the Town and lend a stronger identity to the Town of Crested Butte.

Support and initiative for creating a wayfinding plan was first outlined in the Town's Design Guidelines, Chapter Six in 1995, having evolved over the years and since been listed as a priority in the 2015 Creative District Strategic Plan.



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How this Plan will be used

This plan will be utilized to implement the wayfinding signage plan throughout the Town over the next two years. The plan is an evolving document which will continue to be updated throughout the process of creating sign designs and the final budget for Town Council consideration.

The Planning Staff will create a destinations list and identify important routes that visitors and residents use to navigate the Town. A signage map and matrix will be prepared to identify locations of the new signage around the Town. All signs located in the CDOT right-of-way will need to meet the rules and regulations as defined under the Federal Highway Beautification Act (1965, 1971), Colorado State Statutes and CDOT's M&S Standards.

In coordination with rebranding efforts for the Creative District a logo and style guide will be created for qualified sign fabricators to bid on the creation of new signs for the Town. A request for proposals will be created for the fabrication and installation of the signs around the Town. Bids will be solicited in accordance with the Town's purchasing policy. The plan's budget will be updated once a sign fabricator has been selected and a timeline for the installation of the signs will be created. At this time, the proposed budget includes the cost of installation of the new signage.

Lastly, the plan will include a long term maintenance program for the repair or replacement of signs over the years once the plan has been implemented. During the creation of the plan, Town staff cataloged all existing signs locations and conditions into the Town's GIS database. This new database will allow the Town to track and budget needed maintenance and repair. As new destinations are added to the Town new signs can also be ordered from the sign manufacture. This plan is a living document that will be used by the Town staff for the installation on new signage identified in the plan.



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Existing Conditions

Currently, there are over 70 existing signs pointing visitors and residents in different directions around the Town. Over the past, there has been little attention or maintenance to these signs and some are even pointing to locations that no longer exist. Many major intersections are cluttered with signs competing for attention from passing drivers/pedestrians. Furthermore many critical destinations are not recognized by appropriate signage at all. The following list recognizes the issues the Planning Staff identified with the current wayfinding signage around the Town.

This plan is aimed at correcting these issues to create a well-coordinated wayfinding signage plan.



- There is no coordinated sign design or program
- Many destinations are not represented by appropriate signage
- Signs are not easily visible at important intersections
- Illegibility and disrepair of existing signs
- Too many signs create visual clutter and compete for attention at important intersections
- Many Public Parking Areas are not signed

Part 2: Sign Design



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Design Influence

The Town of Crested Butte is a National Historic District and there are several rules and regulations that will need to be adhered to as the wayfinding signage is developed. Several traditional wood signs already exist at the entrances to town and along Elk Avenue. As designs for new signage is developed, these existing traditional signs as well as the Town's signage codes, the Model Traffic Code for signs along the CDOT right-of-way, and the architectural context should help influence the design of new signage.

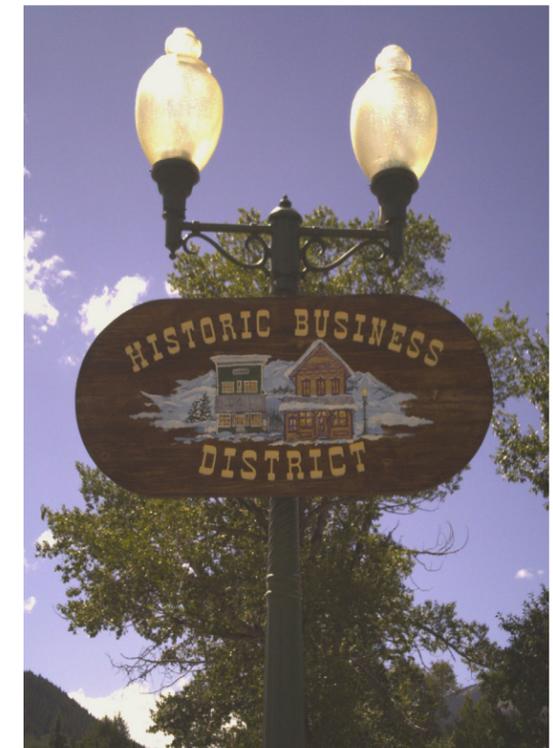
In July 2016 the Town of Crested Butte's downtown was honored by the State of Colorado and Gov. Hickenlooper as a Certified Creative District. The designation came with grant funds from the state and Boettcher Foundation. Using some of the funds, the Town's Creative District recently hired Keitha Kostyk, a local designer to come up with a logo and branding design for the Creative District. For all signs located in the downtown Creative District, the logo will be utilized in the wayfinding signs.

Possible Wayfinding Elements

- Directional signs to destinations
- Kiosks with Vicinity Maps/Directories at key locations
- "Stamps" or icons in the pavement; points of reference always in the same place on corners
- Sign caps
- Functional art
- Historic/Cultural Markers
- Signs on lampposts along Elk Avenue



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Sign Design Selection Process

The Town will be issuing a request for proposals for the design of signs. The request will require the selected designer provide the Town with a style template that will be used by a fabricator to produce the wayfinding signage. The design should be unique and represent the culture and heritage of the Town of Crested Butte. Designers will be responsible for providing designs for primary, secondary, and tertiary signs. The designer will be responsible for the coordination with the selected fabricator to ensure the delivery and quality of the signs.

In addition to potential metal or wooden signs, there are many lampposts on Elk Avenue that do not have signs where there is available space or an existing unused bracket. Simple consistent signage directing visitors to Parking and/or Restrooms are the major destinations to be outlined along Elk Avenue. These could serve in place of identified tertiary signage in the plan along Elk Avenue. The Creative District could also be distinguished by an embellishment on the lamppost such as unique post caps or metal silhouettes. Designer should consider ideas with their submittal for these lampposts.

Proposals will be reviewed by a review committee that includes members from the Town Council, BOZAR, the Creative District Commission, and Town staff. The Town Council will award the contract to the selected designer.

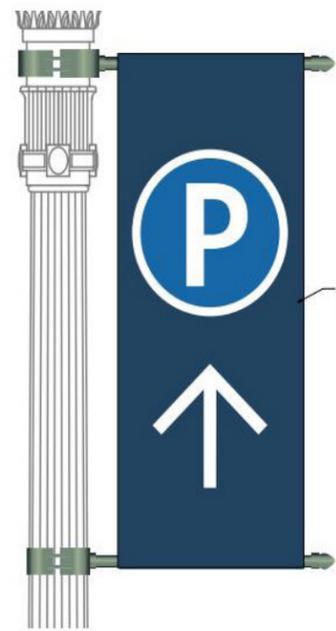
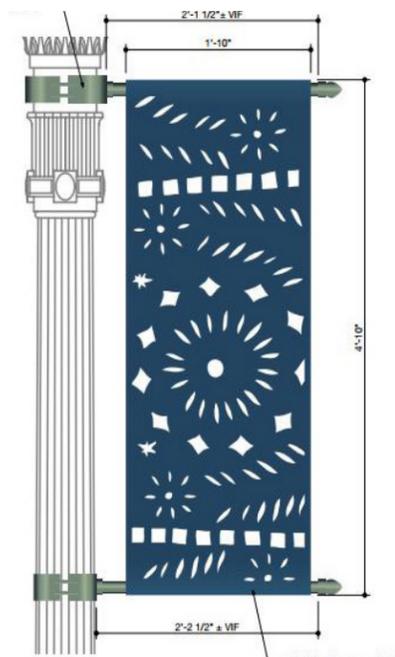




Fabricating Selection Process

This plan identifies the locations, text that shall be included on wayfinding signage, and the number of customized signs that will need to be fabricated for the Town of Crested Butte. A RFP will be issued once the town undergoes the design selection process. The selected fabricator will be responsible for working with the sign designer and with the provided style template.

The selected fabricator will be required to create and install new signage within the Town by the fall of 2017. Unless otherwise specified in the request for proposals gateway and destinations signs will not be included in the RFP. Signs are anticipated to be metal or wood materials. Signs located along the CDOT right-of way will be required to meet the standards of the model traffic code.



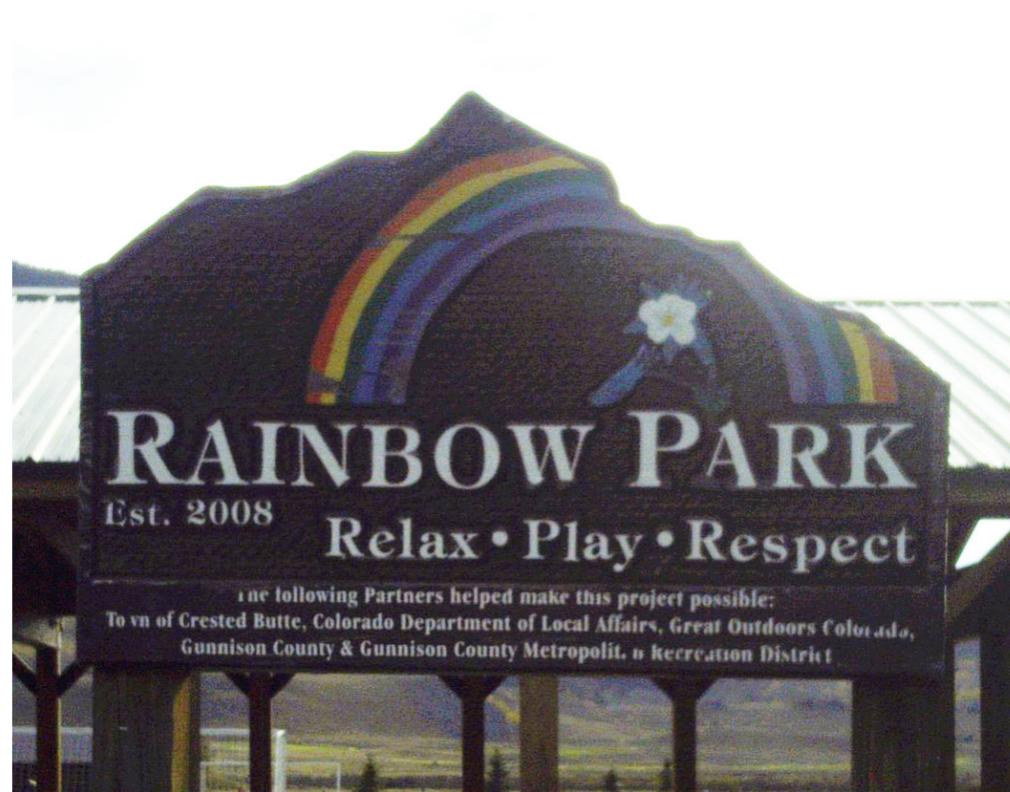


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Design Influence

The Town has a variety of unique destination already installed throughout the Town. These signs are unique pieces of artwork and each one is in a different condition. Since the Town would like to continue with the tradition of creating unique destination signage and since these signs typically serve multiple functions, such as providing park rules, separate request for proposals for both the design and fabrication of these individual signs will be sent out. This will allow for multiple creatives to become involved in the wayfinding project while providing unique signs that exemplifies the characteristics of the destination.



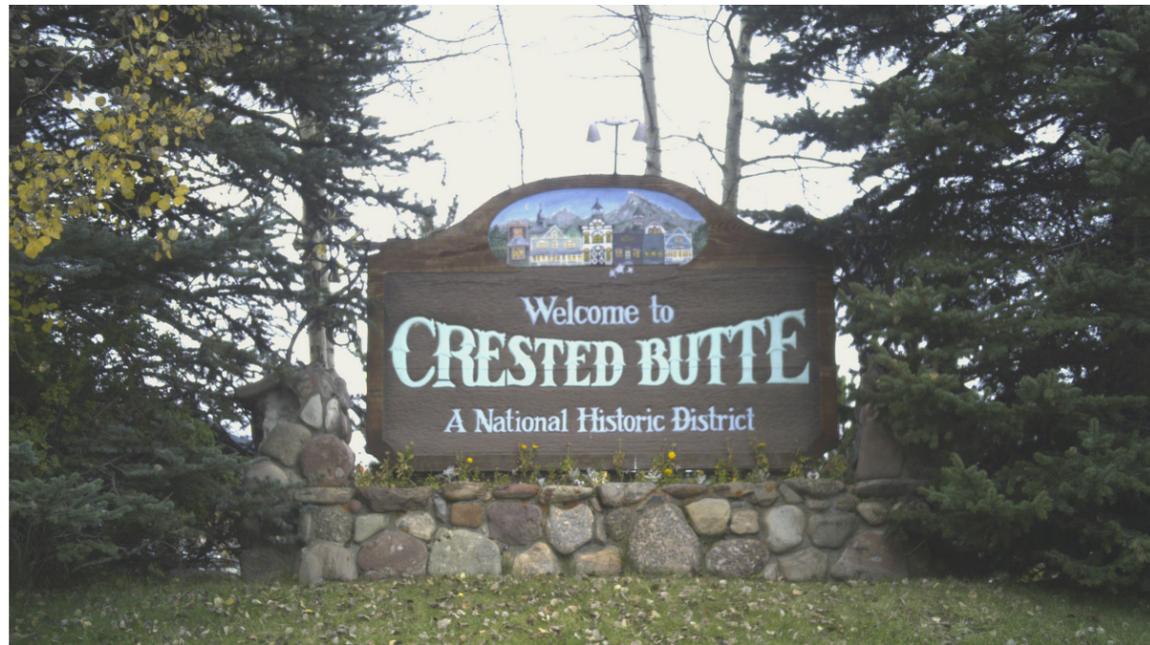
Part 3: Types of Signs, Sign Locations and Matrixes



The primary goal for Crested Butte's new wayfinding signage is to display directional information clearly while also presenting a consistent and recognizable image for the town. The new signage will create a visual sequence that assures unfamiliar visitors that they are headed in the right direction. Ideally, a cohesive and attractive wayfinding signage will not only direct drivers, bicycle riders, and pedestrians, but will strengthen the Crested Butte brand creating a sense of place for the Town for residents and visitors.

Crested Butte's wayfinding plan has five different types of signage. Each type performs a specific function within the wayfinding system. Different sign functions carry different size requirements. Dependent on their locations, signs may be required to meet specific CDOT standards.

Types of Signs



Gateway Signage

There are 3 major points of entry into the Town of Crested Butte. One of these locations are located in the CDOT right-of-way. It is also anticipated these will be the most expensive signs to implement over the coming years. Therefore, a separate request for proposals will be issued for the creation of additional gateway signs, perhaps in conjunction with the Red Lady roundabout project.



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Types of Signs

Primary Signage

Primary directional signage is to be located on highways and is designed for 25 mph speeds. The placement of these signs will require CDOT approval prior to installation because they will be located in their right-of-way. These large signs direct visitors to multiple popular destinations, making their visibility critical. Therefore, primary signs must begin the sequence of increasingly specific directional information.





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Types of Signs



Secondary Signage

Secondary directional signage is to be smaller versions of the primary directional signage. Dependent on site constraints such as locations in the historic downtown, these signs will have different sizes and pole location types. These signs are designed for speeds of less than 15 mph. Secondary signage provides directional information to multiple destinations and provides directions to more specific locations within the different commercial districts and points of interest.

Types of Signs

Tertiary Signage

Tertiary directional signage is the smallest version of wayfinding signage. These signs provide directions to specific locations that are off the primary routes of travel. They are intended to provide directional information for vehicles, bicyclists, and pedestrians. They can also be utilized on the Crested Butte trail system.



Destination Signage

Destination directional signage indicates your arrival at a location within the Town. These signs can also be utilized to post regulatory language for the use of a public destination such as a park. These signs are scaled to be easily identified by pedestrians or vehicle traffic.



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Destinations

Within the Town there are primary cluster destination areas. These cluster areas contain many individual destination or points of interest such as the Downtown. For the purposes of the Plan the following cluster destinations have been identified.

Town Park / Pitsker Field

Tennis Courts

Maintenance Shop/Mountain Express

Crested Butte Nordic Center

Totem Pole Park

Three Ladies Park

Henderson Park

Green Lake Trail

Elk Avenue Historic/Creative District

The Depot

Gothic Field

Big Mine Park

Deli Trail

Tommy V Field

Ice Rink

Skate Park

Public Parking

Public Restrooms

Signage Map

This map shows locations for all five signage types. Details on each sign are found on the matrixes following this map.

Types of Signs, Locations and Matrixes

Location	(A) Primary Directional Signs	(B) Secondary Directional Signs	(C) Tertiary Directional Signs	(D) Destination Signs	Notes
Big Mine Park	x	x	x	x	
Bike Jump Park	x	x			
Cemetery	x				
Center for the Arts			x		
Chamber of Commerce	x				
Crested Butte Community School	x				
Deli Trail	x	x			
Disc Golf					
Elk Avenue Historic / Creative District	x		x	x	
Fire Station		x			
Gothic Field				x	
Green Lake Trail				x	
HendersonPark				x	
Hwy 135				x	
Ice Rink	x	x	x	x	
Kebler Pass Road / Scenic Byway	x	x	x		
Library		x			
Lower Loop Trails		x	x		
Maintenance Shop / Mt Express				x	
Marshal's Office / KBUT		x			
Mountain Heritage Museum					
Mt. Crested Butte - Ski Area	x				
Nordic Center	x	x	x	x	
Old Town Hall			x		
Peanut Lake Road (CR 4)		x	x		
Perimeter Trail	x	x	x		
Rainbow Park	x	x			
Recreation Path / Upper Loop Trails	x	x			
RV Dump	x	x			
Skate Park				x	
Tennis Courts				x	
The Depot	x			x	
Three Ladies Park			x	x	
Tommy V Field	x	x		x	
Totem Pole Park		x		x	
Town Hall		x			
Town Park / Pitsker Field			x	x	
U.S. Post Office					
Verzuh Rotary Park					

Primary Directional Signs

Location	Sign Text	Direction	Cost Estimate		Notes
			Low	High	
A-1	Crested Butte Community School	→			
	Tommy V Field	→			
	Bike Jump Park	→			
	Deli Trail & Perimeter Trail	→			
	<i>parking</i>	→			
A-2	Crested Butte Community School	←			
	Tommy V Field	←			
	Bike Jump Park	←			
	Deli Trail & Perimeter Trail	←			
	<i>parking</i>	←			
A-3	Big Mine Park / Ice Rink	←			
	Nordic Center	←			
A-4	Big Mine Park / Ice Rink	→			
	Nordic Center	→			
A-5	Mt Crested Butte - Ski Area	↑			
	Elk Avenue Historic / Creative District	↑			
	Chamber of Commerce	↑			
	<i>parking</i>	↑			
	Kebler Pass Road / Scenic Byway	←			
A-6	Elk Avenue Historic / Creative District	←			
	The Depot (1.5 Blocks)	→			
	Rainbow Park	→			
	Recreation Path / Upper Loop Trails	→			
	<i>parking</i>	→			
A-7	Elk Avenue Historic / Creative District	→			
	The Depot (1.5 Blocks)	←			
	Rainbow Park	←			
	Recreation Path / Upper Loop Trails	←			
	<i>parking</i>	←			
A-8	RV Dump	→			
	Cemetery	↑			
	Mt. Crested Butte - Ski Area	↑			
A-9	RV Dump	←			
	Elk Avenue Historic / Creative District	↑			
A-10	Elk Avenue Historic / Creative District	←			
	<i>parking</i>	←			
	Big Mine Park / Ice Rink	↑			
	Nordic Center	↑			
	Highway 135 / Gothic Road	↑			

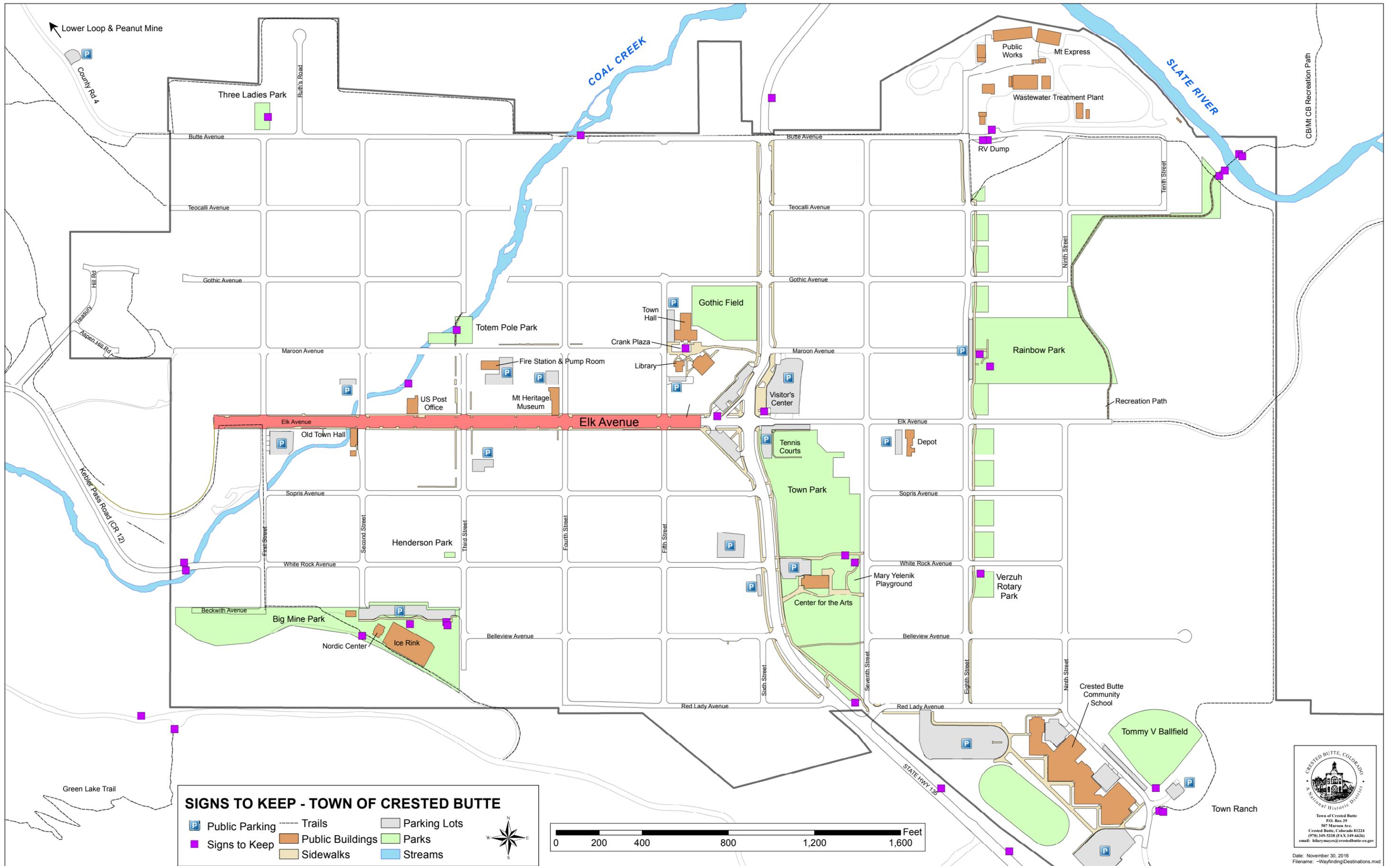
Secondary Directional Signs

Location	Sign Text	Direction	Cost Estimate		Notes
			Low	High	
B-1	Tommy V Field	→			
	Bike Jump Park	→			
	Deli Trail & Perimeter Trail	→			
B-2	Tommy V Field	←			
	Bike Jump Park	←			
	Deli Trail & Perimeter Trail	←			
B-3	RV Dump	↑			
	Rainbow Park	↑			
	Recreation Path / Tony's Trail / Upper Loop Trail	→			
	Elk Avenue Historic Business District	←			
B-4	Recreation Path / Tony's Trail / Upper Loop Trail	↑			
	Rainbow Park	←			
	RV Dump	←			
B-5	Crested Butte Town Hall	→			
	Crested Butte Library	→			
	Marshal's Office	→			
	Public Restrooms	→			
	<i>parking</i>	→			
B-6	Crested Butte Town Hall	←			
	Crested Butte Library	←			
	Marshal's Office	←			
	Public Restrooms	←			
B-7	Fire Station	→			
	Totem Pole Park	→			
	Public Restrooms	→			
	Big Mine Park / Ice Rink	←			
	Nordic Center	←			
	<i>parking</i>	↔			
B-8	Fire Station	←			
	Totem Pole Park	←			
	Public Restrooms	←			
	Big Mine Park / Ice Rink	→			
	Nordic Center	→			
	<i>parking</i>	↔			
B-9	Peanut Lake Road (CR4)	→			
	Lower Loop Trails	→			
	<i>parking</i>	←			
	Kebler Pass Road	←			
	Big Mine Park / Ice Rink	←			
	Nordic Center	←			

Tertiary Directional Signs

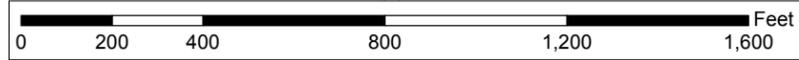
Location	Sign Text	Direction	Cost Estimate		Notes
			Low	High	
C-1	Center for the Arts	→			
	Town Park	→			
	Pitsker Field	→			
	<i>parking</i>	→			
C-2	Elk Avenue Historic / Creative District	↑			
C-3	<i>parking</i>	→			
C-4	<i>parking</i>	←			
C-5	<i>parking</i>	→			
C-6	Old Town Hall	←			
	Bus Stop	←			
	Public Restrooms	←			
C-7	Kebler Pass Road (CR 12)	→			
	Big Mine Park / Ice Rink	←			
	Nordic Center	←			
	Highway 135	←			
C-8	Elk Avenue Historic / Creative District	→			
	<i>parking</i>	→			
C-9	Big Mine Park / Ice Rink	→			
	Nordic Center	→			
	Elk Avenue Historic / Creative District	←			
C-10	Big Mine Park / Ice Rink	←			
	Nordic Center	←			
	Kebler Pass Road (CR 12)	↑			
C-11	Perimeter Trail	←			
C-12	Three Ladies Park	↑			
	Perimeter Trail	←			
	Peanut Lake Road (CR 4)	←			
	Lower Loop Trails	←			
C-13	Perimeter Trail	→			
	Peanut Lake Road (CR 4)	↑			
	<i>parking 200 yds</i>	↑			
	Lower Loop Trails	↑			

Destination Signs					
Location	Sign Text	Direction	Cost Estimate		Notes
			Low	High	
D-1	Deli Trail				
D-2	Tommy V Field				
D-3	Town Park / Pitsker Field				
D-4	Tennis Courts				
D-5	The Depot				
D-6	Gothic Field				
D-7	Big Mine Park				
D-8	Crested Butte Nordic Center				
D-9	Ice Rink				
D-10	Skate Park				
D-11	Totem Pole Park				
D-12	Three Ladies Park				
D-13	HendersonPark				
D-14	Green Lake Trail				
D-15	Elk Avenue Historic / Creative District				
D-16	Maintenance Shop / Mt Express				
	OTHER DESTINATIONS:				
In Progress	Bike Jump Park				
Existing	Center for the Arts				
Existing	Chamber of Commerce				
Existing	Crested Butte Cemetery				
Existing	Crested Butte Community School				
	Disc Golf				
Existing	Fire Station				
Existing	Kebler Pass Road				
Existing	Library				
Existing	Lower Loop Trails				
Existing	Marshal's Office / KBUT				
Existing	Mountain Heritage Museum				
Existing	Mt. Crested Butte				
Existing	Old Town Hall				
Tertiary Sign	Perimeter Trail				
Existing	Rainbow Park				
Existing	Recreation Path				
Existing	RV Dump				
Existing	Town Hall				
Existing	U.S. Post Office				
Existing	Verzuh Rotary Park				



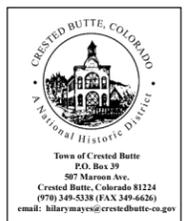
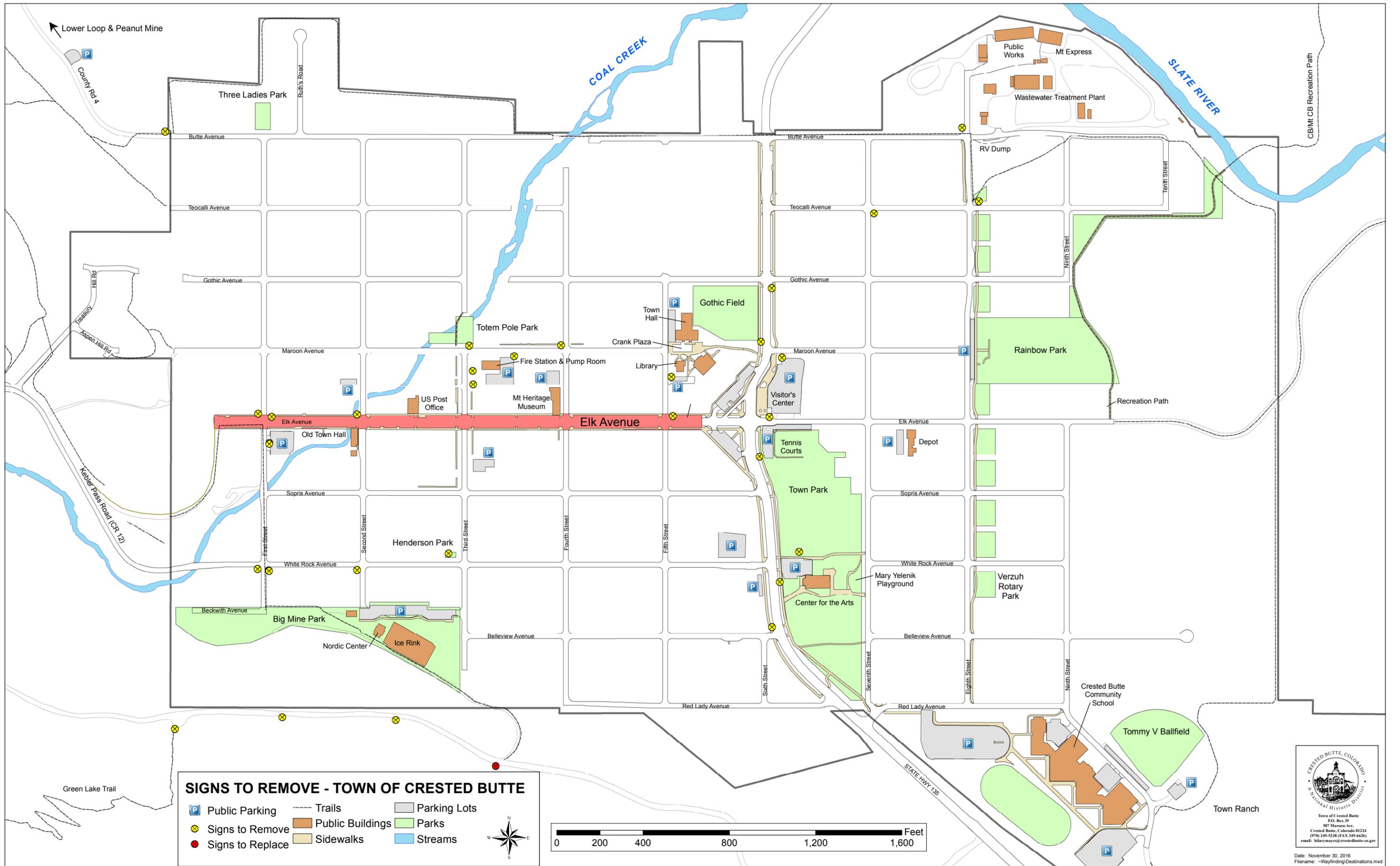
SIGNS TO KEEP - TOWN OF CRESTED BUTTE

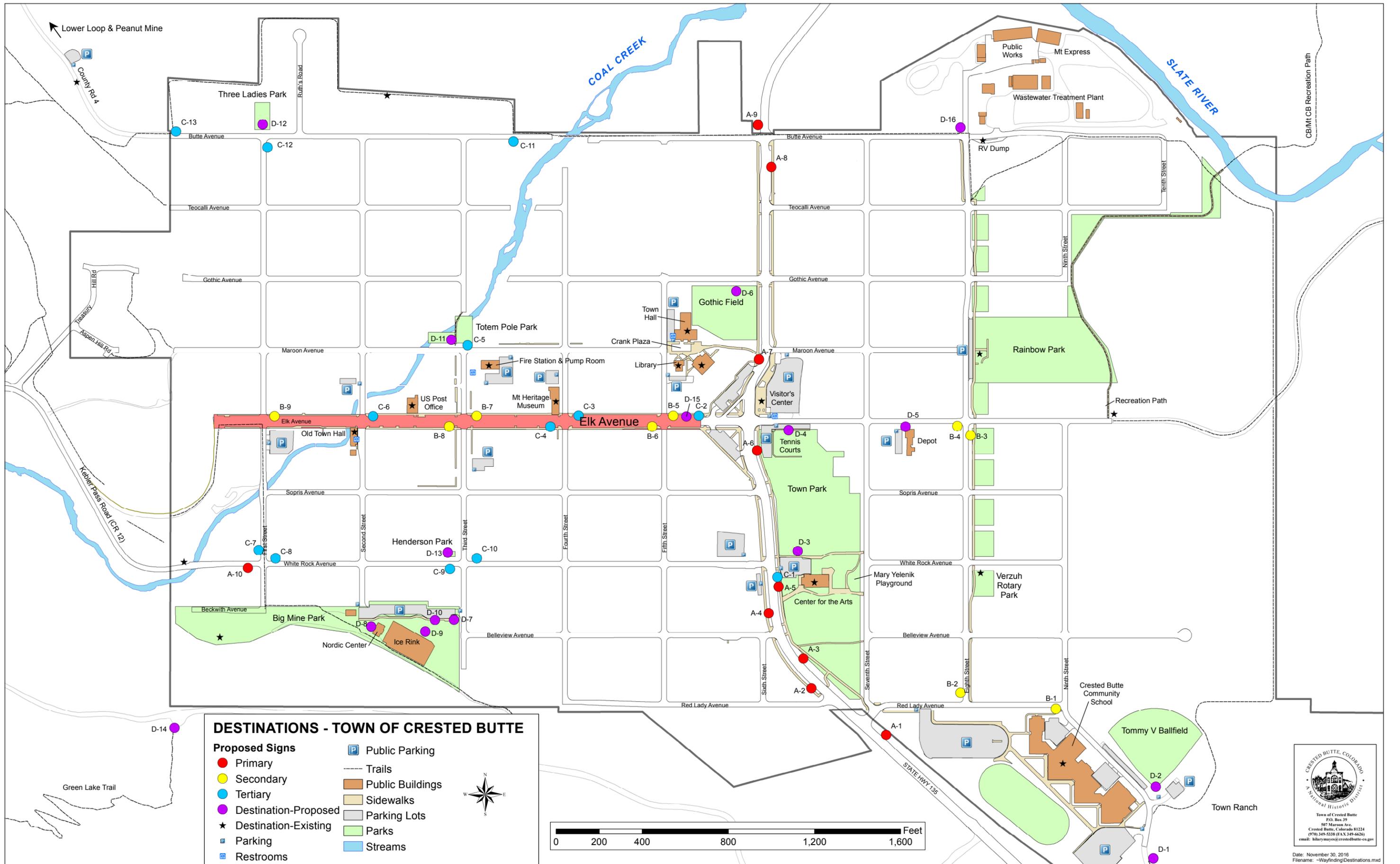
Public Parking	Trails	Parking Lots
Signs to Keep	Public Buildings	Parks
	Sidewalks	Streams



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 P.O. Box 39
 507 Maroon Ave.
 Crested Butte, Colorado 81224
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 email: hilarymayer@crestedbutte-co.gov

Date: November 30, 2016
 Filename: --WayfindingDestinations.mxd







Staff Report

December 5, 2016

To: Mayor and Town Council
From: Dara MacDonald, Town Manager & Dale Hoots, Facilities Maintenance Lead
Subject: Update on Leases of Town Property
Date: December 1, 2016

Summary:

The Town of Crested Butte owns a number of properties that are occupied by a variety of tenants. There are 26 unique tenants in 14 locations. Some of these tenants have current leases with the Town, but many do not.

