



*Crested Butte is a small mountain town with a big community that strives toward a balanced and sustainable lifestyle while enjoying and protecting the soul of the Valley.*

### Town Council Values

- Support Crested Butte's quality of life
- Promote resource efficiency and environmental stewardship
- Encourage a sustainable and healthy business climate
- Actively support an authentic and unique community
- Remain fiscally responsible
- Continue thoughtful management of our historic character
- Seek collaborative solutions to regional and local issues

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

## AGENDA

### Town of Crested Butte Regular Town Council Meeting Monday, October 19, 2020

#### Meeting Information to Connect Remotely.

Please use the address below to join the webinar:

<https://us02web.zoom.us/j/88584824919>

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592  
or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 885 8482 4919

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

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

1) 2021 Budget Review.

#### **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 5, 2020 Regular Town Council Meeting Minutes.

2) Resolution No. 19, Series 2020 - A Resolution of the Crested Butte Town Council Approving the Contract for Use of the Big Mine Ice Arena by Gunnison Valley Hockey Association for the 2020-2021 Winter Season.

3) Comment letter on State of Colorado Greenhouse Gas Pollution Reduction Roadmap.

4) Award of Fall Community Grant Cycle - Community Health and Wellness.

*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**

#### **7:25 PUBLIC HEARING**

1) Ordinance No. 25, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of a Town Residential Property, 814 Teocalli, Crested Butte, Colorado to a Town Employee.

**7:30** 2) Ordinance No. 26, Series 2020 - An Ordinance of the Crested Butte Town Council Adding Code Section 2-5-100 Providing for Bail Bond Violations and Penalties for Violation of Bail Bonds.

#### **7:40 OLD BUSINESS**

1) Update on CB Black Lives Matter Committee.

#### **8:00 NEW BUSINESS**

1) Appointment of Council Representative to Gunnison Valley Regional Housing Authority (GVRHA).

#### **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 2, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 16, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 7, 2020 - 6:00PM Work Session - 7:00PM Regular Council

#### **8:45 EXECUTIVE SESSION**

1) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the potential purchase of residential property.

#### **9:30 ADJOURNMENT**



## Staff Report

October 19, 2020

**To:** Mayor and Town Council  
**From:** Rob Zillioux, Finance and HR Director  
**Subject:** 2021 Budget – Council Work Session

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### **Summary:**

Staff have completed the second round of the 2021 budget. We are largely complete, unless Council has suggested revisions.

Council's 2021 Goals and Priorities served as guideposts for spending decisions across all Town departments.

Leading up to Council adoption, via Resolution, the following steps will occur:

- Council budget work session and Rates Ordinance first reading
- Sewer & Water Rates Ordinance public hearing.
- Fee schedule resolution
- 2021 budget adoption resolution
- Property tax value assessment and mill levy adjustment with Gunnison County

### **Notes per fund:**

- General Fund Revenue is projected to grow 1% versus the 2020 budget. This is largely due to anticipated growth in Nicotine Tax, Specific Ownership Tax and County Tax. Town sales tax is budgeted to reflect 2020 actual plus forecast. The ongoing pandemic makes for challenging revenue forecasts, especially as we head into the winter / ski season. General fund expenses are increasing a total of 6% versus the 2020 budget. This increase is driven largely by a few items including: comprehensive plan development, parking study, new ERP system, pandemic support, IT infrastructure improvements and other miscellaneous software and tools. No staff additions are included, although a planner replacement position is included.

- Capital Fund contemplates significant CAP spending, along with associated grants. Other significant items include a replacement Marshal vehicle, Town building maintenance and Green InDEED funding.
- Open Space contemplates no land purchases in 2020, but does include spend for a potential fence around Town Ranch, which is to protect against cow grazing / damage.
- Parks projects include Gothic Raw Water and Henderson Park remodel. Both of which have grants offsetting much of the cost.
- Affordable Housing is driven by the SOAR Build that was pushed from 2020 due to the pandemic. Other projects contemplated in the budget include a Red Lady Estates mobile home purchase, Slate River Housing Study, and mortgage assistance.
- Streets projects include an alley paving, valley pan replacement and slurry sealing.
- Enterprise Fund expenses are increasing largely due to increased debt service and operating costs associated with the increased size and complexity of our facilities. Additionally, there is a large expected cost for engineering in 2021, which is necessary to plan out further significant water and wastewater needs. So as to balance operating expenses with revenue over time, monthly rates are contemplated to increase \$2 each for water and sewer. There will be no increase to the tap fees.

**2021 Budget – Town Council Work Session**  
Crested Butte, Colorado  
October 5, 2020



# Council Vision Statement & Long Range Goals

## Vision Statement

Crested Butte is a small mountain town with a big community that strives toward a balanced and sustainable lifestyle while enjoying and protecting the soul of the Valley.

## Five Year Goals

- ✓ Increase percentage of residents living in Town by achieving a 75% housing full-time occupancy
- ✓ 30% of units in Town are deed restricted, including 15 Town rental units for employees
- ✓ Permanent removal of mining claims by Mt. Emmons Mining Company on Red Lady
- ✓ Maintain at least seventy five percent operating reserves in Town's funds (*changed from 100% due to pandemic*)
- ✓ Reduce greenhouse gas emissions footprint of Town's operations by 50% versus 2017 levels; and, reduce Town of Crested Butte community emissions footprint by 25%
- ✓ Ban new formula / franchise retail and restaurant businesses on Elk Ave
- ✓ Implement traffic and parking plan, plus Elk Ave Configuration (*offshoot of pandemic approach*)
- ✓ Complete modified recommended capital projects in Parks & Recreation master plan
- ✓ Upgrade Marshal Office facilities

# 2021 Goals / Priorities *(second draft)*

- Develop Crested Butte Community Compass
- Continued Climate Action Plan implementation
- Begin implementing Enterprise Fund master plan
- Perform sorely needed streets repair and maintenance
- Improve and solidify snow storage
- Begin implementing InDeed program
- Henderson Park renovation *(pushed from 2020)*
- Housing study for TP3
- Continued build out of Paradise Park
- Consideration of Elk Ave seasonal configuration
- Develop opportunities / revenue streams to help fund Affordable Housing and Climate Action Plan
- Participate in FEMA's Community Rating System (CRS) Program
- Be aware and responsive to the ongoing pandemic

# Five Year Capital Plan – part 1

Capital Schedule	2021	2022	2023	2024	2025	Total
<b>Revenue, with 1/2 RETT to Capital</b>	\$1,726,094	\$1,760,616	\$1,795,828	\$1,831,745	\$1,868,380	\$8,982,663
<b>Marshal</b>						
Marshal Dept Patrol Car	\$110,000	\$110,000	\$110,000	\$110,000	\$110,000	\$550,000
Marshal Office grant contribution				-\$1,000,000		-\$1,000,000
Marshal Office			\$150,000	\$2,500,000		\$2,650,000
<b>Total Marshal</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$260,000</b>	<b>\$1,610,000</b>	<b>\$110,000</b>	<b>\$2,200,000</b>
<b>Affordable Housing</b>						
Town Rental (SOAR) Build	\$250,000					\$250,000
TAP Fees	\$18,000		\$54,000			\$72,000
Paradise Park Triplex Build			\$750,000			\$750,000
InDEED Program	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Slate River Clean-up		\$100,000				\$100,000
Slate River Clean-up Grant		-\$50,000				-\$50,000
Slate River Build Out	\$50,000	\$500,000	\$5,000,000			\$5,550,000
Slate River Annexation Project - Grant		-\$250,000	-\$2,500,000			-\$2,750,000
Red Lady Estates - Mobile Home Purchase	\$105,000					\$105,000
<b>Total Affordable Housing</b>	<b>\$473,000</b>	<b>\$350,000</b>	<b>\$3,354,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$4,277,000</b>
<b>Facilities</b>						
Town Hall Windows				\$125,000		\$125,000
Town Ranch Barn - stabilize and repair		\$6,000	\$100,000			\$106,000
Pita's Shed	\$30,000					\$30,000
Pitsker Bathroom Remodel		\$25,000				\$25,000
ADA LIFT AT TOWN HALL		\$80,000				\$80,000
Town Hall Water Mitigation	\$35,000					\$35,000
R/M: BUILDING & BRIDGE MAINTENANCE	\$40,000	\$45,000	\$45,000	\$45,000	\$50,000	\$225,000
Chamber Staircase	\$10,000					\$10,000
Town Hall Stage Assessment	\$5,000					\$5,000
SNOW REMOVAL (ROOFS)	\$10,000	\$10,000	\$10,000	\$10,000	\$12,000	\$52,000
<b>Total Facilities:</b>	<b>\$130,000</b>	<b>\$166,000</b>	<b>\$155,000</b>	<b>\$180,000</b>	<b>\$62,000</b>	<b>\$693,000</b>

# Five Year Capital Plan – part 2

<b>Capital Schedule</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>Total</b>
<b>Public Works and Town Shop</b>						
Dump Truck					\$230,000	\$230,000
Electric Vehicles Charging Infrastructure			\$50,000			\$50,000
Air Compressor		\$25,000				\$25,000
Barricade Truck Replacement			\$50,000			\$50,000
Truck				\$50,000		\$50,000
Fixed post speed alert signs	\$5,000					\$5,000
Skid Steer	\$60,000					\$60,000
<b>Public Works and Town Shop total:</b>	<b>\$65,000</b>	<b>\$25,000</b>	<b>\$100,000</b>	<b>\$50,000</b>	<b>\$230,000</b>	<b>\$470,000</b>
<b>Planning:</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	
Green / Sustainability Projects - Grants	-\$300,000					-\$300,000
Green / Sustainability Projects	\$373,000	\$150,000	\$150,000	\$150,000	\$150,000	\$973,000
Green Indeed Program	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$150,000
Parking Phase 1 Investment + Time Management +		\$10,000				\$10,000
Parking Phase 2 Investment + Paid Parking				\$25,000		\$25,000
Integrated Building Development Software					\$80,000	
Sixth Street Improvements				\$80,000	\$800,000	\$880,000
Sixth Street Improvements (Grant)					-\$400,000	-\$400,000
<b>Total Planning</b>	<b>\$103,000</b>	<b>\$190,000</b>	<b>\$180,000</b>	<b>\$285,000</b>	<b>\$660,000</b>	<b>\$1,418,000</b>

