



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

### Town Council Values

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

## AGENDA

### Town of Crested Butte

### Regular Town Council Meeting

### Monday, November 7, 2016

### Council Chambers, Crested Butte Town Hall

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

#### **5:00 WORK SESSION**

Presentation and Discussion of the 2017 Budget.

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

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

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

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

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

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

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

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

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

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

#### **7:45 NEW BUSINESS**

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

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

#### **8:10 LEGAL MATTERS**

#### **8:15 COUNCIL REPORTS AND COMMITTEE UPDATES**

#### **8:30 OTHER BUSINESS TO COME BEFORE THE COUNCIL**

#### **8:40 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

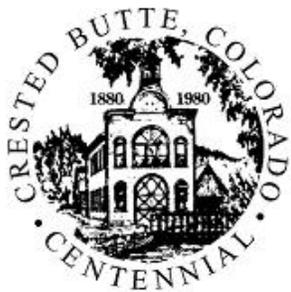
- Monday, November 14, 2016 - 6:00PM Special Meeting

- Monday, November 21, 2016 - 6:00PM Work Session - 7:00PM Regular Council<sup>2</sup>
- Monday, December 5, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council

**8:45 EXECUTIVE SESSION**

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding (1) Amendment to Pre-Annexation Agreement with Cypress Foothills, LP, (2) Center for the Arts expansion, and (3) Mt. Emmons transactions with Freeport-McMoRan, Inc.

**9:30 ADJOURNMENT**



## Staff Report

November 3, 2016

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** November 7 Budget Work Session

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Attached are the following budget documents for discussion at the work session:

- General Fund – narrative & budget
- General Capital Fund – narrative & budget
- General Capital 5 Year Plan
- Sales Tax Fund – revised budget

The Sales Tax Fund has been revised to include the Center for the Arts expansion project. The funds for the Council pledge of support to the Center are in the Sales Tax Fund reserve and staff felt it would be cleaner to put the project in the Sales Tax Fund expenditures rather than move the money to the General Capital Fund and book the project expenditures there. Staff has met with the Center for the Arts team and worked through the cash and in-kind expenditures with them. This is the only change to the Sales Tax Fund from what was presented to you in the Oct 3 budget work session.

Please see the General Fund and General Capital Fund narratives for discussion of each fund.

- One additional item of note for the General Capital Fund – the current draft does not include the revenue or expenditure that would be needed on the Mt. Emmons mine deal. If the bond issue passes on November 8, we will include \$2,155,000 in the Open Space Fund for the possible transaction in the final budget presented to Council on November 21.
- One additional item of note for the General Fund is the GCSAP request for \$25,000 is not currently in the budget. Council will need to determine what they want to do with this request.

The goal for the work session is to button up the General and General Capital Funds so that the first reading of the full budget may take place at the November 21<sup>st</sup> Council meeting.

## 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.

### 2016 Changes:

- Court – outside attorney needed for a court case
- Council – Coal Creek Coalition special project approved by Council, Ipad replacement
- Legal – Hourly rate increase approved by Council in late 2015; Mt. Emmons/Cypress annexation/water attorney special projects
- Manager – employee turnover
- Finance/HR (decrease) – employee turnover
- Public Works (decrease) – more wages charged to projects than anticipated in budget
- Recreation (decrease) – gymnastics and baseball program expenses lower than budgeted, lower fuel cost

### 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 being requested in 2017.
  - Finance/HR Dept: Reorganizing the department and taking the vacant Sales Tax Specialists ¾ time position and making it a full-time HR Technician position
  - Planning Dept: Taking the ½ time Creative District position and making it a full-time Creative District/Open Space/Trails position (1/4 of this position to be funded from the General Capital fund)
  - Facilities Maintenance Dept: Adding an additional full time employee in the 4<sup>th</sup> quarter of the year due to the additional amount of public restrooms coming on board in 2017 and beyond. The full financial impact of this position will be felt in 2018.

- Departments with greater than 10% increase from 2016 budget:
  - Court – Court case requiring an outside attorney which effects both 2016 and 2017
  - Council – Coal Creek Coalition special project, Ipad replacements
  - Elections – Reflecting the actual cost incurred for the 2015 coordinated election
  - Legal – Mt. Emmons, Cypress annexation and water cases; also reflects the increase in the hourly rate granted by Council for 2016
  - Clerk – Upgrade to Laserfiche records software and master record organization project
  - Manager – Region 10 broadband initiative
  - Planning – Creative District expenses (revenue includes \$30,000 grant) and additional employee
  - Facilities Maintenance – additional employee in 4<sup>th</sup> quarter of 2017
- Other items:
  - Utilities generally have a 10% increase
  - Liability and work comp insurance generally have a 10% increase
  - There is a line item in the General Government dept. for Electronic Recycling which is to host 2 electronic recycling events in 2017
  - Dues & Subscriptions are up to reflect increases we have been notified about
  - Towing Expense increase reflects increased tow fee from the towing company

Decision Points:

- Personnel changes/additional employees
- 4% wage increase

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	3,590,274	3,827,986	199,537	5.5%
CONTRIBUTION FROM RESERVE		75,000	75,000	410,410		
TOTAL REVENUES	3,477,485	3,703,449	3,665,274	4,238,396	534,947	14.4%
DEPARTMENT EXPENSES:						
GENERAL GOVERNMENT	736,588	352,060	358,610	385,949	(33,889)	9.6%
COURT	6,434	7,717	9,645	15,392	(7,675)	99.5%
COUNCIL	56,709	59,828	72,744	72,028	(12,200)	20.4%
ELECTIONS	10,363	3,450	5,300	11,600	(8,150)	236.2%
LEGAL	210,740	242,100	377,100	442,100	(200,000)	82.6%
CLERK	143,211	164,272	157,467	191,893	(27,621)	16.8%
MANAGER	164,930	175,532	236,689	216,841	(41,310)	23.5%
FINANCE/HR	306,258	379,136	357,894	397,726	(18,590)	4.9%
MARSHALS	734,479	834,077	794,295	859,352	(25,275)	3.0%
PLANNING/GIS	149,888	156,875	154,875	228,282	(71,407)	45.5%
FACILITIES MAINTENANCE	0	132,498	125,921	156,931	(24,433)	18.4%
TOWN SHOP	158,953	211,160	208,416	220,136	(8,976)	4.3%
PUBLIC WORKS	174,103	255,055	229,655	263,472	(8,417)	3.3%
BUILDING	361,647	394,714	394,290	424,378	(29,664)	7.5%
RECREATION	365,307	317,188	298,861	338,884	(21,696)	6.8%
TOTAL EXPENSES	3,579,609	3,685,661	3,781,762	4,224,965	(539,304)	14.6%
REVENUE OVER(UNDER) EXPENSES	(102,124)	17,788	(116,488)	13,431		
SALARIES/WAGES/BENEFITS				2,567,961		
% OF GENERAL FUND BUDGET				61%		
FUND BALANCE	3,904,685	3,847,473	3,713,197	3,316,219		
Reserve Contribution: \$90,000 for Community Grants; \$280,000 legal projects (Cypress/Mt Emmons/Water cases); \$40,410 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	2,648,090	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
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
COUNTY COURT - FINES	2,290	2,000	1,500	2,000

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-REVENUES				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
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
HOCKEY KIDS FEES	75	0	0	0
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	9,155	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	75,000	410,410
Total Revenue	3,477,485	3,703,449	3,665,274	4,238,396

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	90,000
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	352,060	358,610	385,949

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL FUND-COURT					
	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
WAGES	5,950	6,500	6,300	6,500	
FICA	455	497	482	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	18	25	
TOTAL EXPENSES	6,434	7,717	9,645	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	7,000	8,500
UNEMPLOYMENT INSURANCE	109	115	106	115
WORK COMP INSURANCE	43	275	200	275
TOTAL EXPENSES	56,709	59,828	72,744	72,028
Office Supplies increase for iPad replacement				
Additonal Request:				
GCSAPP \$25,000				

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	400	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	1,610	2,500	
TRAVEL AND EDUCATION	2,188	5,500	5,000	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	2,185	4,500	
MASTER RECORDS PROJECT				21,500	
TOTAL EXPENSES	143,211	164,272	157,467	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	236,689	216,841

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-FINANCE				
	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	53,500	66,616
RETIREMENT	22,239	24,744	23,453	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	632	746
WORK COMP INSURANCE	344	513	356	409
DUES AND SUBSCRIPTIONS	205	6,000	6,000	6,000
SOFTWARE	6,250	20,000	20,000	
	306,258	379,136	357,894	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	478,000	488,651
OVERTIME	5,409	13,000	8,000	13,000
FICA	34,893	37,967	37,179	38,376
HEALTH INSURANCE	80,612	113,034	89,000	128,802
RETIREMENT	47,347	43,184	46,000	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	1,700	2,500
OPERATING SUPPLIES	1,624	3,500	1,250	3,500
SOFTWARE MAINTENANCE	3,345	3,429	3,345	5,697
ADVERTISING AND LEGAL	0	300	300	300
TRAVEL AND EDUCATION	2,726	5,000	15,000	5,000
UNEMPLOYMENT INSURANCE	1,375	1,489	1,384	1,505
WORK COMP INSURANCE	14,205	20,522	16,960	19,504
DUES AND SUBSCRIPTIONS	1,043	1,500	1,250	1,500
REPAIR & MAINT - MACHINES	320	1,000	1,000	1,000
UNIFORM EXPENSE	4,713	5,600	4,200	6,300
MEDICAL EXPENSE	426	300	300	300
EQUIPMENT	9,628	17,000	8,500	20,000
GAS AND OIL	9,091	15,000	16,500	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	794,295	859,352

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-PLANNING/GIS				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	96,770	100,943	103,943	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	10,500	43,000
CREATIVE DIST. WAGES	0	5,000	5,000	9,500
T&E CREATIVE DISTRICT				2,000
TOTAL EXPENSES	149,888	156,875	154,875	228,282

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL FUND-FACILITIES					
	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
WAGES		88,740	85,000	97,888	
OVERTIME		0	1,000	1,200	
FICA		6,789	6,579	7,580	
HEALTH INSURANCE		18,042	18,042	21,572	
RETIREMENT		2,761	1,800	3,919	
TELEPHONE		600	300	300	
OFFICE SUPPLIES		300	150	5,600	*
CUSTODIAL SUPPLIES:		8,000			
Cleaning Supplies		0	4,500	6,000	
Paper Products		0	2,000	3,000	
TRASH PICKUP		0	75	180	
TRAVEL & EDUCATION		500	0	500	
UNEMPLOYMENT INSURANCE		266	266	294	
WORK COMP INSURANCE		3,000	3,824	4,398	
TOOLS & EQUIPMENT		500	500	1,000	
UNIFORM ALLOWANCE:		500	335	500	
SAFETY EQUIPMENT		500	100	500	
FUEL & OIL		1,000	1,200	1,500	
R&M VEHICLE		1,000	250	1,000	
TIRES					
TOTAL EXPENSES					
	0	132,498	125,921	156,931	
*New employee set up \$5,000 -- 4th qtr hire					

TOWN OF CRESTED BUTTE				
2017 BUDGET				
GENERAL FUND-DYER SHOP				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	90,229	114,177	113,173	118,700
OVERTIME	179	500	100	500
FICA	6,807	8,735	8,665	9,119
HEALTH INSURANCE	32,019	41,640	41,640	43,228
RETIREMENT	8,278	11,160	11,160	11,770
TELEPHONE	784	900	1,100	1,200
UTILITIES	6,682	8,500	8,500	8,500
SUPPLIES	3,207	4,500	4,700	4,700
SHOP TOWELS	926	1,100	1,150	1,250
TRASH PICKUP	1,589	2,000	1,000	2,000
TRAVEL & EDUCATION	1,487	2,000	2,000	2,000
UNEMPLOYMENT INSURANCE	310	343	340	356
WORK COMP INSURANCE	545	3,555	2,838	3,264
MEDICAL	260	300	300	300
TOOLS & EQUIPMENT	1,433	3,500	3,500	3,500
UNIFORM ALLOWANCE	500			
Uniform - Kevin	0	250	250	250
Uniform - Matt	784	250	250	250
SAFETY EQUIPMENT		750	750	750
SOFTWARE LICENSE/MAINTENANCE				1,500
OIL & FLUIDS	2,934	7,000	7,000	7,000
TOTAL EXPENSES	158,953	211,160	208,416	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	120,000	143,384	*
OVERTIME	324	1,000	500	1,000	
FICA	8,434	10,694	9,200	11,045	
HEALTH INSURANCE	14,251	34,440	30,000	34,418	*
RETIREMENT	9,168	13,075	12,000	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	229,655	263,472	
*50% of wages & corresponding share of Health insurance/retirement moved to Street & Alley fund					
(street/alley/row maintenance & snow removal functions)					

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	45,000	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	394,290	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	114,000	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	9,000	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	2,000	5,000
ZAMBONI OPERATOR	4,152	8,500	7,300	8,900
FICA	10,048	11,321	11,421	12,594
HEALTH INSURANCE	16,637	29,860	25,750	30,984
RETIREMENT	2,560	7,589	5,950	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	6,000	6,000
UTILITIES-SHOP	4,286	6,000	5,000	5,000
UTILITIES-ICE RINK	7,679	8,500	8,000	8,000
UTILITIES-WARMING HSE	3,933	6,500	5,000	5,000
UTILITIES-PARKS	6,033	8,000	7,000	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	5,200	5,000
TRAVEL AND EDUCATION	5,126	4,000	4,000	5,000
UNEMPLOYMENT INSURANCE	395	394	383	449
WORK COMP INSURANCE	3,573	4,487	4,487	5,160
DUES AND SUBSCRIPTIONS	183	1,000	500	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	1,000	600
INDOOR CLIMBING EXPENSE	240	400	0	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	500	500
BASEBALL EXPENSES	5,111	6,000	3,525	5,000
BASEBALL COACHES	165	3,000	500	1,500
GAS & OIL	9,496	15,000	10,000	15,000
R&M VEHICLES	8,651	7,500	11,000	8,000
TIRES	922	1,000	1,000	1,000
JERSERYYS				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	298,861	338,884

TOWN OF CRESTED BUTTE				
2017 BUDGET				
RECREATION PROGRAM SUMMARY				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>BASEBALL</b>				
Revenue	8,215	9,000	7,230	8,000
Expenses	5,111	6,000	3,525	2,847,407
Coaches	165	3,000	500	1,500
NET REV(COST)	2,939	0	3,205	(2,840,907)
<b>FLAG FOOTBALL</b>				
Revenue	1,250	1,200	1,200	1,200
Expenses	512	600	600	600
NET REV(COST)	738	600	600	600
<b>SOFTBALL</b>				
Revenue	12,824	12,000	12,000	12,000
Expenses	7,976	10,000	10,000	10,000
NET REV(COST)	4,848	2,000	2,000	2,000
<b>SOCCER</b>				
Revenue	28,593	10,500	5,000	6,000
Expenses	9,951	3,000	3,000	1,500
Coaches	7,836	1,500	500	2,400
NET REV(COST)	10,806	6,000	1,500	2,100
<b>TUMBLE BUGS</b>				
Revenue	710	600	600	600
Expenses	328	500	500	500
NET REV(COST)	382	100	100	100
<b>GYMNASTICS</b>				
Revenue	19,161	15,000	12,000	12,500
Coaches	13,884	12,000	7,000	12,000
Expenses	3,028	1,500	1,500	1,500
NET REV(COST)	2,249	1,500	3,500	(1,000)

TOWN OF CRESTED BUTTE				
2017 BUDGET				
RECREATION PROGRAM SUMMARY				
	2015	2016	2016	2017
	ACTUAL	BUDGET	PROJECTED	BUDGET
<b>TENNIS LESSONS</b>				
Revenue	10,746	10,000	9,200	10,000
Expenses	921	1,000	1,000	1,000
Labor	5,222	9,000	9,000	9,900
NET REV(COST)	4,603	0	(800)	(900)
<b>VOLLEYBALL</b>				
Revenue	0	1,000	1,000	1,000
Expense	193	750	750	750
NET REV(COST)	(193)	250	250	250
<b>DODGEBALL</b>				
Revenue	0	500	500	500
Expenses	115	200	200	200
NET REV(COST)	(115)	300	300	300
<b>BASKETBALL</b>				
Revenue	940	1,000	1,750	1,200
Expenses	1,032	800	1,000	600
NET REV(COST)	(92)	200	750	600
<b>ICE SKATING LESSONS</b>				
Revenue	0	0	0	1,000
Expenses	0	0	0	2,500
Coaches	0	0	0	750
NET REV(COST)	0	0	0	(2,250)
<b>TOTAL REVENUES</b>				
	82,439	60,800	50,480	54,000
<b>TOTAL EXPENSES</b>				
	56,274	49,850	39,075	2,893,107
<b>NET REV(COST)</b>				
	26,165	10,950	11,405	(2,839,107)

## 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 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.

### CAPITAL FUND:

#### 2016 Changes:

- Real Estate Transfer Tax is projected to be \$575,000, up from the \$500,000 budgeted.
- The closing on the Trampe Open Space transaction anticipated for 2016 will not occur until 2017
- Big Mine Utilities project came in significantly under budget, this effected both the expenditure line item as well as the revenue line item Contribution Reserve-“Whatever USA”

#### 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 Warming House expansion. 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, wayfinding signage, design of emergency center in conjunction with the fire district.