Staff recommends that the Town execute current leases with all tenants who have expired agreements to clarify roles and responsibilities and insurance requirements at a minimum. The advantages of a written lease are generally considered to be certainty and clarity for both parties. The lease sets the amount of rent and deposit as well as length of tenancy. A lease spells out the obligations of the tenant and landlord including expectations for insurance and maintenance. The Council may also wish to establish a policy around the leasing of public property to provide staff with direction in negotiating leases now and in the future.

There are 16 organizations or individuals who currently occupy Town-owned buildings or properties whose leases are expired. Expiration dates of these leases ranges from 2001 to 2013. Lease rates vary as do expectations for responsibility for payment of utilities and repairs and maintenance. Lease rates vary from \$0 to \$7,200 per year. All tenants are current on payment under the terms of the now expired leases.

Town expenses versus revenue related to rental properties:

Expenses

The Town pays the utilities for most of the properties that are rented out. Several tenants do reimburse the Town for some or all of the utility expenses. The Town pays an estimated \$17,250 annually for utility expenses for rental properties for which the Town is not reimbursed. In addition, the Town maintains property insurance coverage for each property and incurs expenses for snow removal, landscaping and routine maintenance at many of the locations.

Capital costs vary significantly from year to year. In 2016 the Town invested \$90,200 in these properties for things like painting, staining, siding replacement, boilers, carpet and heating controls. In 2017, the budget includes \$74,000 in capital projects at rental properties.

Revenues

For the 17 expired leases, the Town collects \$25,519 in rental income annually. For the 9 current leases, the Town collects an additional \$10,107 annually.

Comparable lease rates:

In speaking with local property managers, town staff have found comps for commercial office space in the range of \$2.25 sq. ft. to \$11.00 sq. ft. per month. We found comps for retail space on Elk Ave to range from \$12.00 sq. ft. to \$27.00 sq. ft.

The Town's current and expired leases for commercial office space range from \$0.20 sq. ft. to \$1.47 sq. ft. monthly. Leases for non-office commercial space ranges from \$0.02 sq. ft. to \$0.04 sq. ft. monthly and the town lease for retail space is \$0.07 sq. ft.

Affordable Housing rental units:

The Town has 7 rental units that are occupied by employees of the Town or other essential services (i.e. Mt. Express, CBCS, etc). These housing rental units are not included in this policy discussion. The 2017 budget includes an assumption that the rent for these units will be increased by \$25 per bedroom.

Lease checklist:

Staff have developed a draft checklist for review and execution of new leases. It is included at this time to remind the Council of the variety of things that are considered for any lease of municipal property.

Direction for staff:

- 1) Does the Council want us to pursue negotiating new leases for current occupants whose leases have expired?
- 2) What are the Council's goals for managing the leasing of municipal property?
 - a. Providing space for non-profits and community services?
 - i. Incubator space or permanent homes?
 - b. Cost recovery?
 - i. Different expectations for
 1. Not for profits that supplement the Town's services
 2. Other not for profits
 3. For profit organizations
 - ii. Concerns about competition with the private sector?
 - iii. If rents are to increase from current rates, over what time period?
 - c. Term of lease – leases with terms of more than one year must be adopted by ordinance. Is Council comfortable with multi-year agreements? Staff recommends terms from three to five years with an equal length automatic extension.
- 3) Should staff prepare a policy for Council adoption around leasing of municipal property to guide tenant negotiations?
- 4) Other?



LEASE AGREEMENT CHECKLIST

Property Name: _____

Property Address: _____

Unit #: _____

Tenant Name: _____

Tenant Contact Person: _____

Tenant Mailing Address: _____

Tenant Contact Phone: _____

Tenant Contact Email: _____

Check all boxes that apply to this Lease Agreement and provide dates or other info for all applicable items:

1. Lease Term

Lease Start Date: _____ Termination Date: _____

Automatic Renewal? If so, under what terms? _____

Notice required for termination? If so, what notification is required? _____

Periodic review of lease between Town & Tenant (how often?) _____

2. Lease Amount

Monthly lease rate: _____ Annual lease rate: _____

Lease per sq. ft., per year: _____

Lease rate escalates annually in the amount of: _____

Lease is below rate established by Council – provide reason

Tenant is non-profit

Other _____

3. Sublet

Tenant is permitted to sublet premises under the following conditions: _____

No subletting of the property is permitted

4. Security Deposit

Security deposit is required in the amount of: \$ _____

Security received (date): _____

Security deposit not required

5. Insurance

General Liability required in the amount of: \$ _____

General liability certificate received (date): _____

All-risk insurance required in the amount of: \$ _____

All-risk certificate received (date): _____

6. Utilities - Who is responsible for payment of utilities?

Electric Town or Tenant

Gas Town or Tenant

Water/sewer Town or Tenant

Trash Town or Tenant

7. Maintenance

a. Who is responsible for performing & paying for building maintenance?

Routine maintenance & care Town or Tenant

Major repairs & maintenance Town or Tenant

Other _____ Town or Tenant

Notice required for Town to enter and perform maintenance? _____

b. Who is responsible for performing & paying for site maintenance?

Snow removal – walkway(s) Town or Tenant

Snow removal – parking lot(s) Town or Tenant

Lawn/grounds care Town or Tenant

Other _____ Town or Tenant

8. Parking

Tenant has dedicated on-site parking

Tenant does not have dedicated on-site parking

9. Improvements

Town must be noticed prior to alteration of premises (how long?) _____

10. Signage

Town must review signage for the site (how long?) _____

11. Other – Are there other considerations or arrangements unique to this lease? _____

12. Site Visit with Town Facilities Manager

Date completed: _____

13. Lease approval ordinance/resolution number _____ date _____

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 21, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:02PM.

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

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, and Town Clerk Lynelle Stanford

Town Planner Michael Yerman, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, Public Works Director Rodney Due, Finance Director Lois Rozman, and Building and Zoning Director Bob Gillie (for part of the meeting)

APPROVAL OF THE AGENDA

Schmidt moved and Mason seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

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.**

Schmidt removed item #5 and added it to New Business, and he recused himself from voting on the Consent Agenda because of item #3. MacDonald stated that item #3 was modified, and she recommended it be moved to New Business. Schmidt returned to the meeting because the item he recused himself for was removed from the Consent Agenda.

Mason moved and Ladoulis seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

PUBLIC COMMENT

None

STAFF UPDATES

Lois Rozman

- She provided 3rd quarter financials to the Council. She confirmed for Schmidt there were no surprises.
- Mason said the Staff had done a good job, and the only items over budget were decisions made by Council.

Rodney Due

- Attended a DOLA hearing last week. There was less money available than what was projected, and there were more requests than money. He anticipated that Town would be funded, but he didn't know how much. He thought they might need to bifurcate the project.
- There was a Gunnison County Environmental Health Board meeting last Thursday. He learned there were five unpermitted homes constructed in the watershed at Irwin. There had also been a road constructed.

Bob Gillie

- He planned on including the first reading of the ordinance for the adoption of the 2015 IBC on the December 5 agenda.
- Sixth Street Station would be in front of BOZAR on the 29th for concept review.
- Ladoulis questioned a transaction on a building at 2nd and Elk. Gillie had not heard from anyone lately on the building.

Janna Hansen

- Submitted the GOCO grant application for the Town Park playground renovation project. Brandon Clifford, an underwater archeologist, was partnering with them to create an authentic pirate design.
- Holiday wreaths arrived last week, and they would go up next week.
- They were hoping to make ice this weekend at the ice arena.

Mike Reily

- Dan Batteiger became a POST certified driving instructor. He was hired by the Fire District to teach a driving course, and his class was amazing.
- Issued 178 winter parking warnings on the first day. The number of warnings had been reduced since then.

Lynelle Stanford

- Mentioned upcoming special events.

Dara MacDonald

- The RFP for trash and recycling services was submitted to the paper today.
- She had been working with the facilities manager on leases. She expected to spend time in the December 5 work session discussing how to proceed. Lease rates would be the hot topic.
- The Fire District pulled back on conversations concerning a joint facility, so plans would be put on hold for now.
- Reminded the Council of lunch on Wednesday at Noon at the public works shop.

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.

Michel confirmed proper public notice was given. Belkin explained the ordinance came as a response to the ACLU regarding the Browne case as referred to in his memo in the packet. There was a section in the Code that was cut out to be consistent with the law. The meeting was opened to public comment. There was no public comment, and the public hearing was closed. There was no further Council discussion.

Schmidt moved and Mason seconded a motion to approve 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. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Resolution No. 38, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Amended Condominium Map of Poverty Gulch Condominiums.

Schmidt recused himself and left the room.

MacDonald provided background explaining that physical changes were made to the building over the years, and the plat had not been amended. The plat needed to be updated to reflect reality. She explained there was a plat in the packet that covered the whole property that would need to be signed before it was recorded. However, in order for a transaction to go through, a plat that would require signatures from only two lien holders for the smaller building would be used. MacDonald told the Council the resolution would approve two plats: the smaller plat recorded first and the second plat that would be recorded to replace the existing plats. Belkin explained further that the

buyer had a rate lock that would expire, and the signed incremental plat would help him to close.

Ladoulis moved and Mitchell seconded a motion to approve Resolution No. 38, Series 2016. A roll call vote was taken with all voting, “Yes,” except for Schmidt who had recused himself and did not vote. **Motion passed unanimously.**

2) 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.

Ladoulis moved and Mitchell seconded a motion to set Resolution No. 39, Series 2016 for public hearing. **Motion passed.**

3) 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.

Schmidt asked the Council if they wanted to change the policy of not reimbursing mileage for meetings in Gunnison. He suggested they add \$2K to the Council’s travel budget to cover the cost of traveling to Gunnison. Rozman confirmed it had been policy, and employees were not reimbursed either. Michel agreed with Schmidt that a reimbursement would be helpful. Ladoulis thought it seemed appropriate.

Schmidt questioned if they needed to change the amount projected from the DOLA grant from \$1M, and if the fire ring needed to be decided upon in paving the parking lot at 6th and Elk. Both items would be finalized later.

Schmidt moved and Mitchell seconded a motion to set the amended, adding \$2K to the Council Travel Fund, Resolution No. 40, Series 2016 for public hearing on December 5, 2016. **Motion passed.**

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

Mitchell moved and Mason seconded a motion to approve Resolution No. 41, Series 2016. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) 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.

Mason moved and Ladoulis seconded a motion to set Ordinance No. 15, Series 2016 for public hearing. **Motion passed.**

6) 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.

Ladoulis moved and Mitchell seconded a motion to set Ordinance No. 16, Series 2016 for public hearing. **Motion passed.**

7) 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.

Schmidt moved and Mason seconded a motion to set Ordinance No. 17, Series 2016 for public hearing at the December 5 Council meeting. **Motion passed.**

8) 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.

Ladoulis moved and Mitchell seconded a motion to set Ordinance No. 18, Series 2016 for public hearing. **Motion passed.**

9) Resolution No. 43, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Town Attorney Representation Letter.

Schmidt wondered about the travel costs and hourly fees applicable when an attorney would need to substitute for Belkin. Belkin stated there would be no charge. He introduced Mary Elizabeth, another attorney from the firm he was joining. Belkin assured the Council that it was good for the Town. Schmidt asked about a water attorney. Belkin said there would be opportunities to use the firm, and they could probably save money for equal representation. Mary Elizabeth offered to answer questions. Belkin told the Council there were six attorneys in their municipal law practice, and the Council would be pleased.

Mason moved and Mitchell seconded a motion to approve Resolution No. 43, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Belkin reported the Mt. Emmons situation was day to day, and he hoped to have news at the next meeting.

Regarding the resolution passed by the Council on the plats, it would allow the person to close on his first home. There were a lot of moving parts to make it happen, and the Council approved it.

COUNCIL REPORTS AND COMMITTEE UPDATES

Laura Mitchell

- Attended a Mountain Express meeting. They were buying a big truck. Mason clarified it had a crane and tools to work in the field. Staff indicated the new truck was critical.
- The Mountain Express meeting was on the same day as the Chamber meeting. She talked to Dave Clayton, and they were disappointed about Butte Bucks.

Roland Mason

- Attended a Mountain Express meeting. They talked about the Judd Falls turnaround. They were considering how to haul bikes, including a bike valet that could be a private-public partnership.
- Attended a RTA meeting. They were getting a new senior van.
- RTA had strategic transit and senior mobility plans. They heard that they should be thinking about how they could light up the bus stop.
- Winter air service was picking up, and the airlines were looking pretty good.
- Greg Salsbury, President at Western State Colorado University, agreed to sit on the Air Alliance Board. Michel explained he would be a non-voting member, but Western could contribute money in order to vote.

Jim Schmidt

- The Gunnison County Land Preservation Board met. They discussed three grant applications and awarded all three: 1) Project to preserve a ranch at Arrowhead; 2) Land preservation piece at the Gothic town site; and 3) Tentative approval for a project in 2018 near Town.
- Housing Director, Karl Fulmer, resigned effective January 1. The Board was concerned with holding everything together, and he was concerned about going into the year without a director. He mentioned Paula Swenson as a possible interim director. They already sent out RFPs for a consulting firm to help find a new manager.
- There were two units left in Anthracite Place, and there were three applications submitted.
- The Creative District met, and he wasn't able to make it. Yerman stated the attendance at the meeting was good. They discussed public arts policy. Yerman provided a timeline as it related to efforts coming before the Council.

- The Housing Needs Assessment meeting last week was well attended. There would be a meeting in Crested Butte at the Center for the Arts on the 29th.

Glenn Michel

- Attended RTA meeting.
- Had lunch with two people from CBMR, and there would be no major changes.
- Presented at the Chamber's economic forecast.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked Stanford if there were any applicants for the open Council seat. No one had sent a letter of interest, yet.

Ladoulis brought up the issue of a buyer purchasing multiple housing units to turn into single-family residences. He wanted to be ahead of the issue. He also raised concern of private uses of commercial property on Elk. Schmidt agreed with Ladoulis on the first issue. He saw it happen in Mt. Crested Butte. Michel asked how the Council wanted to proceed. Ladoulis wanted the items added to the list. Mason said they needed a retreat to discuss priorities, and the possibility of a retreat in January was mentioned.

NEW BUSINESS CON'T

10) Presentation by Marcus Lock, Law of the Rockies, Regarding Accessory Dwelling Units and Associated Matters.

Lock named the individuals he was representing: John Kiltz and Christopher Mize. MacDonald explained the appeal was on the enforcement action on two properties. She upheld the notice of violation. Lock then requested to speak to Council, and he threatened litigation. Because of the public interest, it was on the agenda. Lock stated the issue of whether to settle the dispute was with the Council. He implored them to become involved before litigation was filed. Lock provided history of the timeline of the dispute. He said there were 40-50 other deed restrictions from the 1990s. Michel asked if he would take away 50 accessory dwelling units from Town. Lock wanted to resolve the dispute before it escalated to another level. If the case went up through courts, it would come back down. He added that an ordinance could not be applied retroactively. They needed to look at the Code as it existed in the 1990s. Lock provided a definition for the word maintain. Ladoulis thought that the spirit at the time was to give accommodations to homeowners that were building to allow them more density than what would have been considered. Schmidt said the intention was to provide long-term housing for people living in the valley. It was clear to the people who built that they were allowed higher density, and they were given a break in the tap fees. It was important to the Council to provide as much housing as possible. He had no doubt what the intention was. To step backwards with affordable housing seemed like a bad place to go. Mitchell reminded that the deed restriction was in the title. Mason was highly disappointed. It was unfortunate that Lock's clients went this way, and he supported Staff. It was hard to settle when everyone else came into compliance. Mason wanted to

stay firm and support the ordinance. Michel recalled when Council directed Staff to recoup units that were not in compliance. He thought MacDonald did the right thing. MacDonald added they were given six weeks to come into compliance. Michel summarized they would not settle.

11) Resolution No. 42, Series 2016 - Discussion and Possible Action Regarding Proposed Amendment to Pre-Annexation Agreement with Cypress Foothills, LP.

Cameron Aderhold and Marcus Lock were present representing Cypress. Aderhold explained to the Council that most terms were similar to what were previously discussed. They supported what was in front of the Council. Michel asked what was changing and unique from the original pre-annexation agreement. Lock, referring to Yerman's staff report, stated the first seven bullet points had been previously seen. The new items were that Cypress would split the first half of \$50K, up to \$25K, for water court change fees and Cypress would pay for the Town's second party engineer. The second section of bullet points in the staff report was also new.

Town and Cypress discussed relocating the river access to north of Road A. Lock spoke about signage and wetlands, specifically lot set backs. Set back from high quality wetlands would be 50 feet. It would be a 50-foot building set back instead of a lot line set back, which increased the lot sizes for Cypress. Aderhold explained further that lot lines would go right up to the wetlands. Ladoulis questioned the practicalities, and he asked if fences or BBQ pits could be right at the line. He wondered what covenants would protect it. Lock asserted the County did not require a lot line set back. The 25-foot set back from low quality wetlands, and the 50-foot set back from high quality wetlands remained the same. Mason asked where Staff was on it, and Yerman confirmed the Town requirement was 100 feet. Yerman recalled concern from a large segment of the community during the original development proposal about wetlands. The compromise proposed by Lock was that lot lines could extend to boundaries and they would agree to set backs. Schmidt asked if high quality and low quality wetlands were determined. Yerman said the County would review the wetland delineation report. Ladoulis was okay as long as the boundaries didn't extend into the wetlands. Michel didn't want to see the wetlands degraded.

Schmidt questioned who would own the property at the river trail and boat ramp. Yerman pointed out the Town's land on the map. Schmidt questioned the space available for the ramp. Yerman reviewed potential users of the ramp. Schmidt asked about an access road. MacDonald said it would be an improvement from what was existing. Schmidt recognized the HOA would own the bottom of the river, and he asked about the HOA changing the rules. It was explained the developer and Town would engage in a river easement agreement when the Town parcels were conveyed. Lock said there were multiple agreements that would still need to happen. Ladoulis stated that the assumption was the HOA would want to exert control over the use of the river. Lock said their expectations would be set before they purchased. Aderhold affirmed agreements would be recorded against the property.

Next, they discussed signs. Yerman contemplated the sign along Gothic Road as a part of way finding signage. Aderhold described the temporary sign as natural and subtle. Yerman explained that the way finding sign would be the same as others around Town. Schmidt countered that other developments didn't have signs. Michel summarized they didn't want the sign to become a de-facto gate. Aderhold explained they wanted a sense of entry. Michel said a visual would be helpful, and Aderhold agreed to provide.

Schmidt had questions about water regulations, particularly who regulated watering during drought years. It was answered that the Town would regulate. Lock stated there would be dual enforcement authority, which would be binding on the property. The HOA would enforce first. Mason confirmed Town had the ability to turn the water off. MacDonald recognized the mechanism could be problematic.

Schmidt brought the Council's attention to Section 7.3 in the amendment to the pre-annexation agreement. He asked that if there was physically less water, if Town's proportionate share went down. Ladoulis pointed out it was only in reference to six (acre feet) or above. Michel identified the Town was guaranteed six acre-feet no matter what. The discussion continued with differing interpretations. Lock stated the understanding was that in order to drought protect, Town received the first 6 acre-feet. Schmidt noticed two sentences in the section that were opposing each other. Lock said they could add a phrase to clarify that Town would get its first 6-acre feet first.

Next, they discussed providing water to accessory structures and odor controls. Michel asked where the Council was. Yerman informed the Council of an impending deadline, which would cause the agreement to be null and void after the December 5 meeting. He concurred that the original proposed density was 24 units, and they didn't contemplate a density of more than 24 units as it related to providing water. Lock told the Council in everything submitted they contemplated 46 units with respect to water usage.

Mason asked if Staff understood what they needed to look into. MacDonald confirmed what she had heard. Mason specifically wanted to know if someone could put in sod right up to the lot line. If so, he was concerned high quality wetlands would shrink. Mason wanted information on what that meant. Michel told MacDonald to make the Council literate on what they were approving. Regarding the boat launch area, he wanted to make sure they were getting a good amenity that was usable by those who had expectations. Schmidt wanted to know the height of the road deck above the river. Lock stated there would be ample space for boats to travel. Michel was accepting of an integrated way finding sign on Gothic Road. Schmidt wanted to know the size, and Mason didn't want an unusual looking sign. Aderhold agreed to put a plan together. MacDonald asked if the Council was okay with allowing non-limiting accessory dwellings. She confirmed they would pay EQRs. Michel acknowledged the maximum build-out could be 46 buildings. Yerman confirmed the Council agreed to non-deed restricted ADUs. Mason wanted to clarify the question about water and contradictory statements, and Michel wanted to clarify the language in the bottom of the river discussion.

Schmidt moved and Mason seconded a motion to continue Resolution No. 42, Series 2016 to the December 5, 2016 meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

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

A retreat was discussed for the end of January. Schmidt asked that it be planned for before January 20.

MacDonald told the Council the Executive Session was no longer necessary.

Ladoulis asked about the decision for appointing the new Council member. Stanford explained the details of the process.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:19PM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

December 5, 2016

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Regular Town Council Meeting Schedule for 2017**
Date: November 28, 2016

Summary:

Included in the packet is the Regular Town Council Meeting Schedule for 2017. The Town Charter states in part that “the Council shall meet regularly at least twice each month at a day and hour to be fixed by the Council.” Meetings are regularly scheduled on the first and third Mondays of each month, excluding holidays. In the case of a holiday falling on a Monday when a meeting would regularly be scheduled, the meeting is held the subsequent Tuesday.

Recommendation:

To approve the 2017 Regular Town Council Meeting Schedule as a part of the Consent Agenda.

2017 Regular Town Council Meeting Schedule

January

3 (TUESDAY) Town Council 7 p.m.

*Due to New Year's Holiday

17 (TUESDAY) Town Council 7 p.m.

*Due to Martin Luther King Day

February

6 Town Council 7 p.m.

21 (TUESDAY) Town Council 7 p.m.

*Due to Presidents' Day

March

6 Town Council 7 p.m.

20 Town Council 7 p.m.

April

3 Town Council 7 p.m.

17 Town Council 7 p.m.

May

1 Town Council 7 p.m.

15 Town Council 7 p.m.

June

5 Town Council 7 p.m.

19 Town Council 7 p.m.

July

3 Town Council 7 p.m.

17 Town Council 7 p.m.

August

8 (TUESDAY) Town Council 7 p.m.

*Due to Colorado Day

21 Town Council 7 p.m.

September

5 (TUESDAY) Town Council 7 p.m.

*Due to Labor Day

18 Town Council 7 p.m.

October

2 Town Council 7 p.m.

16 Town Council 7 p.m.

November

6 Town Council 7 p.m.

20 Town Council 7 p.m.

December

4 Town Council 7 p.m.

18 Town Council 7 p.m.



Staff Report

December 05, 2016

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Rodney E. Due- Public Works Director, Janna Hansen- Parks and Recreation Director

Subject: Snow Management Guidelines

Date: November 30, 2016

Summary: At the beginning of each snow season the Public Works Director and the Parks and Recreation Director present the Snow Management Guidelines to the Town Council for approval. The purpose of this plan is to outline municipal responsibilities and procedures for controlling snow and ice accumulation on the streets and sidewalks of Town. Appropriate snow and ice control is necessary to maintain emergency services and routine travel.

Discussion: Some of the highlights in the 2016-17 Snow Management Guidelines are listed below:

1. Snow plowing will commence at 3 inches of accumulation, and snow blowing of sidewalks will commence at 1 inch of accumulation as defined by the Snow Removal Map.
2. Every effort will be made to keep the Bus Route and Emergency Routes clear of snow and ice accumulation.
3. One seasonal operator will be hired, and augment the primary crew, typically between December 1st and March 31st each year.
4. 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.
5. 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.
6. New snow management permit to allow Town Staff to track and regulate private contractors hauling, dumping, and transporting snow on public rights of way.

Recommendation: Staff recommends approval of the Town of Crested Butte 2016-17 Snow Management Guidelines as presented during the November 21st work session.

Proposed Motion: I move to approve the Town of Crested Butte 2016-17 Snow Management Guidelines as part of the consent agenda.



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. Gunnison County Public Works Department works cooperatively with the Town of Crested Butte Public Works Department while plowing snow through town.
6. The Water Division will mark fire hydrants with poles by November 1st, 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 1st 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 1st and March 31st 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 1st.

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 6th Street including Chamber Parking Lot, and Chamber bus stop;
3. Plow southwest of 6th and Elk;
4. Plow 4-way including parking lots, bus turn, and bus pull-out;
5. Plow core area including 5th, 4th, 3rd, 2nd 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 (2nd St. to 5th St.); and public buildings (e.g. Town Hall, Marshal's and Old Rock Library) parking and access areas.
6. Plow northwest of Elk and 6th;
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 1st through April 30th 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.

- B. 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 1st of each calendar year, except as otherwise permitted by the Town Manager in writing.

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 3rd Street
8. Totem Pole Park
9. 307 4th 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.

C. 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 6th 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 6th 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.

D. 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.



Staff Report

November 28, 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 approving Resolution No. 39.

Proposed Motion: I move to approve Resolution No. 39, Series 2016.

**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 \$86,570,000; 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 28, 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.

The only change made to the 2017 budget from what was presented to the Council for first reading at the November 21st Council meeting is the addition of \$2,000 to the Council's Travel & Education line per Council's request.

RECOMMENDATION: Staff recommends approving Resolution No. 40, Series 2016.

MOTION: I move to approver Resolution No. 40, Series 2016.



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 4th 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:

GENERAL FUND	\$ 4,243,964
GENERAL CAPITAL FUND	\$ 5,503,915
SEWER & WATER FUND	\$ 4,905,929
STREET & ALLEY FUND (The Street & Alley Fund budget includes Highway Users money in the amount of \$52,865.)	\$ 1,273,297

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

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
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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.

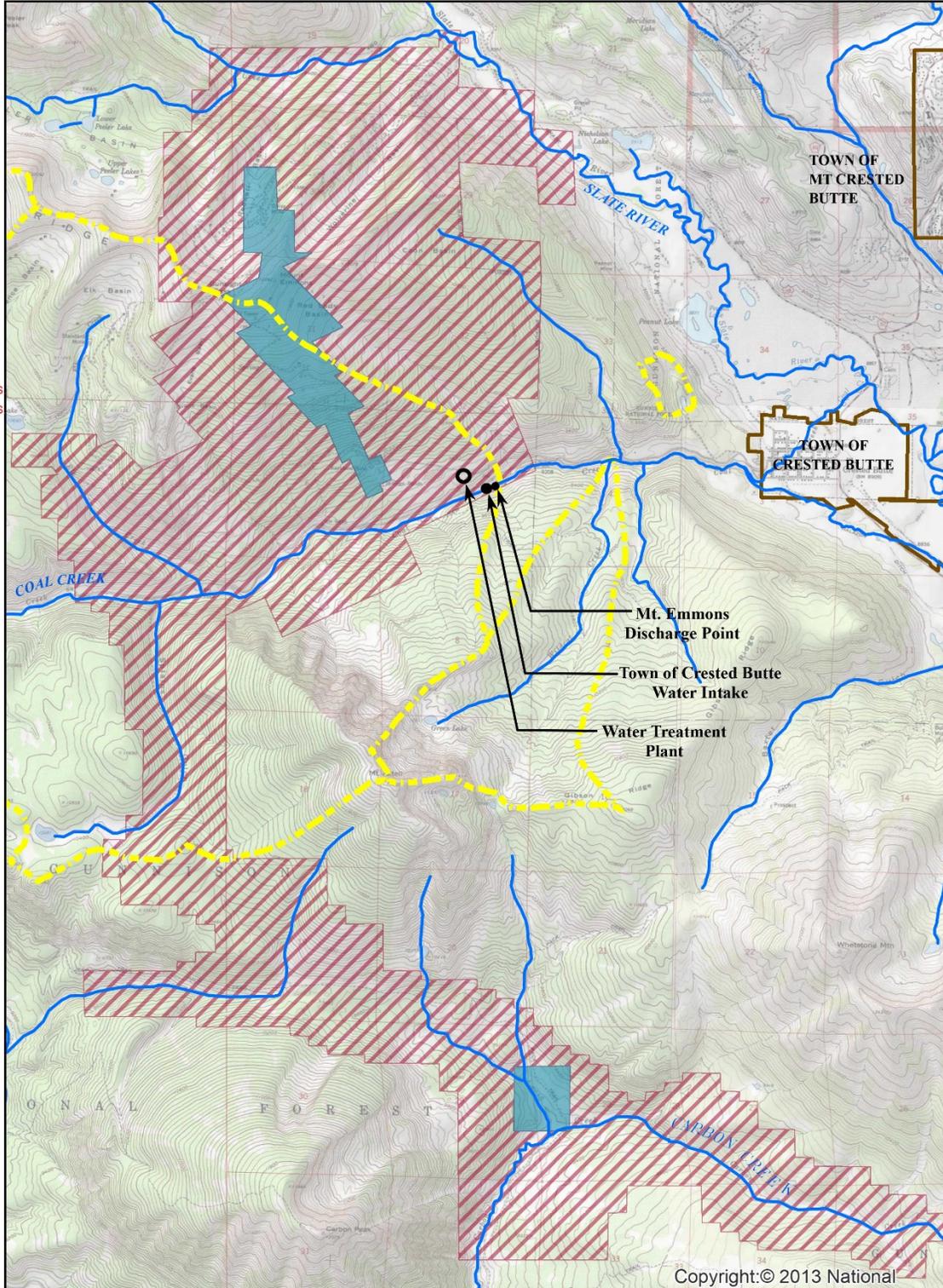
Overall, Crested Butte's current financial condition is stable due to the growth in tax and development related revenue, combined with rate increases and closely managed expenditures. The 2017 budget does include debt issuance and the use of significant reserves for a number of large, one-time expenditures. 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.

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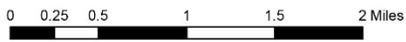
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**MT. EMMONS MINING COMPANY UNPATENTED CLAIM BOUNDARY,
GUNNISON COUNTY, COLORADO**

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



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.