# Five Year Capital Plan – part 3

Capital Schedule	2021	2022	2023	2024	2025	Total
<b>Parks:</b>						
Electric Vehicle		\$29,000	\$57,000			\$86,000
Man Lift				\$50,000		\$50,000
Bike Racks/Benches/Bleachers					\$6,000	\$6,000
Pickup trucks		\$64,000		\$64,000		\$128,000
Tractor					\$60,000	\$60,000
TAP Fees - SOAR Build Cat Barn / Public Restrooms	\$18,000					\$18,000
Gothic Field Raw Water Irrigation - UGRWCD Grant	-\$50,000					-\$50,000
Gothic Field Raw Water Irrigation	\$141,000					\$141,000
Henderson Park Remodel - GoCo Grant	-\$41,300					-\$41,300
Henderson Park Remodel	\$60,000					\$60,000
Rainbow Park Pump					\$75,000	\$75,000
Hockey Changing Rooms	\$4,300					\$4,300
Hockey Changing Rooms - grants						\$0
Big Mine Skate park - Other Grants/Fundraising		-\$100,000				-\$100,000
Big Mine Skate park - GoCo Grant		-\$350,000				-\$350,000
Big Mine Skate park	\$5,000	\$500,000				\$505,000
Rainbow Park Infinity Web	\$5,200					\$5,200
Pitsker Home Run Fence Replacement	\$15,000					\$15,000
<b>Total Parks/Trails Projects (net) sub total</b>	<b>\$157,200</b>	<b>\$143,000</b>	<b>\$57,000</b>	<b>\$114,000</b>	<b>\$141,000</b>	<b>\$612,200</b>
<b>Total Parks , including Operating</b>	<b>\$925,480</b>	<b>\$962,500</b>	<b>\$1,001,000</b>	<b>\$1,041,040</b>	<b>\$1,082,681</b>	<b>\$5,012,700</b>
<b>Grand Total Capital</b>	<b>\$1,806,480</b>	<b>\$984,000</b>	<b>\$4,106,000</b>	<b>\$2,289,000</b>	<b>\$1,253,000</b>	<b>\$10,438,480</b>
<b>Surplus / (deficit)</b>	<b>-\$80,386</b>	<b>\$776,616</b>	<b>-\$2,310,172</b>	<b>-\$457,255</b>	<b>\$615,380</b>	<b>-\$1,455,817</b>

# Revenue Generation – 2021 Proposed Rates and Fees

*Town controlled and others for reference*

<b>Rates</b>	<b>2020</b>	<b>2021 v1 Purpose and/or notes</b>
State Sales Tax	2.9%	2.9%
Gunnison County Sales Tax	1.0%	1.0% CB receives 0.5% back from Gunnison
RTA Sales Tax	1.0%	1.0%
Local Marketing District Sales Tax	4.0%	4.0%
Town of Crested Butte Sales Tax	4.5%	4.5% 0.5% Parks, 1% Transportation Fund, 3% General Fund
Town of Crested Butte Excise Tax	5.0%	5.0% Affordable Housing
Real Estate Transfer Tax	3.0%	3.0% 1.5% Open Space plus Affrd Housing and 1.5% Capital Fund
Use Tax - Auto and Building	4.5%	4.5% 2.7% to Capital Fund and 1.8% to General Fund
Mill Levy - General Fund	2.537	2.537 7.3 total mills
Mill Levy - Street Fund	8.000	8.000 16 mills voter approved

## **Town Fees**

Water (1 EQR)	\$29.00	\$30.00 Enterprise fund revenue and expense to match
Sewer (1 EQR)	\$38.50	\$39.50 Enterprise fund revenue and expense to match
Trash / Recycling	\$21.68	\$22.98 Pass through from Waste Management, plus \$0.30
	<u>\$89.18</u>	<u>\$92.48</u>

## **Other Sources of Revenue**

Highway Users Tax	State collects and distributes share to CB. ~\$52k annual
Cigarette Tax	Town collects. \$168k budgeted for 2021
MMJ Tax	State collects and distributes share to CB. ~\$30k annual
State Lottery Proceeds	Conservation Trust Fund. ~\$8k annual

# General Fund Summary *(unbalanced)*

<b>Revenue</b>	<b>5,074,158</b>	<b>5,111,361</b>	1%	\$37,203	Small increase largely driven by Nicotine, Specific Ownership and County taxes. Town sales tax reflects 2020 forecast
<b>Expenses</b>					
Marshals	\$1,045,400	\$1,092,553	5%	\$47,153	
Mountain Express	\$834,296	\$819,336	-2%	-\$14,960	Fixed percentage of Town Sales Tax collection
Planning	\$395,663	\$475,489	20%	\$79,826	Comprehensive Plan, Parking Study
Finance / HR / IT	\$401,476	\$450,354	12%	\$48,878	Replace 20-year old, antiquated, ERP System
Recreation	\$288,151	\$300,088	4%	\$11,937	
General Government	\$316,100	\$405,314	28%	\$89,214	\$40k for pandemic support, \$20k new IT services, \$10k new audit firm
Building	\$287,345	\$296,639	3%	\$9,294	
Public Works	\$279,984	\$293,636	5%	\$13,652	
Facilities	\$259,561	\$271,408	5%	\$11,847	
Shop	\$260,637	\$274,211	5%	\$13,574	CPU and GEM software \$5k
Legal	\$188,100	\$188,100	0%	\$0	Placeholder.
Clerk	\$197,935	\$197,658	0%	-\$278	
Manager	\$205,831	\$192,110	-7%	-\$13,721	No Region 10 Broadband in Managers budget.
Council	\$74,350	\$77,113	4%	\$2,763	
Court	\$7,362	\$7,362	0%	\$0	
Elections	\$0	\$7,600	#DIV/0!	\$7,600	
<b>Total Expense</b>	<b><u>\$5,042,191</u></b>	<b><u>\$5,348,971</u></b>	<b><u>6%</u></b>	<b><u>\$306,780</u></b>	
<b>Net Surplus / (Deficit)</b>	<b>\$31,968</b>	<b>-\$237,610</b>			

# Affordable Housing Fund Summary *(unbalanced)*

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>REVENUE</b>					
HOUSING PMT IN LIEU	\$40,000	\$40,000	\$0	0%	
DUPLEX/RANCH HSE RENT	\$38,000	\$38,000	\$0	0%	
Excise Tax	\$255,000	\$275,000	\$20,000	8%	
<b>TOTAL REVENUE</b>	<b>\$339,555</b>	<b>\$359,555</b>	<b>\$20,000</b>	<b>6%</b>	
<b>EXPENSES</b>					
INSURANCE	\$6,000	\$6,000	\$0	0%	
AFFORDABLE HOUSING TAPS	\$66,000	\$18,000	-\$48,000	-73%	SOAR Build
TRAVEL & ED	\$1,500	\$1,500	\$0	0%	
UTILITIES	\$2,000	\$2,000	\$0	0%	
HOUSING AUTHORITY	\$58,000	\$58,000	\$0	0%	
HOUSING MAINTENANCE	\$25,000	\$25,000	\$0	0%	
SOAR Build	\$250,000	\$250,000	\$0	0%	pushed from 2020 to 2021
Red Lady Estates Mobile Home	\$0	\$103,525	\$103,525	#DIV/0!	
InDEED Program	\$0	\$50,000	\$50,000	#DIV/0!	Green InDEED included in General Capital
OTHER EXPENSES	\$0	\$110,000	\$110,000	#DIV/0!	Consultant Support, Slate River Study, Mortgage Assistance
<b>TOTAL EXPENSES</b>	<b>\$608,500</b>	<b>\$624,025</b>	<b>\$215,525</b>	<b>3%</b>	
Surplus / (Deficit)	-\$268,945	-\$264,470			

# General Capital (*balanced*)

	2020 Budget	2021 Budget	^ \$	^ %	
<b>REVENUE</b>					
USE TAX-AUTOMOBILE	\$80,000	\$60,000	-\$20,000	-25%	
USE TAX-BLDG MATERIAL	\$100,000	\$125,000	\$25,000	25%	
RETT -GEN CAP	\$275,000	\$525,000	\$250,000	91%	
INTEREST INCOME	\$7,000	\$5,000	-\$2,000	-29%	
GRANTS for CAP		\$300,000	\$300,000	#DIV/0!	Grant request filed
<b>TOTAL REVENUE</b>	<b>\$467,000</b>	<b>\$1,015,000</b>	<b>\$548,000</b>	<b>75%</b>	
<b>EXPENSES</b>					
CAPITAL EQUIPMENT	\$841,722	\$373,000	-\$468,722	-56%	Net CAP spend dependent on grant request - tbd
Green InDEED		\$30,000	\$30,000	#DIV/0!	
GCEA Green Energy for Town	\$25,000		-\$25,000	-100%	Does Council wish to continue program?
Broadband (net after grants, etc)	\$35,000	\$35,000	\$0	0%	Broadband infrastructure
Public Works Bobcat		\$63,000			
Marshal Capital	\$85,000	\$110,000	\$25,000	29%	Replacement patrol vehicle - electric
BUILDING MAINT and CAPEX	\$115,000	\$10,000	-\$105,000	-91%	Pita shed, TH stairs, TH water mitigation, other maintenance
<b>TOTAL EXPENSES</b>	<b>\$1,511,722</b>	<b>\$681,000</b>	<b>-\$830,722</b>	<b>-55%</b>	
Surplus / (Deficit)	-\$1,044,722	\$334,000			

RETT total:	\$1,600,000
Open Space	\$800,000
General Capital	\$525,000
Parks	\$275,000

# Parks Summary *(unbalanced)*

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>REVENUE</b>					
SALES TAX - PARKS	\$436,941	\$415,094	-\$21,847	-5%	Dedicated 0.5% of Town's 4.5% sales tax
RETT	\$275,000	\$275,000			<i>Out of \$1.8mm total RETT</i>
Park Fees	\$49,600	\$40,000	-\$9,600	-19%	COVID Uncertainty
Ice Arena Fees		\$6,000			
Grants		\$91,300			GOCO \$41,300, UGRWCD \$50,000
<b>TOTAL REVENUE</b>	<b>\$761,541</b>	<b>\$827,394</b>	<b>-\$31,447</b>	<b>9%</b>	
<b>EXPENSES</b>					
06 50 4010 000 WAGES-FULL TIME	\$218,530	\$227,271	\$8,741	4%	
06 50 4011 000 WAGES-SEASONAL	\$122,720	\$127,629	\$4,909	4%	
06 50 4015 000 OVERTIME	\$10,000	\$10,400	\$400	4%	
06 50 4020 000 TEMPORARY LABOR - PARKS	\$5,000	\$5,200	\$200	4%	
06 50 4021 000 ZAMBONI DRIVER - WAGES	\$10,240	\$10,650	\$410	4%	
06 50 4060 000 TRASH PICKUP - PARKS	\$11,000	\$22,000	\$11,000	100%	Increasing due to use
06 50 4605 000 PARK MAINT SUPPLIES	\$45,000	\$45,000	\$0	0%	
06 50 4607 000 PORTABLE TOILETS	\$7,000	\$9,000	\$2,000	29%	Increasing due to use
06 50 4614 000 TREE PROJECT	\$2,500	\$2,500	\$0	0%	
06 50 4616 000 FLOWERS & SHRUBS	\$10,000	\$10,000	\$0	0%	
06 50 4619 000 DOGGIE DOO PROJECT	\$4,500	\$9,000	\$4,500	100%	Increase to \$9000 to switch to BioBags
06 50 4622 000 PARK MAINT PROJECTS	\$111,000	\$25,200	-\$85,800	-77%	Pitsker Outfield Fence, Infinity Web, Skatepark
06 50 4623 000 WEED MANAGEMENT	\$3,000	\$3,000	\$0	0%	
06 50 4665 000 ELK AVE HOLIDAY LIGHTS	\$4,200	\$4,200	\$0	0%	
06 50 4669 000 AVALANCHE MITIGATION	\$15,000	\$15,000	\$0	0%	
06 50 4670 000 BIG MINE PARK	\$202,500	\$4,300	-\$198,200	-98%	Public art installation
TAP Fees - SOAR Build cat barn / restroom	\$0	\$18,000	\$18,000	#DIV/0!	
06 50 4706 000 HENDERSON PARK	\$60,000	\$60,000	\$0	0%	\$41,300 GOCO
06 50 XXXX 000 GOTHIC FIELD RAW WATER	\$0	\$141,000	\$141,000	#DIV/0!	\$50,000 UGRWCD
<b>TOTAL EXPENSES</b>	<b>\$1,009,982</b>	<b>\$925,480</b>	<b>-\$225,502</b>	<b>-8%</b>	
Surplus / (Deficit)	-\$248,441	-\$98,086			