- 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

Decision Points:

- Are the projects presented in the budget what the Council desires staff to continue to proceed with
- Addition of 1 new employee (in conjunction with the General Fund) for trails and open space work (25% of employee would come from the General Capital Fund and 75% would come from the General Fund)

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL CAPITAL	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	REQUEST	
<b>OPEN SPACE:</b>					
Revenue:					
TRANSFER TAX-OPEN SPACE	692,514	500,000	575,000	550,000	
GRANT REVENUE/OTHER	1,200	1,200	1,200	1,200	
CONTRIBUTION FROM RESERVE-OPEN SPACE		521,800			
Total Open Space Revenue	693,714	1,023,000	576,200	551,200	
Expenses:					
OPEN SPACE TRUST	725,030	1,000,000		1,000,000	
OPEN SPACE MAINT/ADMIN	2,730	23,000	10,000	20,114	
Total Open Space Expenses	727,760	1,023,000	10,000	1,020,114	
<b>CAPITAL:</b>					
Revenue					
SALES TAX-CAPITAL	94,248	94,680	96,076	0	
USE TAX-AUTOMOBILE	58,168	40,000	58,000	58,000	
USE TAX-BLDG MATERIAL	209,247	90,000	100,000	100,000	
TRANSFER TAX-GEN CAP	692,519	500,000	575,000	550,000	
INTEREST INCOME	1,646	2,000	3,500	3,500	
DEBT/LEASE PROCEEDS		265,000	169,750		
CONTRIBUTION RESERVE-DEPOT	0	113,997	37,124		
CONTR. SALES TAX - TRANSPORTATION				100,000	
SALE OF EQUIPMENT	11,975	2,000	13,128		
CEMETERY FEES	7,830	4,000	4,000	4,000	
GRANTS-DEPOT	66,242	207,292	207,292		
GRANTS-OTHER				40,000	
OTHER REVENUE	36,449	16,000	16,000	16,000	
Total Capital Revenue	1,178,324	1,334,969	1,279,870	871,500	

TOWN OF CRESTED BUTTE					
2017 BUDGET					
GENERAL CAPITAL	2015	2016	2016	2017	
	ACTUAL	BUDGET	PROJECTED	REQUEST	
<b>Expenses</b>					
AUDITING	4,650	5,500	5,500	5,500	
USE TAX RETURN	242	25,000	25,000	35,000	
DEBT SERVICE PRINCIPAL	42,124	79,972	79,972	76,140	
DEBT SERVICE INTEREST	4,362	17,358	17,358	3,614	
INSURANCE	23,019	26,620	26,620	29,482	
DAMAGE LIABILITY	785	2,000	2,000	2,000	
MARSHAL CAPITAL EQUIP	40,448	47,000	48,000	56,800	
CAPITAL EQUIPMENT	204,897	362,500	362,500	83,500	
CEMETERY	8,484	15,000	15,000	25,000	
STEPPING STONE-MAINT	1,500	1,500	1,500	1,500	
BUILDING/PROPERTY MAINT	75,572	146,000	166,000	160,800	
308 3RD STREET HEAT SYSTEM	16,778				
308 3RD STREET PUBLIC RESTROOMS	29,198				
MARSHALS BUILDING HEAT SYSTEM		35,000	35,000		
TOWN HALL LOWER LEVEL REST ROOM		50,000	54,000		
WAYFINDING SIGNAGE				75,000	
VERZUH REC PATH EXTENSION	65,974				
TOWN HALL UPGRADES				236,000	
OLD ROCK LIBRARY TUCKPOINTING				50,000	
DEPOT RENOVATION	162,969	211,000	211,000	24,000	
4-WAY TRANSIT/BATHROOMS				400,000	
CYPRESS - LAND PURCHASE				350,000	
EMERGENCY CENTER DESIGN				55,000	
PUBLIC WORKS RETAINING WALL				10,000	
TRAIL KIOSKS	4,228	10,000	10,000	10,000	
OTHER EXPENSES		3,000	3,000	3,000	
Total Capital Expenditures	685,230	1,037,450	1,062,450	1,692,336	
<b>PARKS</b>					
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	REQUEST	
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	160,000	
*Contribution from Transportation Fund is for snow removal at the bus stops					
***Contribution Reserve "Whatever USA" is using part of the \$300,000 given in 2014 for Big Mine Projects					

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

TOWN OF CRESTED BUTTE						
CAPITAL FUND 5 YEAR PLAN	Projected					
	2016	2017	2018	2019	2020	2021
<b>GENERAL CAPITAL BREAKOUT:</b>						
REVENUES						
TRANSFER TAX/GEN CAP	575,000	550,000	500,000	525,000	525,000	525,000
USE TAX	158,000	158,000	150,000	175,000	175,000	175,000
INTEREST	3,500	3,500	7,500	7,500	10,000	10,000
CEMETERY FEES	4,000	4,000	4,000	4,000	4,000	4,000
OTHER REVENUE	29,128	16,000	15,000	20,000	20,000	20,000
GRANTS/Fundraising	207,292	40,000				
SALES TAX	96,076	0	0	0	0	0
DEBT/LEASE PROCEEDS	169,750					160,000
CONTR. RESERVE - DEPOT	37,124					
CONTR. TRANSPORTATION - BUS STOP		100,000				
	-----	-----	-----	-----	-----	-----
<b>TOTAL REVENUES</b>	<b>1,279,870</b>	<b>871,500</b>	<b>676,500</b>	<b>731,500</b>	<b>734,000</b>	<b>894,000</b>
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
	-----	-----	-----	-----	-----	-----
<b>TOTAL FIXED GENERAL CAPITAL EXPENSES</b>	<b>244,620</b>	<b>247,282</b>	<b>188,630</b>	<b>197,593</b>	<b>176,903</b>	<b>191,093</b>
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
	-----	-----	-----	-----	-----	-----
<b>TOTAL CAPITAL PURCHASES</b>	<b>817,830</b>	<b>1,445,054</b>	<b>289,930</b>	<b>241,233</b>	<b>366,965</b>	<b>160,000</b>
<b>TOTAL CAPITAL EXPENSES</b>	<b>1,062,450</b>	<b>1,692,336</b>	<b>478,560</b>	<b>438,826</b>	<b>543,868</b>	<b>351,093</b>
<b>NET GENERAL CAPITAL REVENUE(EXPENSES)</b>	<b>217,420</b>	<b>(820,836)</b>	<b>197,940</b>	<b>292,674</b>	<b>190,132</b>	<b>542,907</b>

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

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

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

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

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
<b>TOTAL REVENUE</b>	<b>3,530,364</b>	<b>3,542,522</b>	<b>4,040,875</b>	<b>4,609,506</b>
<b>EXPENSES</b>				
GENERAL FUND DISTRIBUTION	2,100,000	2,628,090	2,400,678	2,832,407
TRANSPORTATION DISTR	748,514	749,552	760,601	775,813
GENERAL CAPTIAL DISTRIBUTION	94,549	94,680	96,076	
GENERAL CAPITAL - PARKS			400,316	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			
<b>TOTAL EXPENSES</b>	<b>3,467,137</b>	<b>3,526,422</b>	<b>3,744,264</b>	<b>4,572,474</b>
<b>NET REVENUE</b>	<b>63,227</b>	<b>16,100</b>	<b>296,611</b>	<b>37,032</b>
<b>FUND BALANCE</b>				
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			

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, October 17, 2016**  
**Council Chambers, Crested Butte Town Hall**

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

Council Members Present: Jim Schmidt, Chris Ladoulis, Roland Mason, and Paul Merck

Staff Present: Town Manager Dara MacDonald and Town Attorney John Belkin

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

**APPROVAL OF THE AGENDA**

Ladoulis suggested a change to the agenda. He requested that item numbers 4 and 5 be switched under New Business, in order to discuss Ordinance No. 12 first.

Ladoulis moved and Merck seconded a motion to approve the agenda with the following change of items 4 and 5 to be swapped. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

**1) October 3, 2016 Regular Town Council Meeting Minutes.**

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

**PUBLIC COMMENT**

Zach Vaughter - 111 ½ Gothic Ave - Director of Coal Creek Watershed Coalition

- The work that caused the Kebler Pass closures was completed.
- There was positive impact to the water quality.
- He offered to provide a more detailed presentation if desired.

**STAFF UPDATES**

Janna Hansen

- Crews were prepping for winter by pulling benches and bike racks.
- The last pavilion rental would be this weekend.
- Summer seasonal employees would be done at the end of next week.
- Gymnastics started today.

- The bike park project was coming along. There were issues with the anchoring system recommended by the manufacturer. She hoped the pump track and skills zones would be ride able this fall.

#### Rodney Due

- His crews were gearing up for winter.
- There were sidewalks he hoped to take care of before the snow.
- Schmidt questioned the snow plan and if there were changes. Due had to discuss with Mason snow removal in alleys. Mason agreed they had to at least determine who was plowing alleys.

#### Michael Yerman

- He recognized Due's crew for their work in helping come \$45K under budget for the DOLA grant (Blocks 79 & 80).
- Reminded the Council of the CDOT meeting at Gunnison County on STIP funding on October 25 at 1PM.

#### Lynelle Stanford

- Bayou in the Butte was relocated, so it was no longer a special event.
- Ballots were mailed on October 17, and the Parish Hall at Queen of All Saints would be the local polling place starting October 31.

#### Dara MacDonald

- The ACLU contacted Town, so the first reading of a loitering ordinance would be on November 7.
- Mentioned a conflict in municipal court in which Carol Viner, with Masters & Viner from Montrose, would act as the prosecutor instead of John Belkin. Belkin clarified the conflict.
- She started to tackle leases, and she would bring a conversation back on how to handle going forward. She expected a negligible impact on the 2017 budget.

### **PUBLIC HEARING**

#### **1) Resolution No. 34, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Continued Operation of Snow Machines for Rubber-Tracked Snow Cat Machines, the Designated Route and the Restrictions of Operations.**

Michel confirmed that proper public notice was given. Stanford explained the proposed route including minor changes. The public hearing was opened. Michel confirmed with Stanford there had been no concerns or comments from the public. The public hearing was closed, and there was no further Council discussion.

Schmidt moved and Ladoulis seconded a motion to approve Resolution No. 34, Series 2016, resolutions of the Crested Butte Town Council approving the continued operation of snow machines for rubber-tracked snow cat machines, the designated route and the

restrictions of operations. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**2) Resolution No. 35, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Designated Route, Restrictions of Operations and the Continued Operation of Nordic Center Snow Cats and Snowmobiles.**

Michel confirmed proper public notice was given and there had been no comments or concerns from the public. The public hearing was opened. There were no comments from the public, and the public hearing was closed. There was no further Council discussion.

Mason moved and Merck seconded a motion to approve Resolution No. 35, Series 2016, resolutions of the Crested Butte Town Council approving the designated route, restrictions of operations and the continued operation of Nordic Center snow cats and snowmobiles. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**NEW BUSINESS**

**1) Presentation by Andrew Hadley on the 4-Way Transit Center and Bathrooms.**

Gillie explained Council expressed interest in enhancing the 4-way transit center and bathroom facilities. He explained there was a committee formed to advise on the design. He stated there were four options. The committee was recommending a larger transit facility with bathrooms in the facility, and the current bathrooms in the Chamber would be redone. They didn’t want to contract the existing bathrooms, and expanding them would decrease the Chamber’s space. Michel asked if the committee’s vote was unanimous, and it was confirmed that it was. Schmidt questioned the prices. Gillie said they didn’t spend a lot of time pricing. Michel asked the reason the recommended option was considered the most cost effective. Gillie explained that they didn’t have to tear up the Chamber building, and the bus site would be torn up regardless. Ladoulis asked if they considered expanding and creating one contiguous structure. Hadley explained the history of the current design. They looked at extending the existing Chamber to the north, and it wouldn’t work well. Michel asked how long the proposed option would serve the needs of the Town, which Hadley said they hadn’t discussed.

Michel asked about family bathrooms. Hadley stated they discussed it and even though it would be a smaller facility there was an opportunity for gender-neutral bathrooms. He also said they could renovate the existing bathrooms to make them family bathrooms, but the committee decided that losing fixtures could be viewed as a mistake. Merck brought up the concern of maintenance. Gillie thought Town would take care of the transit center, and the other bathrooms were addressed in the Chamber’s lease. Michel asked the Council if they wanted to direct the inclusion of family bathrooms. Schmidt said they could designate the existing bathrooms as family bathrooms, and Hadley confirmed they

could re-do the layout. Mason liked the idea of family bathrooms and the expanded transit center. He recognized three parking spaces would be lost.

Mason acknowledged they had to talk about price. Michel read the financial implications section from the staff report, and he asked if the Council was ready to commit \$400K. Schmidt thought it made a lot of sense, but he was disappointed there were not prices included. He wanted to go ahead. Merck liked Option D, with the incorporation of family bathrooms. Michel stated bathrooms were a good amenity for backcountry use, and one of the first impressions of the community. He supported going forward. Ladoulis wanted comment on the relative cost of options. Hadley confirmed D would be the most expensive. He estimated the costs of other options for comparison. Ladoulis thought it was a luxurious bathroom situation. They needed to be enthusiastic to spend \$400K. Gillie guessed it was a twenty-year solution. Hadley felt they would become known as the bathrooms in Town. Michel identified other benefits in addition to bathrooms, including a place out of the weather to wait for the bus and covered bicycle parking. Schmidt revisited his original idea of using the existing Chamber building. Hadley agreed it would cost substantially less. Ladoulis wondered if that would be a five-year solution. Yerman remind the Council they were planning to pave the lot, and there was cost savings in doing the utility work then.