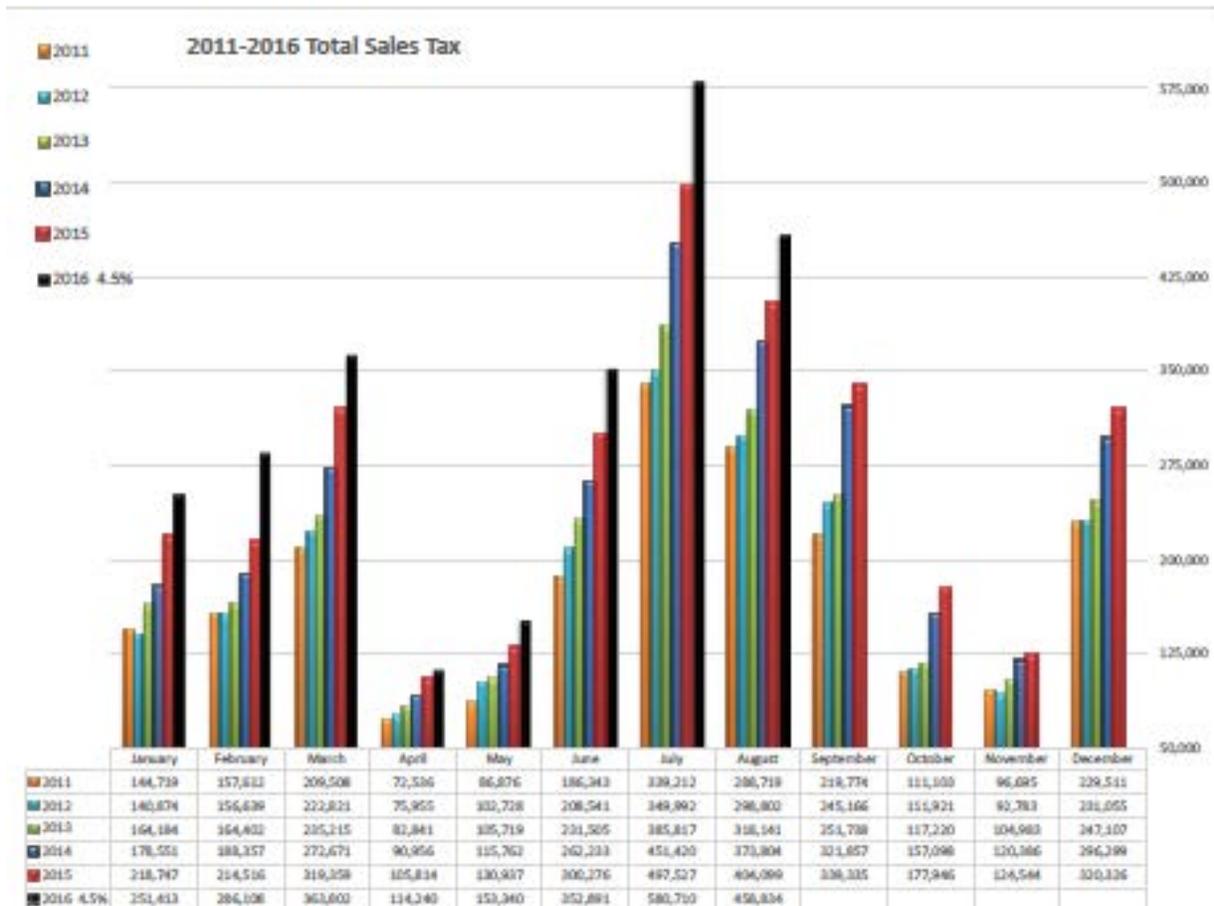
The Center for the Arts is planning to break ground on a \$13 million expansion in the spring of 2017. The Center is housed in a building in Town Park that is owned by the Town and Council has committed \$1,000,000 towards the expansion with no more than \$500,000 in cash. The budget includes much of 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 4th 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

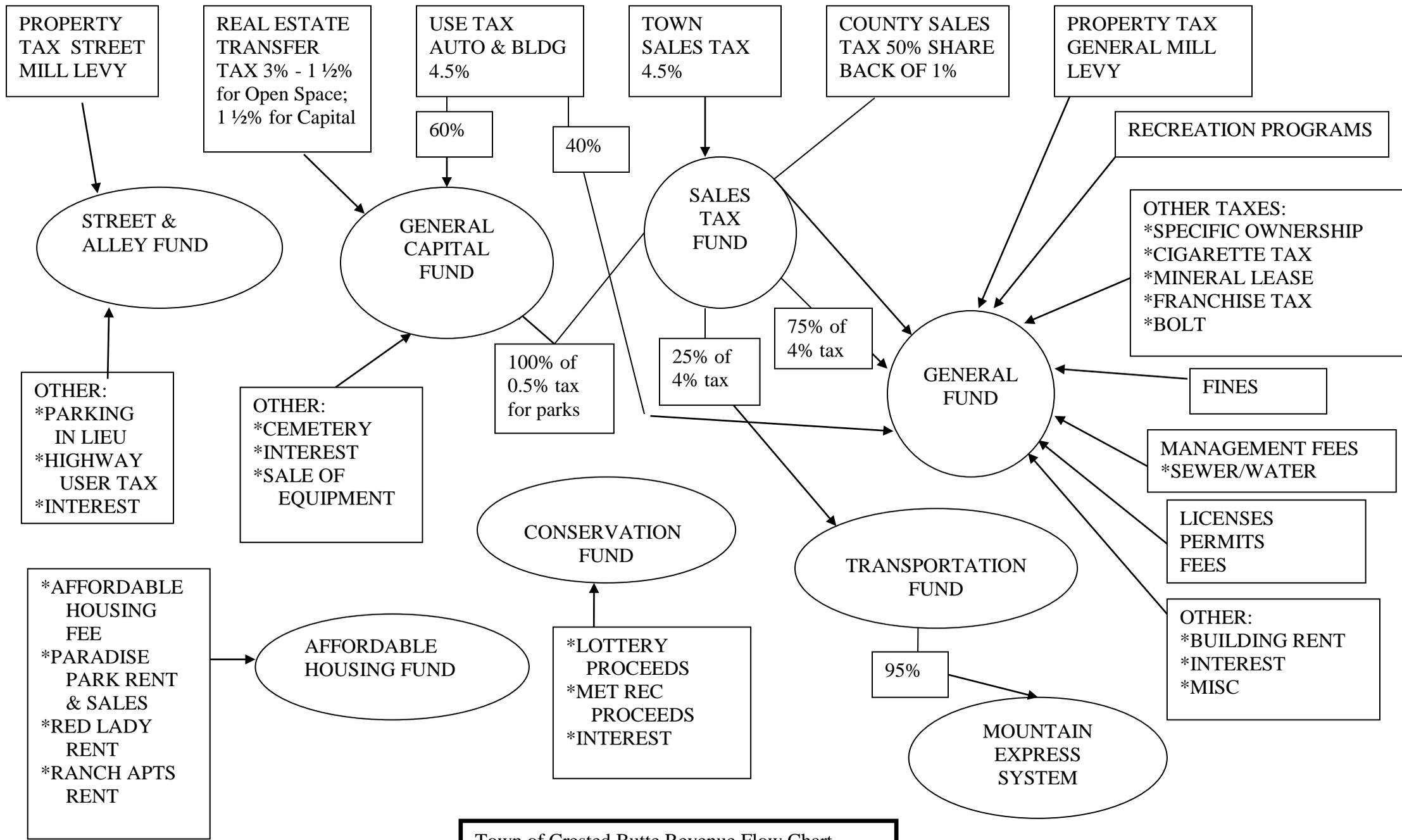
TOWN OF CRESTED BUTTE
ORGANIZATIONAL CHART

MAYOR & TOWN COUNCIL

Town Manager

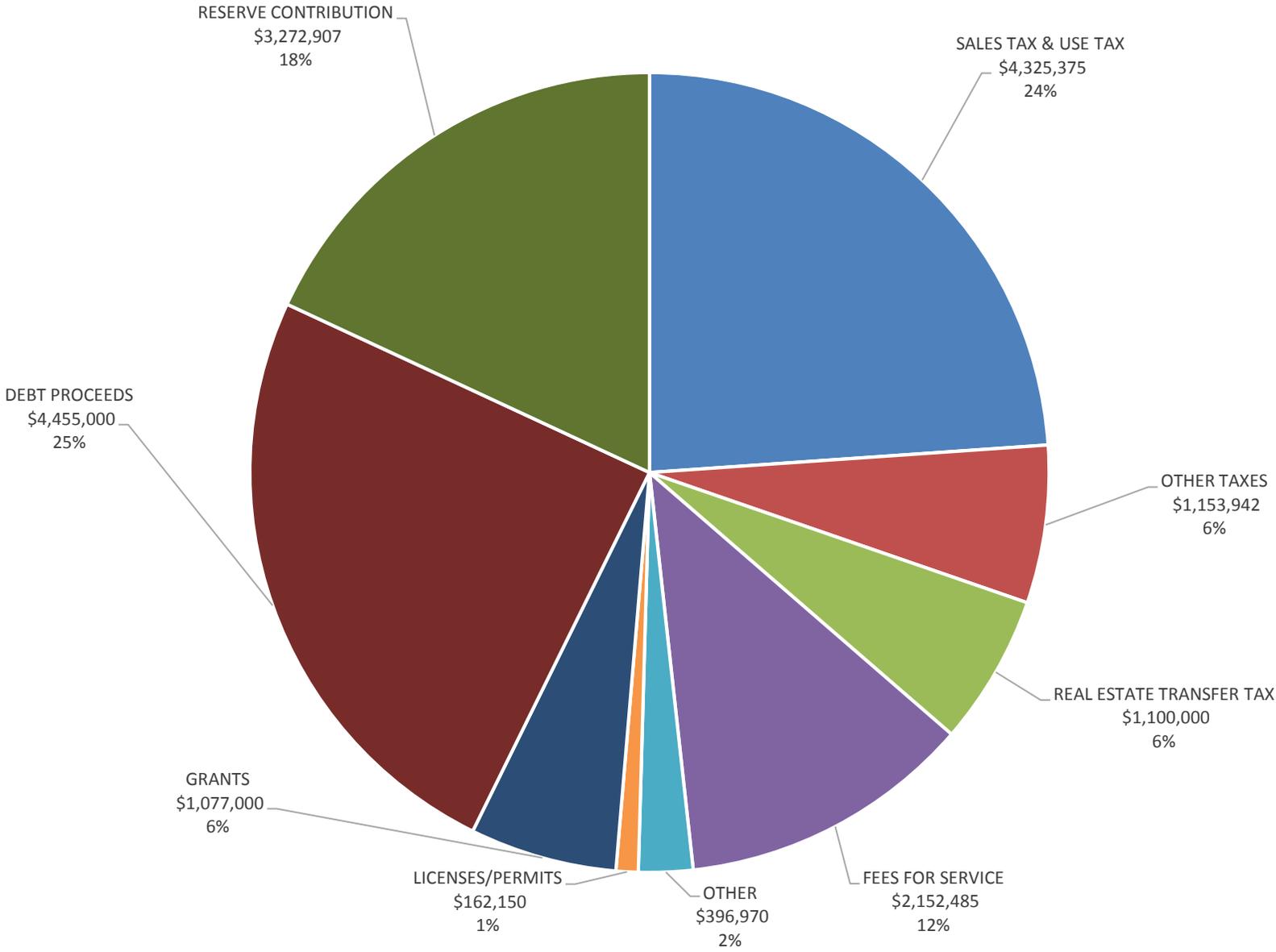
Public Works Director	Planning Director	Building & Zoning Director Capital Projects	Finance & Personnel Director	Town Clerk	Chief Marshal	Parks & Recreation Director
Water Plant Manager	GIS/Mapping Specialist	Historic Preservation Building/Zoning Coordinator	Finance Assistant	Deputy Town Clerk	Assistant 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

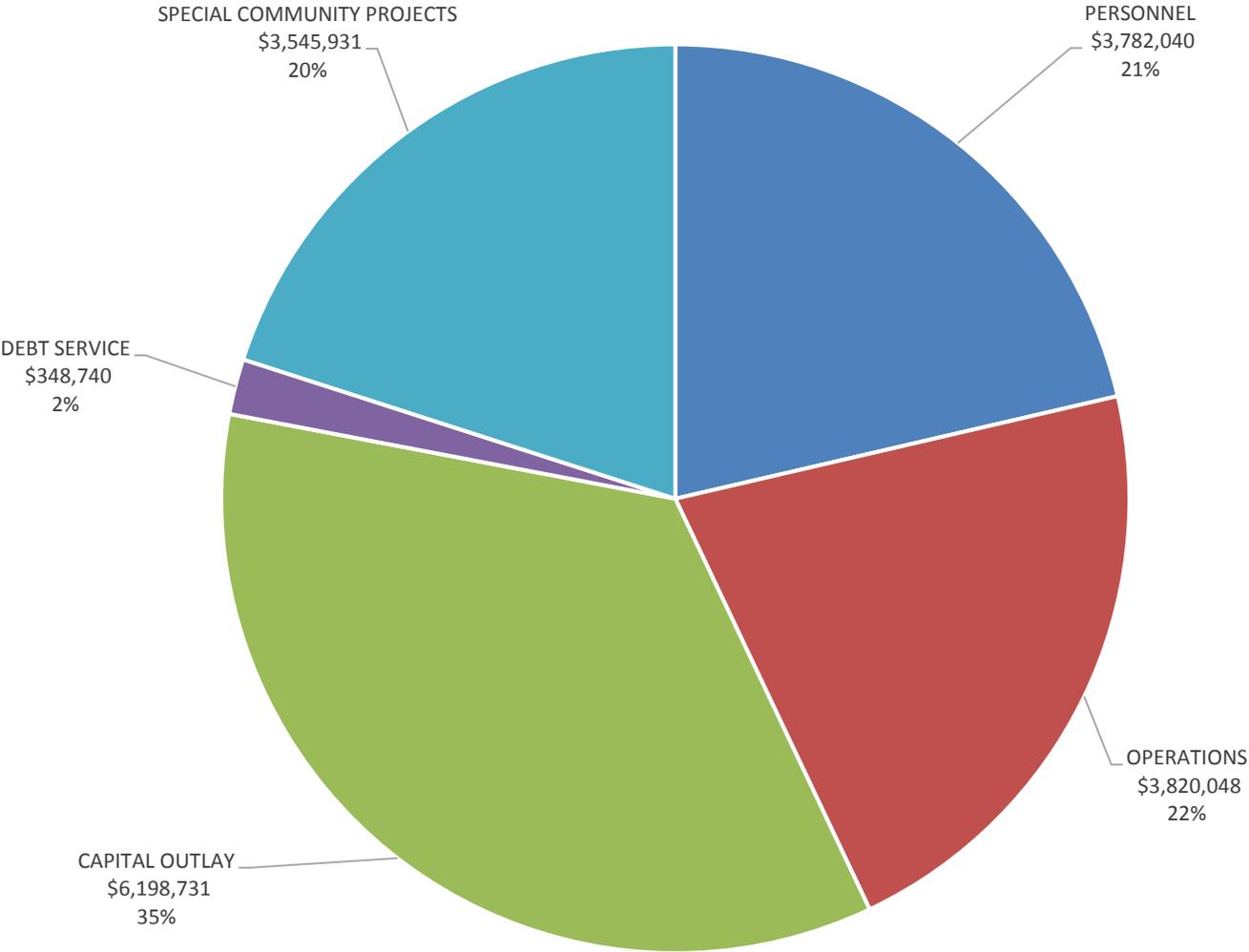


Town of Crested Butte Revenue Flow Chart
 (does not include enterprise funds)

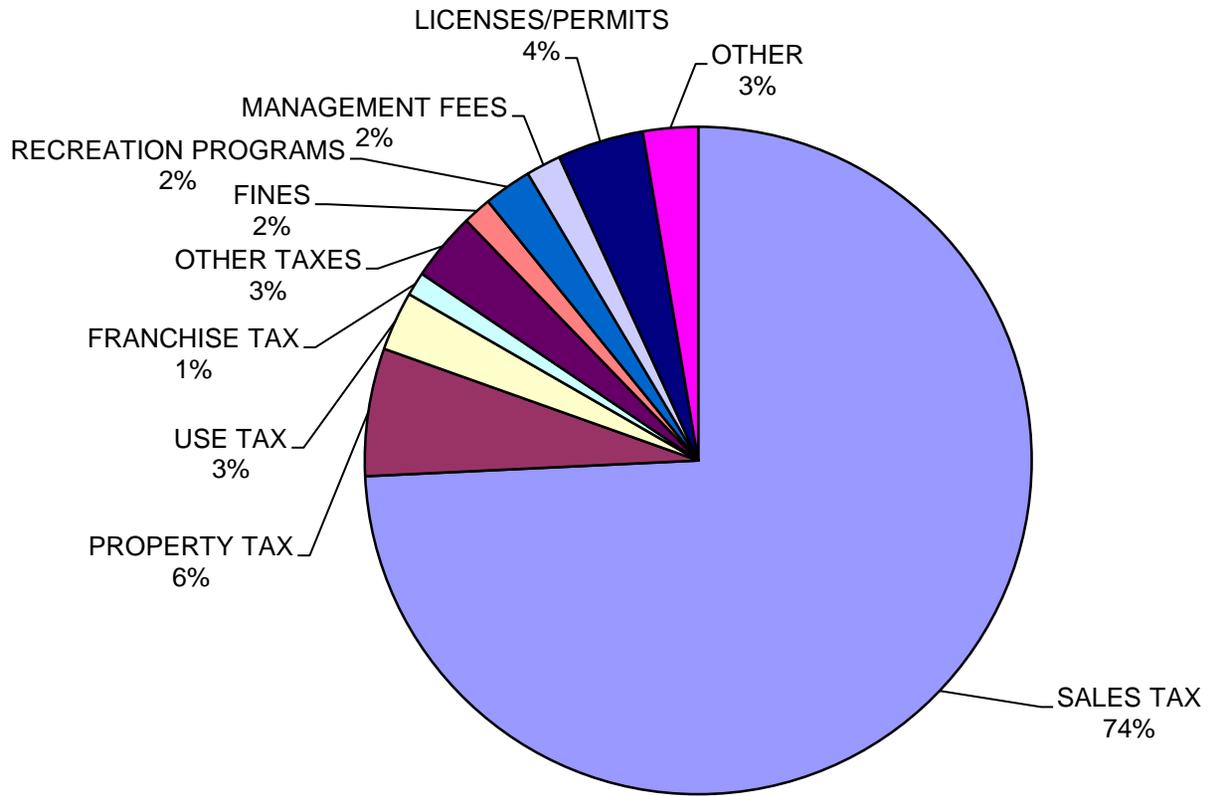
REVENUE - ALL FUNDS COMBINED 2017 BUDGET



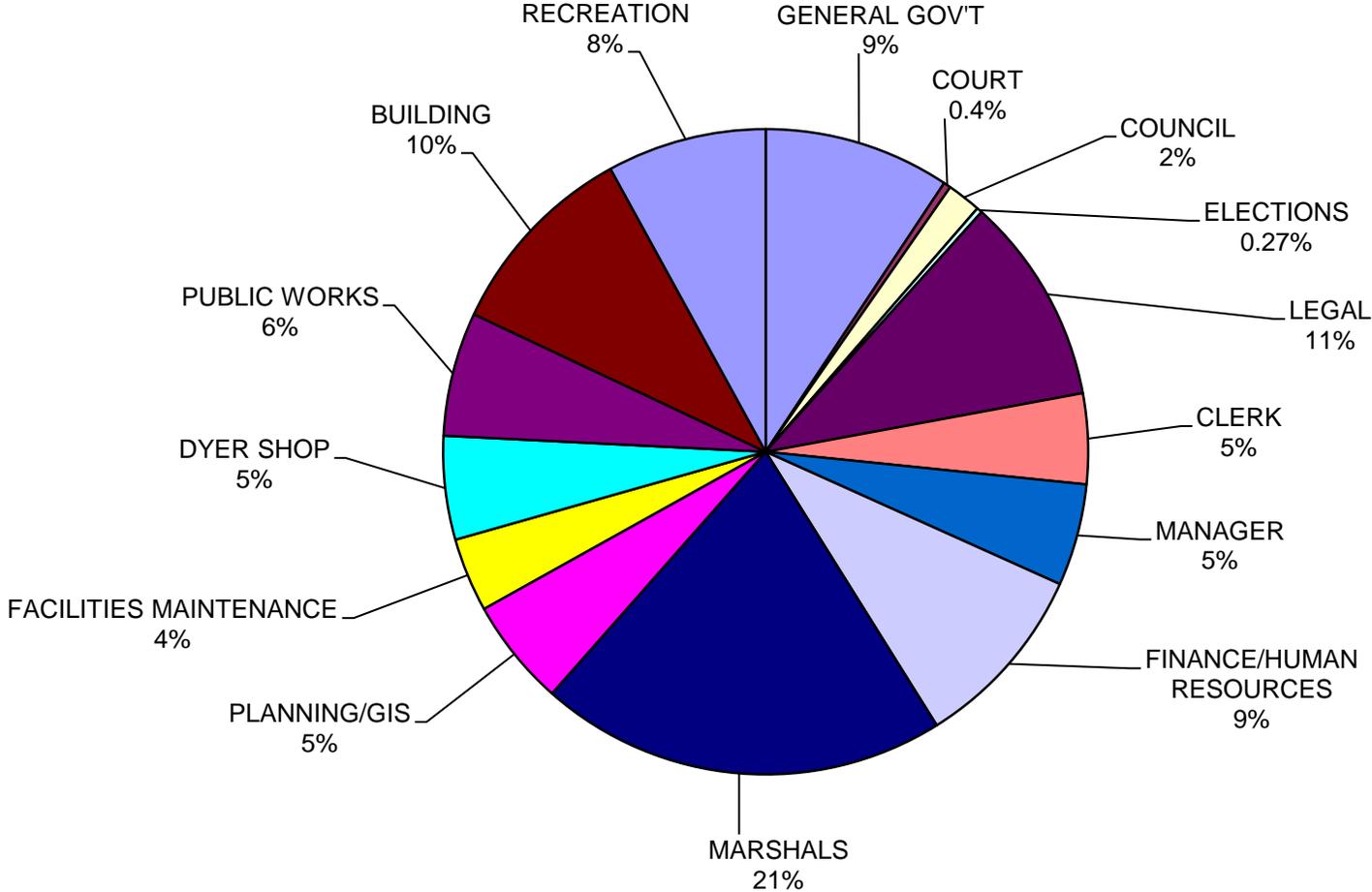
**EXPENDITURES
ALL FUNDS COMBINED
2017 BUDGET**



**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 4th 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 4th 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	74,028	(14,200)	23.7%
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	4,243,964	(551,403)	14.9%
REVENUE OVER(UNDER) EXPENSES	(102,124)	10,888	0	5,432		
SALARIES/WAGES/BENEFITS				2,567,961		
% OF GENERAL FUND BUDGET				61%		
FUND BALANCE	3,904,685	3,840,573	3,684,165	3,275,187		
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	10,500
UNEMPLOYMENT INSURANCE	109	115	115	115
WORK COMP INSURANCE	43	275	275	275
TOTAL EXPENSES	56,709	59,828	73,828	74,028
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
Water Sewer Administration				
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
TOTAL EXPENSES	460,945	468,670	456,572	482,389

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
Water				
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
Sewer				
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
TOTAL EXPENSES	638,269	700,314	714,893	661,779

TOWN OF CRESTED BUTTE				
2017 BUDGET				
WATER & WASTEWATER				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
CAPITAL				
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
2017 CAPITAL BREAKDOWN				
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
Capital Equipment:											
Vehicle - Water					30,000					30,000	
Vehicle - Wastewater		40,000		28,000							
Loader			200,000								
Skid Steer				65,000							
Jet Truck											300,000
Equipment Total	-	40,000	200,000	93,000	30,000	-	-	-	-	30,000	300,000

Wastewater Plant Capital:											
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
Wastewater total	477,500	3,346,000	303,000	307,500	140,000	150,000	200,000	275,000	275,000	2,000,000	20,000
Water System Capital:											
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						
Water Total	53,000	35,000	75,000	140,000	1,450,000	-	35,000	25,000	150,000	25,000	100,000
Total capital requests	530,500	3,421,000	578,000	540,500	1,620,000	150,000	235,000	300,000	425,000	2,055,000	420,000

* 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	
OPEN SPACE:					
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	
CAPITAL:					
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	
Expenses					
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	
PARKS					
Revenue					
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	
Expenses					
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	
Marshals Capital Equipment:	
Patrol Car	56,800
Capital Equipment:	
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
Park Capital Equipment:	
1 Ton Dump Truck	52,000
Bike Racks/Benches/Bleachers	5,000
Pickup Truck	40,000
Subtotal	97,000
Capital Projects:	
<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
Total Capital Requests:	1,283,500

TOWN OF CRESTED BUTTE						
CAPITAL FUND 5 YEAR PLAN	Projected					
	2016	2017	2018	2019	2020	2021
GENERAL CAPITAL BREAKOUT:						
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				
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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
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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
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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
PARKS/TRAILS BREAKOUT:						
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			
General Capital:	Budget								
Equipment:									
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					
Total Equipment:	\$ 410,500	\$ 140,300	\$ 62,030	\$ 122,233	\$ 322,965	\$ 160,000			
Projects:									
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									
Total Projects:	\$ 310,000	\$ 1,225,000	\$ 100,000	\$ -	\$ -	\$ -			
Total General Capital Requests:	\$ 720,500	\$ 1,365,300	\$ 162,030	\$ 122,233	\$ 322,965	\$ 160,000			

	2016	2017	2018	2019	2020	2021			
Parks/Trails Capital:									
Parks Equipment:									
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					
Total Parks Equipment	\$ 63,226	\$ 97,000	\$ 129,000	\$ 89,000	\$ 123,000	\$ 69,000			
Parks/Trails Projects:									
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						
Total Parks/Trails Projects:	\$ 163,429	\$ 58,500	\$ 497,000	\$ 585,000	\$ 75,000	\$ 544,000			
Total Parks/Trails Capital Requests	\$ 226,655	\$ 155,500	\$ 626,000	\$ 674,000	\$ 198,000	\$ 613,000			

	2016	2017	2018	2019	2020	2021			
OTHER UNSCHEDULED PROJECTS:									
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								
Total Other Project Requests	\$ 4,370,000								

**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:

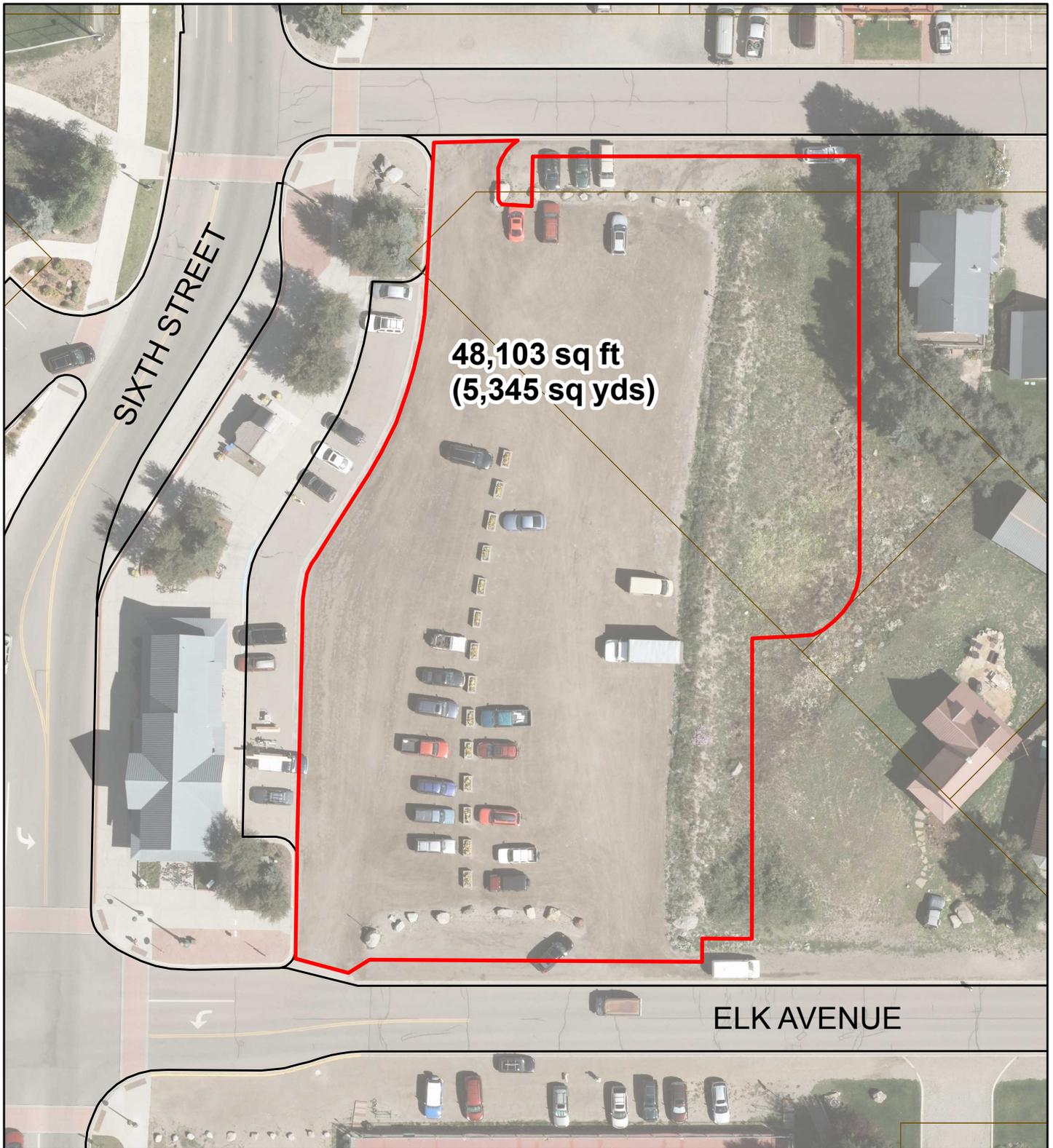
Personnel costs are based on 50% of the Public Works crew with the amount split 60/40 between snow removal and street maintenance. The remaining 50% of the Public Works crew personnel cost goes into the General Fund. 2017 wages have a projected 4% increase.

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
REVENUE:				
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
TOTAL REVENUE	1,046,156	752,760	767,783	751,663
EXPENSES:				
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
TOTAL EXPENSES	503,601	592,867	581,388	1,273,297
EXCESS REVENUE OVER(UNDER) EXPENSES	542,555	159,893	186,395	(521,634)
FUND BALANCE	1,734,761	1,896,654	1,910,156	1,303,922
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
2017 Project/Capital Detail:				
Paving Projects:				
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			

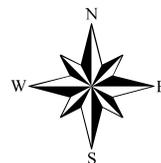




4-Way Parking Lot - Paving Project

 Parcel Boundaries

Area to be paved = 48,103 square feet





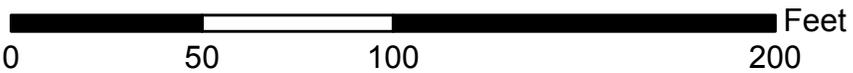
MAROON AVENUE

THIRD STREET

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

Fire Hall Parking Lot - Paving Project

Area to be paved = 11,664 square feet



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								

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 6th 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
General Obligation:							
No Issues outstanding							
Revenue Bonds:							
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
Capital Leases:							
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
2017 Anticipated Debt:							
CWRPDA Loan - Wastewater Plant			2,300,000				
RETT Bond -- Mt. Emmons Project			2,155,000				



Staff Report

November 28, 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 approving Ordinance No. 15, Series 2016.

Proposed Motion: I move to approve Ordinance No. 15, Series 2016.

**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 28, 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 approving Ordinance No. 16, Series 2016.

Proposed Motion: I move to approve Ordinance No. 16, Series 2016.

**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.

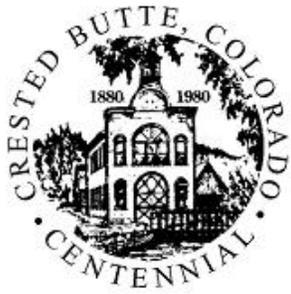
TOWN OF CRESTED BUTTE

(SEAL)

By _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



Staff Report

November 28, 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 approving Ordinance No. 17, Series 2016.

Proposed Motion: I move to approve Ordinance No. 17, Series 2016.

**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

CHAPTER 6 <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 st - additional fee	Calendar Year 2017	\$25.00
6-2-40	Late fee for renewals after March 31 st -additional fee	Calendar Year 2017	\$50.00
6-2-40	Late fee for renewals after June 30 th -additional fee	Calendar Year 2017	\$75.00
6-2-40	Late fee for renewals after September 30 th -additional fee	Calendar Year 2017	\$100.00



Staff Report

December 05, 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 30, 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.

Staff amended the ordinance, as requested by the council, to allow for an exception to hauling snow from an alley under certain circumstances. Staff changed Sec 11-1-60 (c) 3 to read:

“Snow stored on Town-owned property, public rights of way, streets and alleys shall be removed no later than April 1 of each year, **except as otherwise permitted by the Town Manager in writing.**”

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 approving Ordinance No. 18, Series 2016, as amended

Proposed Motion: I move to approve Ordinance No. 18, Series 2016, as amended

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-owned 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, except as otherwise permitted by the Town Manager in writing.

(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 the Town Manager.

(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 December 5, 2016

To: Mayor and Town Council

Thru: Dara MacDonald

From: Bob Gillie, Building and Zoning Director

Subject: Short Term Rental Regulation – Ordinance #12, 2016

Date: December 1, 2016

Attachments:

Map #1 – Existing zoning map and STR distribution within.

Map #2 – Committee zone grouping recommendation and STR distribution

Map #3 – STR distribution within all zones

Table – Zoning table with type of STR, number of STRs, and percentage of housing units in each zone.

Ordinance – Latest version of Ordinance #12, Series 2016

CML Knowledge Now publication

Summary: The Town Council held a special meeting on November 14th to continue the discussion on Short Term Rentals that has been ongoing for several months. There seems to be consensus on licensing provisions (local contact, inspections, parking, occupancy limitations, etc.). At that meeting, after hearing public comment, the Council expressed an interest in investigating what mechanisms could be implemented that would place some limitations on STRs to limit the impacts on the community. The Council directed the staff to provide more information.

The staff has identified what mechanisms have been implemented by other communities to regulate STRs and finds that they fall into the following categories.

- **Regulate by location:**

1. Zoning- utilize the existing zone structure to decide where guest housing is most appropriate and least appropriate. (Durango/Telluride/Boulder limit STRs to certain zones.)
2. Limitation by number of units by location – Basically this a cap regulation that limits the number of STRs in a specific area or zone (Durango has limited STRs to only two per block in certain zones).

- **Regulate by ownership:**

1. Allow STRs to be available to only a particular ownership category (principle or primary residence in the case of Denver and Boulder). Boulder also requires that the license holder must be a person not a trust or company.

- **Regulate by time:**

1. Limit the number of days a unit may be rented in a year [Telluride (29 days)].

- **Market Regulations:**

1. This is a hands off approach that assumes that the market will eventually limit the number of STRs. It assumes that increased fees, the inspection regime, regulatory paper work and filings will ultimately cull the number of STRs.

Location: Several jurisdictions have made the determination that Zoning may be utilized to determine where STRs are appropriate and where they are not appropriate.

- Existing Zoning (16-14-90) – The existing zoning regulations which date back to the 1990's (?) limited STRs to the then low density residential zones and mixed use zones (R1, R1A, R1C, R2, R2C, R3C and B3). They were not allowed in business (B1 except for one month, B2), commercial (C), public (P), tourist (T), multifamily (R4), and mobile home (M) zones. New zones (R1B, R1D, R1E, R2A, AO and B4) that have been added in the last 20 years are on the not allowed list probably not by design but rather lack of discussion. *See the attached map #1.* The logic for the current zoning list is likely that it was appropriate for STRs in low density residential but not in business zones and higher density local housing zones. If the current zoning list was adhered to it would put 38 units out of compliance.
- Committee Zoning Recommendation – The STR Committee proposed a variation on the zoning configuration to incorporate many of the new residential zones. *See attached map #2.* The differentiation of the zoning recommendation was to allow more STRs in the historic zones (R1C, R2C, R3C, B3, B4) and less in the new residential zones (R1, M, R1B, R1A, R1D, R1E, R2, R4) on the thinking that the new residential zones housed more locals and the historic zones were more desirable to guests. Given that the council has shown no interest in caps there is no reason to not combine the STR zones. Some business, deed restricted and public zones were made not available for STRs as in the existing ordinance (B1, C, B2, T, P, R2A, AO). Some exception were made for certain blocks in the T zone (55 and 57) that function more as high density R4 zones. In this scenario the number of non-conforming units were largely confined to the B1 zone and consists of 3 units although several more units in block 20 would like to short term.
- Ordinance #12, Series 2016 – The current licensing ordinance before the Council ignores zoning and allows any free market residential structure to house a STR.

The use of location or zoning as a criteria for allowing STRs is grounded in the concept that there may be some zones where guest accommodations are not desirable. The reasons that they may not be desirable include:

- Conflict of uses- This concern centers mostly on the B1 and C zones. Is it a good idea to have guests housed next to bars and bands or auto repair shops? Could the Town expect more complaints by allowing this and is it a good guest experience?
- Local housing zones- There are many zones in which new free market residential housing is not allowed (B1, C, B2, T, R2A). There are some old non-deed restricted housing units in these zones. One issue here is the fairness issue related to the non-deed restricted units. There will never be any short term rental opportunities in the R2A zone (Paradise Park) unless there is a policy change and to exclude it would reduce confusion.

Ownership: Some jurisdictions have made distinctions with regard to ownership, most notably Boulder and Denver. These jurisdictions allow only primary/principal residences to be short termed. Boulder also disallows corporate entities from being licensed for STRs. The underlying concept seems to be that it is okay to allow full time residents to short term rent but to discourage residential properties to be purchased and rented for largely commercial activities. How these regulations comport with law is untested.

Time: Restricting the amount of time a residence can be short termed is an option utilized by Telluride who restricts the number of times a residence can be rented in a year (3) and the total number of days to 29. Depending on the number of days that are allowed this may or may not affect the way STRs in Crested Butte operate. We are trying to determine the actual number of days most properties are actually rented. Steve Ryan has provided us with some numbers based on 13 houses he has managed for over a year in Town. The fewest number of days rented are in the 80s and tend to be houses that the owners utilize most. The high end is in the 140s with the average probably being in the 120s. The reason to consider time limitations is that it would place some upper limit on the impacts on a neighborhood. It would discourage properties from being acquired totally for commercial rental purposes. Most rentals by primary residents would probably fit within a two to three month limitation. This approach would likely avoid any perception of being not uniformly fair. The downside is that it would be difficult to enforce and may run counter to some expectations with regard to the income stream some owners have anticipated. It would also be subject to the dark house argument. There is some evidence that this practice is already occurring in Town. There were a number of rentals advertised in the paper this fall for 9 months or through May. Presumably the owners intend to either occupy or short term rent the units in the summer.