# Open Space (*balanced*)

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>REVENUE</b>					
TRANSFER TAX-OPEN SPACE	\$572,913	\$800,000			1/2 RETT dedicated to Open Space
TOTAL REVENUE	<u>\$572,913</u>	<u>\$800,000</u>			
<b>EXPENSES</b>					
OPEN SPACE TRUST	\$0	\$0	#DIV/0!		
OPEN SPACE MAINT	\$22,000	\$122,000	\$100,000	455%	Includes \$100k Town Ranch fence
TOTAL EXPENSES	<u>\$22,000</u>	<u>\$122,000</u>	\$100,000	455%	

Note: \$1mm spent on Long Lake during 2020

# Sewer & Water Fund

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>Revenue</b>	\$3,635,739	\$2,280,339	-\$1,355,400	-37%	Includes \$2 mo rate increase for sewer and water, each
<b>Expenses</b>					
Admin	\$555,467	\$608,285	\$52,818	10%	Primarily increases in Waste Management and Insurance Primarily increased debt service as well as operating expenses
Water	\$399,403	\$517,946	\$118,543	30%	
Sewer	\$760,713	\$800,279	\$39,566	5%	
Capital	\$891,000	\$881,000	-\$10,000	-1%	
<b>Total Expense</b>	<u>\$2,606,583</u>	<u>\$2,807,509</u>	<u>-\$1,154,474</u>	<u>8%</u>	
Surplus / (Deficit)	\$1,029,156	-\$527,170			

*Note: both sewer and water rates are well below regional comparisons, and will need to be steadily increased to balance revenue with expense*

<b>Sewer Plant Capital</b>	
Shelf Spare Equipment	\$75,000
SCADA CPU-software replacement	\$15,000
Engineering	\$500,000
GIS Equipment	\$11,000
<b>Sub Total</b>	<u>\$601,000</u>
<b>Composting-Solids Capital</b>	
Centrifuge bowl refurbish	\$30,000
Engineering	\$150,000
<b>Sub Total</b>	<u>\$180,000</u>
<b>Water Plant Capital</b>	
Engineering	\$100,000
<b>Sub Total</b>	<u>\$100,000</u>
<b>Total</b>	<b>\$881,000</b>

# Street & Alley Fund (*balanced*)

	2020 Budget	2021 Budget	^ \$	^ %	
<b>REVENUE</b>					
PROPERTY TAX	\$922,423	922,423	-	0%	
PARKING IN LIEU	\$51,774	1,000	(50,774)	-98%	Very difficult to predict
HIGHWAY USERS TAX	\$0	40,000	40,000	#DIV/0!	Re-allocation to Streets
<b>TOTAL REVENUE</b>	<b>\$979,119</b>	<b>\$968,345</b>	<b>-\$10,774</b>	<b>-1%</b>	
<b>EXPENSES</b>					
REPAIR & MAINT STREETS	\$22,000	22,000	0	0%	
SIDEWALK REPAIR/MAINT	\$10,000	10,000	-	0%	
WEED SPRAY-ROW	\$11,000	11,000	(0)	0%	
PARKING LOTS	\$2,000	2,000	-	0%	
ENGINEERING	\$20,000	20,000	(0)	0%	
PAVING PROJECT	\$150,000	275,000	125,000	83%	Alley paving, valley pan replacement, slurry seal
Striping	\$12,000	16,000	4,000	33%	Continued Striping Increase
STORM WATER PROJECT	\$40,000	40,000	-	0%	
SPILL RESPONSE SUPPLIES	\$1,500	1,500	-	0%	
FUEL	\$25,000	25,000	0	0%	
R&M VEHICLES	\$20,000	40,000	20,000	100%	R/M Vehicle Maintenance Increase. Added loader tire replacement.
SNOW REMOVAL-SUPPLIES	\$40,000	40,000	(0)	0%	
STREET SIGNS	\$5,000	5,000	(0)	0%	Replacing aging signs and posts
STREET LIGHTS	\$2,500	2,500	0	0%	
DAMAGE LIABILITY	\$5,000	5,000	(0)	0%	
TREASURER FEES	\$33,700	33,700	0	0%	
CAPITAL EQUIPMENT	\$255,000	-	(255,000)	-100%	
<b>TOTAL EXPENSES</b>	<b>\$950,292</b>	<b>\$857,129</b>	<b>-\$93,163</b>	<b>-10%</b>	
Surplus / (Deficit)	\$28,827	\$111,216			

**Note:**

Consideration for a Mill Levy increase should be made to support: Storm-water Management, Conversion over time to e-Vehicles, Snow Storage, Snow Management and other capital improvements. Current Mill Levy is 8 and the citizens have approved up to 16

## Open Items – Council Input Required

- Confirm 2021 Council priorities and goals
- In light of the increased Enterprise Fund debt, and future needs, we need to increase rates. Does Council support \$2 per month each for water and sewer?
- Does Council wish to build a reserve to pay for Mt Emmons?
- Does Council wish to allocate additional funds to the Open Space Fund so that we may be opportunistic with projects to help protect the North Valley, which is being sold off and “developed” at a rapid pace. The North Valley is the “front door” to Crested Butte, a key wildlife corridor and provides residents and visitors alike a very beautiful and distinct feel from most other mountain resort towns.
- What amount of monies does Council wish to earmark for general pandemic relief? We have \$40k earmarked in the General Government budget.
- Should we increase mill levy for Streets & Alleys as part of the 2020 budget, for implementation in 2021? There will be other Gunnison County property tax measures on the ballot in 2021.

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, October 5, 2020**

Mayor Schmidt called the meeting to order at 7:11PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, and Mona Merrill

Magner lost connectivity to the meeting. She voted on all of the motions until the motion setting Ordinance No. 25, Series 2020 for public hearing, on which she did not vote.

Staff Present: Town Attorney John Sullivan, Town Manager Dara MacDonald, Community Development Director Troy Russ, and Town Planner I Mel Yemma

Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, Public Works Director Shea Earley, and Town Clerk Lynelle Stanford (for part of the meeting)

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

Schmidt mentioned the two presentations done during the work session: one from the EPA and a second on the budget.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

**1) September 21, 2020 Regular Town Council Meeting Minutes.**

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

**PUBLIC COMMENT**

John Wirsing - 115 9<sup>th</sup> Street

- He reminded the Council that he proposed a Blue Lives Matter mural at the last meeting.
- He noticed his proposal was not on the agenda, and he wondered when it would be addressed.

- Schmidt asked Council members on the (BLM) committee to bring Wirsing's proposal forward to the committee.
- Wirsing stated there was a war going on out in the world.
- He mentioned hate groups chanting for the deaths of police officers that had been shot.
- He thought the Council needed to show the local cops they had their backs, or he suggested the Council could have the hate group speech removed that was on Elk Avenue.

### **STAFF UPDATES**

- Schmidt asked MacDonald whether she wanted to expand on anything in the Manager's Report.
- MacDonald informed the Council the State was accepting comments on the pollution reduction roadmap until November 1<sup>st</sup>. Staff could work on a letter commenting on the roadmap that could be on the next agenda for consideration. No one on the Council voiced disagreement.
- MacDonald pointed out the BLM Committee planned to meet on Thursday.
- Schmidt noted the RV dump station was closed for the season.
- Schmidt asked about restrictions for Halloween. MacDonald confirmed the normal COVID restrictions were in place.
- Dujardin asked for details on the RV dump closing due to temperatures. Earley expounded in response to Dujardin.
- Schmidt pointed out sales tax was up 1% for August.
- Schmidt asked Zillioux to comment on community grants. Zillioux reported there were 14 requests totaling \$102,000. The amount budgeted was \$75,000. He recognized Town could give a large percentage of what people requested. The late night taxi service had been discussed.

### **OLD BUSINESS**

#### **1) Check-in on the Elk Avenue One-Way.**

MacDonald asked the Council to give Staff discretion to extend the one-way through the weekend of October 17<sup>th</sup>/18<sup>th</sup>. The previous direction from Council allowed businesses to maintain the public use of seating and display areas on Elk Avenue until October 15<sup>th</sup>. If directed by Council, removal would be scheduled for Tuesday, October 20<sup>th</sup>. Staff would decide by October 13<sup>th</sup> whether to extend, depending on weather.

Magner moved and Dujardin seconded a motion to give staff the latitude to extend the use of outdoor seating and display areas on the right of way through October 20<sup>th</sup>, weather permitting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **2) Discussion on Possible Aesthetic Modifications to the Marshals' Uniforms.**

Reily referred to his staff report. He explained the evolution to the black uniforms. Reily heard interest that the Marshals go to blue uniforms, which was acceptable. Their only real concern was a price tag of \$3,000 to change the shirts. He recognized the reason they ordered black, which was black was always black. The Marshals did feel, however, that a lighter color blue would fit well. He would defer to the Council as to whether the expense was worth it.

Schmidt liked the academy blue for the shirts, and he agreed to the expenditure. Magner suggested they listen to the folks who were getting together to make a recommendation. MacDonald pointed out the BLM Government Subcommittee met, and they recommended the Marshals change their uniforms to some color of blue. The recommendation did not go in front of the full committee. Magner reiterated that she felt the Council should hold off. Dujardin thought getting to the blue shirts was the first step, but he wanted to hear from the other Council members and the public. Magner called the shirts a nonsensical change, due in part to Marshals wearing jackets. She thought an overall approach would be better. Haver thanked the Marshals, and he appreciated the Marshals' willingness to improve. The tactical gear needed to be left in the experts' hands. He thought the academy blue shirts were sharp looking, and they would be what he recommended for shirts moving forward. Dujardin recognized that a month ago, the public comment indicated a simple color change was not enough. He suggested it would be worth adding to the agenda for the (BLM) committee meeting on Thursday, in order to refine to a specific goal. Bradley agreed with Dujardin. Schmidt summarized the Council would wait to hear back from the committee in a report at the next Council meeting.