Merck moved and Mason seconded a motion to authorize the development of plans consistent with Option D and to present the plans to BOZAR. A roll call vote was taken with all voting, “Yes,” except Ladoulis voted, “No.” **Motion passed.**

## **2) Presentation by Mundus Bishop on the Town Park Playground.**

Hansen thanked Yerman, and she introduced Tina Bishop from Mundus Bishop. Bishop explained the planning process and the components. They were currently in the concept development phase. A Great Outdoors Colorado (GOCO) grant was intended to be part of the funding. She showed a slide depicting the location of the playground, and she explained there would be a one to one replacement of facilities. Schmidt did not like the location of the bathrooms in relation to the ball diamond. Bishop stated they would focus on the play area, but they would bring his concern back to the Center. Bishop recognized the setting was an important component, and they wanted to maintain the views and vistas. She explained further that they learned that fantasy play and slides were important to kids and families. Parents also wanted a buffer and edge to 7<sup>th</sup> Street. She showed the site plan that they came up with from the work session, and she explained the details of the concept plan. There was discussion concerning the area around the pavilion. Bishop explained the plans for trees and the shipwreck play feature with a crow’s nest. She described the resilient surface and toddler components. Bishop pointed out the restroom. She explained the plan for the edge of the park on 7<sup>th</sup> Street. Bishop recapped the aspects that were important for the park.

Next, Bishop provided the cost estimates. She explained they used market rates with heavy contingencies. Yerman explained the costs and budget implications related to the GOCO grant. Ladoulis asked if there would be deal fatigue on GOCO’s end. Hansen

didn't think they were at that point. Schmidt asked about the parking reduction caused by parallel parking. Yerman explained the 7<sup>th</sup> Street frontage would include more parking, and they wanted it to be least intrusive to the playground. They discussed the bathrooms. Hansen stated there would still be access to the bathrooms at the exterior of the building, but the new location would favor the soccer fields instead of the ball field. Hansen explained the need to renovate the bathrooms and that existing bathrooms would stay until the new ones were opened in the Center. Schmidt was okay with the approval to go forward with the grant. Michel told Staff it was an issue that was identified. They discussed the views, and Ladoulis saw that they were obscuring the existing views. He asked about the building's shadow and if it was considered with the placement of structures. Bishop confirmed the areas had been considered.

Michel asked if anyone from the public wanted to comment.

Elliot Stern - 512 7<sup>th</sup> St #2

- He thought it was obvious everything couldn't fit at Big Mine Park, and they were making the same mistake again.
- He suggested a master plan for the entire park before breaking ground on anything. Hansen explained they went through a public planning process.

**3) Resolution No. 36, Series 2016 - Resolutions of the Crested Butte Town Council Appropriating Matching Funds in an Amount Not to Exceed \$100,000.00 for the Local Park and Outdoor Recreation Grant Application with Great Outdoors Colorado (GOCO) and Authorizing the Town Manager to Execute a the Grant Application in Connection Therewith.**

Merck moved and Schmidt seconded a motion to approve Resolution No. 36, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Ordinance No. 12, Series 2016 - An Ordinance of the Crested Butte Town Council Adding a New Article 6 to Chapter 6 of the Crested Butte Municipal Code to Include Regulations for the Licensing of Short Term Rentals and Making Such Other Attendant Changes to the Code in Related Thereto.**

Gillie reminded the Council of the special meeting that was held on short-term rentals (STRs) and the recommendations from the committee. At the meeting, the Council gave Staff direction to draft an ordinance. The most controversial of the committee's recommendations were caps and the transfer of licenses. They made the decision to bifurcate the issues and to move forward with licensing provisions. Ordinance No. 12 was relative to creating a licensing regime.

Ladoulis wondered if there were any requirements to which B & B's and other lodges were not held. Gillie stated that the licensing of STRs itself was different. Other lodging categories were dealt with via conditional uses through BOZAR. The intent was largely the same with all and that was to get to a level of safety. Gillie said the bar was higher for those that accommodated transient users.

Michel questioned the effective date of the ordinance, which was January 1, 2018. Gillie answered there would be a transition year regardless, and they were out of time this year to get it in place by January 1, 2017. Schmidt described how he could see the timeline of implementation to include time to remedy issues. He didn't want it to be a year from January. Michel summarized that sooner rather than later would be better and to also be realistic. Belkin thought the date was realistic. MacDonald thought it was okay to spread out inspections after the issuance of licenses, and late spring to summer could be possible.

Michel asked Belkin to explain the definitions in the ordinance. He stated they changed the definition of vacation rental type. MacDonald explained that the definitions of vacation rental types came from the committee recommendations. She defined vacation rental unlimited, vacation rental limited, and vacation rental room. Michel confirmed that in the definition of vacation rental limited, "primary residence of the owner" was struck. They discussed the meaning of short-term residential accommodations, and Belkin explained it referred to a timeshare. Gillie stated that fractional ownerships didn't fall within this model.

Michel reviewed the ordinance, section by section:

- Vacation Rentals Allowed
  - Michel asked how they dealt with the zone question and if they needed to change uses within zones. Gillie said they could have to alter Chapter 16. STRs would be carte blanche for residential units throughout Town. MacDonald asked the Council if they wanted to limit licenses in any part of Town. MacDonald said the committee would have limited the zones where it was allowed. Michel explained the Council was wrestling with the existing Code where people were renting out already.
- License Required and Compliance
  - Vacation rentals must comply with the requirements of the Code.
- Application
  - Ladoulis wondered if they should consider a longer licensing period.
- Issuance and Renewal
- Suspension and Revocation
  - An application could be denied, and a license could be suspended or revoked.
- No Transfer
  - MacDonald explained the disallowance of transfers. The new owner would need to come in and apply for a license, and she listed reasons. She confirmed the license would be issued on the calendar year.

- Authority to Impose Conditions
  - Staff needed to be able to call out any obvious mechanical or structural issues in order to get them fixed.
- Lodging and Sales Tax
- BOLT License
  - Mason asked if the BOLT license would be included in the permitting fee or separate. MacDonald stated they were contemplated separately.
- Annual Inspection
  - Gillie explained inspections would be bi-annual, every other year.
- Administration
  - Michel's opined they were empowering a new employee with a lot of work. MacDonald explained they were trying to avoid exhaustive lists in the Code, and they were giving Staff latitude to make decisions. Gillie added they didn't want to amend the Code anytime an issue arose.
- Licensee Duties
- Local Contact
- License Number Display
  - Ladoulis said that rentals were referred to by their addresses, and it would be sufficient if they kept addresses clearly visible.
  - Michel asked why they would create a unique number when they already had one. MacDonald stated that license numbers were useful to track rentals that were being advertised. Gillie further explained the unique number was aimed to determine locations that were not clear on websites. It also allowed neighbors to know whom to call with issues, and it identified which properties were rented.
- Parking Required
  - Gillie said the parking that was approved must be on the site and available.
- Maximum Occupancy
  - Gillie stated the maximum occupancy was related to the building code. Ten would be the cut off before the owner would need to include exit signage and alarms.
- Renter Requirements and Violations
  - Michel read from the ordinance.

Schmidt agreed with Ladoulis on the number displayed section, but he agreed there should be a number used on the websites. Michel cited the example of a building permit that was displayed. Mason thought it made sense to have something visible, and he noticed homes that already had plaques. He wanted to hear more from the public. Under Administration, Merck didn't think the licensing official should be able to make changes. MacDonald explained the logistics. Michel voiced concern that it could lead to the perception of arbitrary rules. MacDonald said it was more about making forms and checklists. Michel read it to mean that the licensing official had tremendous power. Belkin said they could address it. Referring to questions why requirements didn't apply to long-term rentals, Schmidt explained there were different expectations of short-term renters, compared to a long-term renter who chose not to rent a place if they didn't like it.

Michel explained they were potentially setting the ordinance for public hearing, and he opened the discussion to public comment.

Marcus Lock - Attorney from Gunnison - Representing CB Owners Group, which consisted of property owners, business owners, realtors, and property managers. He was not receiving money from an out of state interest.

- He had substantial concerns about the proposed ordinance. Proposed regulation went beyond increasing fees and immediate preservation of health, safety and welfare of constituents.
- Concerning the provision regarding deed restricted units, people who were contributing to housing stock would be precluded.
- Slow down and allow the public to provide comments to Staff for them to filter.

Rita Payne - 213 3<sup>rd</sup> St

- Many towns had STRs, and there was not a special person hired.
- She questioned if the problem was so urgent.
- Told the Council to get it right.

David Leinsdorf - 3 Treasury Hill Rd - Reported his law office to be at 215 Elk Ave

- Suggested the Council dedicate an entire meeting to a public hearing.
- It was premature to move quickly.

Jim Starr - 323 Gothic Ave

- It needed more time but not a year.
- Important to get everyone's input because of the implications for the future of the community.
- It was a mistake not to have vacation rentals unlimited be confined to residents that voted in Town, and it was a mistake to allow in every zone district.
- The Council should approve all rules and regulations, in regards to the licensing official.

Steve Ryan - 75 Escalante

- He attended a conference. It was advised that people did not display plaques or publish addresses because vacation rentals were targeted by thieves.

- He suggested the marshals could have a database available only to Town Staff.
- It was a privacy and possibly a theft issue.

Corey Dwan - 33 Castle Rd in Mt. Crested Butte

- He did not think there should be a cap on STRs, and he commended for not including a cap in the ordinance.
- His other concerns were no transfers and the 12-month period for the permit. He thought it needed to be longer.

Mark Campisano - Chestnut House at 409 Elk Ave

- He had been hacked through advertising, and he didn't want plaques.

Sasa Watt - 271 Gothic Rd

- Insurance had not been talked about yet. She couldn't rent a house to live in and rent out a room through Airbnb because she couldn't get insurance.
- She agreed with the privacy issue.

Keith Payne - 213 3<sup>rd</sup> St

- He advocated for a two year license and two persons per bedroom plus two instead of ten person cap.

Michel asked the Council if there were the votes to put the ordinance on the next agenda. Merck said they needed a lot of time. Ladoulis said that it could wait. Schmidt agreed there was tweaking to be done. He would be happy to let Staff field comments, see the tweaks, and come back again. Belkin thought the discussion should have its own night. Michel summarized there would be a special meeting to continue the first reading of the ordinance on November 14 at 6PM.

Ladoulis moved and Schmidt seconded a motion to continue discussion of Ordinance No. 12 to a date certain being November 14<sup>th</sup> special meeting at 6PM. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **5) Council Discussion on Limiting the Number of Short-Term Rentals and Possible Direction to Staff.**

Mason thought it would be difficult to limit STRs, and the market would dictate with what they could potentially have in place. Schmidt stated they were talking about residential areas, and it was appropriate for Council to set restrictions in residential areas. He voiced concerns they were taking away the pleasure of living in Town for the people that lived there. He didn't think much would be gained from putting on limitations, and he was not comfortable with any kind of cap. Merck thought it needed a lot of discussion and time. They needed to look at everything. He didn't think the caps and lack of allowance for transfers were fair. He was not happy with caps. Ladoulis wanted to preserve community, but he feared that it wouldn't be accomplished with a cap. He wasn't sure he could support caps. Michel summarized the Council was not ready to discuss or impose caps on short-term rentals in Crested Butte.

**6) Ordinance No. 13, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 13, Article 1 of the Crested Butte Municipal Code to Allow Extraterritorial Connections to the Town System-water, as Defined in the Code, Following Approval by the Town Council.**

Yerman provided historical reference of the dealings with Cypress Foothills LP, and he explained it was the first reading of the ordinance. He described the changes to the Code that were needed to include the change in decision making authority and the change to the requirement for annexation for water. Schmidt questioned a section in the ordinance that didn't make sense that allowed the extension of water to a commercial establishment, but it did not allow sewer. Belkin agreed to amend.

Schmidt moved and Merck seconded a motion to set Ordinance No. 13, Series 2016 for public hearing at the November 7 meeting. **Motion passed.**

**LEGAL MATTERS**

Belkin explained that a Council member was having small, petty criminal issues. Since the Council employed him, he couldn't prosecute a client. The judge was in the same situation.

Schmidt questioned the legal costs of the mine situation. Michel asked Belkin to report on numbers at the next meeting.

**COUNCIL REPORTS AND COMMITTEE UPDATES**

Jim Schmidt

- The Housing Committee didn't meet because of lack of a quorum, but he talked to Fulmer. 25 units were rented in Anthracite Place, and 4 others were in the process.
- The housing needs assessment came in, and the County needed 415-420 units across the Valley by 2020, based on employers not having enough people.
- The Creative District solicited grant applications. They received one controversial application that was to paint a light post red in honor of Red Lady Bowl and Mt. Emmons. Yerman stated there was the recommendation from the committee to fund, but it involved public property, which the Council needed to review. The topic was moved to Other Business.

Roland Mason

- There wasn't a RTA meeting this month.
- They would have an upcoming Mountain Express retreat.

**OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Yerman needed direction from the Council on the lamppost proposal. He added that the lamp would have a red light bulb. Michel thought it sounded like a great project that ideally didn't come to Council. Yerman clarified that the use of public property had to come in front of them. The committee's recommendation was to approve the project. Mason was okay with it, and Merck was, too.

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

- Monday, November 7, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 21, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 5, 2016 - 6:00PM Work Session - 7:00PM Regular Council

There would be another budget work session on November 7.

### **EXECUTIVE SESSION**

Mason recused himself from Executive Session, and he left the meeting.

Schmidt moved and Ladoulis seconded a motion to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). A roll call vote was taken with all voting, "Yes," except for Mason, who had recused himself. **Motion passed unanimously.**

The Council went into Executive Session at 10:49PM. Council returned to open meeting at 11:15PM. Mayor Michel made the required announcement before returning to open meeting.

### **ADJOURNMENT**

Mayor Michel adjourned the meeting at 11:17PM.

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Glenn Michel, Mayor

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Lynelle Stanford, Town Clerk (SEAL)

# Town of Crested Butte

51

P.O. Box 39 Crested Butte, Colorado 81224

*-National Trust for Historic Preservation's 2008 Dozen Distinctive Destinations Award Recipient-*

*-A National Historic District-*

Phone: (970) 349-5338  
FAX: (970) 349-6626  
www.townofcrestedbutte.com

November 7, 2016

**Re: Adaptive Sports Center, FOR EVERYONE Campaign and Building Project**

To Whom It May Concern:

The Town of Crested Butte is in support of the Adaptive Sports Center's (ASC) For Everyone Campaign goals to build a state of the art program facility in the base area of the Crested Butte Mountain Resort (CBMR). Since its inception in 1987, the Adaptive Sports Center has fulfilled its mission to enhance the quality of life of people with disabilities through exceptional outdoor adventure activities. As a leader in the field of therapeutic recreation, the ASC has evolved into a year-round, nationally recognized adaptive program that began by providing 30 alpine ski lessons during its first winter to offering more than 6,000 activities annually to over 1,000 participants. Despite their ability to effectively expand in the past, they are reaching maximum capacity and have been forced to restrict enrollment, turning away deserving individuals. At their current growth rate, it is evident that the ASC's need for a new home cannot be postponed any longer.

In addition to their ability to serve nearly 1,000 individuals annually, the ASC remains a top employer and economic driver for the Town of Crested Butte. Over the last 30 years, the ASC has become deeply embedded in the fabric of the Crested Butte community. The ASC remains central to the town's "soul," which makes this community so special from other resort towns. The ASC is a big economic driver for the Town of Crested Butte community, with over 87% of all participants travelling to Crested Butte solely because of the organization's presence. On average, each individual ASC participant brings an additional 4.2 people with them. In the winter of 2015-2016, ASC participants bought a total of 1,072 airline seats through Gunnison-Crested Butte Regional Airport and ASC participants accounted for 2,597 skier days at CBMR. Through their many programs, the ASC brings nearly \$2 million in direct benefit to the community each year with both indirect spending and tax revenues.