The enforcement of a limitation on days per year while difficult is not insurmountable. The staff is looking at firms that monitor STRs to help the Town determine the location and usage patterns of STRs. Undoubtedly there will be some licensees who may attempt to exceed the number of day limitation. With the help of a third party firm, monitoring by a dedicated employee, neighborhood feedback, and an enhanced penalty for exceeding the limitation the staff feels this is workable.

Market: This approach is basically a no action option. As we have seen the number of BOLT licenses for STRs increase from 170 last spring to 252 today it has been represented that a number of these licenses have been acquired as place holders given the threat of a moratorium or cap. Undoubtedly this is likely and some will lapse if the fee structure, any eventual tax and licensing regime becomes more rigorous. On the other hand even if the current number is reduced to around 200 the underlying trend to acquire and short term properties will continue as long as the market supports it. It is difficult to predict the ultimate penetration. Breckenridge was estimated to be at a 41% of housing units rate in the CAST report from 2015. The Town of Crested Butte is at 27% now. It is difficult to project the ultimate numbers.

Staff Recommendation: Given the above options for regulatory approaches. The staff recommends that the limitation on days be adopted as the primary regulatory tool. It is felt that this along with some limitation inherent in the market approach will provide a mechanism to limit the negative impacts of “unfettered” STR growth. This approach, it is felt, is an even handed approach and provides uniform regulations that are more defensible. On the other hand it allows

reasonable income potential to be realized by private property owners that is in line with current use practices but caps the ability to purchase residential properties and operate them solely as an income generating commercial operation to help fund a real estate investment. The understanding is that STRs will be more strictly monitored, regulations enforced and that the rule set may be amended down the road to react to market changes and unintended consequences or increased negative impacts created by STRs.

Ordinance # 12 Revised Draft:

Attached to this memo you will find a revised draft of Ordinance #12 that incorporates changes requested by the Council from the November 14th meeting. This is a work in progress and is not yet ready to be set for public hearing. The Council needs to give direction on several issues for incorporation into the ordinance.

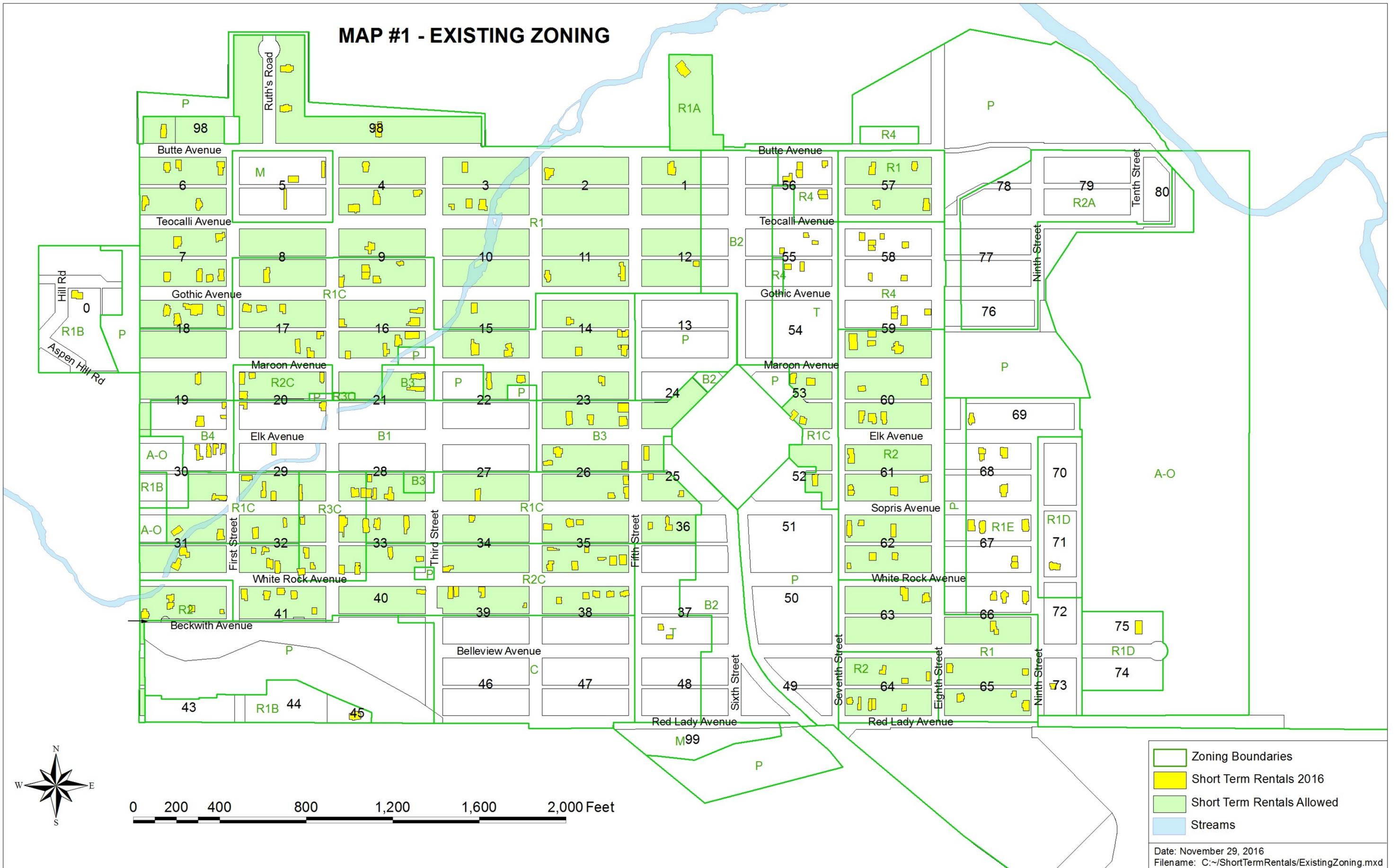
Council Decision Points-

1. Does the Council wish to pursue the regulatory path of time limitation on the use of STRs? If so what number of days does the Council wish to set this limitation at: 60, 90, 120?
2. Does the Council wish to pursue a zoning component to the regulations? The Council may decide to make STRs available to all unrestricted residential units. The Council may decide to eliminate specific zones from STR availability based upon conflict of uses or preservation of local housing concerns. In any case, Section 2 of Ordinance 12 that deals with existing section 16-14-90 in the zoning codes needs to be addressed. The Council may either:
 - Amend Section 16-14-90 by deleting it in its entirety or have it reference the licensing provision in Chapter 6.
 - Pick out certain zones to make STRs unavailable. The short list would include P, AO, and R2A. It could be expanded to include C and B2. All these zones are primarily local deed restricted housing or public zones that currently have no STRs in them.
 - Heavily rely on zoning to control STRs and engage in a discussion that expands the zoning list possibly discussing individual block within zones and how to deal with non-conforming BOLT licenses that currently exist.
3. Does the Council wish to add penalty provisions addressing violations of the code in excess of non-licensing contemplated in Section 6-6-50? Currently this is penalty defined as loss of license for two years. It could be expanded to cover any violations of the code including renting in excess of any number of days limitation.
4. Does the Council wish to address room rentals different than other full unit STRs? The inherent difference is that a manager will always be on site to manage education and issue mitigation. Time limitations with regard to rooms would have to be discussed with regard to its application to individual rooms and would be more difficult to control.

Depending on what direction the Council goes Ordinance #12 will need revision. The staff needs to get direction from the Council on the above questions and any other changes the Council may have.

Proposed Motion: I move to continue first reading of Ordinance #12, Series 2016 until December 19th (?) and direct the staff to make the following changes.

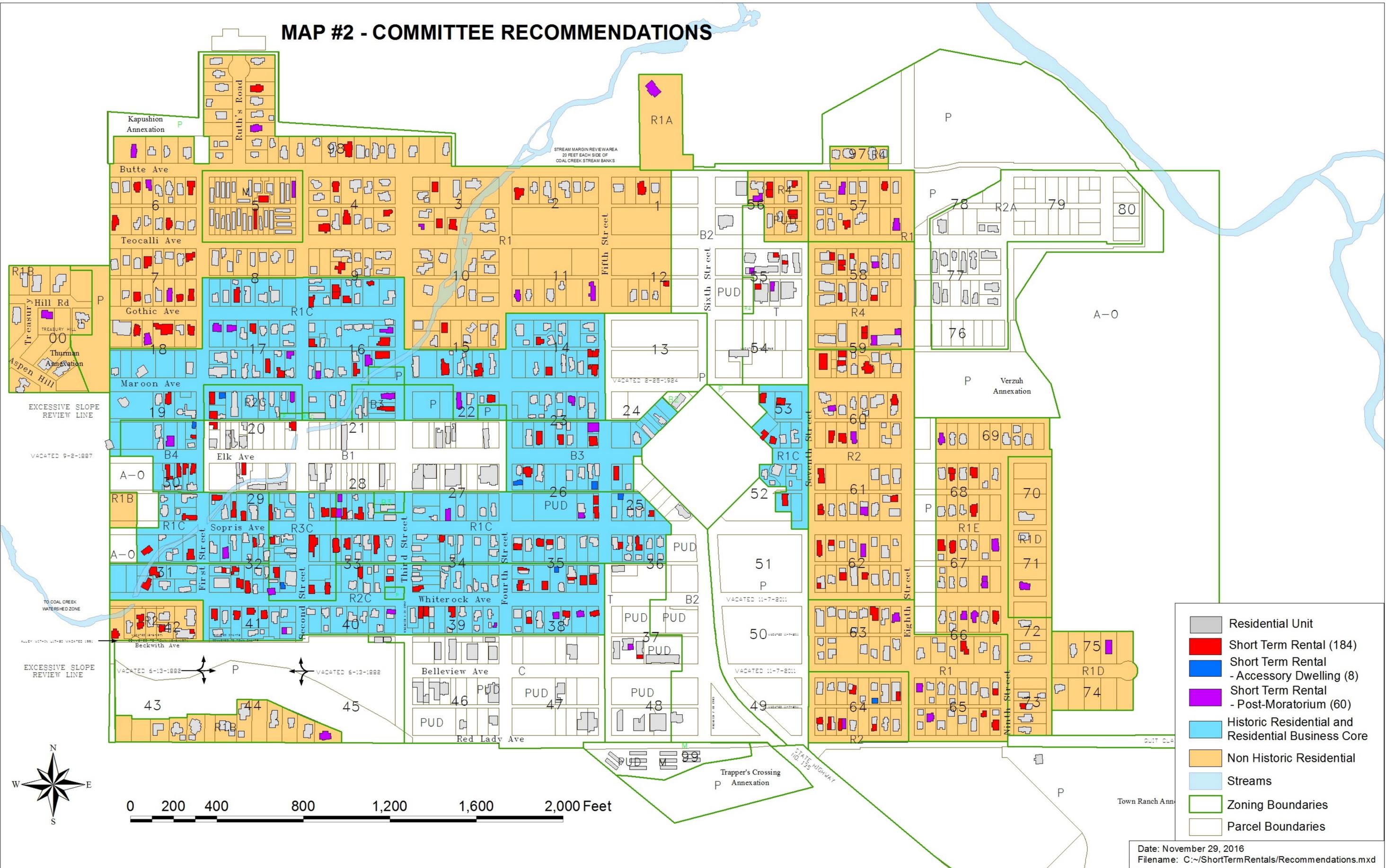
MAP #1 - EXISTING ZONING



- Zoning Boundaries
- Short Term Rentals 2016
- Short Term Rentals Allowed
- Streams

Date: November 29, 2016
 Filename: C:\~/ShortTermRentals/ExistingZoning.mxd

MAP #2 - COMMITTEE RECOMMENDATIONS



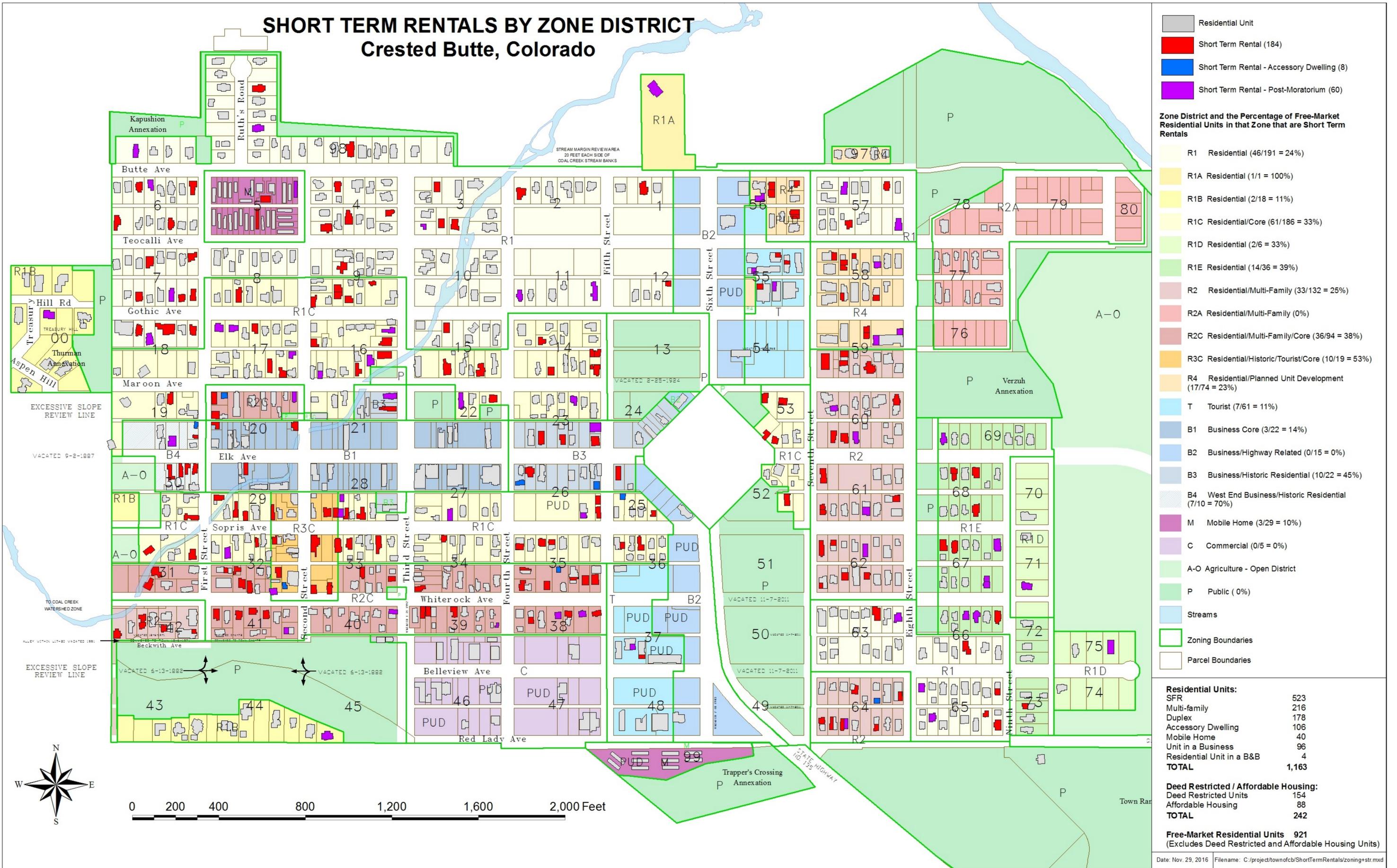
- Residential Unit
- Short Term Rental (184)
- Short Term Rental - Accessory Dwelling (8)
- Short Term Rental - Post-Moratorium (60)
- Historic Residential and Residential Business Core
- Non Historic Residential
- Streams
- Zoning Boundaries
- Parcel Boundaries

Date: November 29, 2016
 Filename: C:/~/ShortTermRentals/Recommendations.mxd

NOTE: This map is not to be used for survey or legal description purposes

SHORT TERM RENTALS BY ZONE DISTRICT

Crested Butte, Colorado



NOTE: This map is not to be used for survey or legal description purposes

Percentage of Primary Dwelling Units that are Short Term Rentals (by zoning district) 11/10/2016

Zone	SFR	ACC_DWELL	DUPLEX	MULTI	MOBILE	CM/RS	B&B	TOTAL	STRs	#DRR	DRR Unit Type	#AH Units	# Free Market Units	% Primary Res. Units that are STRs
R1	180	22	12	0	1	0	0	215	46	19	19 ADU	5	191	24%
R1A	1	0	0	0	0	0	0	1	1	0			1	100%
R1B	18	3	0	0	0	0	0	21	2	3			18	11%
R1C	143	37	22	7	0	1	1	211	61	25	24 ADU, 1 Duplex Unit		186	33%
R1D	6	0	0	0	0	0	0	6	2	0			6	33%
R1E	33	6	10	0	0	0	0	49	14	6	1 SFR, 5 ADU	7	36	39%
R2	26	5	72	35	0	1	0	139	33	7	4 ADU, 3 Duplex Units		132	25%
R2A	5	1	18	0	0	0	0	24	0	1	1 ADU	23	0	0%
R2C	63	20	16	14	0	0	0	113	36	19	19 ADU		94	38%
R3C	15	3	2	0	0	2	0	22	10	3	3 ADU		19	53%
R4	2	0	26	62	0	0	0	90	17	6	6 Multi-units	10	74	23%
T	1	0	0	87	0	9	3	100	7	9	1 SFR, 1 Multi, 7 CM/RS	30	61	11%
B1	10	0	0	0	0	28	0	38	3	16	16 CM/RS		22	14%
B2	0	0	0	8	0	9	0	17	0	2	2 CM/RS		15	0%
B3	11	5	0	0	0	11	0	27	10	5	2 ADU, 3 CM/RS		22	45%
B4	9	4	0	0	0	0	0	13	7	3	3 ADU		10	70%
M	0	0	0	0	39	0	0	39	3	0		10	29	10%
C	0	0	0	0	0	35	0	35	0	30	30 CM/RS		5	0%
A-O	0	0	0	0	0	0	0	0	0	0			0	0%
P	0	0	0	3	0	0	0	3	0	0		3	0	0%
TOTAL	523	106	178	216	40	96	4	1163	252	154		88	921	

PERCENTAGE OF FREE MARKET UNITS THAT ARE SHORT-TERM RENTALS			
Non-Historic Residential Zones	118	487	24%
Historic Residential and Business Core Zones	124	331	37%
Entire Town	252	921	27%

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

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, on September 26, 2016, the Chairperson of the Crested Butte Short-Term Rental Committee (the "**Committee**") presented to the Town Council during a Special Meeting a Town Staff Report regarding the Committee's findings and recommendations respecting the impacts of short-term rentals (a/k/a "**vacation rentals**") of residential structures and the regulation thereof in Crested Butte;

WHEREAS, during such Special Meeting, after presenting the Committee's findings as detailed in the Town Staff Report, the Committee and Town Staff made 14 recommendations regarding the Town's regulation of vacation rentals of residential structures;

WHEREAS, the Committee's recommendations addressed neighborhood impacts, community impacts and process regarding the regulation of vacation rentals of residential structures;

WHEREAS, the Committee's recommendations also addressed the adoption and implementation a vacation rental licensing program directed toward ensuring the health, safety and welfare of the residents and visitors of Crested Butte through the licensing of vacation rentals of residential structures;

WHEREAS, the Committee's recommendations contemplated that a collateral benefit of implementing a vacation rental licensing program would be the collection of vacation rental of residential structures use data to determine the impact of vacation rentals on neighborhoods;

WHEREAS, the Town Council, after hearing the presentation by the Committee, and receiving informal public comment from the community at the September 26 Special Meeting, finds that adopting a vacation rental licensing program that will ensure the health, safety and welfare of the residents and visitors of Crested Butte through the permitting of vacation rentals of residential structures is in the best interest of Crested Butte, its residents and visitors alike; and

WHEREAS, for the foregoing reasons, the Town Council hereby finds that the

amendments to the Town of Crested Butte Municipal Code (“Code”) set forth herein below are in the best interest of Crested Butte, its residents and visitors alike.

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

Section 1. Adding a New Article 6 to Chapter 6 of the Code. A new Article 6 is added to Chapter 6 of the Code and shall read as follows:

“Vacation Rental Licenses

Sec. 6-6-10. Purpose.

The purpose of this Article shall be to require the licensing of residential structures used as vacation rentals by ~~transients~~visitors. Such licensing shall provide the Town with necessary information relating to the operation of residential structures used for vacation rentals in order to protect the health, safety and welfare of the residents and visitors of Crested Butte.

Sec. 6-6-20. Effective Date.

This Article shall be effective commencing on January 1, 2018, and shall govern all applications submitted to the licensing official for the licensing of vacation rentals. Prior to such date the owner of an existing vacation rental must make application for a vacation rental license as described herein. Any property operated as a vacation rental after such date without a vacation rental license shall be in violation of this Article.

Sec. 6-6-30. Definitions.

Licensing official means the Town building official or such other officers as designated by the Town Manager.

Vacation rental means a residential structure leased or rented by transients for a period of less than 29 consecutive days in duration. Vacation rentals do not include bed and breakfasts, condo hotels, hotel or lodges, motels or short-term residential accommodations as defined in this Code.

Vacation rental type includes:

- (1) Vacation Rental Unlimited: a residential structure available for lease or rent for terms of less than 29 days for unlimited days in any calendar year.
- (2) Vacation Rental Limited: a residential structure available for lease or rent for terms of less than 29 days, but no more than 60 days total in any calendar year.
- (3) Vacation Rental Room: a residential structure where no more than two rooms are rented for terms of less than 29 days for an unlimited number of days in any calendar

year and that serves as a residence for one or more persons.

Sec. 6-6-40. Vacation Rentals Allowed.

Vacation rental licenses may be issued only where residential occupancy is permitted in the proposed vacation rental premises, provided that the issuance of any such license may not frustrate any limitation on use of the proposed vacation rental premises such as a deed restriction or other covenant.

Sec. 6-6-50. License Required; Compliance.

(a) It shall be unlawful and a violation of this Article for any person to use any residential structure as a vacation rental without first having obtained a vacation rental license from the licensing official. All vacation rentals shall strictly comply with the requirements of the Code.

(b) Any ~~property licensee~~ found to be operating a vacation rental without a license after January 1, ~~2017-2018~~ shall be ordered to cease such activity at that property and will be denied any new license for a period of ~~one year~~two years.

Commented [DM1]: Incorporating Council's changes regarding person versus property and increasing penalty to two years. Also contemplating situation where an individual holds more than one license...

Sec. 6-6-60. Application.

Application, whether initial or for any renewal, for a vacation rental license shall include the vested title property owner's name and address, property address, maximum occupancy of lease or rental guests, owner representative and contact information, parking plan for guests, acknowledgement of payment of all taxes and be accompanied with the required application fee, whether initial, renewal or transfer, by vacation rental type. The vested title property owner shall be the licensee for the vacation rental license. Application fees shall be set by annual resolutions of the Town Council. Vacation rental licenses shall have a term of two years and, subject to the requirements of this Article, may be renewed annually for an additional two-year term after such term.

Sec. 6-6-70. Issuance and Renewal.

(a) Applicant may appeal the licensing official's decision to issue, issue with conditions, renew, renew with conditions, suspend, revoke or deny the vacation rental license. Such appeal shall be filed with the Town Clerk in writing within 15 days of the licensing official's decision being appealed and shall be heard by the Town Manager within 30 days of receipt of applicant's appeal. The appeal shall be noticed at the Town's posting places. The Town Manager shall render a decision on the issues appealed within 15 days of the hearing of the appeal. The decision of the licensing official (if not appealed), or of the Town Manager (if appealed), shall be the final decision of the Town for purposes of judicial review.

(b) The licensing official shall deny any application, whether initial or for any renewal, where the application and supporting documentation do not establish the vacation

rental's conformity with the requirements of Code. The licensing official may also deny any application that contains false, misleading or incomplete information, and for good cause shown.

(c) At least 14 days prior to issuing or renewing a vacation rental license, the ~~Applicant Town~~ shall, in a format provided by the Town, notify all owners of real property within ~~200-100~~ feet of the property that is the subject of the vacation rental license of their opportunity to make comment on the application, whether initial or renewal, for the Town's consideration in such issuance.

Sec. 6-6-80. Suspension and Revocation.

A vacation rental license may be suspended or revoked by the licensing official for failure to comply with this Article. The applicant of such vacation rental license may appeal the licensing official's decision to suspend or revoke the vacation rental license. Such appeal shall follow the process outline in Section 6-6-80 hereof. The suspension or revocation of the vacation rental license shall not be deemed a prerequisite to the institution of enforcement proceedings as described elsewhere in the Code. The proper and timely filing of an appeal with the Town Manager shall temporarily stay the suspension or revocation of the vacation rental license pending the outcome of the appeal before the Town Manager unless the licensing official verifies in writing to the Town Manager that a stay will pose an immediate threat to the safety of persons or property or defeat the purpose of the suspension or revocation in the first instance, in which event a stay shall not enter.

Sec. 6-6-90. No Transfer.

Vacation rental licenses attach only to the property for which they are issued and are non-transferrable upon sale or other transfer of ownership of the vacation license property. Upon such transfer of ownership, the new owner of the vacation rental shall apply for a vacation rental license if they wish to continue the activity.

Sec. 6-6-100. Lodging and Sales Tax.

The owner of a vacation rental shall cause lodging tax and sales tax to be collected and remitted to the Town.

Sec. 6-6-110. Business Occupation License.

The owner of a vacation rental must possess a current Town business license. The business license must be renewed annually where the owner desires to let the property as a vacation rental. A vacation rental license may be denied or revoked if the owner of the vacation rental does not have a current business license.

Sec. 6-6-120. Bi-Annual Inspection.

All vacation rentals are subject to inspection every other year, or for cause. Vacation rental licenses may be limited, suspended, revoked or not renewed by the licensing official if all conditions and requirements of the vacation rental license and the Code are not met.

Sec. 6-6-130. Administration.

(a) The licensing official shall prescribe forms and make reasonable rules and regulations in accordance with the Code for, without limitation, application requirements, inspect all vacation rentals, verify the capacity and safety of such vacation rentals and administer and enforce the requirements of this Article and the Code in the issuance of all vacation rental licenses.

(b) Applicants must pay their license fee at the time of application, whether initial or renewal.

Sec. 6-6-140. Licensee Duties.

It shall be the duty of the owner of the vacation rental to ensure the following:

(1) Obtain a renewal of the vacation rental license annually, if the property remains a vacation rental.

(2) Cause the vacation rental to comply with the Code continuously and without interruption.

(3) Promptly notify the licensing official upon any change of local contact.

Sec. 6-6-150. Local Contact.

All vacation rental licenses shall include a local responsible contact person capable of physically responding to issues that may arise at the vacation rental within one hour of the initial attempt to contact the vacation rental owner. The local contact must have physical access to the vacation rental and be authorized to make decisions regarding the vacation rental on behalf of the owner.

Sec. 6-6-160. License Number Display.

Every vacation rental license shall be issued a unique number. The vacation rental license number shall be displayed in all advertisements for the rental of the property. Advertisements for the vacation rental shall include any act, regardless of medium, of drawing the public's attention to the vacation rental in order to promote the availability of the vacation rental.

Sec. 6-6-170. Parking Required.

All vacation rentals must keep and maintain off street parking approved in conjunction with any Town land use approval for the vacation rental property and made available for year-round use by vacation rental tenants.

Sec. 6-6-180. Maximum Occupancy.

The maximum occupancy of any vacation rental is 10 people. Occupancy may be adjusted following physical inspection of the vacation rental. The basis for the occupancy determination shall be an allowance of two occupants per legitimate bedroom plus two additional occupants. Any increase above 10 people in a vacation rental shall include an on-site parking space for each four potential occupants (or part thereof) in addition to any parking required by this Article. Such parking requirements shall be in addition to any other parking requirements that must be satisfied under the Code.

Sec. 6-6-190. Renter Requirements.

Each vacation rental shall prominently display on site and available to all renters the rules and regulations of the Town that apply to the occupancy of the vacation rental. Such information shall include information pertinent to the neighborhood where the vacation rental is located including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash disposal, storage and collection schedule, relevant water restrictions and any other information as required by the licensing official.

Sec. 6-6-200. Violation.

(a) Violations of this Article shall be enforced pursuant to Chapter 1, Article 4 of the Code.

(b) All amounts due and owing the Town in connection with any violation of this Article shall constitute a first priority lien on the vacation rental property and may be collected by any means including by way of those matters addressed in Section 4-8-10 of the Code.”

Section 2. Replacing Section 16-14-90. Section 16-14-90 is hereby deleted in its entirety and replaced with the following new Section that shall read as follows:

“Sec. 16-14-90. Limitation on Leasing.

(a) In the __, __, __, __, __... and __ Districts, short-term rentals shall be allowed, provided that the owner obtains a vacation rental license for such use from the Town as required under Chapter 6, Article 6 of the Code.”

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.

[Remainder of Page Intentionally Left Blank;
Signature Page to Follow]

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]

The Knowledge Now series features practical research on timely topics from the Colorado Municipal League.

SHORT-TERM RENTALS: MUNICIPAL BEST PRACTICES IN COLORADO

Short-term rentals (STRs) are residential properties that are rented to a visitor for fewer than 30 days. As the popularity of short-term rental properties continues to grow, the issues they create for municipal governments are growing as well. Municipal officials find themselves dealing with citizens' concerns about residential neighborhood integrity, unfair business competition, housing safety, and availability of affordable housing. Cities and towns are also seeking to collect sales and lodging taxes generated by this new business activity. Municipalities in Colorado and across the nation are handling STR issues in many ways. Austin, Texas, limits STRs to no more than three percent of non-primary residences in any census tract. San Francisco requires an adequate amount of insurance coverage. Portland, Oregon's ordinance states that STR operators must occupy the residence for at least nine months of the year. Santa Monica has created an enforcement department dedicated to policing STRs. A 2015 National League of Cities (NLC) study showed 13 percent of municipalities have adopted ordinances specifically regulating short-term rental properties, five percent have banned the practice, 24 percent are handling STRs through existing business regulations, and 58 percent have not addressed the issue.

Internet platforms have fueled the rapid expansion of STRs from a



service focused on renting spare rooms in private homes to the creation of local businesses which own houses that are used exclusively for short-term rentals. Rental data and analytics firm Airdna estimates that more than 22,000 homes and apartments in Colorado are listed with Airbnb — a leader in the online listing business. The top five municipalities with listings are Denver, Breckenridge, Steamboat Springs, Boulder, and Vail. More than 16,000 Colorado listings are posted on rival VRBO. Thousands more are listed on the many other Internet listing services.

There is no one-size-fits-all answer for municipalities in regulating short-term rentals. Do you limit STRs to a primary residence? Do you cap their numbers in residential zones? Do you enter into an agreement with the Internet listing company to collect and remit taxes?

How do you effectively enforce regulations? The NLC study concludes with sound advice: "As city officials prepare to modify regulations or develop new ordinances or legislation to fit the sharing economy they must balance issues of innovation, economic development, tourism, equity, access, and safety. At the same time, they must be mindful of the processes they put in place to understand these new businesses, engage the right stakeholders, share ideas for new regulations, capture and analyze new data, and develop implementation strategies."

Cities and towns across Colorado have enacted ordinances that regulate short-term rentals in ways that meet their community's needs. This *Knowledge Now* profiles four different approaches.

SHORT-TERM RENTALS IN BOULDER

By Thomas Carr, Boulder city attorney



On Sept. 29, 2015, Boulder City Council passed ordinance 8050 legalizing and regulating short-term rentals. The ordinance was effective Jan. 4, 2016, contingent on the voters passing a ballot measure extending the city's accommodations tax to short-term rentals. The voters approved a 7.5 percent tax on short-term rentals and the ordinance went into effect.

Boulder's ordinance is based on code provisions regulating properties rented for more than 30 days, which has been in place since the 1990s. The short-term rental code requires a license for all short-term rentals. The rental property must be the owner's principal residence. The address must appear on the owner's voter registration, auto registration or as the address at which the owner's children are registered for school. The owner must be a natural person and the owner's name must appear on the deed for the property.

On Dec. 6, the city council will be considering an amendment to allow short-term rental of properties held in a living trust. The property must



have smoke and carbon monoxide detectors, but the life safety inspections required for long-term rentals are waived for all short-term rentals except those in accessory units. All advertisements must include the short-term rental license number. A property can only have one short-term rental license. If there is an accessory unit on the property, either the main

residence or the accessory unit may have a license, but not both.

Occupancy is limited to either three or four unrelated persons depending on the zoning. A group of related persons is counted as one person. Short-term rentals are not permitted in affordable housing units. Accessory units may only be rented as short-term rentals for 120 days in any calendar year.

BRECKENRIDGE: A PIONEER IN SHORT-TERM RENTALS

By Leslie Fischer, Breckenridge accounting services manager

Short-term rentals (STR) are nothing new to the Town of Breckenridge. The Town has historically embraced and thrived with the widespread practice of STRs since boarding houses in the 1850s and their revival in popularity with the opening of the ski area in 1961.