## **NEW BUSINESS**

### **1) Presentation on the 2020/2021 Snow Plan.**

Earley referred to the snow removal map included in the packet. He explained that not a lot had changed from last year's operations. He provided key highlights, such as that snow plowing would roll out at three inches of accumulation and snow blowing of sidewalks would commence at one inch of accumulation. He reviewed when snow banks would be kept on Elk. Earley identified the locations in which snow was windrowed and pushed. He recognized that snow storage lots were integral to operations.

Schmidt acknowledged new streets had been added. He questioned how the newly added streets fell into the list priorities. Earley outlined the timing of plowing certain streets. He described where Town's responsibility stopped on Pyramid. Schmidt asked about the berm from the County plowing.

Staff reviewed what funds could be used to purchase snow storage, responding to questions from Merrill. The discussion became focused on purchasing property for snow storage and how it could be done. Haver asked about extra plans for moving snow around The Chamber parking area with the idea more people would be driving rather than taking the bus. Yemma told the Council there would be a meeting to discuss

transportation for the winter. Schmidt noted the plan for the snow banks was the same as last year. He asked whether the Council was agreeable, and no one voiced disagreement.

Haver moved and Magner seconded a motion to approve the Town of Crested Butte 2020 – 2021 Snow and Ice Control Operations Plan as presented. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

## **2) 2021 Outdoor Winter Recreation Initiative Funding Request.**

MacDonald reminded the Council of a work session held in July, in which they discussed what Town could do to help citizens with the pandemic still looming. The Council indicated they would focus on grant requests supporting mental health and providing access to outdoor activities. This request was being brought forward because it was an opportunity to leverage Town dollars while fitting with the Council’s goals. There were creative and innovative ideas being proposed. MacDonald provided highlights. Met Rec put together the program, and the board agreed to a 2:1 dollar match. They were seeking \$11,300 from the Town.

Met Rec District Manager Hedda Peterson was connected to the meeting. Peterson spoke about the County’s contribution, responding to Schmidt. She explained the synergies between the groups to make the initiative happen. Peterson outlined Met Rec’s budget and specified the allocation to recreation. Dujardin asked for feedback from the grant review committee. Bradley agreed this idea was a good one, and it was in line with what they set out to do with this grant cycle. Merrill recognized the matching component made the money go farther. She was 100% on board.

Dujardin moved and Haver seconded a motion to approve \$11,300 from the fall grant cycle funds to help fund the 2021 Outdoor Winter Recreation Initiative. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

## **3) Presentation and Discussion on inDEED Affordable Housing Program.**

Russ introduced the agenda item and provided an overview of inDEED. Yemma reminded the Council that developing the framework for inDEED was one of the Council’s goals this year. She showed a chart illustrating Crested Butte’s state of housing. She reviewed the five-year housing goals set for completion by 2023. Yemma presented a slide regarding how far away Town was from reaching the goals. She listed tools used to reach the goals, such as regulation, construction, and buying. Yemma provided details on the inDEED program. She explained they evaluated the housing stock, using different AMI categories. The maximum affordable price was identified, and they determined how many free market units were in each bracket.

Next, Yemma reviewed the green incentive consideration, which would incorporate energy efficiency into the program. She gave examples of incentive programs. Yemma outlined potential GreenDeed framework. Russ pointed out the pool of housing stock was really important. Expanding the conversation could leverage limited housing dollars.

Merrill asked about price points when a home was resold. Dujardin described inDEED as a win, win, win, and he was a big fan of the GreenDeed idea. He recommended they get started in Town and then incorporate other areas. Merrill questioned details on deed restrictions. She wanted to get as many as possible with keeping the goal in mind. Russ liked a more flexible approach. Schmidt recognized Vail spent a lot of money on inDEED. He asked whether they talked about how inDEED would work, concerning how many occupants of the house would have to meet the deed restriction. Yemma confirmed deed restrictions applied to the owners. Merrill wanted to be sure the deed restriction was enforceable and achieved what they wanted.

Russ asked to hear from other Council members about leveraging and expanding beyond Town. Haver agreed with Dujardin about starting off in Town. Schmidt would like to see the restrictions placed on the ownership. Russ pointed out inDEED was at a different price point compared to new construction. MacDonald added that inDEED was a different tool to offer to a different audience. Bradley asked about interest from other entities. Russ said the more detailed conversations had not yet occurred. Dujardin thought they needed to look at options here and then determine how much partners wanted to get involved. He appreciated both the loose and strict deed restriction options.

Schmidt brought up the GreenDeed program. He wondered whether Staff contacted anyone who was interested in that kind of program. Yemma did not have specifics, but GreenDeed could be an additional incentive for an efficient home. Russ recommended the GreenDeed money come from a different source than the affordable housing fund. Dujardin asked for a breakdown of the scoring system. Yemma elaborated upon the system that was envisioned. Haver asked about an accessory dwelling and an incentive to build one. Russ agreed they could look at incentivizing people to build accessory dwellings. Merrill asked about the next steps. Russ confirmed Staff would reach out to other entities.

#### Kent Cowherd

- He was happy and glad to see the plan and concept were moving forward.
- He wanted to see inDEED be as loose and as open as possible to gain opportunities for participation.
- He saw how it tied to short-term rentals in Town.
- This idea would support the Council's goal of 75% occupancy.
- He believed the green idea was a separate idea. He did not want it to muddle the success of the inDEED program.
- The inDEED program should be kept as simple as possible.

Jim Starr - Valley Housing Fund - His statements were not being made on behalf of the board.

- He identified two reasons for affordable housing.
- He thought the Council should focus on projects within the Town.
- The leveraging could be available for units in Town.
- The drastic need they still had was for long-term rentals.

- He agreed with Cowherd about not muddling things with the energy program, while he acknowledged a big part of affordability was what people paid for utilities.
- He encouraged the Council to move forward.

Roland Mason

- It sounded like a good concept.
- He wanted to consult with the other County Commissioners to let them know the Council was discussing.
- The low hanging fruit was to keep the program inside the community.
- He affirmed he was listening to the conversation.

Russ and Yemma would move forward with identifying a plan.

#### **4) Discussion on the Location of the RV Dump Station.**

MacDonald explained that Staff wanted to update Council to confirm the direction they were headed with trying to find solutions for the RV dump station in Town. MacDonald referred to the petition, included in the packet that requested the RV dump station be relocated outside of Town. She asked whether the Council wanted to pursue keeping the RV dump station in Town. Earley identified one reason for the dump station was to protect the environment. Schmidt asked what it would require to move the station outside of Town. Earley said they were talking about a large cost to run utilities in the CDOT right of way. Also, the facility could not handle large amounts of waste at once from a tank. Roland Mason explained what would be required for the County to provide a dump station. He listed options and issues with the locations. He agreed with Earley that the location by the sewer plant was really important for the environment.

MacDonald informed the Council that Staff was looking at design solutions. She recognized the safety issue of vehicles queuing in the street. She wanted to confirm the Council desired for Staff to continue pursuing solutions as opposed to decommissioning the site. Schmidt recognized that if they decommissioned the dump station, the only other location would be near the airport in Gunnison. Merrill imagined it would get more and more congested in the neighborhood in Town. She was not entirely convinced it was a solution Town needed to offer if the County could provide the service. She thought they needed a solution for four to five years from now, and the County was part of the solution. Magner said the backbone of the community lived in that part of Town. She wanted to see the neighborhood preserved. Dujardin acknowledged the neighborhood was dealing with a lot, and it came to a boiling point this summer. He realized it was a multi-year process to build a facility outside of the municipality. He recognized the reason for the location. He hoped for more signage. Bradley thought it was a communication issue, and it could be addressed with better messaging. Haver stated they should address STOR and start the conversation with other municipalities and the County. He recommended moving in the direction to get public input.

MacDonald confirmed there was no intention of degrading the wetlands. If the Council decommissioned that location, MacDonald did not recommend the Town invest in additional infrastructure at the site. She was aware there was a demonstrated need and the waste would go somewhere. Dujardin was not prepared to put a sunset on the RV dump station. He agreed there was a need in the community. Bradley stated they needed to reach out to other entities in the area. MacDonald affirmed they could engage in a broader discussion of whether the amenity should remain in Town. Haver said it was a perfect time to start discussions with partners.

Leslie Locklear

- She wondered if there was room to move the dump station within the area.

Kent Cowherd

- Option three (from the staff report) was worth considering.
- There would be terrible impacts to the environment if the dump station were gone.
- He suggested that payment be required for the service.
- The dump station should definitely be kept in Town.

Heather Seekatz - 926 Butte Avenue

- She understood the need to keep dumping out of the backcountry, but she encouraged the Council to support Crested Butte's quality of life on that side of Town.

Tom Cosgrove - 720 Butte Avenue

- He cited the number of vehicles.
- The Council was more concerned with issues outside of Town than the people inside of Town.
- Sometimes the people in the Town mattered the most.
- He implored the Council to listen to the people.

Johnna Bernholtz - 731 Teocalli Avenue

- She agreed the dump station was a great asset.
- She was tired of Town having to provide everything for the County up here.
- She thanked for bringing the issue to the County.
- She hoped they would find other options.

MacDonald summarized the Council wanted to engage the STOR Committee and other partners. Merrill asked for the rationale for bringing to the STOR Committee, and she asked for clarification on the process. Mason's idea was for there to be two stations in the long-term, and he explained the reasoning for involving the STOR Committee. MacDonald and Merrill would bring to the STOR Committee.

**5) Ordinance No. 25, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of a Town Residential Property, 814 Teocalli, Crested Butte, Colorado to a Town Employee.**

Schmidt read the title of the ordinance. MacDonald said it was a standard lease for one of the Town's units, and it was for a police officer.

Haver moved and Dujardin seconded a motion to set Ordinance No. 25, Series 2020 for public hearing at the October 19<sup>th</sup> meeting. A roll call vote was taken with all voting, "Yes," except for Magner, who had been disconnected from the meeting and did not vote. **Motion passed unanimously.**

**6) Ordinance No. 26, Series 2020 - An Ordinance of the Crested Butte Town Council Adding Code Section 2-5-100 Providing for Bail Bond Violations and Penalties for Violation of Bail Bonds.**

Sullivan reported that the ordinance was something that Judge Eden and he thought would be a good addition to the Town Code to give Judge Eden, the Town, and the municipal court more authority for enforcement against people who failed to appear in municipal court. Sullivan elaborated that the DA in Gunnison would not enforce State Statute against people who failed to appear in municipal court.

Haver moved and Bradley seconded a motion to set Ordinance No. 26, Series 2020 for public hearing at the October 19<sup>th</sup> meeting. A roll call vote was taken with all voting, "Yes," except for Magner, who had been disconnected from the meeting and did not vote. **Motion passed unanimously.**

**LEGAL MATTERS**

None

**COUNCIL REPORTS AND COMMITTEE UPDATES**

Will Dujardin

- He reported regarding the Upper Gunnison River Water Conservancy District.
  - The Taylor River flow was down to 83 CFS.
  - Blue Mesa was just under 60% full.
  - The Colorado River District released their Water Bank Workgroup economic study.
- CC4CA had a board meeting on Friday.
  - They would support the wildfire mitigation bill and figure out how to support the community choice energy study bill.
  - The Pandemic Recovery Working Group had been releasing their study.
- He went on ride alongs with the Marshals. He appreciated the Marshals' engagements.
- He reviewed the training the BLM Committee had with consultants on Friday.
  - He was looking forward to the meeting on Thursday.
  - He thought REAL Consulting did a great job facilitating and educating.
- A representative from the School of Dance reached out to him. The pump room was a really unique facility, and they were concerned about access in the long run.