The Town of Crested Butte remains in full support of the Adaptive Sport Center's building opportunity which will allow the organization to better serve participants, affect more people, and secure their future. The new facility will result in an improved client experience, allow the ASC to provide service to more people, establish organizational sustainability, and ultimately provide major economic benefit to the Town of Crested Butte. The Town of Crested Butte looks forward to seeing this building become a reality.

Sincerely,

Mayor Glenn Michel  
Town of Crested Butte

November 7, 2016

To Whom It May Concern:

The Town of Crested Butte strongly supports the application by Western State Colorado University for Fiber Security to provide redundancy to the Gunnison Valley.

Leaders in Gunnison County have been working for years to address problems associated with the lack of fiber redundancy and the availability of broadband within our communities. Recently, Region 10, with the support of the Department of Local Affairs, have begun to address some of the issues associated with “middle mile” service and control of regional broadband pricing. While the efforts of Region 10 are important and appreciated, they do not provide a solution for redundancy to the Gunnison Valley.

Western’s proposal specifically addresses the problem of redundancy by establishing a geographically diverse fiber link to the east rather than the west which is our current fiber (and only) pathway. This new link will provide the security we need to prevent the near complete disruption of communication within the Valley that occurs when our single fiber pathway is severed.

Reliable fiber service is a basic need for our community. We have many issues impacting the viability and security of our community due to the lack of redundancy in the Valley. Crested Butte has been working in partnership with Region 10 and local governments in the County to try and address this critical need in the community. We are actively participating in current efforts to expand middle mile options in the Gunnison Valley and have committed \$40,410 towards this effort in the coming year.

We view Western’s proposal as a way to finally obtain consistent, safe communication within the Valley and to secure our 911 service, which is critical to our public safety. It will also provide stability for our local businesses which increasingly depend on fiber communication services and will support Western’s student body, both of which are critical to our local economy.

Thank you for your consideration and support of this crucial project for our Valley.

Respectfully Submitted,

Glenn Michel  
Mayor of Crested Butte

## CC-C2: CAPITAL CONSTRUCTION REQUEST FY 2017-18

<b>1. SUMMARY INFORMATION</b>	
a. Agency or Institution Name:	<b>Western State Colorado University</b>
b. Project Name:	<b>Fiber Security</b>
c. New construction, modification, or acquisition?	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Modification <input type="checkbox"/> Acquisition <input type="checkbox"/> Capital Renewal
d. Total Square Footage	____N/A____ GSF

<b>2. BRIEF SUMMARY OF CAPITAL PROJECT</b>	
a. In 3-4 sentences summarize the objective and purpose of the project.	<p>This project would construct a second, independent network connection to the internet and other resources for the University and the Gunnison Valley via a fiber optic cable originating on or near campus and progressing east, where it would ultimately connect to an existing fiber installation. The proposed pathway is from Gunnison to Poncha Springs/Salida or via US Hwy 50. The University and the Gunnison Valley (the towns of Gunnison, Crested Butte and Mt. Crested Butte and rural residents) are currently served by a single fiber optic connection running west along US Hwy 50 to Montrose (Montrose County). This connection effectively represents a single point of failure and limits the Valley to a single middle-mile provider. Simply put, access to abundant, inexpensive and reliable internet services that this project will provide is vital to the safety, economy and ultimately the continued success of the University and for the Gunnison Valley.</p>
b. In 3-4 sentences explain what spending authority is requested, and how the cash funds will be provided, or the expected bond terms and how the bond will be repaid.	<p>We are requesting \$13,410,051 in capital construction funds and will use \$225,000 in cash reserves as a cash match. We are working with local governmental agencies to increase our cash match and should have more information on the additional cash we can bring to this project by September.</p>
c. In 3-4 sentences identify the campus programs and/or populations impacted by this project.	<p>This project will impact the entire campus community, all academic and student service programs and all constituents from students to faculty and staff. It also has the likely possibility to greatly and positively impact the entire Gunnison County.</p>
d. Identify the target LEED level and costs associated with HPCP compliance. If unknown explain why.	<p>This project will not be eligible for LEED certification as it is not building construction.</p>

**3. ADDITIONAL INFORMATION**

Provide any additional information that is deemed important.

We are working to secure additional cash match from local governmental entities and should have more information on this within the next two months.

Images and support documents are attached as part of the proposed request.



**To:** Mayor Michel and Town Council  
**From:** Michael Yerman, Director of Planning  
**Subject:** Carbon Trail Letter of Support  
**Date:** November 7, 2016

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**Background:**

The US Forest Service is applying for a Colorado Parks and Wildlife Trail maintenance grant for the Carbon Trail #436. This trail is an important connector to the Baxter Gulch Trail which has been under construction for the past 5 years. The maintenance of this trail will improve the user experience of Carbon Trail for our residents and visitors.

**Recommendation:**

Staff recommends the Town Council authorize the Mayor to sign the letter of support for the Carbon Trail.

November 7, 2016

Colorado Parks & Wildlife  
Tom Metsa – OHV Program Manager  
13787 S. Hwy 85  
Littleton, CO 80125

RE: Carbon Trail Restoration, Phase II- Town of Crested Butte Letter of Support

Dear Mr. Mesta,

The Town of Crested Butte would like to express its support for the Carbon Trail Restoration Project. The Town is currently working with the US Forest Service on the completion of the Baxter Gulch Trail which will connect to the Carbon Trail #436. The Town has been constructing the Baxter Gulch Trail over the past 5 years using GOCO youth corps funding and with support from numerous community organizations including the Crested Butte Mountain Bike Association and the Crested Butte Land Trust. Next year we anticipate the remaining section of trail to be completed to the US Forest Service Boundary where it will then connect to the Carbon Trail # 436.

The Carbon Trail #436 is in need of restoration and maintenance. The proposed scope of work will enhance the user experience and improve the overall sustainability of the trail for users into the future. The grant will help provide funding for work including turnpike construction, small realignments, installation of drainage structures and tread reconstruction and armoring which will also increase the safety for users.

The Town appreciates the efforts of Colorado Parks and Wildlife to help improve local trails surrounding the Town. We hope the coordinated efforts such as being proposed on the Carbon Trail will continue to enhance our trail system in around Crested Butte. Thank you for your consideration for this project.

Sincerely,

Glenn Michel  
Mayor Town of Crested Butte



## Staff Report

**To:** Creative District Commission  
**From:** Michael Yerman, Director of Planning  
**Subject:** **Resolution 37, Series 2016 Red Promise Agreement**  
**Date:** November 7, 2016

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The Creative District Commission selected its first round of Small Grant for Individual Creatives. The four projects that were selected are as follows:

### **Committee Selected Funded Projects:**

After reviewing the applications the following projects were selected for funding with conditions on the applications.

Josh Legere, Rest + Relax in Crested Butte- \$850 the funding is conditioned on the bench including the Creative District logo.

Jeremy Rubingh, Red Promise- \$1,000 the funding is conditioned to the Council approval of an agreement with the artist to repaint the lap post green after 2 years. The Council may elect to allow the lap post to remain for a second year.

William Tintera, Steve Glazer Art Collection Sign- \$475 the funding is conditioned on an engraving that either includes the CBCD logo or sponsored by the Crested Butte Creative District.

Sophia Chudacoff, Modern Folk Songs of the Valley - proposal to compose music and choreograph dancers for a free public performance.

### **Use of Public Property**

Red Promise was the only project that required the use of public property. Resolution 37, Series 2016 establishes an agreement with Jeremy Rubingh to return the public property back to its original condition at the end of the project. It also establishes responsibilities for maintenance and repair during the duration of the art installation.

### **Staff Recommendation**

The Council should make a motion to approve Resolution 37, Series 2016.

**RESOLUTION NO. 37**

**SERIES 2016**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN  
COUNCIL APPROVING THE AGREEMENT FOR THE USE  
OF PUBLIC PROPERTY WITH JEREMY RUBINGH FOR  
THE CRESTED BUTTE CREATIVE DISTRICT PROJECT  
RED PROMISE**

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, the Town was designated a Certified Colorado Creative District in 2016;

WHEREAS, Ordinance 14, Series 2016 created the Crested Butte Creative District Commission ("**CBCD**") and established guidelines for the use of public property for art which requires the permission of the Town Council;

WHEREAS, the CBCD recommends that the Town enter into an agreement with Jeremy Rubingh (the "**Applicant**") for the Small Grants for individual creatives Red Promise project (the "**Project**");

WHEREAS, the agreement with Agreement sets forth certain obligations and responsibilities for the use of Town property;

WHEREAS, the Town Council hereby finds that it is in the best interest of the health, safety and general welfare of the citizens and visitors of the Crested Butte to enter into an agreement with Applicant for the above-stated purposes, and in connection therewith, adopt and execute the agreement referenced herein.

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

1. **Findings**. The Town Council hereby finds that entering into an agreement with the Applicant's for the performance of executing the Project for the Town in connection with CBCD is in the best interest of the Town, its residents and visitors.

2. **Approval; Authorization of Town Manager**. Based on the foregoing, the Town Council hereby approves the agreement with the Applicant in substantially the same form as attached hereto as **Exhibit "A"** (the "**Agreement**"). The Town Manager is hereby authorized to execute the Agreement.

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

TOWN OF CRESTED BUTTE, COLORADO

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

ATTEST

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

(SEAL)

**EXHIBIT "A"**

**Agreement with Applicant**

[attach form here]

November 7, 2016

Jeremy Rubingh  
PO Box 2314  
Crested Butte, CO 81224

RE: Agreement for Small Grants for Individual Creatives- Red Promise

Dear Mr. Rubingh,

Congratulations on being selected by the Creative District Commission's Small Grants for Individual Creatives for your Red Promise Project ("Project"). As you are aware, this project will require the use of public property. The intent of this letter is to outline the conditions of approval and your assigned obligations as they relate to the project. The following conditions have been assigned to your project:

- Staff will review content contained on the proposed plaque prior to it being purchased.
- You are responsible for purchasing the red light bulb and coordinating with the Public Works staff for its installation. You are responsible for supplying new light bulbs during the duration of the project as needed.
- You shall notify the Public Works Department prior to project installation and complying with any requests relating to the staging of the project.
- Maintenance of the project during its installation is your sole responsibility.
- The project may be revisited by the Town Council and required to be uninstalled at any time over the next 2 years.
- Unless otherwise expressly granted by the Town Council, the lamp post and public property around the lamp post shall be returned to its original condition by November 1, 2018.

Thank you for your participation in the Small Grants for Individual Creatives program. By signing below you acknowledge and agree to comply with the stated conditions.

---

Dara MacDonald  
Town Manager

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Jeremy Rubingh  
Red Promise Project Applicant

## Small Grant Application for Individual Creatives

ATTN:  
Heather Bischoff  
Creative District Crested Butte  
507 Maroon Ave.  
Crested Butte, CO 81224  
cbcreativedistrict@gmail.com

### **Applicant:**

Jeremy Rubingh  
Jeremy@maukaproductions.com  
(970) 274-3433  
321 Whiterock Ave.  
PO Box 2314  
Crested Butte, CO 81224

## *Red Promise*

### **Project Title**

*Red Promise*, re-imagining an aspect of one of our public utilities' appearances on a small scale to commemorate one of Crested Butte's longest standing issues.

### **Project Description**

This installation involves painting one of our town lampposts, changing the bulb and creating a small informational placard.

### **Project Proposal**

Elk Avenue, the commercial and social heart of Crested Butte, has 50 lampposts, depending on how you count. These lampposts are painted the ubiquitous green you see in all small Colorado towns and, in fact, most towns across the United States.

As an homage to the 40 year advocacy and commitment to protect the watershed, the local environment and one of Crested Butte's most beloved peaks, Red Lady, I am proposing to paint one of these lampposts bright **RED** and change the bulb to a red color as well. The specific lamppost, located outside of 212 Elk Avenue, is an ideal spot given its central location and the perfect framing of Red Lady, or Mt. Emmons directly behind it (please see photograph below).



A tasteful placard will identify the artwork, acknowledge funding from the Crested Butte Creative District and provide information about the issue and the town's recent achievements in working with all parties involved to move towards a sustainable solution. This placard will ask, "*Why is this lamppost red?*" There will be a brief historical account of the long-running issue as well as a nod to the creative arts district. The placard will bolt directly to the post. This will not only be an excellent opportunity to highlight Crested Butte's recent achievement of becoming a creative district, but will subtly and esthetically highlight how incredibly unique we are as a creative and environmentally-minded mountain town as well.

### **Project Location**

Planning and preparation will take place at the Mauka Productions Studio (my personal workspace) at 321.5 Whiterock Ave. The actual painting and installation will take place on site outside of 212 Elk Ave.

### **Project Sharing**

The project, by design, will constantly be sharing and engaging with the Crested Butte community. Beyond that I will hold an unveiling ceremony where members of the community, the town council and the creative district will be invited, I will write a letter in the local paper describing my project and extolling the values of the creative district and what an opportunity it provides, and I will also include the project in my own website materials. I will also document the project on video, as this is my main discipline (though sculpture, performance art, photography and print work are all a significant part of my work as well) and will publicly share the video edit.

**Timeline**

November 1-8: Order materials, finalize placard wording, work with town planning office to make sure appropriate permissions are obtained, ensure placard fits with the feel of other town informational panels (i.e. historical markers on buildings, etc.) and meet with public works to ensure town standards and criteria are met with materials.

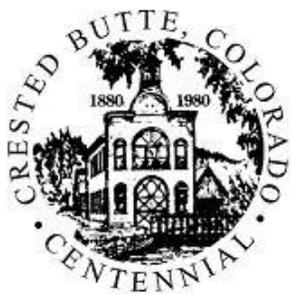
November 8 – 15: Painting and installation. Unveiling and art-opening ceremony to be determined during this time.

**About the Artist**

Jeremy Rubingh is a filmmaker, photographer, sculptor, woodworker and visual artist that lives in downtown Crested Butte, Colorado. He has made award-winning films that have traveled the globe in festivals. Recognition for Jeremy as an independent creative began at an early age when the Art Institute of Colorado selected his work, *Chalk Chicken* to hang on their walls for a year when Jeremy was in the second grade. As an environmental studies and journalism student at the University of Vermont, Jeremy became interested in the medium of film and the power to impact an audience in a brief amount of time. However, while in college he also continued his arts education, focusing mainly on sculpture and photography, two mediums he continues to develop to this day. Please see his attached Curriculum Vitae.

Sincerely,

Jeremy H. Rubingh



## Staff Report

November 7, 2016

**To:** Mayor Michel and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Michael Yerman, Director of Planning  
**Subject:** **Ordinance 13, Series 2016- Extension of Town Water and Sewer Outside of Town Boundaries**  
**Date:** November 7, 2016

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### **Background:**

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

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

### **Process:**

After listening to Cypress's proposal, the Town Council directed the Town staff to amend the Municipal code to permit the connection to the Town's municipal water by an outside entity. Section

13-1-280 Extension of Town Systems Outside Town Boundaries regulates connections to the Town's water and sewer system. Once the code is changed, an amendment to the exiting pre-annexation agreement executed on March 16, 2016 will need to be approved by Town Council. The Staff is working with the applicant to prepare an amendment to the pre-annexation agreement. This agreement is anticipated to come before the Council on November 17, 2016. Regardless of whether the Council elects to amend the pre-annexation agreement, the Town staff recommends passing Ordinance 13, 2016 because it gives the Council the ultimate decision making power regarding extending water and sewer to outside the Town boundaries.