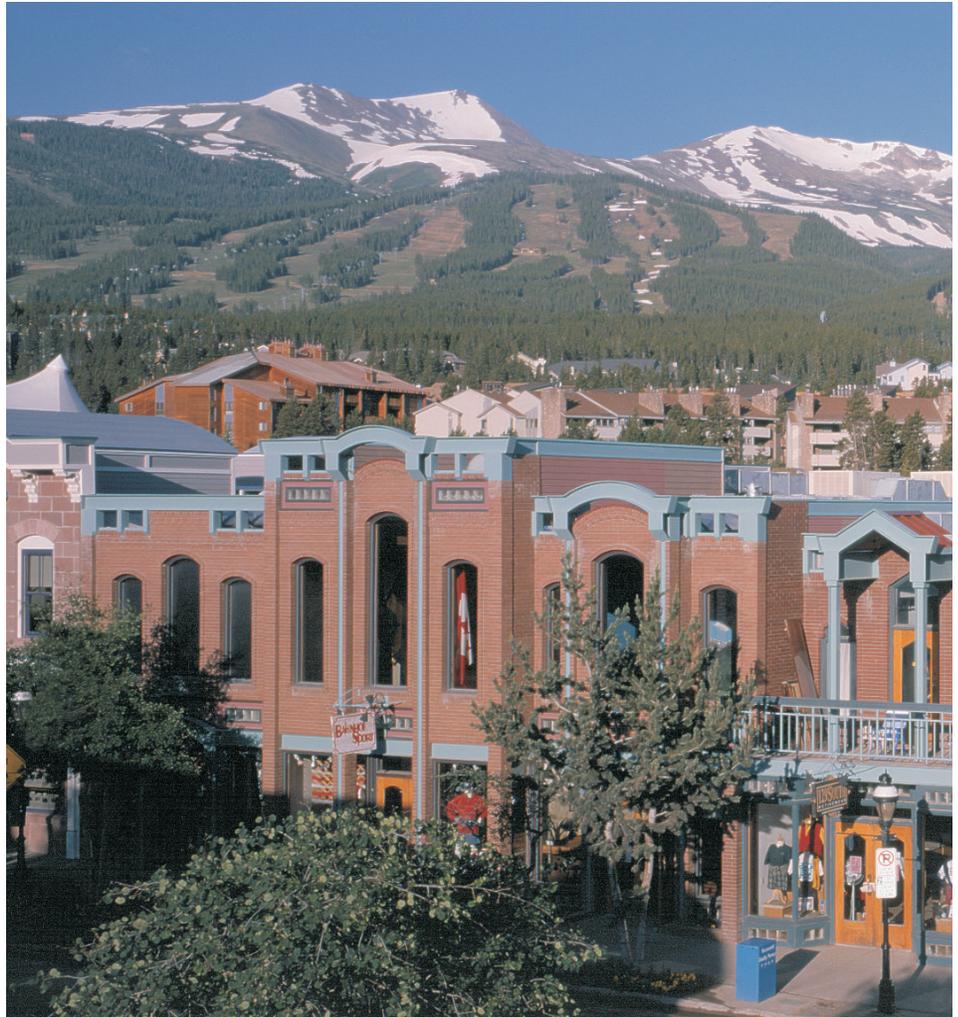
Breckenridge currently has a population close to 4,700 — yet sustains 3,345 accommodation unit licenses, six hotels, and three bed and breakfasts. Clearly STRs are vital to the economy of the Town. Combining sales, accommodations, and marijuana taxes — lodging services provide 40 percent of Town revenue. At the same time, the Town wants to ensure that long-term housing is available for the local workforce.

To that end, the Town has proposed a 2017 budget of more than \$19 million for the Affordable Housing Fund. The Town is also pursuing incentives for property owners to rent long-term. The “Housing Works” program, organized by a local nonprofit, is designed to match local families earning moderate household incomes with property owners who are either tired of dealing with the STR market or want to offer their home for long-term rental for the first time.

STR regulation in Breckenridge began in 1984 when the tax structure of collecting the town sales tax (currently 2.5 percent) and the Town accommodations tax (currently 3.4 percent) was applied to STRs. Together with state, county, and affordable housing sales taxes, the total tax on short term rentals is 11.675 percent.

The Breckenridge Municipal Code includes the following:

- Tax is collected on the purchase price of lodging, as well as any mandatory service charges required of the renter.
- Tax must be remitted directly to the Town and not be passed on



to another party such as a property manager.

- Tax charges must be listed separately on the bill presented to the consumer.
- Breckenridge recognizes that STRs are engaged in business. As a result, all property owners of STRs are required to pay an annual occupational license tax (aka Accommodation Unit License). The tax ranges from \$75 to \$175 annually, depending upon the number of bedrooms in the property. By requiring licensing (regardless of tax remittance), the Town is able to match online listings with the licensed owners.
- Breckenridge does not impose zoning restrictions on STRs, with the exception of prohibiting short

term rental of deed restricted workforce housing.

- Outside of the norm for residential properties, no additional restrictions are placed on STRs simply due to STR activity at the property (such as building inspections or additional safety regulations).
- STRs may be either a primary or non-primary residence and there is no occupancy limit imposed.

Even through these times of change, short-term rentals continue to play an important role in welcoming visitors to Breckenridge.

“ ... You better start swimming or you'll sink like a stone. For the times they are a-changing.”

— Bob Dylan

DENVER'S APPROACH TO SHORT-TERM RENTALS

By Luke Palmisano, aide to Denver Councilwoman Mary Beth Susman



Denver's approach to short-term rentals sought to craft 21st century solutions to 21st century concerns. We wanted solutions to protect the safety of guests and hosts while balancing the needs of neighbors, hosts, guests, hoteliers, and the city.

All short-term rentals (STRs) were illegal in solely residential zones prior to Denver's regulations. Actually the term "short-term rental" did not appear in our zoning code, but rental of residential units required at least a 30-day term.

The key components of Denver's regulations include a licensing requirement, an assessment of lodger's taxes (10.75 percent), measures to protect the safety of guests and hosts, and conditions that seek to ensure compliance. Denver requires hosts to obtain a short-term rental license through the Department of Excise and Licenses (EXL). The fee for the STR license is \$25 renewed annually. The tax license is \$50 renewed biennially.

STRs are an accessory use wherever residential uses are allowed; therefore the host does not need a zoning permit. The unit must be the primary residence of the host (whether owned or rented), certified by driver's license, voter registration, and other means. An



inspection is not required to obtain a license. Hosts do not need to be present while renting their dwelling.

Hosts must have a carbon monoxide detector, smoke detector, and fire extinguisher. They must also provide guests with an information packet that includes noise ordinance regulations, trash pick-up dates and rules, local contacts, and other information.

An important goal was to create a simple enough process that would induce the greatest compliance rate because licensing gives us the best route to enforcement. To further that end, Denver is the first municipality in the nation to offer a short-term rental

licenses completely online. Applicants affirm their primary residence status, presence of equipment and materials all online, under penalty of perjury.

To aid in enforcement, Denver's STR ordinance requires the licensed host to post the license number on all advertising. This provides EXL the ability to spot check STR listings on all venues/platforms for compliance. If a listing does not include a license number EXL pursues compliance.

All permitting of STRs can be prohibited by landlords and homeowners associations. Apartment complexes with "guest suites" are exempt from needing licenses.

DURANGO ADDRESSES SHORT-TERM RENTAL ISSUES

By Mary Beth Miles, Durango assistant to the city manager/sustainability coordinator

Checking in for a night's stay no longer requires going up to the welcome counter to produce your ID and credit card. With the arrival of Airbnb, VRBO, and HomeAway, lodging options have changed forever.

That is why the City of Durango recognized the need to address the impacts of short-term rentals in 2014. The policy adopted by the City Council focused on preserving residential and neighborhood character; ensuring collection of sales and lodging taxes; and requiring compliance with basic health and life safety regulations.

Durango's policy balances short-term lodging needs with the need to maintain and provide adequate housing options for full-time residents. The challenge is exacerbated by a 1.2 percent rental vacancy rate in an already strained housing market. As a tourist destination, Durango's economy benefits from visitors who contribute to the local economy. Property owners recognize the income potential of the short-term rental market. Thus, Durango developed an innovative policy solution that simultaneously balanced rental market pressures, the sharing of residential real estate, and income potential for local property owners.

The short-term rental regulations seek to maintain neighborhood character, vitality, and vibrancy by ensuring that land uses are compatible. Durango only allows short-term rentals in limited zones, employs a street segment cap



that restricts short-term rentals to only one per block face, and requires all short-term rentals to obtain a limited use permit. In addition to fulfilling the land use process requirements, short-term rentals are also required to obtain business and lodger's tax licenses. The City's regulations are intended to prohibit market saturation. Of the approximately 8,000 housing units in Durango, in the two zones where short-term rentals are permitted, there a total of 60 permits available for short-term rentals.

Additional changes to the policy are being contemplated by city council to address short-term rental agreements for a single room in a residential unit.

Under the existing regulations, this type of arrangement, common under the Airbnb model, is not permitted. A pilot program, restricted to certain areas of the city, is being developed with a separate permitting process to address these rental units.

There is no one-size-fits-all regulatory framework for municipalities in Colorado seeking to regulate short-term rentals. Durango has developed — and continues to refine — a policy governing this emerging economy that is context-sensitive and reflective of our community character.

RESOURCES

CML continues to develop STR information through the CML Sharing Economy Task Force, chaired by Denver Councilmember Mary Beth Susman. A matrix of STR ordinances as well as sample ordinances, licensing forms, and other information is available on the CML website at www.cml.org, under Issues > Sharing Economy > Ordinances.

An informative study of vacation home rentals conducted by the Colorado Association of Ski Towns may be viewed online at the CAST website (coskitowns.com/links-of-interest).



KNOWLEDGE *now*

Colorado Municipal League
1144 Sherman Street
Denver, CO 80203-2207



Staff Report

December 5, 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: December 5, 2016

Background:

On November 21st Cypress presented the Council with the proposed amendment to the pre-annexation agreement to receive Town water service. During the meeting there were three issues identified by the Council in regards to the proposed amendment for water service.

The first issue raised by the council was the allocation of flows in Coal Creek and how they would be administered in accordance with Section 7.3 of the agreement. The agreement has been changed to reflect the Council's direction to ensure the Town will be able to receive the CFS flows to fulfill the first 6 HCUs decreed in water court. This issue has been resolved in the new draft with help from the Town's water counsel.

The second issue raised was the requested change to the wetland setbacks. In Section 9.8 of the Amendment, Cypress has requested that the lot line be allowed to extend to the wetland boundaries but maintaining the agreed upon setbacks for buildings of 50' feet for high-quality wetlands and 25' feet for low quality wetlands. The proposal for wetlands from Cypress are still more stringent than the County land use standards. Also wetland areas will be owned by the HOA and no individual lot owner will have ownership of these areas which was the concern expressed with the last proposal from the Town Staff.

The final issue raised by the Council was concerning proposed signage on the bridge and design of the boat ramp area as defined in Section 9.6 of the amendment. Cypress is preparing designs to present to the Council for this area. These designs will be presented to the Council at the meeting.

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, including all indoor uses within up to twenty-three (23) primary residences, up to twenty-three (23) detached accessory dwellings or buildings, and an owners' complex and associated amenities to be owned by the homeowners association for the East Parcel, irrigation and landscaping of all of the 0.46 acre park to be owned by the homeowners association for the East Parcel, irrigation and landscaping 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 15th, 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 ("Verzuh 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 15th, 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 senior Priority 164 of the McCormick Ditch Water Rights as used on the McCormick Ranch; (b) potentially include up to 9 (nine) acre feet of HCU from the senior Priority 164 of 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 senior Priority 164 of the McCormick Ditch Water Rights as used on the McCormick Ranch; and (d) change that portion of the senior Priority 164 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 15th, 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 warrant 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%, the flow rates associated with the McCormick Ditch Water Rights shall be administered in strict priority, and the flow rates associated with the senior Priority 164 shall be operated between the parties commensurate with the allocation method for the decreed HCU credit described above, i.e., the Town shall receive the flow rate associated with its 6 acre feet first, Applicant shall receive the flow rate associated with its 6 acre feet second, etc.¹ Nothing in this paragraph shall prevent either party from taking any portion of the available flow that is not being taken by the other party at that point in time. 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.

¹ For example, if the Court decrees 9 acre feet of HCU credit under Priority 164 of the McCormick Ditch (decreed for 0.64 c.f.s.), the Town will receive 6 acre feet and a corresponding 66.5% of the flow rate, or 0.426 c.f.s.; and Applicant will receive 3 acre feet and a corresponding 33.5% of the flow rate, or 0.214 c.f.s. If the flow rate in the Ditch is only 0.5 c.f.s., then Town shall be entitled to the first 0.426 c.f.s., and Applicant shall be entitled to the remainder 0.074 c.f.s., until the Town has diverted a volume of water that corresponds with 6 acre-feet of consumptive use credit.

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 on the East Parcel, such indoor uses to include use within up to twenty-three (23) homes of 5,000 square feet, up to twenty-three (23) detached accessory dwellings or buildings of 750 square feet or less, and an owners' complex and associated amenities to be owned by the homeowners association for the East Parcel; irrigation and landscaping of all of the 0.46 acre park to be owned by the homeowners association for the East Parcel; irrigation and landscaping 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 9.7 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 The first sentence of Section 6.4.4 shall be revised to read as follows:

“The Deed of Conveyance shall require the Town to refrain from any uses of the Town Parcels affected by the Old Town Landfill that may disturb any cap associated with the approved cleanup, and abide by any other controls and conditions contained in the No Action Determination.”

9.3 Section 6.4.12 of the Agreement shall be revised to add a final sentence to this section which shall 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.”

9.4 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.

9.5 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.

9.6 Section 6.4.9 of the Agreement 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."

9.7 Sections 6.4.16, 6.4.17, and 6.4.19 of the Agreement 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.”

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

“Lot lines on the East Parcel may extend to wetland boundaries, provided however that Applicant shall observe a 50-foot building setback from all high-quality wetlands on the East Parcel, and 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@cypressecurities.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@cypressecurities.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

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

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

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]*

WHEREFORE, the parties hereto have executed and entered into this Amendment by their duly authorized officers as of the Effective Date.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

(SEAL)

CYPRESS FOOTHILLS, LP

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Amendment to Pre-Annexation Agreement was acknowledged before me this ____ day of _____, 20__ by Glenn Michel, Mayor of the Town of Crested Butte, Colorado, a Colorado home rule municipality, on behalf of said entity.

Notary Public

My commission expires:_____

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Amendment to Pre-Annexation Agreement was acknowledged before me this ____ day of _____, 20__ by _____, _____ of Cypress Foothills, LP, a Texas limited partnership, on behalf of said entity.

Notary Public

My commission expires:_____

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 0.36 c.f.s. out 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. 4.² 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, 6th 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, 6th 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, 6th P.M., bears North 67 degrees East 890 feet.

² The Town of Crested Butte claims the remaining 0.14 c.f.s. out of the 0.5 c.f.s. by virtue of a Special Warranty Deed between Verzuh and the Town, dated 8-7-2000, and subsequent change case for the 0.14 c.f.s. interest in Case No. 02CW63, Division 4 Water Court.

EXHIBIT “B”

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

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

DECLARATION OF COVENANT

THIS DECLARATION OF COVENANT (this “**Covenant**”) is made this ___ day of _____, 20__ (the “**Effective Date**”) by CYPRESS FOOTHILLS, LP (“**Owner**”), a Texas limited partnership.

RECITALS:

A. Owner is the fee title owner of that certain real property described in **Exhibit “1”** attached hereto (the “**Property**”).

B. Owner has obtained from the Town of Crested Butte, Colorado (the “**Town**”), a Colorado home rule municipality, the right and approval to connect the Property to the Town’s water service system pursuant to §13-1-280 of the Crested Butte Municipal Code (the “**Code**”) under a Pre-Annexation 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, as amended and modified by an Amendment to Pre-Annexation Agreement dated _____, 20__ and recorded in the official real property records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 20__ at Reception No. _____ (collectively, the “Pre-Annexation Agreement”).

C. In exchange for the Town allowing Owner to connect the Property to the Town’s water service system pursuant to §13-1-280 of the Code, Owner has agreed and desires to impose a transfer fee expressed as a percentage of the value of each future transfer of any portion of or interest in the Property as set forth and determined according to the provisions contained herein.

D. Because such water service benefits will be needed as and to the extent that the Property is developed and transferred, and its value to future owners will be reflected in future property values, Owner has determined that it is reasonable and appropriate to impose a transfer fee expressed as a percentage of the value of each future transfer of any portion of or interest in the Property as set forth and determined according to the provisions contained herein.

E. The rate, exemptions, and other attributes of such transfer fee have been determined as set forth in this Covenant.

F. The transfer fee provided for herein shall be payable to the Town as described herein.

G. Each person acquiring any interest in any portion of the Property, as an essential condition of any conveyance to such person, shall be deemed for all purposes to have assented and agreed to the provisions of this Covenant; and shall hereby have waived any right to challenge or contest the provisions hereof or to seek any refund or abatement of the fee payable hereunder. The provisions of this Covenant shall run with the Property and be binding on all persons who hereafter acquire any interest in the Property.

COVENANT:

Owner hereby covenants and agrees, and binds encumbers the Property as follows:

1. **Covenant.** Owner hereby covenants and agrees that, there is hereby imposed a fee on all transfers by, without limitation, deeds, instruments, writings, certain leases and any other instruments by which any lands, tenements or other interests in the Property or any portion or interest therein are sold, granted, assigned, transferred or otherwise conveyed to or vested in a purchaser or transferee thereof, or any person, except as may be expressly exempt herein.

2. **Persons Liable for Fee.** Any seller or any other person who transfers any interest in the Property or any portion or interest therein which is subject to the fee imposed herein, and any purchaser or any other person to whom such a transfer is made, shall be jointly and severally liable for payment of the fee.

3. **Fee Due on Transfer.** Unless exempt hereunder, the fee is due on transfer of the property or any portion thereof.

4. **Definitions.** The following words and phrases, as used herein, shall have the following meanings:

“**Artifice or device**” means any transaction or transactions the substantial purpose of which is to evade the provisions of this Covenant and the imposition of the fee hereunder, including but not limited to the transfer to a corporation, partnership, limited partnership, joint venture, business trust or other association or organization together with the intent to ultimately assign the controlling interest in such association or organization.

“**Consideration**” means and includes actual cash paid and/or value of the property delivered, or contracted to be paid or delivered, in return for the transfer of ownership or title to real property (but not personal property), and shall include the amount of any lien, mortgage, contract indebtedness or other encumbrance, either given to secure the purchase price or any part thereof, or remaining unpaid on the property at the time of the sale. The term does not include the amount of any outstanding lien or encumbrance in favor of the United States, the State or quasi-government corporation or district for taxes, special benefits or improvements. In the event the transaction or transfer is by lease or similar agreement not specifically exempted herein, consideration means the capitalization of ten percent (10%) of the average annual rental over the entire term of the lease, including any renewal term, plus the actual consideration, if any, other than rent, paid or to be paid.

“Deed in lieu of foreclosure” means a conveyance by a property owner to a secured party or wholly owned subsidiary of the secured party of property which is the subject of a mortgage, deed of trust or other security instrument in consideration of the cancellation of all or part of the indebtedness secured by such security instrument or release of the debtor or guarantor from any personal liability of such indebtedness.

“Fee” means the transfer fee imposed by this Covenant, which the Owner agrees is a “charge” for purposes of collection under Section 4-8-10 of the Town Code and C.R.S. §§ 31-20-105 and 106.

“Financial institution” means, for purposes hereof, an insured bank, commercial bank or trust company or credit union.

“Real property” means real property as defined by and under the laws of the State of Colorado that is part of the Property and any portion thereof.

“Transfer” means and includes any grant or conveyance of the ownership of title to real property that is evidenced by any deed, conveyance, instrument or writing wherein or whereby title to real property situated in the property is granted or conveyed, or the conveyance of a possessory interest and all other indicia of ownership in real property without the passing of legal title, subject to the exemptions provided herein.

5. **Amount of Fee.** The amount of the fee payable in each class shall be as follows:

5.1 Where there is no consideration or where the consideration is five hundred dollars (\$500.00) or less, no fee hereunder shall be payable. The mere statement on the face of the instrument of transfer that the consideration received in connection therewith is five hundred dollars (\$500.00) or less shall not be deemed adequate supporting evidence that the consideration in the subject transfer is five hundred dollars (\$500.00) or less.

5.2 Where the consideration exceeds five hundred dollars (\$500.00), the fee payable shall be three percent (3%) of such consideration.

6. **Exemptions.** The fee imposed herein shall not apply to:

6.1 Any document wherein the United States or any agency or instrumentality thereof, the State, any county, city and county, municipality, district or other political subdivision of the State is either the grantor or grantee.

6.2 Any document transferring title to real property in consequence of a gift of such property, where no consideration other than love and affection or charitable donation is evidenced by the terms of the document of transfer.

6.3 Any transfer by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership in real

property; however, if additional consideration or value is paid in connection with such partition or termination, the fee shall apply and be based upon such additional consideration.

6.4 Transfers pursuant to a decree of separation or divorce except where the transfer is made to a third party.

6.5 Any transfer of title or change of interest in real property by reason of death, will or decree of distribution.

6.6 Any transfer made pursuant to business organization, reorganization or restructuring, including but not limited to mergers or consolidations of corporations, or by a subsidiary to a parent corporation, for no consideration other than cancellation or surrender of the subsidiary's stock or ownership interest. The transfer of at least seventeen percent (17%) of the stock in a corporation owning an interest in the Property or a portion thereof, or seventeen percent (17%) of any ownership interest in a business entity whose assets include an interest in the Property or a portion thereof shall not be included in this exemption, and such transfer shall be subject to imposition of the fee imposed herein (i.e., the fee will be imposed on the consideration paid for the stock or other ownership interest so transferred, to the extent attributable to the value of the interest in the Property owned by the corporation or other business entity in which the stock or ownership interest is being transferred).

6.7 Any transfer to make effective any plan confirmed or ordered by a court of competent jurisdiction under the Bankruptcy Act or in an equity receivership proceeding.

6.8 Any transfer made and delivered without consideration for the purpose of confirming, correcting, modifying or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting easements, rights-of-way or licenses.

6.9 Any decree or order of a court of record quieting, determining or resting title, including a final order awarding title pursuant to a condemnation proceeding.

6.10 Any lease of any real property or assignment or transfer of any interest in any such lease, provided that the terms and conditions of such lease do not constitute a de facto conveyance of the subject property. In the latter event, the fee shall be based upon the capitalization at five percent (5%) of the average annual rental over the entire term of the lease, including any renewal term, plus the actual consideration, other than rent, paid or to be paid. When the average annual rental cannot be determined, the fee shall be based upon the assessed value of the property covered by the lease.

6.11 Any transfer to secure a debt or other obligation, or release of real property which is security for a debt or other obligation.

6.12 Any executory contract for the sale of real property of less than three (3) years' duration, under which the purchaser is entitled to or does take possession thereof without acquiring title thereto, or any assignment or cancellation of any such contract.

6.13 (a) Any transfer under execution, sale or foreclosure sale under a power of sale or court decree of lien foreclosure; sheriff's deed; public trustee deed or treasurer's deed; or deed in lieu of foreclosure; provided that such transfer shall be exempt only: (i) if the grantee is the person holding the obligation or instrument which is being cancelled, in whole or part, in exchange for the transfer or upon which the proceeding is based, as applicable, or the grantee is a junior lienholder or exercising redemption rights pursuant to a lien that was recorded prior to commencement of the foreclosure or execution; (ii) if such grantee is the original obligation holder or a financial institution; and (iii) to the extent of the obligation which is being canceled, in whole or in part, in exchange for the transfer or is being satisfied at the execution or foreclosure sale and any obligations to prior lienholders paid from the sale.

(b) Notwithstanding Subparagraph (a) above, where the grantee is not the original obligation holder or a financial institution and where the other requirements of Subparagraph (a) are otherwise met, such transfer may still qualify for an exemption from the fee pursuant to this Paragraph; provided that the transferee must, as market conditions allow, resell the property in order to satisfy the obligation within two (2) years of the transfer. If, however, the property is not sold within two (2) years of the transfer or within any extension of such time beyond two (2) years as the Town Manager may allow for good cause shown, then the transfer shall not be considered exempt pursuant to this Paragraph and shall be considered an artifice and subject to the fee.

(c) A purchaser at an execution or foreclosure sale who holds no security interest or redemption rights in the property, and who acquires title to the property upon expiration of all redemption periods, is required to pay the fee.

(d) For deeds in lieu of foreclosure transfers, in order to qualify for an exemption from the fee pursuant to this Paragraph, the obligation that is being cancelled must be in default at the time of the transfer and no additional consideration shall be exchanged between the transferor and transferee in connection with such transfer. The transferor and transferee shall provide to the Town Manager an affidavit approved by the Town Attorney certifying the existence of the default at the time of the transfer and that no additional consideration has or will be exchanged in connection with the transfer.

6.14 Any transfer by the Owner, its affiliates, or a successor developer of the Property or any portion thereof, including but not limited to, any subdivided lot therein, which exemption shall be automatic, and shall not be subject to Section 7.

7. **Application for Exemption.**

7.1 In the event of any transfer that the grantor or grantee thereof desires to establish is exempt from the applicability of the fee, except pursuant to Section 6.14 above which exemption is automatic, or where the instrument of transfer contains language clearly establishing that the transfer is exempt, the grantor or grantee thereunder shall apply for and obtain from the Town Manager a certificate of exemption, which can then be recorded in the Office of the Gunnison County Clerk and Recorder. The application for a certificate of

exemption and such certificate shall be in substantially the same form as **Exhibit “2”** attached hereto, and shall be processed expeditiously by the Town Manager. A grantor or grantee of a transfer made pursuant to or and in accordance with Section 6.14 may, but need not, apply for a certificate of exemption.

7.2 Notwithstanding anything contained herein to the contrary, if an artifice or device is employed in connection with the transfer of real property then such transfer shall be subject to the fee.

7.3 Any person whose claim of exemption duly applied for under the provisions of this Section is denied by the Town Manager may immediately appeal to the Town Council for a determination of such exemption; and such appeal shall be considered by the Town Council within thirty (30) days of receipt of the same. In the event of a determination by the Town Council favorable to the appellant, any fee previously deposited, or so much thereof as may be allowed by the Town Manager, shall be promptly refunded to the person paying or depositing the same. If a decision is not made by the Town Council within thirty (30) days of the receipt thereof, the decision will be deemed favorable to the appellant.

8. **Lands Affected.** The fee imposed herein shall apply to all real property located within the Property and any portion thereof not specifically exempted hereunder.

9. **Enforcement.**

9.1 The Town Manager is charged with the enforcement of this Covenant.

9.2 On or before the time of any transfer upon which the fee is imposed hereunder, one of the persons liable for said fee shall cause a report to be provided to the Town Manager setting forth the true, complete and actual consideration for the transfer, the names and addresses of the parties thereto, and the location of the real property transferred.

9.3 For the purposes of collection of the fee imposed under this Covenant, all banks, title companies, escrow companies, building and loan institutions, attorneys, real estate agencies or other closing agents or agencies permitted as such to do business under the laws of the State may collect and remit the same to the Town for and on behalf of the persons liable for the fee.

10. **Due Dates; Delinquencies; Penalties; Interest.**

10.1 The fee is due and payable at the time of transfer, and becomes delinquent as provided in Section 10.3 below. Interest shall accrue at the rate of one and one-half percent (1.5%) per month, or fraction thereof, on the amount of the fee, exclusive of penalties, from the date the fee the fee is due and unpaid. Interest accrued shall constitute part of the fee.

10.2 The amount of any delinquent fee, together with interest due thereon, shall constitute a lien on the property for the amount thereof, which lien shall continue until the amount thereof is paid or until its discharge of record by foreclosure or otherwise. Such lien

may be foreclosed through the District Court of Gunnison County, Colorado, or by any other means available to the Town under law.

10.3 If the Town learns of any fee that is due, owing, and unpaid, the Town Manager shall give written notification to the seller, purchaser, transferor or transferee of the fee or any portion thereof that remains unpaid. Such notice shall be provided at the address shown on the instrument or writing effecting the transfer subject to the fee, if provided therein, otherwise the notice will be sent to the more recent address of such seller, purchaser, transferor or transferee, as applicable. Said notification shall be mailed by certified mail, postage prepaid, return receipt requested, and shall be effective on the date of mailing. If the fee, together with interest due thereon, are not paid in full within thirty (30) days of the effective date of notification, the Town Manager shall mark the same as delinquent on the Town's tax roll and shall certify such delinquency to the County Treasurer, pursuant to Sections 31-20-105 and 31-20-106, C.R.S., who shall extend such delinquencies upon the real property tax rolls of the County and collect the same in the manner set forth for real property taxes. For such purposes, Owner, for its successors in interests, transferees and assigns, hereby submits to, and waives any claims and defense to in connection therewith, without limitation, for purposes of collection, the rights, powers and authorities of the Town and the County Treasurer contained in Sections 31-20-105 and 31-20-106, C.R.S., and Chapter 4, Article 8 of the Code and other applicable law respecting any unpaid or delinquent fee, and any costs and expenses associated therewith. Upon certification of the delinquent taxes, the interest thereon shall also become due and owing.

10.4 The Owner agrees that in the event unpaid delinquent fees are certified to the County Treasurer as permitted by Section 10.3, the Owner shall not object to collection of the same by the Treasurer under C.R.S. §§ 31-20-105 and 106, as a charge due to the Town, in the manner set forth in that statute.

10.5 The amount of the fee, together with any interest thereon, imposed under the provisions of this Covenant shall be deemed a debt owed to the Town. Any person owing money to the Town under the provisions of this Covenant shall be liable in any action for the recovery of the delinquent amount, plus the attorney's fees and other costs expended by the Town in such action.

10.6 Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law and in equity.

10.7 Prior to foreclosing the lien provided for in Section 10.2, or taking any other legal action to collect a fee that is due, owing, and unpaid pursuant to the terms of this Covenant, the Town shall comply with the notification procedure set forth in Section 10.3.

11. **Severability.** Any determination by any court of competent jurisdiction that any provision of this Covenant is invalid or unenforceable shall not affect the validity or enforceability of any other provision hereof.

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

recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado.

13. **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.

14. **Governing Law; Venue.** This Covenant 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.

15. **Recording; Run with the Land.** This Covenant shall be recorded in the official real property records of the Office of the Clerk and Recorder of Gunnison County, Colorado. The provisions of this Covenant shall run with the Property and be binding on all persons who hereafter acquire any interest in the Property or any portion thereof, whether as an owner, renter, trustee or mortgage beneficiary or otherwise.

16. **Recitals.** The recitals set forth above are deemed material provisions of this Covenant and enforceable in the same manner as any other term or condition hereof.

17. **Incorporation into Instrument of Transfer.** Each and every provision contained in this Covenant shall be deemed incorporated in each deed, instrument or document of transfer by which any right, title or interest in any of the Property or portion thereof is granted, devised, conveyed or otherwise transferred as if fully set forth therein.

18. **Statement Regarding Fee.** Upon written request by any interested party, the Town shall issue a written statement setting forth the amount of any unpaid Transfer Fee with respect to any specific portion of the Property identified in such request. Such statement shall be furnished as soon as reasonably practicable, but in no event later than 30 days after receipt of the request, and shall be binding on the Town.

19. **Term.** Except as provided herein, the term of this Covenant shall be perpetual unless the Property is annexed into the Town of Crested Butte, in which case this Covenant shall automatically terminate upon such annexation and shall be of no further force and effect as to any Transfer subsequent to the effective date of such annexation.

20. **Electronic Reproductions; Counterparts.** For purposes of enforcement of terms of this Covenant, electronic reproductions hereof shall be deemed to be originals.

WHEREFORE, Owner has made this Covenant by its duly authorized officers as of the Effective Date.

CYPRESS FOOTHILLS, LP

By: _____

Name: _____

Title: _____

EXHIBIT 1

Legal Description of the Property Subject to Declaration of Covenant:

A portion of a parcel of land known as Tract Q of Book 516 Page 474, Parcel 13 of Book 552 Page 63, Parcel 1 of Warranty Deed recorded at Reception No. 570819, Parcel 1 of Quitclaim Deed recorded at Reception No.570822, Parcel 1 of the Correction Warranty Deed recorded at Reception No.584439, Parcel 1 of the Special Warranty Deed recorded at Reception No.612899, and the Correction Deed recorded at Reception No.618498 all located in the SW 1/4 of Section 35, Township 13 South, Range 86 W of the Sixth PM, Gunnison County, Colorado being more particularly described as follows:

Beginning at the S1/4 Corner of said Section 35, said corner being a 3 1/4" Aluminum Cap from which the southwest Corner of said Section 35 bears N89°43'49"W a distance of 2650.49 feet; thence along an existing fence line as it exists in the field and as shown and described in a Boundary Agreement recorded in Book 769 at Page 881 the following three (3) courses:

- 1) N00°11'53"E a distance of 271.72 feet,
- 2) N00°50'11"W a distance of 932.90 feet,
- 3) N01°19'37"W a distance of 346.89 feet to a point on the northerly line of the Trampe Partition Parcel 13 and the southerly line of Spann Parcel 23 as described in Court Decree Amended Order of Partition as recorded in Book 552 at Page 63; thence along the northerly line of said Parcel 13 N90°00'00"W a distance of 570.01 feet to a point on the easterly line of the Town of Crested Butte Cemetery as described in Exhibit A(5) in Court Decree of Partition as recorded in Book 516 at Page 474; thence along the easterly line of said Cemetery Parcel S01°20'33"W a distance of 220.37 feet to the northerly corner of a parcel of land described in Book 518 at Page 403; thence along the northwesterly line of said parcel S29°46'00"W a distance of 470.46 feet to a point on the northerly line of said Trampe Partition Parcel 13, said point also being on the southerly line of said Cemetery Parcel; thence along said northerly line of said Parcel 13 N90°00'00"W a distance of 568.93 feet; thence along the wetland boundary more or less on the southerly bank of the Slate River the following six (6) courses:

- 1) S20°36'39"E a distance of 77.30 feet,
- 2) S32°48'09"E a distance of 178.03 feet,
- 3) S39°16'35"E a distance of 115.15 feet,
- 4) S52°37'46"E a distance of 40.69 feet,
- 5) S42°06'22"E a distance of 87.35 feet,
- 6) S66°34'01"E approximately 53.68 feet to the high water line of the Slate River; thence the following five (5) courses along the high water line of the Slate River approximately:
 - 1) S44°00'17"E a distance of 2.43 feet,
 - 2) S61°14'28"E a distance of 180.87 feet,
 - 3) S45°20'59"E a distance of 257.67 feet,

- 4) S39°16'06"E a distance of 215.58 feet,
- 5) S50°53'25"E a distance of 97.51 feet to the southerly line of the SW1/4 of said Section 35;
thence along said southerly line S89°43'49"E, a distance of 506.01 feet to the Point of Beginning.

Said Parcel as described above contains 30.436 acres, more or less.

All bearings shown hereon are relative to a bearing of N89°43'49"W between a GLO brass cap dated 1939 found at the southwest corner of Section 35 and a 3 ¼ inch aluminum cap stamped 18480 and dated 1995 found at the south quarter corner of Section 35.



Staff Report December 5, 2016

To: Mayor and Town Council

Thru: Dara MacDonald

From: Astrid Matison, Building Inspector

Subject: Adoption of 2015 International Building Code Series and Various Elements of Chapter 18 Related to Construction Activities. Ordinance #19, Series 2016.

Date: 12-5-16

Summary:

The International Building Codes are a series of Code documents regulating safety and standards in construction and development which are updated and published by the International Code Council every three years. For various reasons including the expense and logistics, most jurisdictions adopt these codes by ordinance every other code cycle, in other words every six years. The Town of Crested Butte has recognized the need to be on a current International Building Codes cycle and will update from the 2009 International Building Codes series to the 2015 series January 1st, 2017. Included in this International Codes Series are nine Code Books regulating: Commercial Construction- International Building Code (IBC), International Residential Code (IRC), International Energy Conservation Code (IECC), International Existing Buildings Code (IEBC), International Property Maintenance Code (IPMC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Fire Code (IFC), International Plumbing Code (IPC), and National Electrical Code (NEC) work. The State of Colorado currently regulates the Permitting and Inspection of Plumbing and Electrical work in the Town of Crested Butte and currently is utilizing the 2015 International Plumbing Code, and 2015 International Electrical Code.

Gunnison County and the City of Gunnison are currently utilizing the 2009 code and will adopt the 2015 code spring of 2017 and late 2016 respectively. Thus adoption of the 2015 International Code series will align the Town with the other jurisdictions in the Gunnison County. We will officially align with State and Federal Government with regard to energy efficiency standards, a prerequisite for many Government funded grant programs.