- Thursday's Town Hall had a presentation from Tim Baker. Next Thursday, there would be a presentation from the Recovery Section.

#### Candice Bradley

- From Mountain Express, current ridership was down significantly.
  - There were very few leave behinds.
  - They received CARES Act funding.
  - Due to Colorado DOT's funding changing this year, they would not apply for a capital grant for the new facility.

#### Chris Haver

- He had an OVLC meeting.
  - They received CARES Act funds, which would cover the bulk of the expenses this year.
  - The draft of the Climate Action Plan had started to come out.

#### Mona Merrill

- She went to the STOR Committee meeting.
  - They were anticipating an increase in traffic in the backcountry.
  - Cathie (Pagano) started the meeting with news that they received a \$450,000 GOCO grant. They were looking at how to spend it, including how to keep everyone spaced. Pagano believed they received the grant because of collaboration.

#### Jim Schmidt

- He attended the Mayor/Managers meeting last Thursday.
  - They talked about the bus limits proposed by Mountain Express.
  - He brought up the dump station, and the County Manager did not jump on the opportunity.
  - Mt. Crested Butte said their street should be getting paved in the next couple of days.
  - The college and school district had done well regarding COVID.
- He attended the Gunnison Valley transit program meeting.
  - They talked about Little Blue Canyon. The counties agreed to send a letter to the State to keep the project alive. They asked municipalities to send letters of support. He asked whether the Council was inclined to send a letter. No one voiced opposition.
  - The general plan for years to come was an ask to pave Kebler Pass. He questioned whether the Council even wanted Kebler on the list. The Council did not discuss in detail.
- He was receiving a lot of negative comments, particularly the week after the last meeting, about painting Black Lives Matter on the street. He told people he was supporting the concept, not the organization.

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

MacDonald brought up the retreat on procedures, roles, and responsibilities. The Council decided to schedule on Wednesday, November 4<sup>th</sup> from 1PM to 4PM.

Dujardin was happy to touch base and catch up regarding Schmidt's last comment from his update.

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

- Monday, October 19, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 2, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 16, 2020 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned upcoming meetings and Indigenous Peoples' Day.

### **EXECUTIVE SESSION**

Schmidt read the two reasons for Executive Session:

- 1) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the Verzuh Trails Modification Proposal.
- 2) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the Verzuh Trails Modification Proposal.

Dujardin moved and Haver seconded a motion to go into Executive Session for the two purposes stated. A roll call vote was taken with all voting, "Yes," except for Magner, who had been disconnected from the meeting and did not vote. **Motion passed unanimously.**

The Council went into Executive Session at 10:41PM. The Council returned to open meeting at 10:59PM. Mayor Schmidt made the required announcement upon returning to open meeting.

The Council went into the second Executive Session at 11:00PM. The Council returned to open meeting at 11:43PM. Mayor Schmidt made the required announcement upon returning to open meeting.

### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 11:44PM.

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James A. Schmidt, Mayor

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Lynelle Stanford, Town Clerk (SEAL)



## Staff Report

October 19, 2020

**To:** Mayor Schmidt and Town Council

**Thru:** Dara MacDonald, Town Manager

**From:** Janna Hansen, Parks and Recreation Director

**Subject:** Resolution No. 19, Series 2020 – A Resolution of the Crested Butte Town Council Approving the Contract for Use of the Big Mine Ice Arena by Gunnison Valley Hockey Association for the 2020-2021 Winter Season

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### **Background:**

Gunnison Valley Hockey Association, dba West Elk Hockey Association (WEHA) has used Big Mine Ice Arena to provide community hockey programs since 2014. The contract between the Town and WEHA outlines the obligations, fees, and other requirements for WEHA's use of Big Mine Ice Arena for the 2020-2021 ice hockey season.

COVID-19 and hockey changing rooms related items have been added to the agreement including language around sanitation and disinfection, and use as approved by Gunnison County. The Department supports WEHA and recognizes the importance of a successful hockey program in the valley. As such, the low rate of \$60/hour for ice time has been offered to WEHA for this season. In an effort to support our local non-profits during this uncertain time, this rate has not increased from the 2019-2020 rate. WEHA understands that incremental rate increases of about 10% a year will resume next season. The Parks and Recreation Department fully supports WEHA and their mission to continue to provide hockey to the West Elk region.

### **Recommendation:**

Staff recommends approving Resolution No. 19, Series 2020.

**RESOLUTION NO. 19****SERIES 2020****A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE CONTRACT FOR USE OF THE BIG MINE ICE ARENA BY GUNNISON VALLEY HOCKEY ASSOCIATION FOR THE 2020 - 2021 WINTER SEASON**

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

WHEREAS, pursuant to Section 31-15-713 (c), C.R.S., the Town Council may lease and grant use rights to any real property, together with any facilities thereon, owned by the Town when deemed by the Town Council to be in the best interest of the Town;

WHEREAS, pursuant to Section 713(c), when the term of such lease or use rights is one year or less, the Town Council may approve such lease or use rights by resolutions of the Town Council; and

WHEREAS, the Town Council finds hereby that approving a contract for a right of use of Big Mine Hockey Arena for use by the Gunnison Valley Hockey Association in its business is in the best interest of the Town.

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 granting a right of use of Big Mine Hockey Arena for use by Gunnison Valley Hockey Association in its business is in the best interest of the Town and the general public.

2. **Authorization of the Town Manager**. Based on the foregoing, the Town Council hereby authorizes the Town Manager to execute the contract with Gunnison valley Hockey Association in substantially the same form as attached hereto as **Exhibit "A."** Any changes thereto that do not increase the obligations of the Town thereunder may be made only following written approval by the Town Attorney.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

TOWN OF CRESTED BUTTE

By: \_\_\_\_\_  
James A. Schmidt, Mayor

ATTEST

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

(SEAL)

**EXHIBIT "A"**

**Contract for Use of the Big Mine Ice Arena**

[attach form contract here]

**CONTRACT BETWEEN THE TOWN OF CRESTED BUTTE AND  
GUNNISON VALLEY HOCKEY ASSOCIATION FOR  
USE OF THE BIG MINE ICE ARENA FOR THE 2020-2021 SEASON**

This CONTRACT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the TOWN OF CRESTED BUTTE, COLORADO, a Colorado home rule municipality located and doing business at 507 Maroon Avenue, P.O. Box 39, Crested Butte, CO 81224 (the "TOWN"), and the GUNNISON VALLEY HOCKEY ASSOCIATION, a Colorado non-profit corporation, dba West Elk Hockey Association ("WEHA") located and doing business at 515 W. Tomichi Avenue, P.O. Box 1697 Gunnison, CO 81230.

In consideration of the mutual obligations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1. Recitals**

- 1.1 The parties recognize the mutual benefits of WEHA operating a hockey program (the "PROGRAM") on TOWN property. It is the parties' intention that this CONTRACT define the duties, obligations, terms and conditions with respect to the use of the Big Mine Ice Arena and associated facilities and equipment (the "FACILITY").
- 1.2 Execution of this CONTRACT shall constitute issuance of a permit to WEHA to use the FACILITY for the conduct of PROGRAM. This CONTRACT grants the right, and imposes the duty on WEHA, to use property owned by TOWN as described herein for the purpose of operating the PROGRAM from on or about November 20, 2020 through on or about March 15, 2021.

**2. Facility**

Location: Big Mine Ice Arena, Crested Butte, CO  
 Dates: On or about November 20, 2020 through on or about March 15, 2021 (the "TERM").  
 Fee: \$60.00 per hour of use. WEHA will receive monthly invoices from the TOWN before the 15<sup>th</sup> of the calendar month following use. WEHA agrees to pay to Town as rent for the FACILITY during the TERM, payable by the last day of the calendar month after use. WEHA shall pay a \$25.00 late fee and interest at a rate of one and one-half percent (1 ½%) per month (18% per year) on rental or other payments which are not paid when due.

**3. WEHA'S Obligations**

- 3.1 WEHA designates Jeff Moffett as the primary contact for communicating with the TOWN regarding the PROGRAM. In the event Jeff Moffett is not available, Wendy Buckhanan shall be the alternative designated contact. The primary phone

number for Jeff Moffett is 970-275-1906 and the primary phone number for Wendy Buckhanan is 970-596-7098.

- 3.2 WEHA shall obtain written approval from the TOWN prior to using the FACILITY for dates and times not specified in the parties' agreed upon written schedule. Such usage shall be at the TOWN's sole and absolute discretion. WEHA acknowledges that the FACILITY is a public facility and may be used by other persons, the public and the TOWN as the TOWN sees fit from time to time in its sole and absolute discretion.
- 3.3 WEHA understands the FACILITY may need maintenance and/or repairs and agrees to cancel any dates as required by the Parks and Recreation Director or its designee to accommodate these needs.
- 3.4 WEHA shall provide trained supervision during scheduled practices and games to ensure the TOWN and USA Hockey policies are being followed.
- 3.5 WEHA shall operate the PROGRAM in accordance with all USA Hockey, Colorado Amateur Hockey Association (CAHA) and league rules, regulations, policies and guidelines.
- 3.6 WEHA shall schedule practice slots and game slots for all PROGRAM activities within the allocated blocks of time as designated by the TOWN.
- 3.7 WEHA shall put all existing FACILITY equipment back in its original location after use.
- 3.8 PROGRAM participants shall pick up their trash and leave the FACILITY in good clean condition.
- 3.9 WEHA shall be responsible for communicating scheduling changes with all affected parties and shall be responsible for ensuring that the TOWN is kept up to date with the most current schedule.
- 3.10 Subject to Section 3.3 above, WEHA will be granted ten (10) schedule changes per month with no additional fees. Changes must be received more than seven (7) days prior to activity date. More than ten (10) schedule changes a month or schedule changes received within seven (7) days of activity date will be charged a \$5.00 per change administrative fee. Cancellations received less than seven (7) days prior to the activity date shall not be refunded. WEHA shall not be charged by the TOWN for cancellations made pursuant to the terms contained in this CONTRACT, and if payments were previously made by WEHA, the TOWN shall provide a refund or a credit to WEHA for such unused ice slots that were properly cancelled pursuant to the terms in this CONTRACT.