### **Proposed Amendment Changes to Section 13-1-280:**

#### Decision Making Authority

The previous ordinance gave the decision making authority to the Public Works Director on the review of the application and decisions relating to connections to Town sewer. Water connections required annexation and this application is reviewed by the Town Council. The review process for sewer requests has been changed to the Town Manager or her designee. The decision making authority for allowing a municipal connection to both water and sewer is now the Town Council.

This change reflects the need for interdepartmental collaboration on these requests by developers. Through the process of executing the pre-annexation agreement with Cypress, many of the senior staff members were involved in ensuring the agreement reflect the desires of the Town Council. Second changing the decision making authority to the Town Council reflects the need for Council approve to execute an agreement such as the one with Cypress to allow a connection.

#### Requirement for Annexation for Water

This requirement to annex for water has been removed from the previous ordinance. However, for a water connection to be provided the applicant must provide some public benefits including but not limited to river access trails, senior water rights, and voluntary real estate transfer taxes. These benefits will be considered by the Town Council on whether to permit a future connection.

### **Staff Recommendation:**

A council person should make a motion to approve Ordinance 13, Series 2016, an Ordinance of the Crested Butte Town Council Amending Chapter 13, Article 1 of the Crested Butte Municipal Code Amending the Town's Regulations for the Extension of Town Water and Sewer Services and Associated Systems Outside of Town Boundaries.

**ORDINANCE NO. 13****SERIES 2016****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 13, ARTICLE 1 OF THE CRESTED BUTTE MUNICIPAL CODE AMENDING THE TOWN'S REGULATIONS FOR THE EXTENSION OF TOWN WATER AND SEWER SERVICES AND ASSOCIATED SYSTEMS OUTSIDE OF TOWN BOUNDARIES**

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 in place certain requirements for the extension of water and sewer service and associated systems outside of the Town's boundaries, which such requirements are codified at Section 13-1-280 of the Crested Butte Municipal Code (the "Code");

WHEREAS, the Town staff has been reviewing such requirements, evaluating the needs of the Town and studying the impact on the Town's systems should the Town Council elect to allow the extension of water and sewer service and associated systems outside of the Town's boundaries so that the Town Council can evaluate amending the Code in order to adopt new rules and regulations for such extraterritorial extensions;

WHEREAS, the Town staff has completed its review of said requirements, evaluated the needs of the Town, studied the impacts on the Town's systems that such extensions would have and considered what new rules and regulations are most appropriate for the Town in this regard;

WHEREAS, the Town staff has recommended to the Town Council that it adopt new rules and regulations taking into account the Town's needs and the impacts on the Town's water and sewer services and associated systems that such extensions would have; and

WHEREAS, the Town staff has presented its findings and recommendations regarding such new rules and regulations to the Town Council, and the Town Council has carefully considered the same, including receiving public input relative thereto, and finds that, in furtherance thereto, such new rules and regulations, as set forth herein, are in the best interest of the environment and the 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 Section 13-1-280, Extension of Town Systems Outside of Town Boundaries.** Section 13-1-280 of the Code is hereby amended by deleting said Section in its entirety and replacing the same with the following new language in said Section which shall read as follows:

**“Sec. 13-1-280. Extension of Town Systems Outside Town Boundaries.**

(A) The Town’s water and sewer services and systems may be expanded to serve users outside of the Town’s boundaries only upon compliance with all of the terms and conditions hereafter stated.

(B) The owner of any land outside of the Town’s boundaries may request, in writing, water and/or sewer service for such lands by means of an extension of the Town’s systems, subject to the requirements of this Section. Such request must include:

- (1) a legal description of the real property to be served;
- (2) a description of the nature and scope of the land owner’s proposed development;
- (3) a statement as to the timing of the completion of the development;
- (4) an estimate as to probable flow requirements;
- (5) a description, with copies of all supporting documents, of the property rights (e.g., easements) that allow for such extension.

(C) Upon receipt of the written request referred to in subsection (B) above, the Town Manager, or his/her designee shall transmit copies of the request to the other Town departments for comment and review. Upon the Town Manager’s receipt of comments from the other Town departments, the Town Manager shall prepare a staff report and place the request on the Town Council’s agenda for review and approval or disapproval by the Town Council. The Town Council shall thereafter decide whether to provide such water and/or sewer service in accordance with the subject request.

(D) If the Town Council elects to provide such water and/or sewer service, that fact shall be communicated to the applicant therefor, and the applicant shall thereafter prepare and submit to the Town Manager, at the applicant’s expense, an engineering feasibility study. Such study shall include, but not be limited to:

- (1) preliminary designs and cost estimates of required sewage collection and water distribution systems;
- (2) preliminary design of connection methods to the Town’s systems;

(3) hydraulic analysis of the combined systems showing the effect of the added area on the Town's existing systems;

(4) preliminary design and cost estimates for any treatment facilities required to be added as a result of the service to the applicant's area; and

(5) such additional information as the Town Manager deems necessary, appropriate or prudent.

(E) Upon the Town Manager's completion of review of the feasibility study, the Town Manager shall transmit copies of the study to the other Town departments for comment and review. Upon the Town Manager's receipt of comments from the other Town departments, the Town Manager shall prepare a staff report, including the requirements for the provision and receipt of water and/or sewer service beyond Town boundaries applicable to the applicant's request. Requirements for said provision and receipt shall be, at a minimum:

(1) Where annexation is required by the Town Council, the subject property owner shall execute, without limitation, a pre-annexation agreement prior to the extension of water and/or sewer service. The pre-annexation agreement shall, among other things, require that the property owner agrees that its land shall be annexed if and when the Town elects that such property shall be annexed.

(2) For all other projects seeking to connect to the Town's sewer system under this Section, the following minimum requirements must be met:

(a) Sewer service shall be extended only to single family residential units, accessory dwelling units and/or guest houses.

(b) Sewer service shall only be extended within the service area and land identified in Appendix "A" attached hereto.

(c) Once sewer service is extended, there shall be no further subdivision or change in use of the subject property.

(3) For all other projects seeking to connect to the Town's water system under this Section, the following minimum requirements must be met:

(a) Notwithstanding any provision of the Code to the contrary, potable water shall not be used for irrigation purposes, except when Town-approved conservation measures are utilized.

(b) The extension of water service shall occur only if there are public benefits provided by the applicant and users such as, for example, river access trails, senior water rights and voluntary real estate transfer taxes approved by the Town Council.

(4) For all projects seeking to connect to the Town's sewer and/or water systems under this Section, and where annexation is not otherwise required, the following minimum requirements must be met:

(a) The Town shall maintain all water and sewer systems and associated infrastructure; however, the costs to maintain such systems shall be paid for by the users thereof through increased user fees. If user fees prove to be inadequate to cover the costs of maintenance of such water and sewer systems, said user fees shall be increased accordingly. The Town shall not maintain service lines, which shall be maintained by the users thereof at their sole cost and expense.

(b) Construction of water and sewer systems must be in accordance with the Town's specifications, and may require, without limitation, additional site engineering for site limitations and constraints and will minimize, to the maximum extent possible, impacts to wetlands and threatened and endangered species.

(c) All water and sewer systems shall be designed and installed by the Town or, if the applicant requests and the Town agrees, by an engineer or contractor selected by the applicant, so long as the Town reviews and approves all aspects of such systems, including, without limitation, all drawings, specifications, vendor terms and work performed.

(d) Applicant shall deed all water and sewer systems to the Town upon completion and acceptance by the Town, or at some specified date subsequent to completion as required by the Town.

(e) The applicant shall provide year-round access by easement or public right to the Town for the purposes of maintaining all the deed facilities associated with any proposed sewer and water extension. When any part of the water and sewer system is not located in the public right of way, acceptable easements shall be given therefor to the Town.

(f) Service area customers shall agree to abide by the Town's rules and regulations governing use of the Town's water and sewer systems.

(g) Single-family residences served by the Town water and/or sewer systems shall not exceed 5,000 square feet.

(h) The applicant for water and/or sewer service shall pay all applicable system development fees.

(i) Taps fees for water and sewer service shall be 1.5 times the in-Town rate. Tap fees shall be 1 EQR if deed restricted to be consistent with the Town's policies for deed restrictions on accessory dwellings.

(j) Monthly service fees for water and sewer service shall be 2 times the in-Town rate.

(k) If the subject property is annexed at a later date, all fees shall be the same as the fees other Town residents pay for such services at the time of annexation, unless site limitations or other considerations indicate they should be higher as determined by the Town or as otherwise determined by the Town Council.

(l) The applicant shall contract with the Town to make such additional financial commitments and contributions to the Town in order to ensure that such extension of water and/or sewer service does not adversely affect the Town from a financial perspective.

(5) An agreement for the provision and receipt of water and/or sewer service beyond Town boundaries not otherwise inconsistent with the requirements of this Section shall be prepared by the Town Attorney and approved by the Town Council. Such agreement shall incorporate and include, without limitation, terms and conditions that address the requirements of this Section. The Town Manager's staff report regarding the request shall be incorporated in the agreement prepared by the Town Attorney. Upon execution by the applicant and the Town, said agreement shall be recorded on the official land records of Gunnison County and the obligations and requirements contained therein shall be a burden upon and run with the subject property.

(6) Unless waived by the Town Council, the applicant shall pay all costs and expenses whatsoever incurred by the Town, including, without limitation, all costs and expenses in connection with any legal publications, notices, filings, reproduction of materials, public hearings, recording of documents, engineering services, attorneys' services, consultant services, time of Town staff, permits and easements, in connection with the provision and receipt of water and/or sewer service beyond Town boundaries and the transactions contemplated in this Section. In connection therewith, the applicant shall deliver to the Town an executed costs and expenses reimbursement agreement obligating the applicant to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the processing, review and prosecution of the request for connection to Town water and sewer beyond Town boundaries."

**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, 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.

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

**Section 3. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that 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: \_\_\_\_\_  
Glenn Michel, Mayor

ATTEST:

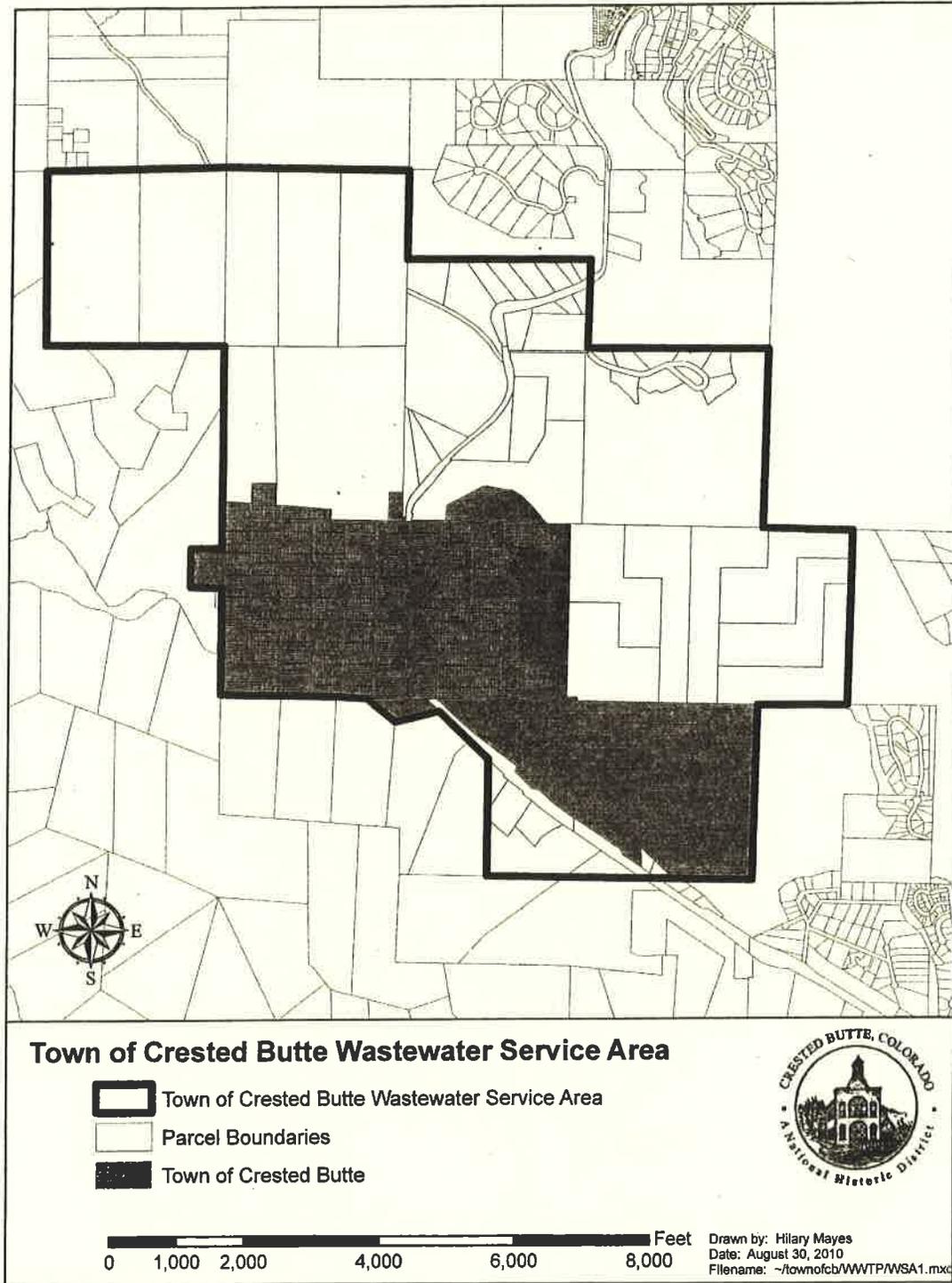
\_\_\_\_\_  
Lynelle Stanford, Town Clerk

[SEAL]

**APPENDIX "A"**

[attach service area map here]

### APPENDIX P Wastewater Service Area



(Ord. 25 §1, 2010)

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

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

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

**MEMORANDUM**

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

**TO:** Town Council

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

**CC:** Dara MacDonald, Town Manager

**DATE:** November 4, 2016

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

---

**BACKGROUND:**

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

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

Town Council  
Re: Ordinance No. 14, Series 2016 – “Panhandling Ordinance”  
November 4, 2016  
Page 2

**RECOMMENDATION:**

- Enclosed in your packets is Ordinance No. 14, Series 2016 striking Section 10-4-50(b)(1) from the Code and adding new panhandling regulations thereto that comport with the *Browne* ruling. This ordinance is consistent with the ACLU’s view of the state of the law in this area.
- **RECOMMENDATION:** Set Ordinance No. 14, Series 2016 for public hearing on November 21, 2016.
- If you have any questions, please contact me or I can address them during the Town Council meeting on Monday night. Thank you.

Encls./2

###

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

**ORDINANCE NO. 14****SERIES 2016****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADDING A NEW ARTICLE 12 TO CHAPTER 10 OF THE CRESTED BUTTE MUNICIPAL CODE FOR THE PURPOSE OF REGULATING AND RESTRAINING CERTAIN LIMITED TYPES OF PANHANDLING**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **“Pandhandling**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) If the person panhandling engages in conduct toward the person solicited that is coercive, intimidating, obscene or threatening and that causes the person solicited to reasonably fear for his or her safety.
- (2) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace.
- (3) If the person panhandling touches or grabs any person being solicited.
- (4) If the person panhandles in such a manner so as to intentionally obstruct or block a sidewalk, doorway, entryway or other passageway in a public place used by the public or obstructs the passage of a person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person.