The new codes accommodate changes in materials and construction methodology as well as enhanced life safety and energy conservation requirements. The International Code Council who administrates the codes has ceased to support the 2009 versions. Individual jurisdictions may amend elements of the international codes to better dovetail with local zoning and land use codes.

International Building Code: The 2009 IBC and the 2015 IBC are similar in the way they function and in the standards that they require, consequently, staff is recommending few amendments to the Town Ordinance, mostly adopting the series of codes to fit with local design standards, and compliance with our locally current stringent standards.

Sec. 18-1-10 Adopted as the building code of the Town by reference thereto, the International Building Code, 2015 edition, Chapters 1-35 without appendices as hereto amended.

Article 1. Building Code is amended with the following:

1. IBC Section 105.2 Work exempt from permit. Delete Item 1 (detached accessory structures), and item 12 (awnings). Change the reference in 105.2 (sidewalks) item 6 from 30 inches to 18 inches (Section 18-1-30).
2. IBC Section 108 Temporary Structures and Uses. Delete 180 days and substitute 14 days and refer to Sec. 16-14-180.
3. IBC section 1805.3 Waterproofing. Delete entire section and substitute “All basement construction shall adhere to Section 18-16-10 of the Crested Butte Municipal Code for basement waterproofing.”
4. IBC Section 202 (definitions) shall be amended by adding the following definition of “Crawlspace”: Any space below the first floor of a building with a height of 60 inches or less, measured from the ground level at any point within the perimeter to the bottom of the floor joist directly above. The definition of “Townhouse” shall read a single-family dwelling unit constructed in a group of two or more attached units...
5. **Add** International Energy Conservation Code Chapter 5 (CE) Existing Buildings shall be amended by deleting the entire chapter and replacing it with the following: “All commercial construction shall comply with the requirements of the 2015 International Existing Building Code.”

International Residential Code: The IRC regulates the construction of one and two family structures. The 2009 IRC and the 2015 IRC are similar in the way they function and in the standards that they require, and although there are many updates and changes, the overall effect on the majority of construction in our Town will likely be minimal. The Staff has amended the 2015 IRC to continue to allow single family residential units and two unit townhouses to be constructed without a fire sprinkler protection system. Duplex and multi-family residential units will continue to be required to utilize a fire sprinkler system in their construction.

Sec. 18-2-10 Adoption. As the building code of the Town by reference thereto, the International Residential Code, 2015 Edition Chapters 1-43, Appendix F Passive Radon Gas Controls, Appendix R Light Straw-Clay Construction, and Appendix S Straw-bale Construction as hereto amended.

Article 2. Residential Code is amended with the following:

Sec. 18-2-30 Amendments.

1. International Residential Code Section R105.2 Work Exempt from permit. Eliminate item #1 (detached accessory), #9 (window awning), and #10 (decks).
2. IRC section 202 (Definitions), definition of “Townhouse shall be amended by changing the definition from “...a group of three (3) or more...” to “...a group of two or more...” A “Crawl Space” shall be defined as “any space below the first floor of a building with a height of 60 inches or less, measured from the ground level at any point within the perimeter to the bottom of the floor joist directly above.
3. IRC Section R301.2 is amended by added the following table to R 301.2 (1);

Flat Roof Snow Load:	100 lbs per square foot
Ground Snow Load:	Not Determined
Wind Design Speed:	115 Miles per Hour
Topographic effects	No
Special wind region	No
Wind-borne debris zone	No
Seismic Design Category	C
Subject to Damage From	
Weathering	Severe
Frost Line depth	36 inches
Termite	Slight
Winter Design Temp.	-16 degrees Fahrenheit
Ice Barrier Underlayment Required	Yes
Floor Hazard	Flood Insurance Rate Maps (FIRM) 08051C0726D, 08051C0727D
Air Freezing Index	3500
Mean Annual Temperature	35 degrees Fahrenheit
4. IRC Section 303.3 “Bathrooms” shall be amended to read:” Bathrooms, water closet compartments and other similar rooms shall be provided with mechanical ventilation with minimum ventilation rates of 50 cfm for intermittent ventilation and 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.”
5. IRC Section 310 2.3 “Window Wells” shall be amended to add the following. “All window wells required for emergency escape shall be provided with a roof or projection above and curbing sufficient to prevent the accumulation of snow and ice inside the window well.”
6. IRC Section 313.1 “Townhouse automatic fire sprinkler systems” shall be amended to add the following. “... in townhouses of more than two units”.
7. IRC Section 313.2 “Two family dwelling automatic fire systems” shall be amended to delete “one-and”.
8. IRC Section 315.1 “Carbon monoxide alarms” shall be amended to add “and Chapter 18, article 14 of the Crested Butte Municipal Code. In the case of conflicts between the codes the more restrictive will apply.”

9. IRC Section 406.2 “Foundation waterproofing and damp proofing” shall be amended to add “All basement construction shall be in compliance with the requirements of Section 18-16-10 of the Crested Butte Municipal Code. In the case of conflicts between the codes the more restrictive will apply.”
10. IRC Section R1002.2 “Masonry heaters” and IRC Section R1004.1 “Factory built fireplaces” shall be amended to add “All solid fuel burning devices shall conform to Chapter 18, Article 8 of the Crested Butte Municipal Code.
11. IRC Chapter 11 “Energy efficiency” shall be deleted in its entirety and replaced with the following: “All residential construction shall comply with the requirements of the 2015 International Energy Conservation Code and with the provision of Chapter 18, Article 9 of the Crested Butte Municipal Code. In the case of conflict between the codes the more restrictive will apply.”

Article 2.5 International Existing Building Code (IEBC):

Sec. 18-2.5-10 Adoption. Replace 2009 Edition with 2015 Edition, Chapters 1-16 inclusive, without appendices (IEBC)...

Article 2.5. The International Existing Building Code is amended with the following:

Sec. 18-2.5-20 Amendments.

1. IEBC Section 101.4 shall be amended to add, “This document and individual provisions shall only be applicable with the prior express permission of the Building Official.”

Article 3 International Mechanical Code (IMC):

Sec. 18-3-10 Adoption. Replace 2009 Edition with 2015 Edition, including Appendix A...

Article 4 International Plumbing Code (IPC):

Sec. 18-4-10 Adoption. Replace 2009 Edition with 2015 Edition, including Appendix C and E...

Article 5 National Electrical Code:

Sec. 18-5-10 Adoption. Replace the National Electrical Code 2008 Edition with the 2014 Edition, published by National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471...

Article 6 International Fire Code (IFC):

Sec. 18-6-10 Adoption. Replace 2009 Edition with 2015 Edition including Appendix Chapters B – M.

Sec. 18-6-20 Amendments.

1. Add “the most current NFPA edition may be used.”
2. Section 101.1., (Title). Insert in name of Jurisdiction, “Town of Crested Butte.”
3. Section 102.7 “Referenced codes and standards), and 102.8 (Subjects not related to this code). Insert: “The most current NFPA edition may be utilized upon approval of the CBFPD Fire Chief.”
4. Section 106.2.1 (Inspection requests). Add: “Requests for inspections shall be submitted at least five (5) working days prior to the date of requested inspections.”
5. Section 109.4, (Violation penalties). Insert: “...shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand (\$1,000.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment.”
6. Section 403.4 (Group B occupancies). Revise: “An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing a Group B occupancy where the Group B occupancy has an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge and for buildings having an ambulatory care facility.”
7. Section 403.9 (Group M occupancies). Revise: “An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing a Group M occupancy where the Group M occupancy has an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge and for buildings containing both a Group M occupancy and an atrium.
8. Section 403.12.3 (Crowd managers for gatherings exceeding 1,000 people). Revise: Section 403.12.3 “Crowd managers for gatherings exceeding 499 people”. Where facilities or events involve a gathering of more than 500 people, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3.
9. Section 507.1 (Required water supply). Add: “Where required fire flows cannot be provided an approved monitored fire suppression system complying with Section 9 of this Code and the Guidelines and Standards of the Crested Butte Fire Protection District shall be installed throughout every occupancy and structure except Occupancy R-3 within the boundaries of the Town of Crested Butte.”
10. Section 507.5.5 (Clear space around hydrants). Shall read as: A 3-foot clear space must be maintained around the circumference of fire hydrants and “Fire Department Connections”, except as otherwise required or approved. Section 507.5.6 Physical protection. Where fire

hydrants and “Fire Department Connections” are subject to impact by motor vehicle, guard posts or other approved means shall comply with Section 312.

11. Section 603.9 (Fuel-fired Appliances). and Section 603.9 (Gas Meters). Above-ground gas meters regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. “Locations of gas meters, regulators and piping shall also comply with the Guidelines and Standards of the District.”
12. Section 903 (Automatic Sprinkler Systems). Revise: 903.2.1.1 Group A-1., condition 2. The fire area has an occupant load of “100” or more. 903.2.1.3 Group A-3., condition 2. The fire area has an occupant load of “100” or more. 903.2.1.4 Group A-4., condition 2. The fire area has an occupant load of “100” or more, and 903.2.1.6 Assembly occupancies on roofs is 100 or more.
13. Sections 907.2.1 (Group A). Shall read as: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A Occupancies where the occupant load due to the assembly occupancy is “100” or more. Section 907.2.2 Group B. A manual fire alarm system shall be installed in Group B Occupancies where one of the following conditions exist: 1. The combined Group B Occupant load of all floors is “100” or more. Section 907.2.7 Group M. A manual Fire alarm system that activates the occupant notification system in accordance to Section 907.5 shall be installed... Modify condition 1. The combined Group M occupant Load of all floors is “100” or more persons.
14. Section 609.2 (Where required). A Type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that provide grease vapors. Delete Exception.15. Section 609.4 (Appliance connection to building piping). Add: “An approved means shall be provided of ensuring that appliances that are moved for cleaning and sanitation purposes are returned to their original position.”
15. Section 507.2.9.1. (Above ground tanks). Above ground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Sections 5704.2.9.1 through 6704.2.9.7.9.
16. Section 5706.2.4.4 (Locations where above ground tanks are prohibited). The storage of Class I and II liquids in above ground tanks is prohibited with the limits established by law within Crested Butte.
17. Section 1104.5 (Illumination emergency power). Occupancy B: 2. Group B buildings three or more stories above or below a level of exit discharge serving occupants. Delete “or buildings with 1000 or more occupants.”
18. Section 2306.2.2. (Above-ground tanks located inside buildings). Locations where aboveground tanks are prohibited. Replace sentence with: “Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town, except in those locations

as identified in the official map of “Locations Permitted for Aboveground Tanks” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.”

19. Section 2306.2.3 (Above-ground tanks located outside, above-grade). and Section 2306.2.4 (Above-ground tanks located in above-grade vaults or below-grade vaults). Locations where aboveground tanks are prohibited. Replace existing sentence with: “Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town, except in those locations as identified in the official map of “Locations Permitted for Aboveground Tanks” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.” Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue or safety hazards.
20. Section 5806. (Flammable Cryogenic Fluids). “Not allowed in the Town of Crested Butte.”
21. Section 6103.3 (Location of equipment and piping). Add second sentence to read: “Locations of gas meters, regulators and piping shall comply with this section and the Guidelines and Standards of the District.”
22. Appendix B 101.1 (Required fire flows). Where fire flows cannot be provided, an approved monitored fire suppression system complying with Chapter 9 of this code and the Guidelines and Standards of the Crested Butte Fire Protection District shall be installed throughout every occupancy and structure within the boundaries of the Town.” And B105 (Fire-flow requirements for buildings). Two-family dwellings (Group R- 3)and Group R-4 buildings and townhouses. The minimum fire-flow and the flow duration requirements for two family dwellings, Group R-4 buildings and townhouses shall be specified in Tables B105.1(1) and B105.1(2).

Article 7 International Fuel Gas Code (IFGC):

Sec. 18-7-10 Adoption. Replace the International Fuel Gas Code, 2009 Edition with the 2015 Edition, including Chapters 1-8 and all four Appendices...

Sec. 18-7-30 Amendments.

1. Section 101.1 (Title). These regulations shall be known as the Fuel Gas Code of The Town of Crested Butte, hereinafter referred to as “this code.”
2. Section 106.6.3. (Fee refunds). Eliminate Section.
3. Section 304. (Combustion, Ventilation and Dilution Air). Shall be amended as follows: add to 304.1 “All installed fuel gas-burning appliances shall be high efficiency direct-vent

appliances with sealed combustion, installed in accordance with their listing, and in compliance with the manufacturer's installation instructions. All such appliances shall be installed in compliance with Chapter 18, Article 9 of the Crested Butte Municipal Code." And delete Sections 304.2, 304.3 and 304.5 through 304.8.

Article 9 International Energy Conservation Code (IECC):

Sec. 18-9-40 International energy conservation code.

(a) Adoption The International Energy Conservation Code, 2015 Edition (IECC)... For purposes of this Article, Sections C402, C403, C404, C405, C408, R401, R402, R403, R404 of the IECC shall be amended to include the following: "Each component of the building envelope shall be at a minimum meet or exceed the values in Table C402.1.3 Opaque Thermal Envelope Insulation Component Minimum Requirements R Value Method, Table R402.1.2 Insulation and Fenestration Requirements By Component, and Table R402.4.1.1 Air Barrier and Insulation Installation."

(b) Amendments. (2) IECC Section 506 "Total Building Performance" with *Section 406 "Energy Rating Index Compliance Alternative"* shall be amended...; **Add item (3)**, IECC Chapter 5 (CE) and Chapter 5 (RE) "Existing Buildings" shall be amended by deleting both chapters commercial and residential provisions and replacing it with the following: "All construction shall comply with the requirements of the 2015 International Existing Building Code (IEBC)."

Sec. 18-9-50. Minimum efficiency standards for new construction; commercial structures greater than 20,000 square feet. Add the words after (LEED) certified except that residential buildings in excess of twenty thousand (20,000) square feet may be Enterprise Green certified in lieu of LEEDs certified. "or Building Official approved alternate certification."

Sec. 18-9-60. Solid fuel-burning device permit. Revise (d) Replace noted Section 703 of the International Mechanical Code (IMC) with Section 701.1 of the International Mechanical Code (IMC)...

Sec. 18-9-70. Minimum efficiency standards for renovation of existing historic buildings. Replace ...per IECC 101.2.2.3 with per IECC Section C501.6 Historic buildings- Commercial Provision and Section R501.6 Historic buildings- Residential Provision.

Sec. 18-9-80. Building science requirements. Revise (b) Installation... from 50% to at least 75% of the permanently installed lighting fixtures shall contain only high-efficacy lamps. This requirement complies with IECC Section R404.1 Lighting equipment.

Sec. 18-9-100 Renewable energy mitigation system. Revise first paragraph: All outdoor snowmelt systems must meet IECC Section C403.2.13 Heating outside of the building, and R403.9 Snow Melt and Ice system controls, and must comply with the following energy mitigation program (REMP) requirements. All outdoor pools, hot tubs and spas with top surface area in excess of sixty-four (64) square feet as measured by manufacturer, must also comply with the REMP requirements.

Article 12 Construction Site Regulations

Add Sec. 18-12-40 Construction site safety.

Every excavation on a site shall have safety fencing erected as a public safeguard. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction and demolition activities.

Article 13 Building Inspector and Building Permits

Add Sec. 18-13-40 Building permit. Revise (b) (2) to read: The performance deposit *can be* released *within a two (2) year period* upon the issuance of certificate of occupancy for the structure for which the building permit is sought, *as long as* the Building Department determines that all improvements have been completed in accordance with all approved plans, including landscaping and parking requirements.

Revise Sec. 18-13-60 Construction time. Revise... fine set forth in Section 16-23-20 *to Section 16-24-20.*

Article 14 Carbon Monoxide Detector/Alarm Regulations

Sec. 18-14-20 Installation guidelines. Adopt International Fire Code Section 915 amended as follows: Section 915.1.4 delete Exception 1, and Section 915.1.5 delete Exception 3. Section 915.2.1: replace the wording "immediate vicinity of bedroom." with "*within 15 feet of bedrooms, or rooms lawfully used at any time for sleeping.*" Section 915.2.2: replace the wording "immediate vicinity" with "within 15 feet." And Revise (a) All existing dwelling units and existing other applicable uses or those undergoing new construction, additions, remodels and renovations where: (1) a fuel-burning device is or will be installed in or adjacent thereto, shall contain a carbon monoxide detector/alarm. A carbon monoxide detector is not required in an enclosed parking area.

Add Article 15- Property Maintenance

18-15-10 Adoption. Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the Property Maintenance code of the Town, by reference thereto, the International Property Maintenance Code, 2015 edition, including Chapters 1-8, as published by the International Code Council Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IPMC"), regulating and governing the conditions and maintenance of all property, buildings and structures; by providing safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy within the Town of Crested Butte, is hereby adopted herein is hereby are deleted, replaced and amended as follows:

18-15-20 Amendments.

- 1) Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the Town of Crested Butte, herein referred to as “this code.”
- 2) Section 103.5 Fees. Delete this section.
- 3) Section 110 Demolition. Delete entire section.
- 4) Section 112.4 Stop Work Order Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a maximum fine of one thousand dollars (\$1,000) per offense.
- 5) Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds as defined herein, and Article 3 of the Town Code. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- 6) Section 304.14 Insect screens. Delete entire section.
- 7) Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units, on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat year round to maintain a minimum temperature of 68 degrees in all habitable rooms, bathrooms and toilet rooms.
- 8) Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat year round to maintain a minimum temperature of 65 degrees during the period the spaces are occupied.

Staff Recommendation: The staff recommends that the Council set Ordinance #19, Series 2016 for Public Hearing at the December 19, 2016 meeting.

Proposed Motion: I move to set Ordinance #19, Series 2016 for public hearing on December 19th.

ORDINANCE NO. 19

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING THE TOWN CODE TO ADOPT BY REFERENCE THE 2015 SERIES OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2014 NATIONAL ELECTRIC CODE AND VARIOUS ELEMENTS OF CHAPTER 18 RELATED TO CONSTRUCTION ACTIVITIES.

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, C.R.S. 31-15-103 authorizes the Town to adopt ordinances necessary to provide for the health, safety and welfare of the Town;

WHEREAS, the adoption of uniform codes of construction is necessary to ensure safe and sound construction of buildings;

WHEREAS, C.R.S. 31-16-202 allows municipalities to adopt published compilations of building and related codes by reference;

WHEREAS, the Town Council has adopted numerous uniform codes of construction (“**Uniform Codes**”);

WEREAS, the construction of safe and sound buildings is an important charge of the Town Council;

WHEREAS, the Town Council has determined that the below amendments to the Uniform Codes suggested by the Town staff promote the desired goals of the Town Council to achieve standardized, safe construction, and accordingly, are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

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

Section 1. Amending Chapter 18, Article 1 – International Building Code.

The following Sections in Chapter 18, Article 1 are deleted, replaced and amended as follows:

Sec. 18-1-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2015 edition, Chapters 1 through 35 without appendices (“IBC”) published by the International Code Council Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, and safety and general welfare.

Sec. 18-1-30. Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) IBC Section 105.2 (Work exempt from permit). Delete Item 1 (detached accessory structures), and item 12 (awnings). Change the reference in 105.2 item 6 (sidewalks) from 30 inches to 18 inches (Section 18-1-30).
- (2) IBC Section 108 (Temporary structures and uses). Delete 180 days for time of service and substitute 14 days and refer to Sec. 16-14-180.
- (3) IBC section 1805.3 (Waterproofing) delete entire section and substitute “All basement construction shall adhere to Section 18-16-10 of the Crested Butte Municipal Code for basement waterproofing.”
- (4) IBC Section 202 (definitions) shall be amended by adding the following definition of “Crawlspace”: Any space below the first floor of a building with a height of 60 inches or less, measured from the ground level at any point within the perimeter to the bottom of the floor joist directly above. The definition of “Townhouse” shall read a single-family dwelling unit constructed in a group of two or more attached units...

Section 2. Amending Chapter 18, Article 2 – Residential Code. The following Sections in Chapter 18, Article 2 are deleted, replaced and amended as follows:

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2. C.R.S., there is adopted as the residential code of the Town, by reference thereto, the *International Residential Code*, 2015 edition, Chapters 1 through 43 inclusive, with Appendix F Passive Radon Controls, Appendix R Light Straw-Clay Construction, and Appendix S Straw-Bale Construction (“IRC”), published by the International Code Council Inc. 4051, West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, and safety and general welfare.

Sec. 18-2-30. Amendments.

The code adoption herein is hereby modified by the following amendments:

(1) IRC Section R105.2 (Work Exempt from permit). Eliminate item #1 (detached accessory structure), #9 (window awning), and #10 (decks).

(2) IRC section 202 (Definitions), definition of “Townhouse shall be amended by changing the definition from “...a group of three (3) or more...” to“...a group of two or more...” A “Crawl Space” shall be defined as “any space below the first floor of a building with a height of 60 inches or less, measured from the ground level at any point within the perimeter to the bottom of the floor joist directly above.

(3) IRC Section R301.2 is amended by added the following table to R 301.2 (1);

Flat Roof Snow Load:	100 lbs. per square foot
Ground Snow Load:	Not Determined
Wind Design Speed:	115 Miles per Hour
Topographic effects	No
Special wind region	No
Wind-borne debris zone	No
Seismic Design Category	C
Subject to Damage From	
Weathering	Severe
Frost Line depth	36 inches
Termite	Slight
Winter Design Temp.	-16 degrees Fahrenheit
Ice Barrier Underlayment Required	Yes
Floor Hazard	Flood Insurance Rate Maps (FIRM)
	08051C0726D, 08051C0727D
Air Freezing Index	3500
Mean Annual Temperature	35 degrees Fahrenheit

(4) IRC Section 303.3 (Bathrooms) shall be amended to read:” Bathrooms, water closet compartments and other similar rooms shall be provided with mechanical ventilation with minimum ventilation rates of 50 cfm for intermittent ventilation and 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.”

(5) IRC Section 310 2.3 (Window Wells) shall be amended to add the following. “All window wells required for emergency escape shall be provided with a roof or projection above and curbing sufficient to prevent the accumulation of snow and ice inside the window well.”

(6) IRC Section 313.1 (Townhouse automatic fire sprinkler systems) shall be amended to add the following. “... in townhouses of more than two units”.

(7) IRC Section 313.2 (Two family dwelling automatic fire systems) shall be amended to delete “one-and”.

(8) IRC Section 315.1 (Carbon monoxide alarms) shall be amended to add “and Chapter 18, Article 14 of the Crested Butte Municipal Code. In the case of conflicts between the codes the more restrictive will apply.”

(9) IRC Section 406 (Foundation waterproofing and damp proofing) shall be amended to add “All basement construction shall be in compliance with the requirements of Section 18-16-10 of the Crested Butte Municipal Code. In the case of conflicts between the codes the more restrictive will apply.”

(10) IRC Section R1002.2 (Masonry heaters) and IRC Section R1004.1 “Factory built fireplaces) shall be amended to add “All solid fuel burning devices shall conform to Chapter 18, Article 8 of the Crested Butte Municipal Code.”

(11) IRC Chapter 11 (Energy efficiency) shall be deleted in its entirety and replaced with the following: “All residential construction shall comply with the requirements of the 2015 International Energy Conservation Code and with the provision of Chapter 18, Article 9 of the Crested Butte Municipal Code. In the case of conflict between the codes the more restrictive will apply.”

Section 3. Amending Chapter 18, Article 2.5– Existing Building Code. The following Sections in Chapter 18, Article 2.5 are deleted, replaced and amended as follows:

Sec. 18-2.5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Existing Building Code*, 2015 edition, Chapters 1 through 16 without appendices (“IBC”) published by the International Code Council Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if

set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, and safety and general welfare.

Sec. 18-2.5.20. Amendments.

The code adoption herein is hereby modified by the following amendments:

- (1) IEBC Section 101.4 shall be amended to add, “This document and individual provisions shall only be applicable with the prior express permission of the Building Official.”

Section 4. Amending Chapter 18, Article 3– Mechanical Code. The following Sections in Chapter 18, Article 3 are deleted, replaced and amended as follows:

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code For the Town, by reference thereto, the *International Mechanical Code*, 2015 edition, including Appendix A, as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 (“IMC”), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part of, as if fully set out herein.

Section 5. Amending Chapter 18, Article 4-Plumbing Code. The following Sections in Chapter 18, Article 4 are deleted, replaced and amended as follows:

Sec. 18-4-10 Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code For the Town, by reference thereto, the *International Plumbing Code*, 2015 edition, including Appendices C and E, published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 (“IPC”), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part of, as if fully set out herein.

Section 6. Amending Chapter 18, Article 5- Electrical Code. The following Sections in Chapter 18, Article 5 are deleted, replaced and amended as follows:

Sec. 18-5-10 Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code For the Town, by reference thereto, the *National Electrical Code*, 2014 edition, including Appendices C and E, published by National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471 (“NEC”), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part of, as if fully set out herein.

Section 7. Amending Chapter 18, Article 6- Fire Code. The following Sections in Chapter 18, Article 6 are deleted, replaced and amended as follows:

Sec. 18-6-10 Adoption.

The *International Fire Code*, 2015 Edition, including Appendices B-M, as published by the International Code Council, is hereby adopted by reference as the fire code of the Town, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for issuance of permits and collection fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of Town are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 18-6-10 above. State and EPA regulations shall take precedence if there is any International Fire Code regulations pertaining to the use, storage, handling, manufacture or dispensing of flammable and compressed gases, corrosive materials, explosives and fireworks, flammable gases and solids, highly toxic and toxic materials, liquefied petroleum gases, organic peroxides, oxidizers, pyrophoric materials, pyroxylin (Cellulose nitrate) plastic, unstable (reactive) materials, water-reactive solids and liquids or any other material which may be characterized or become known as a hazardous material.

Sec. 18-6-20 Amendments.

The code adoption herein is hereby modified by the following amendments:

- (1) Section 101.1., (Title). Insert in name of Jurisdiction, “Town of Crested Butte.”
- (2) Section 102.7 (Referenced codes and standards), and 102.8 (Subjects not related to this code). Insert: “The most current NFPA edition may be utilized upon approval of the CBFPD Fire Chief.”

(3) Section 106.2.1 (Inspection requests). Add: “Requests for inspections shall be submitted at least five (5) working days prior to the date of requested inspections.”

(4) Section 109.4, (Violation penalties). Insert: “...shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand (\$1,000.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment.”

(5) Section 403.4 (Group B occupancies). Revise: “An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing a Group B occupancy where the Group B occupancy has an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge and for buildings having an ambulatory care facility.”

(6) Section 403.9 (Group M occupancies). Revise: “An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing a Group M occupancy where the Group M occupancy has an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge and for buildings containing both a Group M occupancy and an atrium.

(7) Section 403.12.3 (Crowd managers for gatherings exceeding 1,000 people). Revise: Section 403.12.3 “Crowd managers for gatherings exceeding 499 people”. Where facilities or events involve a gathering of more than 500 people, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3.

(8) Section 507.1 (Required water supply). Add: “Where required fire flows cannot be provided an approved monitored fire suppression system complying with Section 9 of this Code and the Guidelines and Standards of the Crested Butte Fire Protection District shall be installed throughout every occupancy and structure except Occupancy R-3 within the boundaries of the Town of Crested Butte.”

(9) Section 507.5.5 (Clear space around hydrants). Shall read as: A 3-foot clear space must be maintained around the circumference of fire hydrants and “Fire Department Connections”, except as otherwise required or approved. Section 507.5.6 Physical protection. Where fire hydrants and “Fire Department Connections” are subject to impact by motor vehicle, guard posts or other approved means shall comply with Section 312.

(10) Section 603.9 (Fuel-fired Appliances) and Section 603.9 (Gas Meters). Above-ground gas meters regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. “Locations of gas meters, regulators and piping shall also comply with the Guidelines and Standards of the District.”

(11) Section 903 (Automatic Sprinkler Systems). Revise: 903.2.1.1 Group A-1., condition 2. The fire area has an occupant load of “100” or more. 903.2.1.3 Group A-3., condition 2. The fire area has an occupant load of “100” or more. 903.2.1.4 Group A-4., condition 2. The fire area has an occupant load of “100” or more, and 903.2.1.6 Assembly occupancies on roofs is 100 or more.

(12) Sections 907.2.1 (Group A). Shall read as: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A Occupancies where the occupant load due to the assembly occupancy is “100” or more. Section 907.2.2 Group B. A manual fire alarm system shall be installed in Group B Occupancies where one of the following conditions exist: 1. The combined Group B Occupant load of all floors is “100” or more. Section 907.2.7 Group M. A manual Fire alarm system that activates the occupant notification system in accordance to Section 907.5 shall be installed... Modify condition 1. The combined Group M occupant load of all floors is “100” or more persons.

(13) Section 609.2 (Where required). A Type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that provide grease vapors. Delete Exception.

(14) Section 609.4 (Appliance connection to building piping). Add: “An approved means shall be provided of ensuring that appliances that are moved for cleaning and sanitation purposes are returned to their original position.”

(15) Section 507.2.9.1. (Above ground tanks). Above ground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Sections 5704.2.9.1 through 6704.2.9.7.9.

(16) Section 5706.2.4.4 (Locations where above ground tanks are prohibited). The storage of Class I and II liquids in above ground tanks is prohibited with the limits established by law within Crested Butte

(17) Section 1104.5 (Illumination emergency power). Occupancy B: 2. Group B buildings three or more stories above or below a level of exit discharge serving occupants. Delete “or buildings with 1000 or more occupants.”

(18) Section 2306.2.2. (Above-ground tanks located inside buildings). Locations where aboveground tanks are prohibited. Replace sentence with: “Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town, except in those locations as identified in the official map of “Locations Permitted for Aboveground Tanks” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.”

(19) Section 2306.2.3 (Above-ground tanks located outside, above-grade) and Section 2306.2.4 (Above-ground tanks located in above-grade vaults or below-grade vaults). Locations where aboveground tanks are prohibited. Replace existing sentence with: “Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town, except in those locations as identified in the official map of “Locations Permitted for Aboveground Tanks” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.” Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue or safety hazards.

(20) Section 5806. (Flammable Cryogenic Fluids). “Not allowed in the Town of Crested Butte.”

(21) Section 6103.3 (Location of equipment and piping). Add second sentence to read:

“Locations of gas meters, regulators and piping shall comply with this section and the Guidelines and Standards of the District.”

(22) Appendix B (Fire-flow requirements for buildings B105). Two-family dwellings (Group R- 3) and Group R-4 buildings and townhouses. The minimum fire-flow and the flow duration requirements for two family dwellings, Group R-4 buildings and townhouses shall be specified in Tables B105.1(1) and B105.1(2).

(23) Eliminate Sec. 18-6-40 Amendments.

(24) Rename existing Sec. 18-6-50 Rules and regulations as Sec. 18-6-40 Rules and regulations.

(25) Rename existing Sec. 18-6-60 Conflicting provisions as 18-6-50 Conflicting provisions.

(26) Rename existing Sec. 18-6-70 Violations, liability and penalty as 18-6-60 Violations, liability and penalty.

Section 8. Amending Chapter 18, Article 7- Fuel Gas Code. The following Sections in Chapter 18, Article 7 are deleted, replaced and amended as follows:

Sec. 18-7-10 Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the International Fuel Gas Code, 2015 edition, including Chapters 1-8 and all four Appendices, as published by the International Code Council Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 (“IFGC”), regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits

and collection of fees (as appropriate) therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made as part hereof, as if fully set out herein.

Sec. 18-7-30 Amendments.

The code adoption herein is hereby modified by the following amendments:

- (1) Section 101.1 (Title). These regulations shall be known as the Fuel Gas Code of The Town of Crested Butte, hereinafter referred to as “this code.”
- (2) Section 106.6.3. (Fee refunds). Eliminate Section.
- (3) Section 304. (Combustion, Ventilation and Dilution Air). Shall be amended as follows: add to 304.1 “All installed fuel gas-burning appliances shall be high efficiency direct-vent appliances with sealed combustion, installed in accordance with their listing, and in compliance with the manufacturer’s installation instructions. All such appliances shall be installed in compliance with Chapter 18, Article 9 of the Crested Butte Municipal Code.” And delete Sections 304.2, 304.3 and 304.5 through 304.8.

Section 9. Amending Chapter 18, Article 9- Energy Standards. The following Sections in Chapter 18, Article 9 are deleted, replaced and amended as follows:

Sec. 18-9-40 International Energy Conservation Code.

(a) Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy code of the Town, by reference thereto, the International Energy Conservation code, 2015 edition, without appendices, as published by the International Code Council Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 (“IFGC”), regulating and governing the minimum energy conversation requirements as herein provided; providing for the issuance of permits and collection of fees (as appropriate) therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made as part hereof, as if fully set out herein.

(b) Amendments.

- (1) IECC Section R405 (Simulated performance alternative (Performance)). Add the requirement: The utilization of this section must be specifically approved by the Building Official prior to submittal of design documents.

- (2) IECC Section R406 (Energy Rating Index Compliance Alternative). Add the requirement: The utilization of this section must be specifically approved by the Building Official prior to the submittal of design documents.
- (3) IECC Chapter 5 (CE) and Chapter 5 (RE) (Existing Buildings). Delete both chapters commercial and residential provisions and replacing it with the following: “All construction shall comply with the requirements of the 2015 International Existing Building Code (IEBC).”
- (4) For the purposes of this Article, Sections C402, C403, C404, C405, C408, R401, R402, R403, R404 of the IECC shall be amended to include the following: “Each component of the building envelope shall be at a minimum meet or exceed the values in Table C402.1.3 Opaque Thermal Envelope Insulation Component Minimum Requirements R Value Method, Table R402.1.2 Insulation and Fenestration Requirements by Component, and Table R402.4.1.1 Air Barrier and Insulation Installation.”

Sec. 18-9-50. Minimum Efficiency Standards for New Construction; Commercial Structures Greater Than 20,000 Square Feet.

All new commercial, schools, industrial, residential or mixed use buildings in excess of twenty thousand (20,000) square feet must be Leadership in Energy and Environmental Design (LEED) certified, except that residential buildings in excess of twenty thousand (20,000) square feet may be Enterprise Green certified in lieu of LEEDs certified. The cost and expense of achieving a certified rating shall be borne by the applicant for the building permit for the structure. Alternate certification method must be approved by the Building Official.

Sec. 18-9-60(d). Solid Fuel –Burning Device Permit.

All solid fuel-burning devices must incorporate exterior combustion air ventilation that complies with Section 701.1 of the International Mechanical Code (IMC), as defined in Article 3 of this Chapter. Ducting for solid fuel-burning devices must be fitted with backdraft dampers.

Sec. 18-9-70. Minimum efficiency standards for renovation of existing historic buildings.

Buildings or portions thereof undergoing renovations that are heated must comply with Sections 18-9-40 above. The Building Official may waive any or all of the requirements of Section 18-9-40 at his or her discretion per IECC 101.2.2.3 and with IECC Section C501.6 Historic buildings- Commercial Provision and Section R501.6 Historic buildings- Residential Provision.