- 3.11 WEHA shall make no alterations, repairs, or improvements to the FACILITY without the prior written permission of the TOWN. WEHA shall leave the FACILITY in good condition and repair at the expiration or earlier termination of this CONTRACT.
- 3.12 WEHA shall not condone any smoking, alcohol consumption or use of controlled substances within the FACILITY when in use by WEHA. Animals are not allowed within the FACILITY. WEHA shall not construct temporary or permanent structures on the inside or outside of the FACILITY for recreational or other purposes. WEHA shall not use the FACILITY to further any discrimination based on race, sex, creed, sexual orientation or national origin.
- 3.13 WEHA property shall at all times be secured so as to avoid any undesired use of such personal property; all usage of personal property at the FACILITY shall be in the presence and at the direction of WEHA personnel; and, all personal property shall be disassembled, broken down, locked down and neatly stored away when not in use at the FACILITY. The location of such storage shall be as agreed to with the TOWN.
- 3.14 WEHA shall communicate primarily with TOWN's Parks and Recreation Director or her designee relative to all matters contemplated in this CONTRACT.
- 3.15 WEHA agrees to pay to the TOWN any and all increased costs and expenses attributable to WEHA's occupation of the FACILITY.
- 3.16 WEHA Coaches and Team Captains shall be responsible for removal of trash and disinfecting high-touch surfaces in all changing rooms at the end of each use.
- 3.17 WEHA will educate their coaches and participants on all COVID-19 policies and procedures and will operate per regulations and guidelines set forth by Gunnison County.

#### **4. TOWN's Obligations**

- 4.1 TOWN shall be responsible for all operations and maintenance of the FACILITY.
- 4.2 TOWN shall create and provide the following schedules for the FACILITY that shall be the basis upon which WEHA's use of the FACILITY shall be coordinated:
- ❖ Season availability schedule
  - ❖ Game availability schedule
  - ❖ Daily schedule for a 7 day period Monday to Sunday during ice season

- 4.3 TOWN shall update rink schedules in accordance with TOWN approved schedule and WEHA updates as per the above conditions.

## **5. Licenses, Permits, and Fees**

WEHA shall adhere to all local and state requirements regarding the conduct of its business as a sanctioned hockey organization, business licenses, taxes, vending, and special event permits and policies.

## **6. Security Deposit**

Security Deposit Amount \$1,000.00 Due 11/15/20 (19/20 deposit retained for 20/21 year). WEHA shall pay the TOWN the above sum to be used as security for WEHA's faithful performance of the terms and obligations of this CONTRACT. Said amount shall be paid at the time of WEHA's execution of this CONTRACT. This deposit shall be held by the TOWN during the TERM. Within thirty (30) days following the expiration of the TERM or earlier termination of this CONTRACT, the TOWN shall either return the security deposit or, provide WEHA with a written statement setting forth the reason for the retention of any portion thereof together with the payment of the difference, if any, between the amount of the security deposit and the damages claimed by the TOWN.

## **9. Cancellation of Program**

The TOWN Manager or his /her designee may cancel the PROGRAM and WEHA's use of the FACILITY, if the terms of this CONTRACT are not substantially fulfilled in a timely manner, or in the event of an unforeseen catastrophic event. In the event of such cancellation, TOWN shall remit to WEHA all damage deposits minus any expenditure incurred by TOWN. Upon expiration or earlier termination of this CONTRACT, WEHA shall quit and surrender the FACILITY in its original condition and promptly remove all personal property therefrom. TOWN shall not be liable to WEHA for, and WEHA hereby waives, any lost revenues or consequential damages in the event of such cancellation.

## **10. Additional Requirements**

- 10.1 Except as otherwise provided for herein, the Town Manager and Parks and Recreation Director or his/her designee shall be the sole representatives of TOWN responsible for administering the provisions of this CONTRACT.
- 10.2 WEHA agrees that it will abide by any additional requirements as may be found necessary to insure the health and safety of PROGRAM participants and the

public. WEHA shall pay for all damages to public or private property, connected to the PROGRAM.

- 10.3 In consideration for the TOWN allowing the use of the FACILITY and the grant of permit thereto under this CONTRACT, WEHA, its members, managers, officers and directors (collectively, "Releasor/Idemnitor") hereby acknowledge and agree to the following: (a) Releasor/Idemnitor hereby assumes all risk of claims, liabilities, injuries, losses, demands or damages, whether related to bodily injury, personal injury, sickness, disease, death, property loss or damage (including attorneys' fees, costs and expenses) (collectively, "Claims") arising out of, directly or indirectly, the use of the FACILITY by WEHA; (b) Releasor/Idemnitor hereby waives any claims, and hereby releases, the TOWN, its elected officials, officers, employees, agents, insurers, insurance pools, attorneys, representatives, contractors and subcontractors (collectively, "Releasee/Indemnatee") against and from any and all Claims arising out of, directly or indirectly, the use of the FACILITY by WEHA; and (c) WEHA shall indemnify, defend and hold harmless Releasee/Indemnatee from and against any and all Claims of any third party arising out of WEHA's use of the FACILITY.
- 10.4 WEHA understands and agrees that the TOWN is relying on, and does not waive or intend to waive by any provision of this CONTRACT, the monetary limitations (currently \$350,000 per person and \$990,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101, *et seq.*, C.R.S., as from time to time amended, or otherwise available to the TOWN, its elected officials or its employees.
- 10.5 WEHA shall cause all participants, staff and volunteers participating in the PROGRAM to execute a liability waiver assuming the risk in connection with the PROGRAM activities and waiving any and all claims against the TOWN as the property owner in connection therewith.
- 10.6 At its sole cost and expense, WEHA shall obtain and keep in force during and through the TERM "all-risk" property coverage naming the TOWN and WEHA as their interests may appear.

At its sole expense, WEHA shall obtain and keep in force during and through the TERM commercial general liability insurance with a combined single limit of not less than \$2,000,000.00 for injury to or death of any one person, for injury to or death of any number of persons in one occurrence, and for damage to property, insuring the TOWN and WEHA, including, without limitation, coverage for contractual liability, broad form property damage and non-owned automobile liability, with respect to the FACILITY. The insurance shall be noncontributing with any insurance that may be carried by TOWN and shall contain a provision that TOWN, although named as an insured, shall nevertheless be entitled to recover under the policy for any loss, injury, cost or damage to TOWN, or the property of the same.

All insurance required herein and all renewals thereof shall be issued by companies authorized to transact business in the State of Colorado and rated at least A+ Class X by Best's Insurance Reports (property liability) or otherwise approved by TOWN in writing. All insurance policies shall be subject to approval by TOWN as to form and substance, shall expressly provide that the policies shall not be canceled without 30 days' prior written notice to TOWN and shall provide that no act or omission of TOWN that would otherwise result in forfeiture or reduction of the insurance shall affect or limit the obligation of the insurance company to pay the amount of any loss sustained. Lessee may satisfy its obligation under this Section by appropriate endorsements of its blanket insurance policies.

All policies of liability insurance that WEHA is obligated to maintain according to this CONTRACT (other than any policy of workmen's compensation insurance) shall name TOWN as an additional insured. Originals or copies of original policies (together with copies of the endorsements naming TOWN as an additional insured) and evidence of the payment of all premiums of such policies shall be made available to TOWN on the date first written above. All public liability, property damage liability and casualty policies maintained by TOWN shall be written as primary policies, not contributing with and not in excess of coverage that TOWN may carry.

The parties waive all rights to recover against each other, or against the elected and appointed officials, employees, contractors, agents, advisors, attorneys, insurers, insurance pools, shareholders, directors, members, managers, officers, suppliers, agents or servants of each other, for any loss or damage arising from any cause covered by any insurance required to be carried by each of them pursuant to this Section or any other insurance actually carried by each of them. WEHA shall cause its insurer to issue an appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with WEHA's operations and TOWN's operations and property failure of the TOWN to insist in any one or more instances upon strict compliance of any of the obligations, covenants, and agreements herein contained, or the failure of the TOWN in any one or more instances to exercise any option, privilege, or right herein contained shall in no way be construed as constituting a waiver of such default or option by the TOWN.

- 10.7 It is agreed that if the enforcement, interpretation or construction of this CONTRACT becomes necessary or advisable, the prevailing party in such effort shall be entitled to reasonable attorneys' fees, as well as all related costs and expenses.
- 10.8 If any provision, covenant, clause or agreement contained in this CONTRACT or the application hereof shall be found to be invalid, such invalidity shall not affect the validity of the remaining provisions, covenants, clauses, agreements, or the validity of the this CONTRCAT as a whole

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this CONTRACT effective as of the date first set forth above.

TOWN:

TOWN OF CRESTED BUTTE,  
COLORADO,  
a Colorado home rule municipality

By: \_\_\_\_\_  
Dara MacDonald, Town Manager

ATTEST:

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

(SEAL)

WEHA:

GUNNISON VALLEY HOCKEY  
ASSOCIATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



## Staff Report

October 19, 2020

**To:** Mayor Schmidt and Town Council  
**From:** Mel Yemma, Planner I  
**Thru:** Troy Russ, Community Development Director  
**Subject:** Comment Letter on State of Colorado Greenhouse Gas Pollution Reduction Roadmap

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**Background:** On September 30, 2020, the Colorado Energy Office released a public comment draft of its [Greenhouse Gas Pollution Reduction Roadmap](#). The Roadmap details early action steps the State can take towards meeting their near-term goals of reducing greenhouse gas (GHG) emissions by 26% by 2025 and 50% by 2030. The State is seeking comments on the Roadmap and additional action steps to reduce GHG pollution. This Roadmap and the State reaching their GHG emission reduction goals are critical to complementing, enabling, and supporting the work outlined in Crested Butte's Climate Action Plan. The attached comment letter was drafted with input from Colorado Communities for Climate Action, which is a coalition of 34 local governments, including Crested Butte, which advocates for stronger state and federal climate policy.

The State is also hosting a [public listening session](#) on Tuesday, October 20, 2020, from 5:30 p.m. to 8:30 p.m. Comments on the Roadmap are due on November 1, 2020.

**Recommendation:** For the Town Council to make a motion to approve the Mayor to sign the attached comment letter on the State of Colorado Greenhouse Gas Pollution Reduction Roadmap, as part of the consent agenda.

# Town of Crested Butte

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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

October 19, 2020

Colorado Energy Office  
1580 Logan Street  
Denver, CO 80203

*Submitted via email to [climatechange@state.co.us](mailto:climatechange@state.co.us)*

RE: Comments on Greenhouse Gas Pollution Reduction Roadmap

To the Colorado Energy Office,

Thank you for releasing the public comment draft of the Greenhouse Gas Pollution Reduction Roadmap. Crested Butte is in a critical moment in confronting climate change. We are in the middle of an extreme drought and have lived under the threat of a wildfire during one of the State's worst wildfire seasons. The Gunnison Valley is continuously challenged with uncertainty of our snowpack, all while confronting a global pandemic that has turned our small community upside down. Last year, the Town of Crested Butte (Town) officially declared a climate emergency and adopted a Climate Action Plan (CAP) which aims to reduce the GHG emissions of Town operations by 50% and by 25% for the community at-large by 2023. The CAP also aims to achieve net-zero emissions and 100% renewable electricity by 2030. The Town and our partners at Colorado Communities for Climate Action (CC4CA), aims to be leaders on climate action. We acknowledge change needs to occur at every level of government—from our municipality, to the State of Colorado, to the nation—to reduce our GHG emissions and take meaningful action on climate change.