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

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

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

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

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

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

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

TOWN OF CRESTED BUTTE, COLORADO

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

ATTEST:

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

[SEAL]

**From:** [Jessica Howard](#)  
**To:** [Glenn Michel](#)  
**Subject:** ACLU of Colorado: Loitering ordinance  
**Attachments:** [image002.png](#)  
[image003.png](#)

---



Nathan Woodliff-Stanley, Executive Director  
 Mark Silverstein, Legal Director

August 31, 2016

**SENT VIA U.S. MAIL AND EMAIL:** [glennmichel@crestedbutte-co.gov](mailto:glennmichel@crestedbutte-co.gov)

Glenn Michel, Mayor  
 Town of Crested Butte  
 P.O. Box 39  
 Crested Butte, CO 81224

Dear Mayor Michel,

Your municipality is one of over thirty in Colorado with a municipal code that makes it a crime to “loiter for the purpose of begging.” Crested Butte Municipal Code § 10-5-40(b) (1). This ordinance not only unfairly targets poor and homeless persons whose pleas for assistance are protected by the First Amendment, but it is also legally indefensible. We write to ask that Crested Butte immediately initiate the steps necessary to repeal the ordinance and take it off the books. While the process of repeal is unfolding, law enforcement should be instructed not to enforce this ordinance.

In recent years, this nation and Colorado have seen a marked uptick in enforcement of laws that effectively criminalize homelessness and extreme poverty, including many laws that prohibit individuals from peacefully asking passersby for help.<sup>[1]</sup> Not only do these anti-begging ordinances violate the constitutional rights of impoverished people, but they are costly to enforce and serve to exacerbate problems associated with homelessness and poverty. Harassing, ticketing and/or arresting poor persons for asking for help is inhumane, counterproductive and – in many cases – illegal. That is why the American Civil Liberties Union of Colorado (“ACLU”) has devoted considerable resources in recent years to reviewing, and sometimes challenging such ordinances.<sup>[2]</sup>

It is well-settled that peacefully soliciting charity in a public place is protected by the First Amendment. *See, e.g., United States v. Kokinda*, 497 U.S. 720, 725 (1990) (“Solicitation is a recognized form of speech protected by the First Amendment.”); *accord Village of Schaumburg v. Citizens for a Better Env’t*, 444 U.S. 620, 632 (1980). This constitutional protection applies not just to organized charities, but also to the humblest solitary beggar

asking for spare change to get through the day. More than twenty years ago, the Second Circuit explained that begging or panhandling is communicative activity that the Constitution protects:

Begging frequently is accompanied by speech indicating the need for food, shelter, clothing, medical care or transportation. Even without particularized speech, however, the presence of an unkempt and disheveled person holding out his or her hand or a cup to receive a donation itself conveys a message of need for support and assistance. We see little difference between those who solicit for organized charities and those who solicit for themselves in regard to the message conveyed. The former are communicating the needs of others while the latter are communicating their personal needs. Both solicit the charity of others. The distinction is not a significant one for First Amendment purposes.

*Loper v. New York Town Police Department*, 999 F.2d 699, 700 (2d Cir. 1993).<sup>[3]</sup> In the years since the *Loper* decision, numerous courts have held that various regulations or outright prohibitions of solicitation violate the First Amendment. *See, e.g., Norton v. City of Springfield*, 806 F.3d 411, 412-13 (7th Cir. 2015) (anti-panhandling statute is content-based and subject to strict-scrutiny); *Browne v. City of Grand Junction*, 136 F. Supp. 3d 1276, 1287 (D. Colo. 2015) (same); *Thayer v. City of Worcester*, 144 F. Supp. 3d 218, 233 (D. Mass. 2015) (same); *Speet v. Schuette*, 726 F.3d 867, 870 (6th Cir. 2013) (invalidating Michigan’s anti-begging statute, which “bans an entire category of activity that the First Amendment protects”); *Clatterbuck v. City of Charlottesville*, 708 F.3d 549 (4th Cir. 2013) (subjecting regulation of solicitation to strict scrutiny); *ACLU of Idaho v. City of Boise*, 998 F. Supp. 2d 908 (D. Idaho 2014) (issuing preliminary injunction); *Kelly v. City of Parkersburg*, 978 F. Supp. 2d 624 (S.D. W Va. 2013) (issuing preliminary injunction); *Guy v. County of Hawaii*, 2014 U.S. Dist. Lexis 132226 (D. Hawaii Sept. 19, 2014) (issuing temporary restraining order).

During the litigation of the ACLU’s challenge to Grand Junction’s panhandling ordinance, the federal district court in Colorado underscored the significance of panhandling’s communicative function:

This court believes that panhandling carries a message. Often, a request for money conveys conditions of poverty, homelessness, and unemployment, as well as a lack of access to medical care, reentry services for persons convicted of crimes, and mental health support. The City’s attempt to regulate this message is an attempt to restrain the expression of conditions of poverty to other citizens.

*Browne v. City of Grand Junction*, 2015 U.S. Dist. Lexis 73834, \*\*12-13 (D. Colo. June 8, 2015).

The Crested Butte ordinance prohibiting loitering for the purpose of begging is far broader than many of the anti-panhandling regulations that courts have struck down in recent years. It prohibits passively, silently, and nonintrusively sitting with a sign that asks for charity, and it applies everywhere in the municipality. The ordinance could not survive a legal challenge. Indeed, the language of Crested Butte’s loitering ordinance is familiar to our office. In 1996, the ACLU of Colorado filed a class action lawsuit to challenge an antiquated

Colorado statute that, like Crested Butte’s ordinance, prohibited “loitering . . . for the purpose of begging.” After the plaintiffs obtained a preliminary injunction, the defendants agreed to ask the legislature to repeal the statute, and it was repealed in the next legislative session.

Through the ACLU’s investigation, we know that several jurisdictions have actively enforced this outdated ordinance – whether by means of citations, warnings, or move-on orders. Indeed, of the ten municipalities from which we received records, eight had engaged in some form of illegal enforcement of the ordinance within the last few years. We understand, however, that some municipalities may have allowed this unconstitutional ordinance to stay on the books, but have no intention of enforcing it. Your municipality may be one such jurisdiction. Even if that is the case, it is important to remove this archaic law from the municipal code. Leaving the law on the books raises the very real possibility that, at some point in the future, an energetic law enforcement officer will review the entirety of the municipal code and begin enforcing the ordinance. <sup>[4]</sup>

Based on the foregoing, we ask Crested Butte to take the following immediate actions:

1. **Stop enforcing Section 10-5-40(b)(1). This requires instructing any law enforcement officers charged with enforcing the municipal code that Section 10-5-40(b)(1) is no longer to be enforced in any way, including by issuance of citations, warnings, or move-on orders.**
2. **Immediately initiate the steps necessary to repeal Section 10-5-40(b)(1).**
3. **If there are any pending prosecutions under Section 10-5-40(b)(1), dismiss them.**

Please provide a written response to this letter by **September 14, 2016**.

Sincerely,





Mark Silverstein  
Legal Director  
ACLU of Colorado

Rebecca Wallace  
Staff Attorney & Policy Counsel  
ACLU of Colorado

cc: John Belkin, Crested Butte Town Attorney - jbelkin@jbelkinlaw.com

---

<sup>[1]</sup> See National Law Center on Homelessness and Poverty, *No Safe Place – The Criminalization of Homelessness in U.S. Cities* (2015), available at [http://www.nlchp.org/documents/No\\_Safe\\_Place](http://www.nlchp.org/documents/No_Safe_Place).

<sup>[2]</sup> Following are recent ACLU actions aimed at challenging laws that criminalize peaceful

solicitation of charity:

- In 2013, Colorado Springs repealed an ordinance establishing a “Downtown No Solicitation Zone” after the ACLU obtained a preliminary injunction. As part of the settlement in that case, Colorado Springs paid the ACLU \$110,000 in attorneys’ fees.
- In 2014, in response to a letter from the ACLU, officials in Durango agreed to suspend enforcement of an ordinance that, like the Bennett ordinance, prohibited “loitering . . . for the purpose of begging.” The Durango ordinance has now been repealed.
- In a 2015 ACLU case, a federal judge ruled that Grand Junction’s panhandling ordinance violated the First Amendment. *Browne v. City of Grand Junction*, 136 F. Supp. 3d 1276 (D. Colo. 2015). Grand Junction repealed the ordinance and paid the ACLU \$330,000 in attorneys’ fees.
- Also in 2015, the ACLU filed a class action lawsuit challenging Fort Collins’s enforcement of its panhandling ordinance. After legal briefing on the ACLU’s motion for a preliminary injunction, Fort Collins repealed all of the challenged provisions. As part of the subsequent settlement, Fort Collins paid the ACLU \$82,500 in attorney’s fees.
- In the spring of 2015, the ACLU learned that Telluride had approved, on first reading, a new ordinance that regulated panhandling. After receiving a letter from the ACLU, the town council changed course and adopted a scaled-down version that included only four provisions to which the ACLU did not object.
- In May 2015, Durango proposed a new panhandling ordinance to replace the repealed ordinance that prohibited “loitering . . . for the purpose of begging.” The ACLU of Colorado wrote a detailed critique that explained why multiple provisions of the proposed ordinance violated the First Amendment. The Durango Town Council then changed course and settled on a scaled-down version that included only a handful of provisions to which the ACLU did not object.
- In July, 2015, Loveland, noting the ACLU’s court challenges to the Fort Collins and Grand Junction panhandling ordinances, adopted significant revisions to its panhandling ordinance. Loveland’s revised ordinance leaves in place only four provisions to which the ACLU does not object.
- In August 2015, in response to a letter from the ACLU, Steamboat Springs agreed to cease enforcement of its ordinance prohibiting loitering for the purpose of begging. A month later, the City repealed the ordinance.
- In October 2015, in response to a letter from the ACLU, Colorado Springs dismissed hundreds of panhandling charges against individuals who had been cited for peacefully soliciting charity with a sign. In 2016, the City repealed one of its panhandling ordinances and revised the other to leave in place only those provisions to which the ACLU does not object.

[3] Notably, the New York City ordinance at issue in the *Loper* decision was very similar to Bennett’s. The ordinance provided that a person commits a crime when he “Loiters, remains or wanders about in a public place for the purpose of begging.” *Loper*, 999 F.2d at 701. The court held the ordinance violates the First Amendment. *Id.* at 706.

[4] Indeed, after at least eight years of non-enforcement of its loitering for the purpose of begging ordinance, the Town of Bennett recently cited a homeless man who was simply soliciting donations with a sign. The municipal court set the case for trial, but our office was able to secure a dismissal after we shared with the prosecuting attorney some of the caselaw cited in this letter.

## Sec. 10-5-40. - Loitering.

- (a) The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.
- (b) A person commits a Class 1 petty offense if he or she:
  - (1) Loiters for the purpose of begging;
  - (2) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
  - (3) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;
  - (4) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil, or any other specific legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer; or
  - (5) Loiters with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-7-10 of this Chapter.
- (c) It is an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as part of a peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(Ord. 4 §1, 2009)



## Memorandum

**To:** Mayor Michael & Town Council  
**From:** Dara MacDonald, Town Manager  
**Subject:** Region 10 Broadband efforts  
**Date:** November 7, 2016

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### **Background:**

The Town has been working with Gunnison County, the Town of Mt. Crested Butte and Region 10 League for Economic Assistance and Planning, with the aid of DOLA funding, to identify ways to enhance broadband service within Region 10 and specifically the Gunnison Valley. Improving broadband infrastructure, service and redundancy is important to the economic vitality and sustainability of the Valley.

In 2014, the Town participated in a DOLA-funded, Region 10 study of broadband capacity in the Region. In 2015, Region 10 applied for a DOLA grant for a Phase 1 Project aimed at improving Broadband capacity to a hub at Montrose. That project is on track to be completed in 2016.

Region 10 has bundled projects for a Phase 2 DOLA Grant to enhance middle mile broadband capacity from Montrose to the end communities. With the assistance of consultants, Region 10, Gunnison County and the Towns have identified this project for improving broadband infrastructure to Gunnison and then to Crested Butte and Mt. Crested Butte.

On November 30, 2015 the Town Council approved a Memorandum of Understanding between the Town and Region 10. The Town's commitment in the MOU includes a commitment of \$40,410 of matching funds in 2017 for the DOLA grant. The grant was awarded in 2016. The total cost for the Gunnison County portion of the project is \$810,956 with DOLA supplying \$405,478, an equipment match of \$103,097, and local cash match of \$302,381 (of which Crested Butte committed to \$40,410).

### **Update:**

Mayor Michel and I attended an update meeting on Monday, October 24<sup>th</sup>. Western Area Power Administration (WAPA) is engaged in conversations with Region 10 and Western State about the possible use of dark fiber on their transmission lines that could eventually allow for Gunnison to have fiber connections to the east and west (Colorado Springs and Montrose/Gunnison). This would eliminate the current risk of loss of service due to equipment failure or fiber cuts between Gunnison and Montrose.

While there are promising conversations occurring with WAPA, Region 10 continues to evaluate additional options to provide a redundant connection between Gunnison and Montrose and Western State is applying for an appropriation from the State that would allow them to connect Gunnison to Poncha Springs and the existing fiber networks that run north and south from there. Council will be asked for a letter of support for Western State at your meeting on November 7<sup>th</sup>.

It is now believed that there is no existing dark fiber between Gunnison and Crested Butte. However, Region 10 is recommending to us that it is still advisable to proceed with the construction of our local middle mile infrastructure here in Crested Butte along with connections to our anchor institutions. Region 10 will continue to investigate existing options such as the leasing of existing lit fiber between Gunnison and Crested Butte or possibilities with Tri State. These efforts will still result in more options for local internet service providers (ISP's) at a more competitive price. Introduction of a lower priced middle mile service to Crested Butte should also result in increased competition and thus improved services and lower costs for end users in the community.

The \$40,410 commitment from Crested Butte is currently included in the draft 2017 budget, however, if we would like to see infrastructure installed in 2017, Region 10 is asking to proceed now with engineering and design. There is some work here locally that should be completed before snow flies and they can no longer access things like junction boxes to physically see what is available. They estimate the design at 10-15% of the total project, or no more than \$6,000. The attached map shows proposed fiber connections in town. The town did not budget for any of this expense in 2016, so a budget amendment will be required if the Council wishes to proceed in 2016. This would reduce the funding required in 2017.