Sec. 18-9-80(b). Building Science Requirements.

Installation of energy-efficient lighting fixtures. At least seventy-five percent (75%) of all permanently installed light sources in a new structure shall be compact fluorescent (CF) or

LED high-efficiency lamps. This requirement complies with IECC Section R404.1 Lighting equipment.

Sec. 18-9-100 Renewable Energy Mitigation System.

All outdoor snowmelt systems must meet IECC Section C403.2.13 Heating outside of the building, and R403.9 Snow Melt and Ice system controls, and must comply with the following energy mitigation program (REMP) requirements. All outdoor pools, hot tubs and spas with top surface area in excess of sixty-four (64) square feet as measured by manufacturer, must also comply with the REMF requirements: Items 1-4 to remain as written.

Section 10. Amending Chapter 18, Article 12- Construction Site Regulations. The following Sections in Chapter 18, Article 12 are deleted, replaced and amended as follows:

Sec. 18-12-10 through Sec. 18-12-30 to remain as written.

Sec. 18-12-40. Construction Site Safety.

Every excavation on site shall have safety fencing erected as a public safeguard. Adjoining public or private property shall be protected from damage during construction, remodeling, and demolition work. Protection shall be provided for footings, foundations, party wall, chimney, skylight and roof work. Provisions shall also be made to control water runoff and erosion during construction and demolition activities.

Rename Existing Sec. 18-12-40 Violation, liability and penalty to Sec. 18-12-50 Violation, liability and penalty.

Section 11. Amending Chapter 18, Article 13- Building Inspector and Building Permits.

The following Sections in Chapter 18, Article 13 are deleted, replaced and amended as follows:

Sec. 18-13-40 (b) 2. Building Permit.

The performance deposit will be released upon the issuance of a certificate of occupancy for the structure for which the building permit is sought, if the Building Department determines that all improvements have been completed in accordance with the approved plans, including landscaping and parking requirements. The performance deposit can be released within a two (2) year period only after issuance of certificate of occupancy date.

Sec. 18-13-60 Construction time.

Unless additional time, which shall be no more than six (6) months, is granted for good cause by the Building Inspector, all exterior construction must be totally completed within one (1) year of the commencement of construction under a building permit. If not so completed, the building permit shall be null and void and the owner shall be liable for payment of a fine as set forth in Section 16-24-20 of this Code.

Section 12. Amending Chapter 18, Article 14- Carbon Monoxide Detector Alarm Regulations. The following Sections in Chapter 18, Article 14 are deleted, replaced and amended as follows:

Add Sec. 18-14-10 Carbon Monoxide Detection.

a) Adoption.

International Fire Code Section 915 Carbon monoxide detection.

b) Amendments.

- (1) Section 915.1.4, delete Exception 1, and Section 915.1.5, delete Exception 3.
Section 915.2.1, replace the wording “immediate vicinity of bedroom” with “within 15 feet of bedroom, or room lawfully used at any time for sleeping.”
Section 915.2.2, replace the wording “immediate vicinity” with “within 15 feet.”

Rename Sec. 18-14-10 Definitions to Sec. 18-14-20 Definitions.

For purposes of this article only, the following terms shall have the following meanings ascribed thereto:

Subsequent definitions are retained as stated.

Rename Sec. 18-14-20 Installation guidelines to Sec. 18-14-30 Installation guidelines.

(a) All existing dwelling units and existing other applicable uses or those undergoing new construction, additions, remodels and renovations where: (1) A fuel-burning device is or will be installed therein or adjacent thereto, shall contain a carbon monoxide detector/alarm. (2) A carbon monoxide detector is not required in an enclosed parking area.

Subsequent guidelines are retained as stated.

Rename Sec. 18-14-30 Exception to installation requirements. To Sec. 18-14-40 Exception to installation requirements.

Rename Sec. 18-14-40 Time for compliance. To Sec. 18-14-50 Time for compliance.

Rename Sec. 18-14-50 Testing, inspection and maintenance of carbon monoxide detectors/alarms. To Sec. 18-14-60 Testing, inspection and maintenance of carbon monoxide detectors/alarms.

Rename Sec. 18-14-60 Limitation of liability. To Sec. 18-14-70 Limitation of liability.

Section 13. Amending Chapter 18, Add Article 17- Property Maintenance. The following Sections in Chapter 18, Article 17 are added:

Sec. 18-17-10 Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the Property Maintenance code of the Town, by reference thereto, the International Property Maintenance Code, 2015 edition, including Chapters 1-8, as published by the International Code Council Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 (“IPMC”), regulating and governing the conditions and maintenance of all property, buildings and structures; by providing safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy within the Town of Crested Butte, is hereby adopted herein.

Sec.18-18-20 Amendments.

(1) Section 101.1 (Title). These regulations shall be known as the International Property Maintenance Code of the Town of Crested Butte, herein referred to as “this code.”

(2) Section 103.5 (Fees). Delete this section.

(3) Section 110 (Demolition). Delete entire section.

(4) Section 112.4 (Stop Work Order Failure to comply). Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a maximum fine of one thousand dollars (\$1,000) per offense.

(5) Section 302.4 (Weeds). Premises and exterior property shall be maintained free from weeds as defined herein, and Article 3 of the Town Code. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(6) Section 304.14 (Insect screens). Delete entire section.

(7) Section 602.3 (Heat supply). Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units, on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat year round to maintain a minimum temperature of 68 degrees in all habitable rooms, bathrooms and toilet rooms.

(8) Section 602.4, (Occupiable work spaces). Indoor occupiable work spaces shall be supplied with heat year round to maintain a minimum temperature of 65 degrees during the period the spaces are occupied.

Section 14. 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 15. Savings Clause. Except as amended hereby, the Crested Butte Municipal 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 the effective date hereof.

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

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS ____ DAY OF _____, 2016.

TOWN OF CRESTED BUTTE

By: _____

Glenn Michael, Town Mayor

ATTEST:

BY: _____

Lynelle Stanford, Town Clerk

Dear Town Council,

I have lived in the Crested Butte area for most of the last 20 years. My husband and I moved to our house in town a few years ago and consider it our only home. I grew up in villages in Europe and CB reminds me of those. I love wandering in the mountains, walking and biking to do my errands, seeing neighbors and happy tourists (yes, I even like 4th July weekend).

My interest in being on the town council is to be part of a team continuing to make Crested Butte a great place today, as well looking to the future, ensuring that it is an incredible place in 30 years. I have attended many Crested Butte Town Council meetings over the past few years and appreciate the variety of viewpoints and energy the council brings to opportunities and challenges facing the town. I think I will add a unique global perspective, collaborative problem solving and an increased focus on the long term solutions for our community.

Please consider me as a candidate to complete Erika Vohman's term on CB Town Council.

Sincerely,
Gabi Prochaska

11/29/16

I'm applying to fill the vacant position on the town Council. I am eager to serve for several reasons.

I am proud to be a local Crested Buttean for 24 years soon to be 25. Crested Butte is a dreamy place to live and I want to strive to keep it that way! If given the chance to serve on the town Council I am ready to give back to my community that I so admire and respect and to try and keep it real with real hard-working folks living in town. It is my wish to see a happy thriving town that is not overrun by traffic and occupied with real people that work and live here.

I would like to participate in the decision-making process with regards to many issues that Crested Butte is facing today. I see a chance to dedicate my time and energy and to provide a balanced view that considers many competing forces and seeks to include all points of view when considering any particular issue.

My hope is to maintain a real sense of community which in my mind means that Crested Butte must still be a "cool" town for young people to work and have a dream of living their lives here much as I did when I was in my twenties. Yes you might say this is indeed a challenge and will require a bit of creativity and persistence to see this vision come to fruition. Of course it is also equally important to maintain the sense of beauty, and tranquility that most people come here for.

I believe I am suited for this position because I am patient, I work as a professional with people all the time in my role as a real estate agent in town and know how to be disciplined and informed in my approach to issues and conflicts. I also know the importance of making a deal where all sides feel like they are getting something out of it. Thank you for your time and considering me for this very important position,

Laurel Walker

409 Whiterock Ave
Crested Butte, CO

970-275-9567

laurelinparadise@yahoo.com



To 11/28/16

Crested Butte Town Council

From

Tracy A. Smith

Po Box 902

Crested Butte, Co. 81230

970 209-9892

Dear Town Council:

I am very interested in the Town Council Seat. I love the opportunity to help my community, to listen, to put my all into this. I've lived in Crested Butte since 1978 - This is my home FOREVER. Town Council will be a challenge of both known and unknown events. I work for local businesses. My sobriety fuels my passion and compassion for the growth of our village and my personal abilities. Make the right call and hire someone who knows the people and the town. It's time for changes in our council! With Respect, and Thank you for the good job with the A.D.U. I Love my community, Thank you for the consideration.

Tracy A. Smith

Jackson Petito

PO Box 1571, Crested Butte, Colorado 81224 · (310) 916-1934 · JacksonPetito@gmail.com

Town of Crested Butte
Attn: Town Clerk
PO Box 39
Crested Butte, CO 81224

Via Hand Delivery to Lynelle Stanford

November 29, 2016

To Whom It May Concern:

I am writing this letter to express my interest in filling the recently-vacated seat on the Crested Butte Town Council. I was born and raised in Crested Butte and, as a parent and business owner, have a vested interest in the prosperity of the Town. As a long-time resident, parent of a child soon to enter the Community School, local attorney, and employee of a prominent local non-profit (KBUT), I feel I would bring with me a unique and helpful perspective on the many issues that the Town faces. I would be happy to meet with some or all of the sitting Council members to discuss my qualifications, enthusiasm, and willingness to give all issues a fair hearing as a Council member. Please feel free to contact me with any questions or ideas.

Thank you,



Jackson Petito

p: (310) 916-1934

e: JacksonPetito@gmail.com

Town of Crested Butte
507 Maroon Ave. / PO box 39
Crested Butte Co. 81224

11/ 30 /16

Re: Vacant Town Council position

To the Crested Butte Town Council,

I am submitting this letter for consideration for my appointment to the newly vacant Town Council Position.

I have been a full time resident in Crested Butte since 1990 and have strived to give back in any capacity I could to protect and preserve our amazing community. I served as an emergency response volunteer in the Crested Butte Fire Protection District for 16 years and during that time I was elected to the CBFPD Board of directors for two 4-year terms. I was also the president of the Fire/Ems Volunteer Association for 5 years following my time as a board member. These experiences have given me insight into what it takes to be a respectful, responsible and open minded representative who considers all possible solutions for a given issue.

In addition to my experience with the CBFPD, I am also a professional licensed Architect. My training and practice have taught me to be an innovative problem solver and to exercise both creative and critical types of thinking. I know it is important to generate new ideas, but it is also just as important to actively evaluate potential solutions and revise them when necessary.

It is clear that the role of a Town Council Member is a big responsibility and that it requires a considerable amount of time and effort from those who serve. I have no personal or public agenda to bring to the Council, but sincerely wish to offer my abilities to diligently contribute for the next ten months

I believe that it is every citizen has an obligation to participant in some form of civic duty during his or her lifetime and I know that I can be an engaged and conscientious member of the Crested Butte Town Council.

Thank you for your consideration,

Respectfully,

Kent Cowherd

November 29, 2016

Dear Mayor Michel and the entire Town Council,

I am writing this letter to tell you of my interest in being appointed to fill Erica Vohman's Town Council seat. My professional and personal life at this time allows me the opportunity to devote my energies to serving the people of Crested Butte.

I feel qualified to fill this position. My main reason in applying is that I hope to help the town move forward with good vision, plans and projects for the betterment of our town.

I was asked what I considered to be the three most important issues at this time for the Town Council. There are many but for me they are:

1. The Red Lady-Being on the Red Lady Coalition Board has kept me abreast of the current status of Red Lady. Working with so many other people to help preserve Red Lady has been one of my main focuses.
2. Housing- All aspects of Affordable, Long Term, and STR's housing are important to the integrity of town. The Gunnison Valley Housing Needs Assessment documents the current magnitude of parts this issue and I want to thoroughly review this and other related information to help move the Town Council forward in a positive way.
3. Communication-Communicating with the people of the town is a high priority in understanding how the Council should work on all their projects. Keeping in tune with the town staff and understanding their needs is important to accomplishing the Council's goal. Working together with other governmental organizations in our valley is of major importance. I feel I have succeeded in doing just that with many of the non-profits and governmental organizations that I have been involved with throughout the years.

I was also asked if I would be willing to be involved with different committees. I have experience working on numerous committees. I know how important committees are. People have told me I am good at summarizing details and passing them on to others so I believe I can benefit the Council in that way.

One of my best qualities is my accessibility to variety of people who live in Crested Butte. I would continue to be available to the citizens of Crested Butte.

I know what an important decision this is. The citizens of Crested Butte voted for you and they as well as I trust you to do what you feel is right for our Town. Thank you for all the time and energy you have put into helping to make the Town of Crested Butte a wonderful place!! I hope I can help do that too.

Cheers,



Glo Cunningham

From: [Dara MacDonald](#)
To: [Bob Gillie](#); [John Belkin](#); [Lynelle Stanford](#)
Subject: FW: Litigation
Date: Monday, November 28, 2016 3:14:38 PM

FYI

From: Diane Aronovic [mailto:diane@cb-realty.com]
Sent: Monday, November 28, 2016 3:06 PM
To: Glenn Michel <GlennMichel@crestedbutte-co.gov>; Chris Ladoulis <CLadoulis@crestedbutte-co.gov>; mason@crestedbutte-co.gov; J Schmidt <JSchmidt@crestedbutte-co.gov>; Paul Merck <pmerck@crestedbutte-co.gov>; Laura Mitchell <lmitchell@crestedbutte-co.gov>; Dara MacDonald <dmacdonald@crestedbutte-co.gov>
Subject: Fw: Litigation

Mayor, Town Council and Town Manager,

I read the article in the news regarding pending litigation against the town on the long term deed restrictions with trepidation. I understand the council's angst over the matter, especially with the current turmoil regarding local housing in town. From what was reported in the paper, it sounded like council members are angry at the situation, but I hope you will think hard about this issue and not just around a year in the 25 years the restriction has existed. I believe the Mize property has never been rented. Changing the town regulation now can only apply going forward, not to what has occurred in the past. I am concerned that the town is taking on a battle they can't win. This battle will be fought with taxpayer money against 2 deep pocketed second homeowners. Since the regulation was not enforced in 25 or so years, do you really think you have a slam dunk case? If not, is this the best use of taxpayer funds, especially since if the town loses you may be responsible for paying the opposing parties legal fees?

Please deeply consider this litigation since you represent me and other taxpayers and are using our funds. If you have a chance of losing, the case you will be making the availability of long term local housing in town much worse. Yes, you are in a difficult situation, but please think through the many potential repercussions before you launch into a legal quagmire you may not be able to win.

Diane Aronovic

Diane Aronovic
970-209-0405
Diane@cb-realty.com
www.crested-butte-realty.com

From: [Jim Schmidt](#)
To: [Glenn Michel](#); [R Mason](#); [Chris Ladoulis](#); [Laura Mitchell](#); [Lynelle Stanford](#); pmerk@crestedbutte-co.gov; [Bob Gillie](#); dara@crestedbutte-co.gov
Subject: Fwd:
Date: Tuesday, November 15, 2016 10:24:17 AM

FYI

On Mon, Nov 14, 2016 at 9:37 PM, michael linehan <mclfirenze@yahoo.com> wrote:

jim

i am sending this to you only because i have your email address but would appreciate it if you forwarded it to the other council members.

i would like to emphasize, add to and simplify what i was attempting to say at the meeting.

- i signed alex's petition (as did Perdie) and like alex i believe short term rentals have the potential to be harmful to the fabric of the community and i am hopeful that council can work methodically to figure out a solution.
- i also see and understand the economic benefits to short term rentals
- i am skeptical that a cap would have the desired effect and i fear it would be divisive in the community but i am also fearful that if something is not done, we will get to a point where a cap must be imposed.
- in the meantime REAL TEETH must be put into the restrictions being discussed (numbers per house, noise, cars etc.) with substantial penalties involved.
- significant user fees / taxes should implemented : 1) to fund staff required to monitor and enforce 2) to manage short term rental demand

thank you

your group has a thankless job.

michael

michael c. linehan
post office box 2420
9 butte avenue
crested butte, colorado 81224
cell: (970) 497-6620
email: mclfirenze@yahoo.com

December 1, 2016

Mayor Glen Michel, and Town Council
Crested Butte, CO 81224

Honorable Mayor and Town Council,

There has been a lot said recently about the issue of housing and vacation rental controls in our small town. I completely agree that the issues exist and require the Council's consideration. However, the path that the Council has been considering of late is fraught with very bad economic consequences.

First, let me explain who this sender is. We purchased our home as a primary residence in 2004. While a primary residence for us, we both serve as US diplomats overseas. We saw a great Town, and wished it to be our home when we retired and needed to rent it to be able to afford it. We return each year to enjoy our little slice of American heaven.

Also to afford it, we both work in the world's most dangerous locales for you and our country (and us): 4 years in Pakistan, Iraq, and Afghanistan. We are now posted to Egypt; it's not exactly Paris. I say this not out of expectation of appreciation, but to indicate to you that we made the sacrifices necessary to be able to afford a home in Crested Butte.

Living in a beautiful house in a great locale comes at a high cost and we have paid it. We have not asked anyone to change laws so that the cost of our housing and lifestyle can suddenly implode to come down to our means. I don't think the Town of Crested Butte should take this approach either.

My contributions to the state and town have been in taxes, available beds for wealthy tourists who spend freely, and spending locally on our house. I grew up in

Florida, I know that while we don't always like tourists, we need their money and must accept that.

I have paid (conservatively) about \$5,200 a year in sales taxes of various types since 2004. I have paid substantial property taxes. My guests have paid about, at estimate, \$90,000 per year locally. Yes, we need those beds for those free spending tourists.

If the Council changes the premise upon which I, and many, home owners have invested, it will reduce the value of homes by about 30-40%. My property taxes and rental sales taxes will reduce accordingly. The money spent by 'my' tourists will reduce accordingly.

That's just me and my petty little problem. But across the board, how many homes are rented to tourists as mine is? Is the Town ready to lose its tax base and its gross domestic product by 30-40%? There are no hotels in the CB area to absorb the demand for beds and cover this loss. If you don't want the town, its restaurants and shops, and more houses to darken further, don't do this.

Raise my taxes to continue to provide subsidized housing? Fine. Reduce the number of nights to some insignificant level that we can rent our homes? Not fine. Freeze future rental licenses? Very bad. I heard at the last meeting that the rental nights might be limited to 180 nights, which is a level that won't crush homeowners and your tax base and local revenue generation. Maybe 150 might work for everyone. Below that, and you ruin our investments and, more importantly to you and the Town, you make a serious impact on the Town's overall revenues.

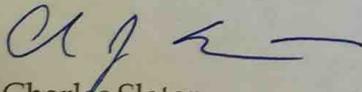
You don't want dark neighborhoods? The actions you have been contemplating will guarantee they will be dark. Houses won't be rented, they'll be empty full time. Restaurants and bars will darken while people go out of business. Realtors will retrench. Handymen and shops will close. You'll be trading a small problem for the exact big problem.

I know you may look, and no, I didn't vote in Crested Butte. Since we serve our country overseas, we are allowed to select our state of voting residence. We left ours in Florida because we thought it would make a difference in 2000, 2004, and 2016 (how badly did that work out). We will now be moving, legally, to Crested Butte so you can expect to vote soon and see us more often once our Cairo assignment is over and we retire.

I implore you to do what is right for our Town. While a fervent Democrat, I know we need a healthy revenue of employment base of bars and restaurants, construction companies, and small shops to keep our citizens employed. We need those beds for rich Texan tourists. We need the taxes from the rentals and houses. We do NOT need to take the primary investment of many middle income citizens like us and slash its value by 30-40%.

The squeaky wheel of many have been heard by you. Please, now listen to those of us who employ people and pay taxes.

Warm regards,

A handwritten signature in black ink, appearing to read 'Charles Slater', with a long horizontal flourish extending to the right.

Charles Slater
419 Fifth St.
Crested Butte, CO

Glenn Michel
Mayor Crested Butte Colorado

Regarding: Verzuh short-term rental property zoning

Dear Mr. Michel,

We are property owners of a short term rental townhome in the Verzuh area and we're deeply concerned about the zoning of the area. We ask that the Crested Butte town council consider a grandfather clause in the zoning for home owners that have contributed to Crested Butte's value by short-term renting their home without issue for many years.

My husband is a graduate of the University of Colorado, our son and his wife live in Boulder, CO and we've all been committed to Crested Butte for the past 20 years. We were originally introduced to Crested Butte by our nephew Cole Claassen who attended and graduated Western State University in 1998. Cole has recently built a home for his wife and two sons in CB South. Both families deeply value and are fortunate to experience Crested Butte's small town feel and strong sense of community. For over a decade, we've cherished this home and its unique surroundings and come to stay as long and as much as possible.

In 2004 we purchased this home in the Verzuh Ranch area. At the time of purchase we were not informed either by our builder, realtor nor the City Council of the zoning ordinance that prohibits rental properties in Verzuh.

In the past 12 years we've rented our home both long and short term and as we take great care in screening renters, we have never received complaints from our neighbors. We have been regular on-time payers of the home rental license tax and have invested in many improvements to our home over the years to appeal to ourselves, the Verzuh area and our short term renters; we are very proud of its location and appeal. As a result we have cultivated many return customers who are generally responsible families, like ours, enamored with the special town of Crested Butte.

We ask in earnest that you and the Council seriously consider the equitability of a grandfather clause to the Verzuh zoning that makes room for committed home owners to continue our 12-year short term rental business and very much appreciate your consideration in this significant matter.

Sincerely
Clay & Norma Claassen

11/11/16

Dear Members of the Town Council,

As a member of the committee appointed to assess the impacts of short-term rentals, I am writing to encourage you to carefully consider the committee's recommendations to set caps on the portion of housing units that may be licensed for short-term rentals.

As you know, the committee met weekly for two months last summer to consider all aspects of short-term rentals. Between meetings we studied the experiences of other jurisdictions dealing with this relatively recent and fast-spreading phenomenon -- both the economic benefits to homeowners and the costs to surrounding neighborhoods. Our goal was to adopt a balanced approach to the issue that would cause the least damage to owners while safeguarding our community.

We all agreed that while short-term rentals help our local economy by bringing in new visitors who patronize our restaurants, bars and shops, they

also can impose costs, in the form of increased noise, trash and traffic, decreased parking space for locals and -- most importantly -- a threat to our sense of community. We also agreed that there is a point beyond which there will be too many short-term rentals: A street whose occupants are transients more closely resembles a hotel strip than a thriving community, where residents are also neighbors. With this in mind, we recommended caps on the percentage of short-term rentals based on the number of units then licensed for that use.

I ask that you weigh these considerations against claims that our recommendations somehow violate homeowners' property rights, which are already subject to numerous zoning regulations. No one questions the separation through zoning of residential from industrial uses to protect the safety and welfare. Likewise, the proposed caps on short-term rentals are intended to preserve our neighborhoods and ensure that Crested Butte continues to be the kind of community that

visitors find so charming.

Sincerely,
Ray Ellis
PO Box 1281

Lynelle Stanford

From: Paul Merck
Sent: Monday, December 05, 2016 9:27 AM
To: Young, Mac
Cc: Lynelle Stanford
Subject: Re: Short Term Rental Regulations

Mac, Thanks for sharing your opinion. The comments will be forwarded to the town clerk for public record.
Stay involved with this and other issues as your comments help create solutions.

Paul Merck
970-209-0079
Town Council
Crested Butte, CO

On Dec 5, 2016, at 8:27 AM, Young, Mac <MYOUNG@sgrlaw.com> wrote:

My wife and I own a second home at 429 Maroon (right across the street from Town Hall) and I am writing to you to express my concern over the process you are now considering (I follow it in the newspaper). We use our home in the summer time but no longer ski so don't use it in the winter. BUT, we do let friends use it as well as have short term rentals.

If one of the objectives is to force/encourage second home owners to rent longer term to locals rather than short term rentals, at least from our perspective, that strategy will not work and will not result in us renting to anyone on a long term basis as we aren't interested in "tying up" our property, thus losing the ability to allow friends and family to use when they can. Plus, I can't help but add—if the red house on the corner of 5th and Maroon (immediately across from the Town Marshall) is an example of the disgraceful way long term renters occupy a property in CB, we'd not be interested—you should be ashamed of yourselves for allowing it!

I think the only result of imposing restrictions is that you will have fewer CB visitors as there will be fewer places for them to stay. Mac and Lynn Young

MALCOLM D. YOUNG, JR. | Attorney at Law

404-815-3774 phone
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Atlanta, Georgia 30309-3592

<IMAGEDEF8D5.JPG> SMITH, GAMBRELL & RUSSELL, LLP

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Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:06 AM
To: Lynelle Stanford
Subject: Fwd: Proposal of 90 day limit on in town Rentals in Crested Butte

Sent from my iPad

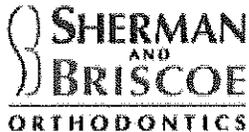
Begin forwarded message:

From: Darrel Sherman DDS <drdarrel@bracesbysb.com>
Date: December 5, 2016 at 7:48:54 AM MST
To: <glennmichel@crestedbutte-co.gov>
Subject: FW: Proposal of 90 day limit on in town Rentals in Crested Butte

Mayor Michel-Thank you for reading below-I sent this yesterday but had your email misspelled.

Best Regards

Darrel R. Sherman DDS, MS



3006 HG Mosley Parkway
Longview, TX 75605
(903) 753-2151
www.bracesbysbw.com

From: Darrel Sherman DDS [<mailto:drdarrel@bracesbysb.com>]
Sent: Sunday, December 04, 2016 4:08 PM
To: 'glennmichel@crestedbutte-co.gov'; 'rmason@crestedbutte-co.gov'; 'jschmidt@crestedbutte-co.gov'; 'cladoulis@crestedbutte-co.gov'; 'pmerck@crestedbutte-co.gov'; 'lmitchell@crestedbutte-co.gov'
Subject: Proposal of 90 day limit on in town Rentals in Crested Butte

Dear Mayor Michel and the council,

I am writing to express my concern over the proposal to limit in town rentals to 90 days a year. I am a new home owner in town on Elk Ave and I was very discouraged to hear that my right to rent my home might be limited. Even though at this time I have no plans to rent my house, I certainly am open to the idea and limiting the number of days to 90/year would drastically reduce the current number of travelers that rent in the town. Fewer travelers means fewer sales tax dollars and reduced revenue to all businesses and restaurants in the town. The town of Crested Butte is so charming and very much the reason we decided to purchase close to the heart of everything. It makes no sense to me at all why the council would consider a proposal that would directly affect your local businesses that rely so heavily in peak seasons on the out of town/state traveler that prefer on renting in town. I also feel it would hurt the real estate prices in town by limiting the purchasers in the future to those that don't need to rely on

rental income to subsidize their mortgages. Reduced home values means reduces property taxes to the town of Crested Butte. It appears to me that Crested Butte is booming right now and my family absolutely loves to come there. Please don't take that momentum and charm away by passing this ordinance.

Best Regards

Darrel R. Sherman DDS, MS



3006 HG Mosley Parkway
Longview, TX 75605
(903) 753-2151
www.bracesbysbw.com

Lynelle Stanford

From: R Mason
Sent: Monday, December 05, 2016 7:41 AM
To: Rusty Spinney
Cc: Lynelle Stanford
Subject: Re: Opposed to STR limits

Dear Rusty,
Thank you for your comments. I will forward them to the Town Clerk. They will be entered into the public record.

Sincerely,
Roland Mason
Mayor Pro Tem

Sent from my iPad

> On Dec 4, 2016, at 10:23 PM, Rusty Spinney <rustyspinney@gmail.com> wrote:

>

> Roland,

>

> I am sending you a note to express my opposition to limiting the number of Short Term Rental "STR" days in CB.

>

> I am supportive of registration, fees, inspection, guidelines to ensure rentals are carried out in a positive and safe way.

>

> However, limiting STRs is a big mistake. It will reduce the livelihood of the town, reduce tourism and have a very negative impact on our local economy. I feel it is a positive and good to see activity through rentals that drive ski tickets, dining, shopping and energy in town rather than having homes sit dark and empty.

>

> Thanks for listening.

>

> Rusty Spinney

> 821 Sopris

> 303-887-9687

>

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:06 AM
To: Lynelle Stanford
Subject: Fwd: Short Term Rental meeting on Monday

Sent from my iPad

Begin forwarded message:

From: Terry Cook <tcook@silveroakop.com>
Date: December 5, 2016 at 7:11:53 AM MST
To: "glennmichel@crestedbutte-co.gov" <glennmichel@crestedbutte-co.gov>
Subject: FW: Short Term Rental meeting on Monday

To Whom It May Concern:

My name is Terry J Cook and I live in Texas and purchased a second home located at 818 Elk Avenue in 2012. As I understand it, there will be a meeting held in CB on Monday night to discuss limiting rentals to 90 days per year? If this is true, I could write this email and it could be 20 pages long with reasons that it is not a good idea. But I believe I can keep it short and get to the points I would like to make. First of all, who has the right to infringe upon my property rights? Even though at this current time I don't rent out my house, I certainly don't believe anybody or any town council has the right to tell me what I can or cannot do with my house as it pertains to renting. Sensible regulation of renting is something I can listen to and might could agree upon if it made sense, but if you are talking 90 days, that is just ridiculous!!! I believe people can be reasonable if a reasonable number was thrown out that would work. In my opinion, you cannot limit it to less than 180 days. At that number people would at least be able to make enough money to help pay their mortgage and some of the carrying cost associated with the home. The other issue is if you were to limit the days for renting, it would significantly affect real estate values when people try to sell their home. If and when I decide to sell my home, I don't want the pool of potential buyers to be limited because they couldn't depend on making enough rent to afford the house....

My neighbor next to me on Elk Avenue is a perfect example of why limiting rentals is a bad idea. He lived in CB for 2 years but due to problems flying out of Gunnison for work, he had to move back to Atlanta. He became very sick and was in and out of the hospital for almost 2 years. He had to put his house into the rental pool because it was the only way he could keep his house and enjoy coming back to CB after he got healthier. If he was limited on his rental capability, he would have had to of sold the house or possibly have it foreclosed on. You simply cannot limit a homeowner to an unreasonable number because it can have serious consequences.

If you were to limit rentals to 90 days, where would the extra people go??? Skyland? The Mountain? CB South? I just hung up with my property manager and asked him if he were to limit his inventory of intown rental homes to 90 days/year, what would be the number of days that would be over and above the 90 days? His answer was 204 days... At 6 guest average/home that is 1,224 fewer people in town and that is just his inventory! That is a huge number for just one rental company... Look at the lost

revenue the town would lose to people not being able to stay in CB. The lost revenue (sales tax etc..) that the town needs! It almost seems as though there is a consensus among the town leaders that second home owners are bad for the town. I might not be the smartest guy in the room, but when I get to CB in late June and don't leave until mid-August all I see are second homeowners spending money, inviting friends up to stay with them, their friends spending money in town. Restaurants are full, festivals are full, Alpenglow is full. If you impose a limit on rentals, just make sure you understand there will not be as many people spending money and enjoying everything CB has to offer...

As a person who has been coming to CB for over 18 years, as a person who has donated money to just about every charitable event CB has, and as a person who cares about where CB is headed, I truly believe you would be making a grave mistake imposing any type of ban/limit on short term rentals....

If you have any questions, or want to discuss anything with me, please feel free to contact me at 903/738-9684

Thank you for your time, and I do appreciate the work you do and the service you provide.

Terry J Cook
818 Elk Avenue

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:07 AM
To: Lynelle Stanford
Subject: Fwd: Against 90 day short term rental limits

Sent from my iPad

Begin forwarded message:

From: Shane Wharton <Shane.Wharton@loves.com>
Date: December 5, 2016 at 7:03:05 AM MST
To: "glennmichel@crestedbutte-co.gov" <glennmichel@crestedbutte-co.gov>, "rmason@crestedbutte-co.gov" <rmason@crestedbutte-co.gov>, "jschmidt@crestedbutte-co.gov" <jschmidt@crestedbutte-co.gov>, "cladoulis@crestedbutte-co.gov" <cladoulis@crestedbutte-co.gov>, "pmerck@crestedbutte-co.gov" <pmerck@crestedbutte-co.gov>, "lmitchell@crestedbutte-co.gov" <lmitchell@crestedbutte-co.gov>, "glennmichel@crestedbutte-co.gov" <glennmichel@crestedbutte-co.gov>, "rmason@crestedbutte-co.gov" <rmason@crestedbutte-co.gov>, "jschmidt@crestedbutte-co.gov" <jschmidt@crestedbutte-co.gov>, "cladoulis@crestedbutte-co.gov" <cladoulis@crestedbutte-co.gov>, "pmerck@crestedbutte-co.gov" <pmerck@crestedbutte-co.gov>, "lmitchell@crestedbutte-co.gov" <lmitchell@crestedbutte-co.gov>
Cc: Shane Wharton <Shane.Wharton@loves.com>
Subject: Against 90 day short term rental limits

Council Members,

I am a homeowner in Crested Butte. My family has been visiting Crested Butte for over a decade and in December of last year we became homeowners in Crested Butte. Our permanent residence is in Oklahoma, but we visit about 4 to 5 times a year and likely will retire in C.B. some day. I have been on both sides of short-term rentals of private residence. We have rented many times before and now rent our home at times when we are not using it. The renter, the owner, the town economy all seem to be winners to me. I also believe that it helps create home ownership for those that may not otherwise be able to afford it. I'm not against reasonable requirements for proper permitting and local taxes. However, I believe a 90 day cap on short term rentals is an over-reach to the legal rights of ones ownership of real property and would have a negative impact on the local economy. I believe a 180 day cap in all residential zones would be more reasonable and prudent. Thank you for your consideration.

Sincerely,

Shane Wharton

Love's Travel Stops & Country Stores, Inc.

From the Love's Family of Companies: This email neither constitutes an agreement to conduct transactions by electronic means nor creates or amends any legally binding contract or enforceable obligation in the absence of a fully signed written contract authorizing the same. This email, and any attachments and/or documents linked to this email may contain confidential and/or proprietary information and are nonetheless intended to be viewed and used legally by the individual(s) to whom addressed. Please immediately delete from your system any email you receive from us in error. Any views or opinions in this email or any attachment are solely those of the author and do not necessarily represent those of our companies.

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:07 AM
To: Lynelle Stanford
Subject: Fwd: Short Term Rental Issue

Sent from my iPad

Begin forwarded message:

From: John Stern <jaystern@icloud.com>
Date: December 5, 2016 at 6:38:05 AM MST
To: glennmichel@crestedbutte-co.gov
Subject: Short Term Rental Issue

Mayor Michel,

It has come to my attention that next week the Crested Butte Town Council will be discussing the issue of potentially and unnecessarily imposing a limit (approx. 90 days) on short term rentals in town. Let me state in no uncertain terms, this potential decision will be a tragic one for the Town of Crested Butte economy and real estate industry, both, of which, are currently thriving.