The State of Colorado's administration has done some very important work in being a leader on climate change by setting aggressive goals, reducing vehicle emissions, expanding electric vehicle infrastructure, and reducing methane pollution. Overall, the State's Greenhouse Gas Pollution Reduction Roadmap is a very important step to provide everyone in Colorado with a sense of how our State is going to achieve the GHG emissions reductions that we need. The Town appreciates the opportunity to provide comments on the draft document, and would like to offer the following feedback on the following sectors of the Roadmap:

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**General Comments:** The Roadmap needs a heightened sense of urgency, and needs to include specific steps and policies with enforceable deadlines, to ensure that the State meets its own targets. The Roadmap should consider implementing increasingly stricter regulations that can be triggered if the State is making slower progress than expected (for example, pollution caps on the utility and oil and gas sectors, as well as a regulatory backstop). Additionally, this Roadmap presents an opportunity for the State to seriously consider and evaluate statewide or regional carbon pricing and cap-and-trade approaches. Crested Butte would like the State to consider statewide carbon pricing, and/or cap-and-trade actions within this planning effort.

**Utility Sector:** The Town is generally supportive of the proposed regulations in the utility sector, but would prefer a sector cap on carbon pollution from power generation be included. The Utility Sector is the most important sector to achieve substantial emissions reductions, and the Town would propose instituting a cap on carbon pollution within the utility sector.

**Transportation:** The Town is supportive of the strategies identified in the transportation sector, and as a municipality, we have made a commitment through our CAP to convert our fleet to electric vehicle technology. As a community reliant on tourism and outdoor recreation, the Town would like to see more emphasis on developing transportation demand management (TMD) strategies, with implementable tools and funding for transit, especially as it relates to statewide and regional travel for recreation and leisure. While encouraging large employers to develop TMD programs and encourage telecommuting is important, the mass exodus of vehicles leaving the Front Range every weekend needs to be comprehensively examined as well. Lastly, the Town is supportive of utilizing a clean fuels standard (CFS) to decrease the carbon intensity of the State's transportation fuels, and would encourage the Roadmap to include more emphasis on a CFS and other innovative policy tools to reduce emissions from air travel within this category and sector.

**Built Environment:** The Town appreciates the need to begin moving away from utilizing natural gas to heat buildings and shifting to electrifying buildings. As a high-altitude community, Crested Butte has still not seen economically viable heating options to seriously consider beneficial electrification at this time. The Town would be supportive of investment grants, or other financial partnership opportunities, to make beneficial electrification more financially reasonable and timely

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for communities that require substantial heating. The Town is also supportive of the Colorado Energy Office's benchmarking program. However, we believe the benchmarking program should be developed with requirements and specific building performance standards for both commercial and residential structures. Lastly, the Town would ask for opportunities and incentives for more program and funding support from the State for energy assessments and energy efficiency upgrades to help retrofit the existing building stock at the community and local level.

**Oil and Gas and other Industry:** In this sector, the Town would like to see stronger language around methane capture regulation. The oil and gas industry simply shouldn't be permitted to release, flare, or be allowed to leak methane, except for exceptional circumstances. Allowing releasing or flaring of methane goes against what this Roadmap is trying to accomplish, which is to aggressively reduce the State's GHG emissions. Similarly to the utility sector, the Town would like to see a sector cap for oil and gas, and the Town would like to ask why oil and gas is still considered a large sector in 2050, when we understand the need to transition from fossils fuels to renewable energy in order to achieve our goals.

**Natural and Working Lands:** The Town is supportive of developing the natural and working lands emissions inventory. In this sector, we would suggest funding opportunities or incentives for conservation easements or acquisitions for lands that are classified as contributing to the State's GHG emissions reduction goals. Also, the Town is supportive of incorporating a financial incentive for farmers and ranchers in the CDA's soil health program.

**Coal Mine Methane Regulations:** The State absolutely needs to regulate methane emissions from existing and abandoned mines. CDPHE and the Department of Natural Resources need to go beyond "exploring opportunities" for using or flaring emissions to requiring capture of methane emissions.

**Waste:** The Town is supportive of future regulation by the AQCC to regulate methane emissions from landfills and wastewater operations. However, to best meet future regulations, the Town strongly suggests that the State provides funding and technological assistance for the necessary infrastructure to capture methane from these sources and to invest in commercial-scale composting or anaerobic digestion opportunities.

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**Equity:** The Roadmap generally does not provide much concern or attention to equity. The Town would like to better understand how disproportionately impacted communities are considered in the Roadmap and how they will be engaged and integrated into the planning and implementation processes.

In Colorado, we need to all work together to plan for and implement climate action at every level in our communities, municipalities, counties, and the State. The State of Colorado is already leading us on this charge by setting aggressive goals and developing a draft Roadmap that is on the right track to laying the framework of how to make our goals a reality. The Town would like to thank you again for the opportunity to comment and provide feedback on the Roadmap and we hope that you will consider our comments constructively and as an opportunity to be more specific and aggressive on reducing our GHG emissions.

Sincerely,

James A. Schmidt  
Mayor  
Town of Crested Butte



## Staff Report

### October 19, 2020

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Rob Zillioux, Finance & HR Director  
**Subject:** Fall Community Grant Recommendations

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**Summary:** During the July 27<sup>th</sup> Town Council Work Session, Council directed Staff to develop a modified fall community grant program. The modified program was specifically designed to help our Community deal with the COVID 19 crisis during the fall and winter of '20 / '21. Council also directed Staff to utilize Town's nicotine tax to fund this fall grant program. The funds allocated to this program will be \$75,000.

The modified fall 2020 grant program utilized the following grant principals:

#### **Guiding Principles**

- *We believe that creative and sustainable solutions come from people who work collaboratively to address common community needs and aspirations*
- *We will give high priority to investments that help our Community deal with the pandemic through the fall and winter 20/21.*
- *We recognize and respect the need for advancing equity, diversity, creativity, and inclusion within our program*
- *Priority consideration for the fall 2020 grant cycle will be given to grant requests that:*
  - *Support mental health and/or substance abuse mitigation in the Gunnison Valley*
  - *Support physical health and / or recreation outlets during the fall and winter 2020 / 2021*
  - *Provide food or housing security for those in need*

Fall grant applications were due on or before September 30th. From there, the Council Grant Committee (Laura Mitchell and Candice Bradley) and Rob Zillioux reviewed grants and made recommendations.

Town received fourteen requests totaling \$102,190. The requests largely met the guiding principles set forth above. The Committee made recommendations for 14 grants totaling \$70,970. We are fortunate to have sufficient funds to provide the recommended recipients all, or most of, the amounts requested. Two

did not receive recommended grants at this time. One was the Late Night Taxi. More clarity around this service, amid the pandemic, is required before awarding funds. The second denied request does not appear to be associated with a non-profit organization and has overlap with another fall grant request.

The Committee held back \$4,030 of the budget, in case Council wishes to support the two declined applicants at a later date.

The recommendations are summarized in the following table:

<b>Fall 2020 Request and Recommendation Summary</b>					
	<b>Requesting Organization</b>	<b>Project Name and description</b>	<b>Amount of Request</b>	<b>Total Project Cost</b>	<b>Recommended Award</b>
1	CB Community School PTA	Teacher Wellness Support Program - free massage, yoga, acupuncture and reiki	\$5,000	\$10,000	\$2,500
2	Gunnison County Juvenile Services	Crested Butte Youth Wellness - free counseling sessions	\$19,620		\$15,000
3	CB Arts Festival	"Shine Your HeART" - free on line art classes	\$1,100	\$2,200	\$1,000
4	Center for Mental Health	Income-based sliding scale counseling	\$3,000	\$59,197	\$3,000
5	CB / Mt CB Bartenders Assoc	Late night taxi	\$14,000	\$55,000	\$0
6	Gunnison Valley Mentors	Multi-faceting mentoring for at risk youth	\$5,000	\$119,000	\$5,000
7	Met Rec	Winter outdoor programs - nordic program assistance and backcountry education	\$11,300	\$45,900	\$11,300
8	Paradise Place	Scholarship Fund - tuition assistance	\$4,000	\$20,000	\$4,000
9	Crested Butte State of Mind	Therapy Scholarship Program and Community Education Campaign - suicide prevention programs	\$20,000	\$41,000	\$15,000
10	HCCA	"Houses for Grouses" - stewardship program and volunteer outlet for Community members	\$5,000	\$99,000	\$5,000
11	Gunnison Country Food Pantry	Food delivery to those in need	\$1,170	\$6,500	\$1,170
12	Gunnison Valley Health Foundation	Supporting mental health through Peer Support	\$5,000	\$6,240	\$5,000
13	CB / Mt CB Chamber of Commerce	Shop Local Campaign / Butte Bucks	\$3,000	\$6,500	\$3,000
14	Radiant Mind Wellness Program	acupuncture and alternative therapies	\$5,000	\$15,000	\$0
		<b>Totals</b>	<b>\$102,190</b>	<b>\$485,537</b>	<b>\$70,970</b>

**Proposed Motion:** Approve as part of Consent Agenda during the October 19<sup>th</sup> Council meeting.



## Memorandum

**To:** Town Council  
**From:** Dara MacDonald, Town Manager  
**Subject:** Manager's Report  
**Date:** October 19, 2020

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### Town Manager

- 1) No Updates

### Public Works

- 1) Public Works will be holding its annual Snow Summit on October 28, 2020. It will be held at 1100 at the Public Works Yard. This meeting provides an overview of the Town's Snow Management Operations for 2020. It also provides contractors an opportunity to ask questions.

### Marshals

- 1) On Monday 5 October 2020 at about 4:30pm the offices of KBUT and the Crested Butte Marshal's office were evacuated for about an hour after a partially detonated avalanche mitigation shell was dropped off at 508 Maroon Av. The explosive device was reportedly found on a ski area trail and brought to the Marshal's Office by a hiker. The Grand Junction Bomb Squad was consulted about the shell's safety and plans were made for them to respond to render it safe on Tuesday. There was no imminent danger to the general public from the device. On Tuesday 6 October 2020 at about 2:00pm members of the Grand Junction Bomb Squad rendered the explosive device safe which was brought to the Marshal's Office the previous day. Our thanks to Grand Junction for their mutual aid and assistance. The public is reminded that if they find any potential explosive devices that they be left where they are found, deny access to the area and notify the authorities of their whereabouts.
- 2) The Marshal's Office will be hosting a prescription take back day on Thursday, October 22<sup>nd</sup> from 7:15am to 12:00pm and 1:00pm to 5:15pm. The public can bring their expired/no longer needed prescription drugs, over the counter medication, vitamins, and pet prescriptions to us at 508 Maroon and we will dispose of them properly.

### Parks & Rec

- 1) No Updates

### Community Development

- 1) **Verzuh Trails Modification Proposal:** Town Staff will be hosting a block 79/80 neighborhood meeting regarding the Verzuh proposal on Wednesday, October 21<sup>st</sup> at 5:30 p.m. (outdoors at the Rec Path Bridge Kiosk). Additionally, please save the dates for two community meetings

regarding the proposal on Wednesday, November 4<sup>th</sup> at 5:30 p.m. (virtual) and Thursday, November 5<sup>th</sup> at 12:00 p.m. (in person outdoors at the end of Elk Avenue/beginning of McCormick Ranch Road).