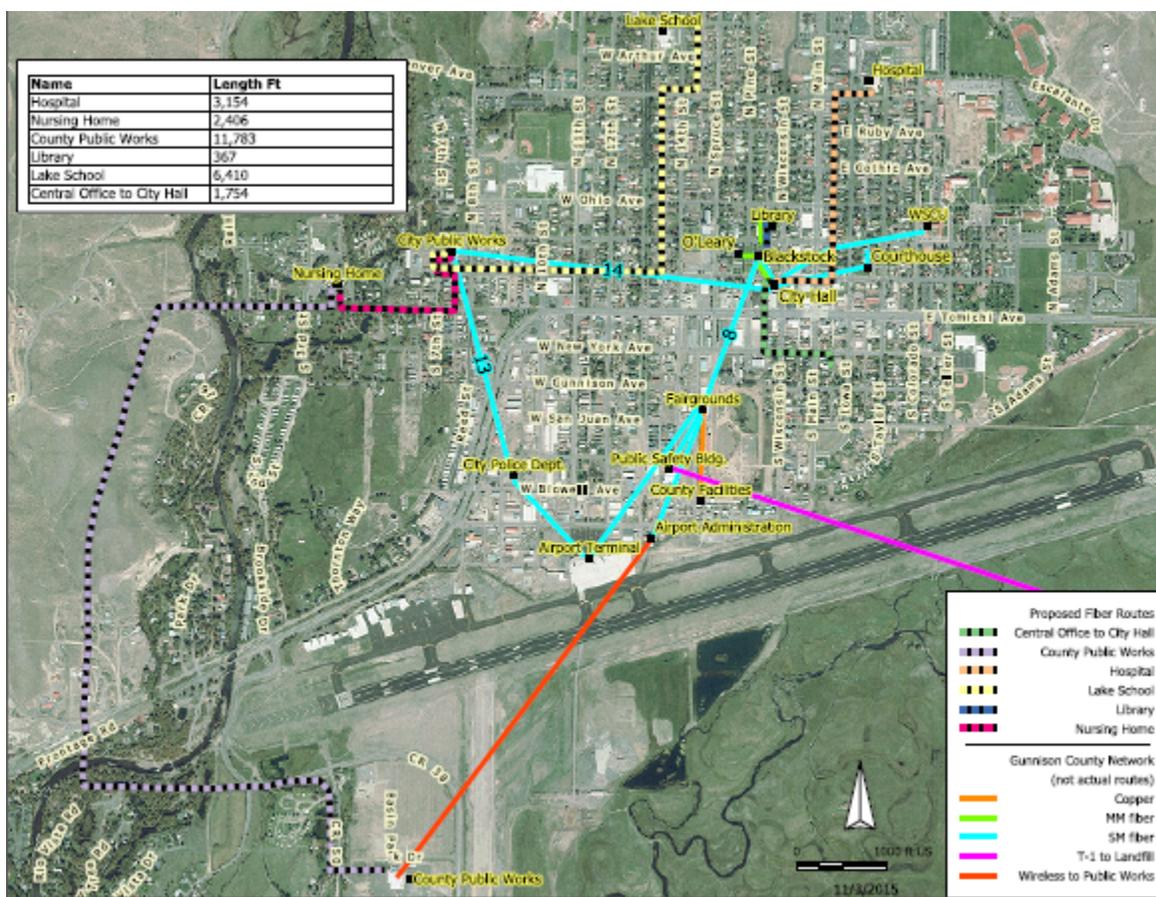
**Request:**

That Council approve a motion, "to proceed with engineering and design of the middle mile broadband network within the Town of Crested Butte and approving the expenditure of up to \$6,000 in 2016 for this purpose."

## Attachment A Scope of Work for Gunnison County/Region 10 Broadband Project

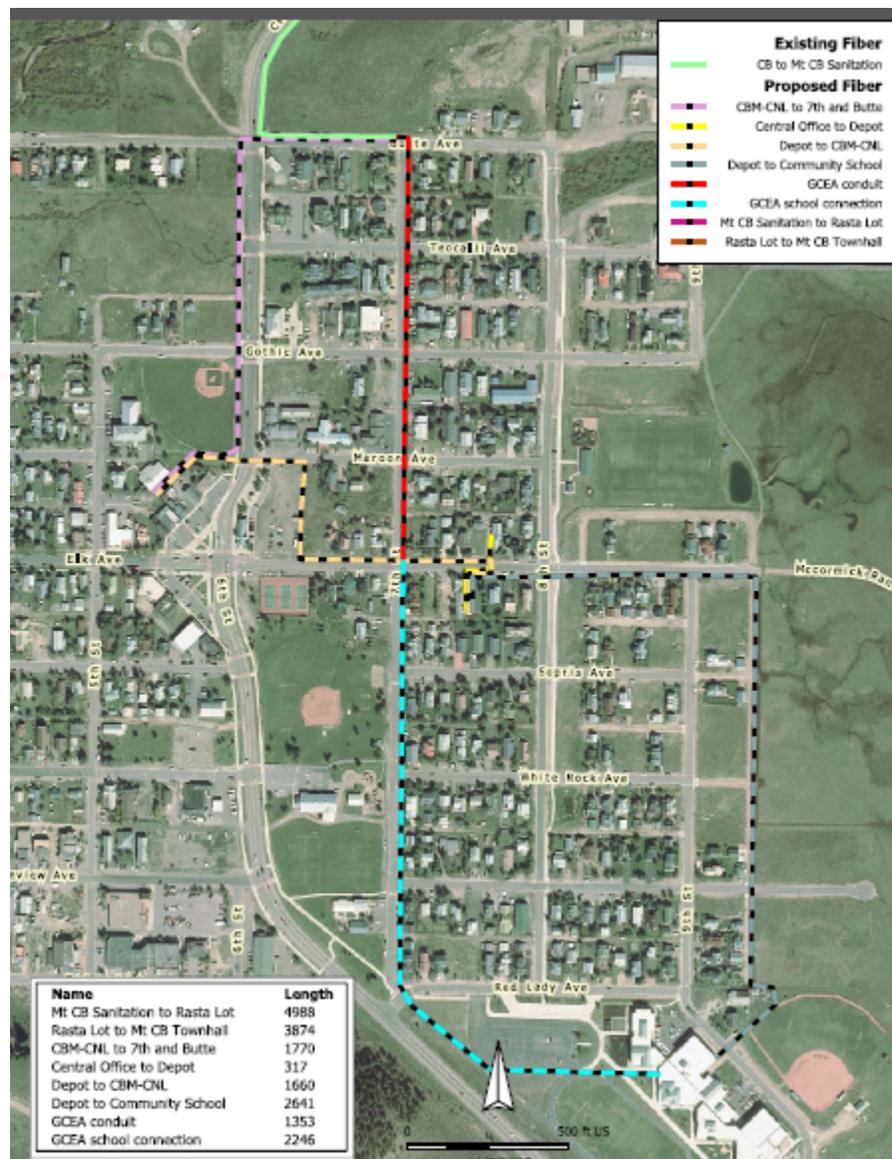
### 1. Route Network for the City of Gunnison

This plan assumes dark fiber would be obtained between Montrose and Gunnison. The system below provides a plan for connecting to anchor facilities. This system may be modified to utilize private ISP infrastructure to connect to anchor facilities as engineering is further developed. A fallback position if dark fiber is not available between Montrose and Gunnison is to utilize lit fiber owned by CenturyLink between Montrose and Gunnison.



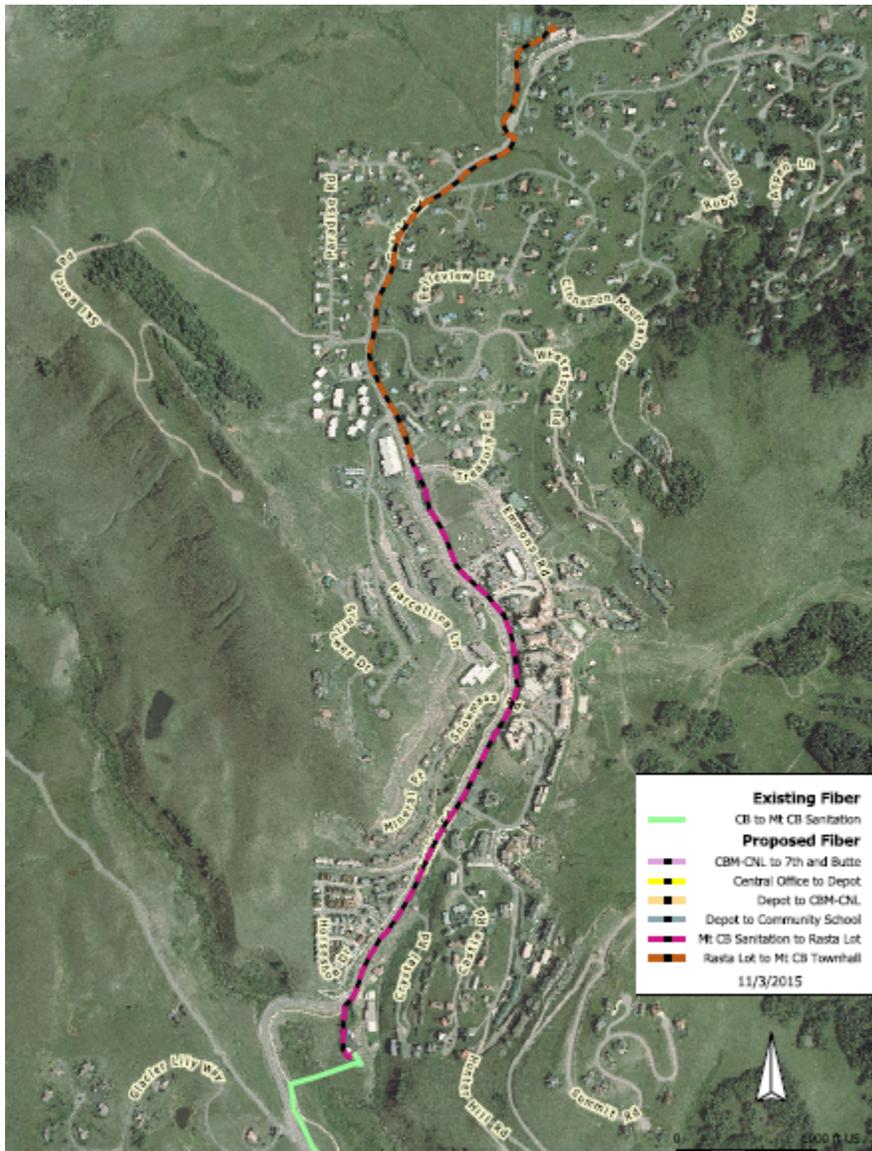
## 2. Route Network for Crested Butte:

The Crested Butte/Mt. Crested Butte System includes a connection via dark fiber from the City of Gunnison to the CenturyLink Central Office in Crested Butte. From the CenturyLink office, a fiber connection is proposed to the Crested Butte Marshall's Office where a CNL would be located, and there is an option to also connect to the Library. The system is then connected to existing fiber that Gunnison County installed approximately 5-6 years ago between Crested Butte and Mt. Crested Butte.



### 3. Route Network for Mt. Crested Butte

The system in Mt. Crested Butte will be connected to the existing fiber that Gunnison County installed approximately 5-6 years ago between Crested Butte and Mt. Crested Butte. This dark fiber will link to a new fiber system in Mt. Crested Butte starting at the Waste Water Treatment Plant. Additional fiber connecting from the Waste Water Treatment Plant going up Gothic Road to the Fire Station and the parking lot referred to as the Rasta Lot is part of the proposed project for Mt. Crested Butte. A CNL would also be located in Mt. Crested Butte at a location to be determined as the result of engineering and design.



#### 4. Cost Summary for Project in Gunnison County

Table 1 below summarizes the total cost of the project including the value of the existing fiber that is proposed as a match for the DOLA grant that exists in both Gunnison and also between Crested Butte and Mt. Crested Butte.

**Table 1: Total Cost for Gunnison County Project:**

Assigned Costs							
Fiber cost per foot (aerial)	\$ 12.00		CNL equipment cost	\$ 25,000.00			
Fiber cost per foot (underground)	\$ 25.00		CNL make-ready (existing building)	\$ 8,500.00			
Fiber IRU cost per mile (in town)	\$ 3,500.00		CNL new construction (shed/cabinet)	\$ 25,950.00			
Fiber IRU cost per mile (long haul)	\$ 1,500.00		Dark Fiber CoLo cost per endpoint	\$ 42,032.00			
Equipment cost per anchor	\$ 5,500.00		Project Management %	7%			
			Construction Management %	15%			

Anchor Name/route	Fiber Length (feet)	Fiber Construction Cost	CNL Build	Dark Fiber Make-Ready	Equipment Cost	PM Cost	Construction Management Cost	Total
<b>Infrastructure Cost (Gunnison)</b>	1,755	105,577	33,500	84,064		15,620	15,837	254,597
Hospital (via City Hall - Main/Iowa alley)	3,155	37,860			5,500	3,035	5,679	52,074
Lake School	6,410	0			0	0	0	0
Library (current location)	375	4,500			5,500	700	675	11,375
Nursing Home	2,406	28,872			0	2,021	4,331	35,224
County Public Works	11,785	0			0	0	0	0
WSCU	2,370	0			5,500	385	0	5,885
City of Gunnison	9,190	0			5,500	385	0	5,885
Gunnison County	500	0			5,500	385	0	5,885
<b>Infrastructure Cost (CB)</b>	1,660	41,500	33,500	42,032		8,192	6,225	131,449
Town of CB	0	0			5,500	385	0	5,885
CB School	2,246	0			0	0	0	0
CB Library	425	10,625			5,500	1,129	1,594	18,848
<b>Infrastructure Cost (MtCB)</b>	1,400	53,580	50,950			7,317	8,037	119,884
Town of MtCB	10,900	0			5,500	385	0	5,885
MtCB Rasta Lot	4,990	124,750			0	8,733	18,713	152,195
MtCB Water & Sanitation		0			5,500	385	0	5,885
<b>Project total</b>	<b>59,567</b>	<b>407,264</b>	<b>117,950</b>	<b>126,096</b>	<b>49,500</b>	<b>49,057</b>	<b>61,090</b>	<b>810,956</b>
<b>DOLA Contribution</b>		<b>203,632</b>	<b>58,975</b>	<b>63,048</b>	<b>24,750</b>	<b>24,528</b>	<b>30,545</b>	<b>405,478</b>
<b>Equipment Match</b>		<b>103,097</b>						<b>103,097</b>
<b>Cash Match</b>		<b>100,535</b>	<b>58,975</b>	<b>63,048</b>	<b>24,750</b>	<b>24,528</b>	<b>30,545</b>	<b>302,381</b>

Table 2 provides the cost split for the purposes of the DOLA grant for Gunnison County and its municipal partners. Refer to the MOU in regard to the proposed match for the Anchor institutions.

Table 2: Cost Split

	Gunnison County	WSCU	Hospital	Library	Gunnison	Crested Butte	Mount Crested Butte	Total
<b>Infrastructure Cost (Gunnison)</b>	\$ 63,649				\$ 63,649	\$ 63,649	\$ 63,649	\$ 254,597
Hospital (via City Hall - Main/Iowa alley)			\$ 52,074					\$ 52,074
Lake School								\$ -
Library (current location)				\$ 11,375				\$ 11,375
Nursing Home			\$ 35,224					\$ 35,224
County Public Works								\$ -
WSCU		\$ 5,885						\$ 5,885
City of Gunnison					\$ 5,885			\$ 5,885
Gunnison County	\$ 5,885							\$ 5,885
<b>Infrastructure Cost (CB)</b>	\$ 32,862				\$ 32,862	\$ 32,862	\$ 32,862	\$ 131,449
Town of CB						\$ 5,885		\$ 5,885
CB School								\$ -
CB Library				\$ 18,848				\$ 18,848
<b>Infrastructure Cost (MtCB)</b>	\$ 29,971				\$ 29,971	\$ 29,971	\$ 29,971	\$ 119,884
Town of MtCB							\$ 5,885	\$ 5,885
MtCB Rasta Lot							\$ 152,195	\$ 152,195
MtCB Water & Sanitation							\$ 5,885	\$ 5,885
<b>Project Total</b>	<b>\$ 132,368</b>	<b>\$ 5,885</b>	<b>\$ 87,298</b>	<b>\$ 30,223</b>	<b>\$ 132,368</b>	<b>\$ 132,368</b>	<b>\$ 290,448</b>	<b>\$ 810,956</b>
DOLA Contribution	\$ 66,184	\$ 2,943	\$ 43,649	\$ 15,111	\$ 66,184	\$ 66,184	\$ 145,224	\$ 405,478
Equipment Match	\$ 25,774				\$ 25,774	\$ 25,774	\$ 25,774	\$ 103,097
Cash Match	\$ 40,410	\$ 2,943	\$ 43,649	\$ 15,111	\$ 40,410	\$ 40,410	\$ 119,450	\$ 302,381

November 1, 2016

Town of Crested Butte, Town Council  
P.O. Box 39  
Crested Butte, CO 81224

Dear Town Council:

I have read with interest in the CB News that the Town Council is considering changing the rules about when the Town will extend water service to subdivisions, outside the Town limits. From looking at the E-packet for the October 17<sup>th</sup> 2016 meeting I see that Ordinance No. 13, Series 2016 is the instrument for that change. Upon reviewing Ordinance 13 it seems that the Town would only extend water if following is found to be true:

- Town –approved conservation measures are utilized,
- Public benefits such as river access, senior water rights and voluntary real estate transfer tax will be provided, and
- single-family residences served by the town water and /or sewer shall not exceed 5,000 sq. ft.