With virtually no hotels to speak of in town, visitors will be forced to stay on the mountain, CB South, and/or Skyland. We all know history shows us that visitors staying in these areas do not come into town and spend money. Should this "heavy-handed" promulgation be mandated by the Crested Butte Town Council, it will amount to thousands of less of places/rooms for visitors to stay and, subsequently, tens of thousands of fewer people will visit your and my town on an annual basis. In turn, this will also amount to significantly less in the way of purchased goods and services. Is this what's really good for our town?

Most can plainly see that this will dramatically reduce sales tax revenue in the town of Crested Butte. As such, this will decrease the amount money for the Town Council to appropriate funding toward the things that really matter. The aforementioned is potentially catastrophic for the entire Gunnison Valley and, specifically, the Town of Crested Butte. This majority perspective can be summed up in four (4) main points:

1. Limiting the number of days a rental can be occupied in town goes directly against personal property rights and does not provide an owner full enjoyment and use of his or her property.
2. Capping short term rentals will do nothing to bring back long term housing in town.
3. Reducing the number of nights rented will have a domino effect on all of the businesses in town since it will reduce the number of shoppers in retail establishments and patrons in restaurants.
4. Limiting rental nights will almost certainly have a negative effect on housing values; thus, this will reduce the transfer tax that the town collects when a property is sold.

By voting for you and every other Town Council representative, the residents of Crested Butte have entrusted you and this important team to make objective, rational decisions in the best interest of the town today and in the future. Advocating for a limit on short term rentals is clearly not in anyone's best interest. We all want what's best for this wonderful town. Imposing short term rental limits in town goes contrary to a free market approach and does nothing but harm all key stakeholders impacted by this myopic decision.

Needless to say, the strong majority of residents in and visitors to our lovely town feel this is disastrous not only for the short term rental business, but for tourism, all retail stores, every restaurant, revenue to the town and, ultimately, it will decrease home value of all property owners.

With all due respect Mayor Michel, this can be summed up by simply stating that this is an outrageous, "strong-arm" tactic in which the Crested Butte Town Council is over-stepping its authority to the detriment of homeowners in and visitors to our beautiful town.

On behalf of the overwhelming majority of residents in and visitors to this amazing town, I strongly encourage you and the town council to do what's right, not only for the short and long term economy of Crested Butte, but for what simply makes good common sense. Please do not regulate or impose short term rental limits on properties in Crested Butte. Thanks in advance for your consideration to this very important matter. I welcome your feedback. Should you wish to discuss this, feel free to contact me at 972-365-2770.

Best Regards,

John Stern
Owner
506 Seventh Street
Crested Butte, CO 81224
972-365-2770
jaystern@icloud.com

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:09 AM
To: Lynelle Stanford
Subject: Fwd: 3 thoughts on short term rentals policy

Sent from my iPad

Begin forwarded message:

From: Michael McNair <michael@yesenergy.com>
Date: December 5, 2016 at 1:43:24 AM MST
To: glennmichel@crestedbutte-co.gov
Subject: **3 thoughts on short term rentals policy**

Greetings: Glen, Roland, Jim, Chris, Paul, and Laura.

I wanted to drop you a note to identify **3 unique reasons why my wife and I are concerned about the limitations on short term rentals** that the town is discussing.

I think the issue is probably, as Mayor Michel put it, "vexing" for everyone considering it. There are so many valid perspectives to consider. Before writing this note we spent time reading what we could find and trying to think through all of the perspectives. We decided not provide you with a long list of the perspectives that we agree or disagree with, and that you may have already heard. We decided it might be more helpful to provide **3 views that are not well represented in any of the discussions we've seen.**

- 1) It's unclear specifically what problem is attempting to be resolved and for whom**
- 2) If feelings matter here, our feelings are hurt by the nature of this debate and the mixed signals the town has sent us**
- 3) Compliant homeowners offering ADUs to long term local residents ARE already helping solve a housing problem for the town and should not be subject to further limitations**

There are issues of economics, quality of life, fairness, legal property rights, etc. to consider. We have opinions about those as well, but today we'll leave those points for others to address.

1) First of all, we're confused. We both realized that it's hard to give constructive input because it's not **clearly stated anywhere what problem the town is trying to solve for whom.** Also, I'm an economist with a background in policy analysis, and my wife is a financial manager, so we have to admit it's particularly hard to consider how to respond when there seems to be very little data or research upon which the discussions we're reviewing are based. From afar we can tell that the feelings and emotions are high. But from afar it is not very clear what you're trying

to accomplish beyond speaking to the feelings in the room. Feelings matter, but policy and business decisions (and like it or not, this is clearly a community-driven business issue). This economist thinks you need to take the feelings as motivation sure, but then clearly define and *quantify* the problem, get data, and model several solutions and solution scenarios before choosing a solution. The best solution would be one that gives you options because no analysis is going to suggest a perfect solution, and no solution today will be the right one as Crested Butte changes over time (it will continue to change - I urge the community to accept that fact by the way).

2) Second, since feelings do matter to you in the discussion right now, I want to say quite simply that our feelings are hurt by the way this discussion has happened - and/or how it has been reported. We purchased a second home in Crested Butte in Jun 2016 and before the year is out, **the message now seems to be that you don't want us**. What a homeowner's feelings have to do with a policy question might seem unrelated, but as I mentioned I'm trying to make sure you hear sides of this question that we haven't heard/seen. Let me explain:

We live in Boulder and, like many people who live in Boulder, have been coming up to the mountains for years. We live in Boulder mostly because we love the mountains. Why don't we live in the mountains you might wonder (especially as someone who does)? We don't live in the mountains because the employment opportunities are typically very limited. I am originally from an industrial part of the east coast, but as far as I can see many mountain communities have aligned their economies with what's natural - resource extraction and/or seasonal tourism (and from all I've read about the history of Crested Butte, these are also in fact the only economic engines the town has ever really tried to develop - even up through today). The jobs related to those economic pursuits simply don't suit our skills or training. So we sacrifice somewhat and live where we find work on the front range. We work hard and save money so that we can play some too.

(I should point out that the people who owned our home in CB before us made a similar but opposite work/play trade off. They too couldn't find work in Crested Butte. While their legal home base was in CB, they had jobs with companies located far away, jobs that required them to travel away from CB much of the time. They told us they sold it because they just didn't spend enough time in it anyway. So the same home was "dark" much of the time then too even before it was a 2nd home. The problem wasn't the people or the home. It was the jobs. If CB wants a more "normal" economic diversity of people who live and work in town, a more direct approach would be to diversify the economy such that locals have no interest in or need to monetize the value of the property itself. This kind of planning takes a while, can't be resolved in a two hour town meeting, and is more complex than creating a new regulation, but given that Crested Butte has been suffering from booms and busts for more than a century, maybe a 10 year plan to create other types of non-seasonal, anti-cyclical jobs would be a way out of the boom/bust swings (and related low paying jobs). One suggestion would be to support the development of infrastructure like reliable high speed internet and communications to make it easier for different kinds of businesses to locate there.)

Anyway, after hearing about Crested Butte through friends, we decided to give it a look. Since then during the last 5 years we've chosen to drive over a whole bunch of mountains in order to enjoy the version of mountains and play that Crested Butte has to offer. Crested Butte always seemed to be interested in us continuing to make the trip:

For example, the visitors bureau (or Chamber of Commerce) always reminded us to come back through mail and email invitations as well as advertisements we saw in the front range

publications. Restaurants and businesses with email lists regularly kept us aware of specials. Fund raising efforts for your arts, wildflower, and preservation programs filled our inbox. In short, our contact with the town indicated you all wanted us to come back, so we did. And then in a eureka moment, we decided to make an investment in the town and look for a home there. Our goal was to start investing in CB now by purchasing a place, but little by little as we advance in our careers spend more and more time there, until we can afford to retire. Given the real estate prices and the proximity of other places in the front range mountains there are easier retirement plans, but our eureka moment dictated we try to do this in Crested Butte.

So with that backstory, I wanted to try to separate out all the reasons for and against short term renting and let you know how it feels to two specific people when you bad mouth short term renting. **The not so subtle message is that you don't want us because we 1) are not wealthy enough to live in a town that doesn't have any jobs for our skills and/or 2) are not wealthy enough to own a house that sits entirely empty until we get there to turn the lights on in person.**

3) **Third, we are particularly disappointed by the proposals to limit our ability to generate reasonable income from our second home in Crested Butte because of the investment we have made in supporting the supply of affordable housing for LONG TERM renters in town.** You simply cannot shop for a home (or even visit Crested Butte) without hearing about the problem of affordable housing in the valley. You experience it as a buyer too, of course. When we were shopping for a home, there were about 6 that we were seriously considering. Five of the properties could be purchased with no deed restrictions, one had a deed restriction requiring the rental of an ADU to a local tenant. The 5 units without deed restrictions were more affordable to purchase. But to understand our options we made inquiries to the town regarding the compliance requirements regarding the unit to make sure we could take on the obligation. We researched hiring a full time local property manager to support the tenants. We sought (more expensive) insurance for the property that would cover us (and the tenants) should the tenants cause damage to the property. In the end, it was more expensive, and created more liability for us to purchase the home that offered a rental unit to local residents, but we specifically decided **we wanted to be part of the solution to CB's housing problem and purchased the home with the deed restriction.** The unit has been rented the entire time we've owned the home. Our tenants are perfectly happy with the quality of the unit, our services to them as tenants, and the price we charge them. The tenants also have told us they have no problem with (and have offered to help) us trying to recoup some of the expenses of the purchase by occasionally offering the adjoining home to families looking to spend vacation time in Crested Butte. Consider how it might be a slap in the face to us to start with the intentions I describe here, and be told that we're now part of some unclear problem trend. All the economic arguments for/against short term rentals aside, it seems particularly ungrateful and counter-productive for the town to tout the importance of ADUs, and work to enforce compliance with deed restrictions, and then punish those who specifically choose to sponsor an ADU. I'm not suggesting that we're some kind of angels or something. I'm just making clear that we are both people trying to do the right thing and investors choosing how/where to invest. The town is sending people like us a really mixed up set of signals.

I spent 10 years as a volunteer member of an HOA board. From this limited experience I can guess that your jobs on the town council can be rewarding, but are also vexing. I'm sure whatever constituents to whom you are trying to cater are very earnest in their feelings around the problems they want you to solve. We are homeowners, investors, and responsible landlords

for long term local tenants. We are also long time tourists who have dedicated much of our PTO and disposable income to your town over the years. From that perspective we can tell you that your experience in Crested Butte is not unique in that Crested Butte's success is part of a growing economy nationally, but especially in Colorado. Toward that end, you can probably only do so much 'negative control' as a small town without creating unintended consequences.

We are not voters in Crested Butte yet, but we ask that you define then quantify the real problem(s) you are trying to solve. We ask that you not make decisions based upon feelings or fears about the future (ours or anyone else's). We ask that you keep options open in any solutions you decide to try.

Effectively sending away families that want to vacation in town because the home they want to stay in has hit its cap or lost its license when the property sold, might close off an option for the town in the future if that family decides to commit to another vacation spot. Since it's hard to forecast even the best researched solutions, please start slowly and carefully.

It sounds like you are creating rules that require local presence of property managers, enforcing ordinances, and collecting fees for oversight. These are all reasonable steps that are not likely to close options for the town. Why not see if they help for a while before taking bigger steps?

If you have to take bigger steps immediately, we recommend you permit homeowners to rent their homes for 150-180 nights per year on a short term basis. That would cover most of the months of the year when there is demand to rent in town and businesses are geared up for tourists anyway so you would be unlikely to have many unintended consequences. You can always reduce the number of permitted nights in the future if there are clear problems from unexpected growth, but it would be nice if the town didn't have to try to recover from a self-imposed downturn in tourism by over-restricting its customers.

But we also ask that you **not impose any limit on any homeowners who provide long term housing to local residents.** This should apply to homeowners who have a deed-restricted ADU, and those who choose to open up their home to rent an affordable room. Maybe this would provide an incentive to keep existing ADUs fully in compliance, and to create more affordable long term rental options. By doing this you'd effectively be allowing the short term rentals to support the long term rentals.

Thanks for being open to considering our perspective and generally for your work on behalf of the town of Crested Butte. Vexing problems and disagreements aside, yours is a noble cause.

Best,
Michael McNair
829 Red Lady Ave

Michael McNair
President

 **YES ENERGY**

1877 Broadway Street Suite 606
Boulder, CO 80302

office (303) 993-2773 x100

mobile (303) 859-7752

yesenergy.com | michael@yesenergy.com

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:11 AM
To: Lynelle Stanford
Subject: Fwd: Town Council Meeting 12.5.2016

Sent from my iPad

Begin forwarded message:

From: Steve Ryan <steve@ironhorsecb.com>
Date: December 4, 2016 at 8:02:47 PM MST
To: <rmason@crestedbutte-co.gov>, <glennmichel@crestedbutte-co.gov>
Subject: **Fwd: Town Council Meeting 12.5.2016**

Please find attached a letter from one of our homeowners. When he tried to send it both of your email addresses came back undeliverable.

Best Regards,

Steve Ryan
Iron Horse Property Management
PO Box 168
523 Riverland Drive, Suite 3E
Crested Butte, CO 81224
Office. 970.349.7313
Mobile. 970.401.5355
Fax. 970.251.7020
Toll Free 888.417.4766
steve@ironhorsecb.com
www.ironhorsecb.com

Begin forwarded message:

From: Jeff Shapiro <kayakcentrejeff@gmail.com>
Date: December 4, 2016 at 7:58:56 PM MST
To: Steve Ryan <steve@ironhorsecb.com>
Subject: **Town Council Meeting 12.5.2016**

To those who make decisions affecting all home and business owners in CB:

As a very long term homeowner (30+ years) and a frequent user of my property — and as a prior business owner in town — it is with significant dismay that I

write to you after learning of the potential decisions regarding short-term rentals in the town of Crested Butte, particularly as it relates to the discussed limit of 90 days of rentals per year.

While my understanding is that this proposal originated with the laudable desire to create more long term affordable housing, this proposal will do nothing to achieve that goal. In fact, I believe it may be detrimental to that goal by reducing funds available to the town. From my personal experience this limit would reduce the annual rental income of my property by approximately \$22,000 thereby reducing my direct remittance to the town by approximately \$1,000. This would be the result of reducing rental nights from 141 last year to 90 (averaging the per night rack rate). The house is professionally managed by a local property management company.

Additionally, the knock-on effect of this would reduce revenues to town businesses in the form of diminished purchases of provisions, gifts, souvenirs, alcohol, guided trips and dining services by vacationers and visitors. This loss would then impact the town by further reducing tax revenues. In fact, you may achieve the goal of diminishing the housing problem by having fewer jobs available. I would suggest a limit, if you feel one must be imposed, of something in the 150-180 night range. I do appreciate that the proposed ordinance limitation that is discussed in the committee staff report is not included the most recent draft ordinance and I strongly encourage that the ordinance language, if my reading is correct, be approved regarding rental limits. I do not see in the draft ordinance what the various license fees would be and I am unclear regarding the parking requirements as it relates to historic homes which do not have such constraints.

I would also question the moral and legal implications of taking away property rights which have been long standing as well as diminishing property values. While I fully appreciate the obligation and appropriateness of the town to address health and safety concerns in order to ensure the continued enjoyment of our spectacular environment by residents and visitors alike, I urge you to fully consider the ramifications of the proposed ordinance that you state is intended to be "in the best interest of Crested Butte, its residents and visitors alike."

Respectfully,

Jeff Shapiro

325 Maroon

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:10 AM
To: Lynelle Stanford
Subject: Fwd: STR - Wow!

Sent from my iPad

Begin forwarded message:

From: Ian Bresnahan <ihbresnahan@gmail.com>
Date: December 4, 2016 at 10:14:20 PM MST
To: Glennmichel@crestedbutte-co.gov
Subject: Fwd: STR - Wow!

sorry, I had the wrong email address.

----- Forwarded message -----

From: Ian Bresnahan <ihbresnahan@gmail.com>
Date: Sun, Dec 4, 2016 at 11:37 PM
Subject: STR - Wow!
To: rmason@crestedbutte-co.gov, glenmichel@crestedbutte-co.gov, jschmidt@crestedbutte-co.gov, cladoulis@crestedbutte-co.gov, pmerck@crestedbutte-co.gov, lmitchell@crestedbutte-co.gov
Cc: Fran Bresnahan <franbresnahan@yahoo.com>

Dear Town Council/Mayor -

We lived in CB for 2 years and we have met/know a few of you. We are now "second home owners". Our sons went to CBCS and our daughter went to Paradise Preschool. We moved back to Atlanta and now rent our home to vacationers. Frankly, not our first choice but this is what we have to do to keep our house in CB. We love the community and have many friends in CB and this is where we want to retire. I read the articles in the CB News and frankly don't understand why we are the target of animosity from the community.

1. We loved living there because the taxes are low and the schools are great... They are low because many taxpayers do not get the full benefit of their taxes (second homeowners). This benefits *everyone*.
2. For personal reasons I was not able to work for 18 months. **Do you have the right to tell me how/when I rent my home defer the carrying cost? Living with a disability... this bothers me considerably.**
3. **This is discriminatory – You are basically saying that if I am not "rich enough" to to own my home in CB, with limited or without renting, then I do not have the right to own a home in CB? What message are you sending? Are you going to tell us the necessary days we can rent my home to subsidize our cost? Is that fair? If I am too poor to own a home in CB, do I need to sell? Is this your decision to make? In a weird**

way you are attacking the wrong people to protect your community (I.e. Wealthy people that rarely visit and locals that aren't inconvenienced by renters... is that your utopia?)

I will be in CB from the 18th of December through the 31st and would be happy to discuss this issue with any of you. I watch a lot and say very little, but this seems plain unfair.

You may not see second homeowners as a *part* of the community but we *contribute* to the community.

Regards,

Ian

--

Regards,

Ian

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:11 AM
To: Lynelle Stanford
Subject: Fwd: Please do not limit the number of nights homes can be used for vacation rentals

Sent from my iPad

Begin forwarded message:

From: Janet Richmond <janetfay1956@yahoo.com>
Date: December 4, 2016 at 5:43:14 PM MST
To: "glennmichel@crestedbutte-co.gov" <glennmichel@crestedbutte-co.gov>
Subject: **Please do not limit the number of nights homes can be used for vacation rentals**
Reply-To: Janet Richmond <janetfay1956@yahoo.com>

Dear Glenn,

We are second homeowners in Crested Butte. We are hoping to retire to Crested Butte in several years. In the interim, we offer our home as a vacation rental, managed by Steve and Jennifer Ryan at Ironhorse.

~The town of Crested Butte receives significant tax revenue from vacation rentals. Our house is professionally managed and all income is duly reported and all taxes are paid. If the Town Council limits the number of rental nights per house per year, the Town will lose a great deal of tax revenue.

~Our guests spend a great deal of vacation dollars in the Town of Crested Butte which will be lost to local economy if rentals are unavailable.

~Limiting the nights we can rent our home will do nothing to increase the availability of affordable long-term housing. It will however, decrease the need for affordable long-term housing when local stores and restaurants serve less guests and hence employ less people.

We respectfully ask that the Council not limit the number of nights a home can be rented.

As a side note, because our house is licensed as a vacation rental and professionally managed we meet all code and safety requirements. Are private homes subject to the same safety requirements and inspections?

Thank you for your service to the citizens and guests of Crested Butte.

Respectfully,
Cliff and Janet Richmond

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:11 AM
To: Lynelle Stanford
Subject: Fwd: Short Term Rental
Attachments: Crested Butte Council.docx; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: Norma Claassen <normamc44@gmail.com>
Date: December 4, 2016 at 2:30:13 PM MST
To: glennmichel@crestedbutte-co.gov, cladoulis@crestedbutte-co.gov, jschmidt@crestedbutte-co.gov, lmitchell@crestedbutte-co.gov, rmason@crestedbutte-co.gov, pmerck@crestedbutte-co.gov
Subject: Short Term Rental

Crested Butte Town Council,
We are owners of a short term property and have attached a letter for your consideration in determining guidelines for STR.

Thank you
Norma & Clay Claassen

December 4, 2016

To: Crested Butte Town Council

Subject: Short Term Rental Properties

We are writing this with great concern that the council is discussing limiting the number of nights on short term rental properties. We have owned our home for over 12 years and have rented it short term for 10 years. We know that our renters, mostly families with children, have enjoyed Crested Butte and have spent money in the restaurants, clothing stores, book store, coffee shops, bars, Movie Theater, center for the arts, and all that Crested Butte has to offer. It would be tragic to see rows of dark houses along the street in this vibrant town.

As home owners, we are fortunate to experience Crested Butte's small town feel and strong sense of community, and, having been born in a small town in New England myself, I very much treasure the small town feel that I experienced as a child. We enjoy the beautiful scenery and sense of peace when we drive into town.

We started coming to "the Butte" 20 years ago and purchased our home in 2004. Unfortunately, we had no idea that in the future, STR would be a problem and our rental nights could be set by the town.

We ask you to please be fair to those of us who have supported this town for years.

Sincerely,

Norma & Clay Claassen

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:11 AM
To: Lynelle Stanford
Subject: Fwd: Short Term Rentals

Sent from my iPad

Begin forwarded message:

From: Pete Sherman <docsherman@gmail.com>
Date: December 4, 2016 at 12:33:31 PM MST
To: glenmmichel@crestedbutte-co.gov, rmason@crestedbutte-co.gov, jschmidt@crestedbutte-co.gov, cladoulis@crestedbutte-co.gov, pmerck@crestedbutte-co.gov, lmitchell@crestedbutte-co.gov, Kim Sherman <kimksherman@hotmail.com>
Subject: Short Term Rentals

All,

As you are considering the limitations on short term rentals, I would first like to applaud the council for waiting to get the data prior to making decisions. I believe you will find the issue is not as widespread as some have speculated.

I would also ask the town council to review the zoning ordinances and would point to Sec. 16-14-90 of the zoning laws which states the following: "In the "R1," "R1A," "R1C," "R2," "R2C," "R3C," and "B3" Districts, **unlimited short-term rentals shall be allowed...**" This language is clear and not subject to interpretation. I believe that the council would need to exempt the rentals in these districts because the properties were purchased with the understanding that they could be used in this manner and property owners may have paid a premium for this right.

I would also suggest that if there is a fee approved it should be the same for all rentals. To do otherwise implies that individuals who rent more frequently require more inspections and other city services. That simply does not make sense. If there are no additional costs associated with frequency of use, then the higher rate is arbitrary and punitive. I would also argue the town should consider using the \$150,000 in sales tax it collects on STR's to pay for any new employees, as a \$1,000 fee is exorbitant and only hurts locals already complaining about large taxes and fees. Additionally, when council asked the question of "What is the problem that needs to be solved?", not one person mentioned safety of rentals, so I'm unsure why inspections have become an issue with short term rentals.

I would agree with Roland's comments at the November 14th meeting where he stated that each rental situation is unique. As an example, if the owner of the unit resides on the premise, they do not experience the issues that have been raised by the public concerning trash, parking, parties or "dark houses," therefore frequency of renting isn't always a negative.

Finally, I would ask the council to consider the unintended consequences of limiting STR's only making the cost of living in CB more expensive, which I do not believe is your goal. Second homeowners would need to be wealthy enough not to rent, and locals who rely on rental income to live here would be displaced.

It seems this issue began as a way to combat affordable housing and has turned into a "dark house" issue, which is due to more second homeowners. We seem to keep looking at STR's to fix problems that STR's are a symptom of, but not the cause. It's like taking cough medicine for strep throat; you aren't going to cure it that way.

Thank you for your service on the council.

Peter Sherman

711 Whiterock Ave.

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:12 AM
To: Lynelle Stanford
Subject: Fwd: Short term Rentals

Sent from my iPad

Begin forwarded message:

From: Joseph Kiser <kiserj001@hawaii.rr.com>
Date: December 4, 2016 at 1:47:33 AM MST
To: <glennmichel@crestedbutte-co.gov>
Subject: Short term Rentals

To the point..... without Short-term Rentals, Crested Buttes economy will be crushed. This great small town cannot rebound from an economic downfall. The Residents will not be able to keep their businesses open. Please review other communities that have constraints on short-term. We live on the island of Oahu....this is an ongoing issue. Individuals cannot meet their mortgages without rentals. Kailua, our town thrives with visitors staying local. This Council needs to be educated about the devastating impact it is going to have on Crested Butte, Gunnison, and the valley. The airport will take significant loss.....individuals will goe else where for their outdoor adventures.

Do the right thing.....Economical impact study with short and long term outcomes will help you see the negative very easily....

Thank You,

J Nicholson-Kiser

Homeowner and taxpayer (Crested Butte)
Local customer Crested Butte and Gunnison

Kailua, HI 96734

(808) 262-0831

Sent from my iPad

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:12 AM
To: Lynelle Stanford
Subject: Fwd: Regulations non shirt term rentals an owner's response.

Sent from my iPad

Begin forwarded message:

From: Sandra J Williamson <sandywill7@mac.com>
Date: December 3, 2016 at 12:57:29 PM MST
To: glennmichel@crestedbutte-co.gov
Subject: **Regulations non shirt term rentals an owner's response.**

Terrible idea, would put the resort business out a lot of revenue and business might have to leave. The rental agencies , many will have to close down. Short term rentals have upscale maintenance to keep them rentable, the look of investment and the value will go way down and bring the rest of the market down, and the look of the town down,when CB is just recovering from a recession.

Many young people who depend on jobs from these business dependent on rentals will lose their jobs and have to leave.

The tax revenue from business that will no longer be able to support themselves and the the fine vacation business from persons who want a home to rent will be gone, they will go to other ski and vacation areas.

Crested Butte has become a great vacation town, I feel this will cut the business and tax revenue you need.

This proposal need a lot more information and consideration, the locals will still be paying high rents, but they won't have jobs to pay any rent.

Many retirees have a good part of their income from being allowed to rent their properties, during tourist seasons.

I am thoroughly against this rule. It interferes with private property rights. To begin with.

Sandra Williamson.

Lynelle Stanford

From: Glenn Michel
Sent: Monday, December 05, 2016 8:12 AM
To: Lynelle Stanford
Subject: Fwd: Short Term Rental Ordinance - Barefield

Sent from my iPad

Begin forwarded message:

From: Kimberley Barefield <kbarefield@kbarefield.com>
Date: December 2, 2016 at 3:53:24 PM MST
To: "glennmichel@crestedbutte-co.gov" <glennmichel@crestedbutte-co.gov>, "rmason@crestedbutte-co.gov" <rmason@crestedbutte-co.gov>, "jschmidt@crestedbutte-co.gov" <jschmidt@crestedbutte-co.gov>, Paul Merck <pmerck@crestedbutte-co.gov>, "cladoulis@crestedbutte-co.gov" <cladoulis@crestedbutte-co.gov>, "lmitchell@crestedbutte-co.gov" <lmitchell@crestedbutte-co.gov>, "dmacdonald@crestedbutte-co.gov" <dmacdonald@crestedbutte-co.gov>, "bobg@crestedbutte-co.gov" <bobg@crestedbutte-co.gov>
Cc: "jim@jimbarefield.com" <jim@jimbarefield.com>
Subject: Short Term Rental Ordinance - Barefield

Dear CB Town Council & Town Staff,

Thank you for taking the time to read this as I'm sure you have a ga-jillion emails and letters to go through.

Regarding the Short Term Rental Ordinance to be discussed at this Monday's meeting, please consider implementing the ordinance for regulation, safety and health with short term rental homes permitted in all residential areas and no caps on permits, zoning or nights to be rented, etc.

Or at the very least, allow all homeowners in residential areas the option to rent their home for up to 150 - 180 night range providing they meet the health and safety regulations of the ordinance.

This initial first step in regulation will be critical in acquiring the needed data to determine whether additional restrictions are needed. Any proposed restrictions beyond what is stated above does a number of things:

1) **No hard data** to show that restrictions such as caps, zoning, permits, the number of nights rented is warranted. Implementation of harsher restrictions has been based on anecdotal evidence, e.g. loss of community, dark homes, trash being left out, parking etc. **After sitting in on all the meetings, the issue that the town is trying to solve has not been well documented or articulated to the community.**

From our family's perspective, our neighborhood up and down Maroon and from 3rd to Butte has not changed much in nearly 20 years;

it's mostly short term rentals or second homeowners and yes, it's always been pretty dark at night. And we've dealt with some late night short term rental noise, but my husband Jim just talked to the renters and they were cool and we texted the homeowner the next day. It's just a matter of working with your neighbors.

Recently, we actually have three new full time neighbors with lights on. This could change in a heartbeat, but whether they stay or leave does nothing to detract from the fact the community we feel for this town. Our family did not move here in 1998 thinking we would have a suburban type neighborhood, we fully expected to be surrounded by mostly second homeowners and that has not changed. So pretty anecdotal

2) Regulating for health and safety will cause short term rental attrition when some homes do not or will not meet regs and others who rushed out to have "holding" spots will fall off. Regs will also allow you to determine whether and how much real impact noise, trash, safety, parking, etc are having on our town. Again more hard data will provide you with the ability to make an informed decision on further regulations.

3) Caps and number of nights rented will create hardship for many homeowners (both primary and second). These type of restrictions directly impact the already squeezed middle class, people who have purchased here, needing to rent about 150 nights or so in order to make it happen. They visit in October, May, and other off times. Or locals who need to rent in order to make the mortgage or have say a medical emergency and need to leave for a short time and would like to short term to a number of guests for more than several months. Not to mention the financial hardship created for local people who work in the short term rental industry, housekeeping, maintenance/repair, etc.

There also will be economic consequences for our town; fewer nights or caps equals a significant drop in visitors who fuel our economy. **Has anyone at the town run financial scenarios of the numbers for projected losses in tax revenue, jobs, drop off in visitor numbers and an economic forecast for the town of CB based on implementation of caps, permits or restriction of nights rented? The numbers would not be linear but exponential and I suspect they would be quite negative.**

When Mayor Glen Michel kept asking the question at the special meeting; *what is it we are trying to solve here?*

My first thought, is that the reason the town is struggling so much is that no one has fully articulated and documented a short term rental problem that needs solving. **It's impossible to solve for a problem that has not been fully identified and quantified.** The issue first came up in conjunction with affordable housing, and when it was realized that the two are separate issues, it then morphed into a quality of community, town is a hotel and a dark home issue. Certainly, some areas of town are more than likely experiencing short term rental issues that need addressing, so again, let the regulations for health and safety go to work for you and members of this community; then reassess the situation when you have the necessary data.

A stepped process is never the sexy approach to identifying and solving a problem, but it's more scientific, credible and creates an environment where the chances of better outcomes are statistically greater; and the result is that you have done a thorough job of best serving your community.

Lastly, you all may be saying to yourself well, yeah, Kimberley is in property management, but the reality is that I have just two full time rental homes in town I manage and the owners use them a lot. Two other homes in town get rented in the summer months only as the owners either

live here during the school year or use their home a lot. Rentals help put our two daughters through college and help keep the younger one, Brittany competitively skiing on the Freeride World Qualifying Tour. So yes, I've got some skin in the game, however, I welcome health and safety regulations, but believe further rental restrictions should be based on hard data not anecdotal evidence.

Thanks again for listening and have a good and hopefully powder! weekend.

Sincerely,
Kimberley

Kimberley Barefield
970•209•5676
Crested Butte Colorado

TO: Crested Butte Town Council

FROM: Christopher Holtby, 2nd home owner in Town of Crested Butte

DATE: December 2, 2016

RE: Crested Butte Left and Right hands are competing against each other. Why?

Crested Butte is 99% dependent on tourists for revenue¹. That is really unfortunate. Any business that is so dependent one on source of income is forced to make tough decisions - every day and year. Most of you have multiple jobs. If you lose one job you can still probably squeak by for a while. If Crested Butte lost 20% of tourist revenue that would be bad. Think how bad 2009 was. It can get worse.

After reading the Crested Butte News and talking to locals it is pretty obvious this town is really dysfunctional, lacking a cohesive plan based on reality. On the one hand you have a new Center for the Arts, and multiple national sporting events being held with sales tax revenue increasing every year. Great business decisions and outcomes. Then on the other hand you considered an idea for a moratorium or capping on short-term rentals. That messes with your cash cow – tourist inflow. Without tourists Crested Butte has no economy. Period. Do you want to end up as Creed or learn from the mistakes and surpass Telluride?

I would love to live in Crested Butte. With my two businesses and family that is not going to happen. I am able to spend about 17 days a year in Crested Butte. That means I will never offer my home to a long-term rental. All second home owners enjoy their homes some portion of the year – some less or more than me. That means none of them will offer their homes as long-term rentals. None of those homes will open up for long-term rentals. If you cap short-term rental days that means less tourists spending money in Crested Butte. Think of your friends who own businesses in Crested Butte. Will their income decrease if there are less short-term rentals?

Think back to September and October 2014 sales tax revenue. Compare that to September and October 2016 sales tax revenue. Which number do you like better?

Crested Butte was 100% in the mining business. Luckily, Crested Butte re-invented itself and is now 100% in the tourist business. You are competing for tourist wallet share from all the other ski towns in the West, NOT just Colorado. Tourists have lots of options. They want to be wanted. If the locals starting give off the vibe that tourists aren't really that welcome and are a nuisance, eventually they will go where they feel wanted.

Another point about Crested Butte. It is not the only game in town. A family of 5 over a ski vacation spends around \$11,000 after-tax (\$15,000 pre-tax) on vacation. That same family will spend 30% less for a summer vacation. Tourists have choices. Lots of them. Fuel prices increase. Airline flights become less frequent. Other vacation towns really cater to tourists. People will go elsewhere.

¹ The other 1% are telecommuters who live in CB for the lifestyle but would move if CB materially lost tourist income.

Remember, you have one source of income – tourists. You are running a business that just happens to be a town. It is what it is.

This town has a cool vibe but so do lots of other mountain vacation towns. If you don't adapt you are a dinosaur in the making. I know there are competing voices against one other. That is healthy. Tourists are a mixed blessing. They have given us an awesome school, more jobs opportunities, flowers on Elk in the summer, and higher sales tax revenue for Crested Butte citizens to enjoy. They clog up streets, raise house prices, and make things periodically more chaotic. Capping short-term rentals will not fix the long-term rental problem.

Why is the right and left hand competing against each other?

December 19, 2016**Consent Agenda**

Letter of Support for Gunnison County's Grant Application for the State of Colorado Noxious Weed Fund

Approval of Arbor Day 2017 Proclamation and 2016 Tree City USA Application for Certification

Chamber – Update and/or authorization for Mayor to sign agreement

Amendment to Sign Code

Trash Services

January 3, 2017**Work Session**

Vinotok Discussion

January 17, 2017

Center for the Arts

February 6, 2017**Work Session**

Carbondale to Crested Butte Trail

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
- Affordable Housing Projects