I would like to address a couple of these stipulations.

**Town-approved conservation measures** make sense to me.

**Public Benefits:**

With regard to the current proposed subdivision, Cypress Foothills, on the northeast side of Town, public river access has already been proposed without extending water to the subdivision.

Since the Town has very senior water rights in Coal Creek there is little need for water rights that are senior to the Town's water rights. So receiving senior rights to serve a new subdivision is appropriate, but extending water service to receive senior water rights is not necessary.

A voluntary real estate transfer tax is a nice benefit. Does it apply to the sale of lots by the subdivider to their first owners, or only to the sale of lots after the subdivider sells them? I wonder how the Town will enforce a "tax" outside the Town boundaries. A "fee" might be more appropriate but still, how will such a fee be tracked and enforced?

**Single family residences (SFR) will not exceed 5,000 sq. ft.** 5,000 sq. ft. is more than twice the size of most SFRs in Crested Butte. In my opinion, 5,000 sq. ft. homes are not compatible with the size of homes in Crested Butte. Since such houses will be right next to Crested Butte, why isn't this size limit the same as the maximum size allowed in the R1 Zone District – 2,800 sq. ft.? Maybe more important, is how the Town will enforce this house limit size if a majority of the subdivision homeowners decide to change their covenants and allow larger houses and a lot owner decides to get a building permit, from the County, to add another 1,000 sq. ft.?

Another related issue is incremental growth in size for each house in the subdivision. The amount one pays for tap-in fees is based on house size. Will the Gunnison County Building Department bother to contact the Town each time a house that starts out smaller than 5,000 sq. ft. is enlarged to make sure the Town gets additional tap-in fees? That seems unlikely to me.

Moving on to whether it is a good idea to extend water service outside the Town limits, past Town Councils agreed that if development was to occur, it should come with all the amenities the Town has

provided over the years. If a developer wanted central water for a proposed subdivision, the development should be annexed. Pretty simple.

Now I would like to list some development considerations and amenities, the Town and the larger Upper Slate River Valley community, will not get, when the Town approves the extension of water service to development outside Town limits, without annexation. This a partial list. These considerations are not included in the County Land Use Resolution, or are not addressed in the same way the Town addresses them in its Area Plan or Subdivision Regulation standards.

**If the Town extends water service outside its boundaries and does not require annexation, then subdivisions will not be required to:**

1. Conform to:
  - The existing or proposed underlying zone districts within the Town;
  - The Town's Land Use Plan (including the Area Plan);
  - The Town's Transportation Plan;
  - The Town's Noxious Weed Management Plan;
  - The Town's Energy Action Plan;
  - The Town of Crested Butte Parks and Recreation Regional Master Plan;
  - The Town's Design Guidelines.
  
2. Be similar in design and density to the remainder of the Town and, once built out, the difference between the appearance of the existing town and the new subdivision will be negligible except for reduced carbon footprint considerations in the proposed subdivision.
  
3. Conform to sustainability requirements and provisions to minimize carbon footprint such as:
  - An integrated intermodal transportation system;
  - Dense development, where walking and bicycling are encouraged, similar to the existing Town, surrounded by open space and trails;
  - Commercial services, such as corner stores and mixed uses and onsite employment, where appropriate, to minimize the need for motor vehicles;
  - Infrastructure designed to utilize non-treated water for irrigation water;
  - Open space preserved for each proposed dwelling unit;
  - Provision of public lands for public facilities;
  - Sustainable energy communities;
  - On-site and off-site energy production to serve the proposed subdivision;
  - Deed-restricted affordable housing
  - Community gardens and composting on residential tracts or parcels, especially if significant numbers of multi-family housing are proposed; and
  - The recommendations found in the Crested Butte Energy Action Plan.
  
4. Be designed to avoid development in important wildlife habitat areas as identified in the Crested Butte Area Plan and in or near significant wildlife habitat such as Wildlife movement corridors, flyways, breeding grounds and other significant wildlife habitat, including Threatened and Endangered Species habitat.
  
5. Establish adequate variable outer buffers from high quality wetlands. The Town wetland regulations require that a buffer of up to 125 feet shall be maintained between development and

high priority wetlands. The County buffer is much smaller. The additional buffer found in the Town regulations more adequately protects high quality wetlands.

6. Provide adequate open space.

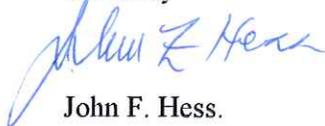
In an annexation, the Area Plan recommends the subdivider preserve up to five acres open space for each dwelling unit. The number of preserved acres can be smaller if the land preserved is wetlands or wildlife habitat, and only one acre per unit for each deed restricted affordable housing unit. The County requires 30% of a site be open space.

7. Provide adequate affordable housing.

- The subdivision regulations state that the subdivider shall reserve at least sixty percent (60%) of the total number of proposed residential units in the new development annexed to the Town as local housing units. Such units shall, at a minimum, be deed-restricted to a variety of mixed-income people who earn at least eighty percent (80%) of their income in the County.
- The subdivider shall reserve at least twenty-one percent (21%) of the total number of residential units in the development, which may be a portion of the local housing units required above, to be affordable to households earning one hundred eleven percent (111%) to one hundred fifty-three percent (153%) of the Area Median Income for Gunnison County.
- All local housing and/or affordable housing units required within a subdivision shall be located within and dispersed throughout the boundaries of the subdivision.

In summary, it seems to me, that if the Town extends water beyond the current Town boundaries, it should only do so, if the land to be served is annexed to the Town.

Sincerely



John F. Hess.

**From:** [Glenn Michel](#)  
**To:** [Lynelle Stanford](#)  
**Subject:** Fwd: Cypress Development  
**Date:** Monday, October 31, 2016 7:05:29 PM

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Sent from my iPad

Begin forwarded message:

**From:** Beth Goldstone <[beth.goldstone@gmail.com](mailto:beth.goldstone@gmail.com)>  
**Date:** October 30, 2016 at 1:54:48 PM MDT  
**To:** [glennmichel@crestedbutte-co.gov](mailto:glennmichel@crestedbutte-co.gov), [rmason@crestedbutte-co.gov](mailto:rmason@crestedbutte-co.gov),  
[cladoulis@crestedbutte-co.gov](mailto:cladoulis@crestedbutte-co.gov), Paul Merck <[pmerck@crestedbutte-co.gov](mailto:pmerck@crestedbutte-co.gov)>,  
[evohman@crestedbutte-co.gov](mailto:evohman@crestedbutte-co.gov), [jschmidt@crestedbutte-co.gov](mailto:jschmidt@crestedbutte-co.gov),  
[lmitchell@crestedbutte-co.gov](mailto:lmitchell@crestedbutte-co.gov)  
**Subject:** Cypress Development

To Town Council,

I want to write a letter as public comment, because I am unable to attend the upcoming town council meeting regarding the new Cypress Development. I will start off admitting that I have had a hard time following all the new proposals for developments, timelines, and what has already been approved or not. So please excuse me if I am too late to comment, or misinformed regarding the project.

I am writing against any new development of homes by the Cypress Development company. I see no benefit to the town (and people) of Crested Butte, by adding a new development that will increase the number of homes, mostly likely costing \$500,000 and up. A quick search yields over 100 properties currently for sale in the upper valley in this price range. With this many homes for sale at this time, I do not see a need for more. These homes will not bring anything "new and needed" to the community. I feel Cypress is trying to sell us some snake oil, by claiming these new homes are needed for housing tourists and bringing revenue. In my opinion, any new development in this area of our valley will be great for the development company (out of Arizona) with little benefit to the town. I see no new or different benefit than the properties already being constructed as part of Moon Ridge, or the empty undeveloped lots still for sale on Saddle Ridge.

Additionally, it feels as if we have many new large construction projects being approved at this time. Most of which have a direct benefit to the town and people living here. (Anthracite, Center for the Arts, Block 79/80, the 4 Way building). These have direct positive impacts to the town and people, but may also make the town feel as if the entire place is under construction in the coming years. Although this may be a sacrifice we are willing to make for the benefit of the people who live here, I am strongly against adding to this for the benefit of a development company out of Arizona.

Please consider the reasons behind all these new developments and who will be benefiting from them prior to your approval.

Thank you for taking the time to listen to my comments. I appreciate all that you do in your role as town council.

Sincerely,  
Beth Goldstone  
208 Whiterock Ave

MOSS WAGNER  
PO BOX 2936  
CRESTED BUTTE, CO 81224

99

OCTOBER 25, 2016

TO THE HONORABLE:

GLENN MICHEL  
ROLAND MASON  
JIM SCHMIDT  
CHRIS LADDOULIS  
PAUL MERCK  
LAURA MITCHEL  
ERICA VOHMAN

GENTLEPERSONS:

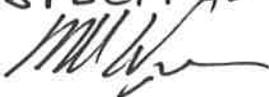
I AM WRITING ON BEHALF OF VINOFOK; AS AN  
18 YEAR PARTICIPANT AND MEMBER OF THE MAIN CAST.

I URGE YOU TO CONSIDER NOT PAUING THE FOUR  
WAY PARKING LOT.

I'M SURE YOU HAVE HEARD, FROM OTHER CORRESPONDENCES,  
THE REASONS AGAINST THIS PROJECT. I HAVE BEEN  
CONSISTANT ON PAUING ISSUES, HAVING OPPOSED  
(AND CONTINUE TO OPPOSE) PAUING THE PARKING  
LOT AT CHADLINGTON HOUSE. THE TOWN(S) ARE  
BECOMING TO SUBURBANIZED AND IT'S NOT  
NECESSARY.

AS A RESIDENT OF MT. CRESTED BUTTE; I  
REALIZE I HAVE NO INFLUENCE IN CRESTED BUTTE,  
HOWEVER, I DO HAVE A PEDICATION TO OUR COMMUNITIES  
MOST POPULAR LOCAL FESTIVAL = VINOFOK

RESPECTFULLY,



MOSS WAGNER

**From:** [Glenn Michel](#)  
**To:** [Lynelle Stanford](#)  
**Subject:** Fwd: Nordic support letter  
**Date:** Monday, October 31, 2016 7:07:32 PM  
**Attachments:** [CBNC FB Letter to FS 10-10-16.pdf](#)  
[ATT00001.htm](#)

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Hi Lynelle,

Please include in the the Public Record.

Sent from my iPad

Begin forwarded message:

**From:** "Keith Bauer" <[director@cbnordic.org](mailto:director@cbnordic.org)>  
**To:** "Glenn Michel" <[GlennMichel@crestedbutte-co.gov](mailto:GlennMichel@crestedbutte-co.gov)>, "Joe Fitzpatrick" <[jfitzpatrick@mtcrestedbutte-co.gov](mailto:jfitzpatrick@mtcrestedbutte-co.gov)>, "Dara MacDonald" <[dmacdonald@crestedbutte-co.gov](mailto:dmacdonald@crestedbutte-co.gov)>, "Todd Barnes" <[tbarnes917@gmail.com](mailto:tbarnes917@gmail.com)>  
**Subject:** Fwd: Nordic support letter

Hi all,

It dawned on my the other day that both towns were probably unaware that CB Nordic drafted a letter of support for the CBMBA fat bike proposal a few weeks ago. Please see the attached letter.

We also would like to thank the Town of Crested Butte for their letter of support, and also for encouraging the FS to start revisiting the winter travel process sooner than later.

CB Nordic also feels that a proactive approach regarding winter travel management will ensure a quality recreation experience for as many users as possible well into the future.

thanks much,  
Keith

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

**From:** Keith Bauer <[director@cbnordic.org](mailto:director@cbnordic.org)>  
**Date:** Mon, Oct 10, 2016 at 5:36 AM  
**Subject:** Nordic support letter  
**To:** John Murphy <[jrmurphy@fs.fed.us](mailto:jrmurphy@fs.fed.us)>, "Drendel, Aaron -FS" <[adrendel@fs.fed.us](mailto:adrendel@fs.fed.us)>  
**Cc:** Scott Armentrout <[sarmentrout@fs.fed.us](mailto:sarmentrout@fs.fed.us)>, David Ochs <[dave@cbmba.org](mailto:dave@cbmba.org)>

John,

Attached is a letter of support from CB Nordic regarding fat bikes.  
If you have any questions, feel free to call.

thanks,  
Keith



PO Box 1269  
Crested Butte, CO 81224  
(970) 349-1707  
info@cbnordic.org

Scott Armentrout, Forest Supervisor  
GMUG Supervisor's Office  
2250 Highway 50  
Delta, CO 81416

October 5, 2016

John Murphy, District Ranger  
Aaron Drendel, Recreation Staff Officer  
Gunnison District Ranger Station  
216 N. Colorado St.  
Gunnison, CO 81230

Subject: Crested Butte Mountain Bike Association (CBMBA) Proposal to provide winter grooming for Fat Bikes in select drainages in the Upper Gunnison Valley.

Dear Forest Managers,

Crested Butte Nordic (CBN) supports the subject CBMBA proposal.

CB Nordic represents over 900 season pass holders and thousands of visiting Nordic trail users annually—in the 2015/2016 season we recorded over 32,000 skier days. CB Nordic also provides guided backcountry Nordic skiing and snowshoe tours, events, and grooming under permits with Forest Service. CB Nordic has been a key part of the winter economy in Crested Butte for over 30 years.

CB Nordic fully understands and supports the value of human-powered winter recreation. CB Nordic was one of the earliest supporters of Fat Biking in the Gunnison Valley. We facilitated early fat bike races held in conjunction with the annual Alley Loop ski race; Fat Biking is currently allowed on 20% of our Nordic Trails; and, we played a key role in the 1<sup>st</sup> Annual Fat Bike World Championships held in Crested Butte in 2016. We look forward to working closely with CBMBA to support winter Fat Bike recreation.

While current winter travel rules in the Gunnison Forest do not specifically address Fat Biking, CB Nordic feels that Fat Bikes (specifically, non-electric Fat Bikes) more closely align with other human-powered activities like Nordic skiing, and snow shoeing and should, therefore, be treated accordingly.

Increased uses like Fat Biking demonstrate the need for updated Winter Travel Management planning in the Gunnison Valley. CB Nordic would like to encourage the Forest Service to start this process sooner rather than later.

Sincerely,

Rick Murray, President  
Crested Butte Nordic, Board of Directors

## **November 21, 2016**

### Work Session

#### Snow Plan

Adoption of 2015 IBC Building Codes (Ordinance First Reading)  
 Alley Snow Removal (Ordinance First Reading)  
 First Reading of Budget  
 Budget Amendment  
 Amendment to Pre-Annexation Agreement  
 Amendment to Sign Code  
 Poverty Gulch (Resolution)

## **December 5, 2016**

Public Hearing and Adoption of Budget  
 Waste Management Agreement  
 Update by Eliza Cress from the Chamber  
 Amendment to Parking Regulations

### **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
- Budget Work Sessions – October and November
- Speeding
- Crested Butte to Carbondale Trail