- 2) **COVID-19 Updates: Restaurants:** Due to maintaining a low transmission rate of COVID-19 in Gunnison County over the past four weeks, the State is allowing the County to increase the indoor capacity of restaurants to 55% as of Wednesday, October 14<sup>th</sup>. This opportunity for increased capacity is due to the County's protect our neighbors status with the State of Colorado, and if levels are maintained for another four weeks, capacity can then be increased to 60%.

Additionally, under the blue level of the coronameter, the restaurant industry sector plan was updated to allow the opportunity to utilize partitions/barriers when 6 ft. of separate between chair backs cannot be met:

*4.7. In seating areas, barriers may be installed between back-to-back booths or other seating arrangements in lieu of providing 6 feet of separation between. 4.7.5.1. If not separated by a barrier, other seating arrangements should continue to be six feet away from barriered seating areas 4.7.6. These barriers would not allow for greater than 50% capacity but could help restaurants achieve up to 50% capacity within their indoor space. 4.7.7. Should Gunnison County maintain the State's Protect Our Neighbors status, occupancy increases of 5% every four weeks may be considered.*

Additionally, games may be allowed if they meet the following requirements:

*3.14. In seating areas, barriers may be installed between back-to-back booths or other seating arrangements in lieu of providing 6 feet of separation between. 4.7.5.1. If not separated by a barrier, other seating arrangements should continue to be six feet away from barriered seating areas 4.7.6. These barriers would not allow for greater than 50% capacity but could help restaurants achieve up to 50% capacity within their indoor space. 4.7.7. Should Gunnison County maintain the State's Protect Our Neighbors status, occupancy increases of 5% every four weeks may be considered.*

- 1. There is a maximum of 8 people using or congregating around each table/game etc at any given time;*
- 2. The games are distanced at least 6 feet apart and separated from eating areas as much as possible;*
- 3. There is no mingling between parties;*
- 4. All commonly-shared equipment (arcades, tables, pool cues, ball racks, balls, chalk, etc.) must be cleaned and disinfected in between uses (for corn hole, it is difficult to disinfect the bags so one solution that we are hearing from restaurants is that they are actually selling the bags to customers or allowing people to bring their own in);*
- 5. Lower or turn off volume on games to reduce the need to speak loudly as forced exhalation increases the risk of transmission.*
- 6. Reservations are encouraged to minimize congregations or gatherings of people not currently using the tables; and*
- 7. The restaurant requirements detailed in this document are otherwise followed.*

3) **COVID-19 Updates: Winter Transit and Mobility:** A committee comprised of Town of Crested Butte, Town of Mt. Crested Butte, CB South, Crested Butte Mountain Resort, Mountain Express, RTA, and Gunnison County are continuing to meet to develop solutions around winter transit and mobility. This committee is currently in the midst of discussions with Joni Reynolds

about the potential of increasing capacity on public transit. Additionally, Mt. CB is exploring the opportunity for utilizing an empty lot owned by the Nordic Inn for overflow parking, and the Town is looking into additional parking options (such as further plowing the 4-way and utilizing the school parking lot) as a backup contingency if more parking is necessary this winter due to less use of public transit.

4) ***The Crested Butte Fire Protection District (CBFPD) New Fire Station:*** The CBFPD and the Town have retained Chandler Consulting, Inc. to conduct the appraisal of Town Parcel #1 in the Slate River Annexation. The appraisal is in process and will be completed on, or before, November 24<sup>th</sup>.

### Town Clerk

- 1) Betty has been busy with requests for staking/marketing lots at the cemetery. At one point last week, she had a list of eleven lots to stake. Betty has gained proficiency with the GIS system, which has helped the Town immensely with tasks at the cemetery that used to require a surveyor.
- 2) Staff is working with GovOffice for security updates to the Town's website.

### Finance

The 2020 pandemic, and dramatically increased use of technology, has pushed us to examine IT security, performance and other needs. Along those lines, we have recently upgraded Town's IT architecture with the following.

**Replaced the Firewall's at Town Hall and Marshall's office** – A firewall is a piece of hardware that sits right behind modems from an Internet Service provider. This is the first line of defense to protect our network by filtering traffic and blocking outsiders from gaining unauthorized access to the network. The firewall also is the gatekeeper for our remote workforce. Best practice for replacing firewalls is every four years, the firewall that was replaced was over 6 years old. This project is currently in progress.

**Replaced the UPS batteries in the Server Room at Town Hall and Marshall's office** – Power and electricity outages, surges, and brownouts can cause data loss as well as physical damage to computer components, thus shortening device lifespan. To protect the servers, network switches, firewall and backup device, a UPS is the best option for a battery backup. The existing UPS batteries had failed and were no longer providing the protection needed. Best practice for UPS battery replacement is every 4 years, the batteries were over 6 years old.

**Replacing Windows 7 Workstations with Windows 10 workstations** – Microsoft stopped supporting Windows 7 operating system as of January 14<sup>th</sup> 2020, which means Microsoft will be discontinuing all technical support, software updates, security updates, and any other fixes. We are upgrading the workstations to Windows 10 Operating System if possible. Some workstations were not compatible with Windows 10 and were required to be replaced. Best practice for workstation replacement is 4 years. Many of Town's workstations are greater than 6 years old.

**Upgraded Microsoft Office 2013 to current version and moved email tenant from third party vendor directly to Microsoft** - Windows 10 Operating system does not support Microsoft Office 2013, we took this opportunity to upgrade the Microsoft Office licensing and the email hosting directly to Microsoft under the State of Colorado's licensing agreement for the best possible pricing. Moving forward the town will always have the latest version of Microsoft Office products and won't run into issues of unsupported products.

### Intergovernmental

### Upcoming Meetings or Events

\* As always, please let me know if you have any questions or concerns. You may also directly contact department directors with questions as well.



## Staff Report

October 19, 2020

**To:** Mayor and Town Council  
**From:** Dara MacDonald, Town Manager  
**Subject:** Ordinance 2020-25, Town Employee Lease Agreements

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**Summary:** The Town has eleven residential rental units, ten of which are occupied by municipal employees. This ordinance allows for the approval of one of the leases.

**Background:** The Town has been proactive for many years in constructing and maintaining rental units to ensure that there is some opportunity for affordable housing in Town for municipal employees.

C.R.S. 31-15-713(1)(c) states that the governing body of a municipality has the power to lease any real estate owned by the municipality when deemed to be in the best interest of the municipality. It further requires that leases for more than one year be approved by ordinance.

Affordable housing remains a top priority for the Town of Crested Butte and providing housing for employees is one of the many strategies utilized by the Town to address housing needs and ensure that the services expected from the Town can be met. As housing costs continue to escalate in the Crested Butte community it has become increasingly difficult for employees to afford to make their homes within the community. Having employees living within Town has many benefits for the community including ensuring responsiveness, encouraging longer tenure, and fostering a greater commitment to the community.

Annual rental rate escalations have been built into each lease so that these will not have to be brought back before the Council for additional approvals unless there is a change in the tenant in the future. The leases will automatically renew each year unless terminated by either party. Employees must vacate these rental units within 60 days of the end of their employment with the Town.

**Financial Implications:** The Town does incur some expense each year with utilities and maintenance of these properties. The rental income derived from these properties is reinvested in the affordable housing fund.

**Proposed Motion:** "I move to approve Ordinance 2020-25."

**ORDINANCE NO. 25**

**SERIES NO. 2020**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN  
COUNCIL AUTHORIZING THE LEASE OF A TOWN  
RESIDENTIAL PROPERTY, 814 TEOCALLI,  
CRESTED BUTTE, COLORADO TO A TOWN  
EMPLOYEE**

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

WHEREAS, pursuant to Section 31-15-713 (c), C.R.S., the Town Council may lease any real estate, together with any facilities thereon, owned by the Town when deemed by the Town Council to be in the best interest of the Town;

WHEREAS, pursuant to Section 713 (c), when the term of such lease is more than one year, the Town Council must approve such lease by ordinance of the Town Council; and

WHEREAS, the Town Council finds hereby that approving leases of various Town properties for use by certain Town employees is in the best interest of the Town.

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 granting a lease of Town property for use by a certain Town employee is in the best interest of the Town.
2. **Authorization of Town Manager.** Based on the foregoing, the Town Council hereby authorizes the Town Manager to execute a lease in substantially the same form as attached hereto as **Exhibit “A”** for the property known as 814 Teocalli to the employee described in such lease.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
James A. Schmidt, Mayor

ATTEST

Ordinance 2020-25  
Employee leases

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Lynelle Stanford, Town Clerk

(SEAL)

**EXHIBIT "A"**

**Employee Lease Agreement**

## LEASEHOLD AGREEMENT

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the TOWN OF CRESTED BUTTE, a Colorado Home Rule Municipal Corporation (hereafter referred to as the “Town”) and Cynthia Gunderson, an employee of the Town of Crested Butte (hereafter referred to as the “Lessee”) is upon the following terms and conditions:

### WITNESSETH:

**IN CONSIDERATION** of the keeping and performance of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1. **TERM and RENEWAL:** This agreement shall commence as of the 1st day of November, 2020, for a period of one year, ending on the 31<sup>st</sup> day of October, 2021 at midnight. Thereafter, this agreement shall automatically renew annually from year to year. During the term of this Lease, Lessee must remain in the employment of the Town. Should Lessee’s employment with the Town end for any reason during the term of this Lease, Lessee, and any additional room-mate(s) or temporary visitor(s) must vacate the premises within 60 days from the end date of employment. Any extension of the vacation date must be mutually agreed upon in writing by both parties. Should the Lessee desire to move out prior to the expiration of the Lease, Lessee will give the Town no less than a 30 day notice of intention to move out.
  
2. **LEASE OF PREMISES TO LESSEE:** The Town hereby leases to Lessee, and the Lessee hereby takes and rents from the Town, the following described premises, together with the improvements thereon, situated in the County of Gunnison and State of Colorado, to wit:
 

814 Teocalli Avenue, Crested Butte, Colorado (a one bedroom residential dwelling that is the back portion of a Town owned duplex)
  
3. **RENT/OCCUPANTS:** The Lessee agrees to pay to Town as rent for the premises listed above the sum of \$515.00 per month, due and payable no later than the 5<sup>th</sup> day of each month during the term of this lease;
  - a. Upon automatic renewal every year the rental rate shall increase by \$10 per month.
  
4. **UTILITIES:** Unless otherwise specified, the Lessee shall pay for gas and electricity. The Town will pay for water, sewer and weekly refuse collection. Lessee shall also pay all charges for telephone, internet, television and other such services.

5. **CHARACTER OF OCCUPANCY:** The premises shall be occupied by the Lessee as a residential dwelling. Any commercial activity not in connection with Lessee's employment with the Town is prohibited unless agreed upon in writing by both parties. Further, Lessee shall:
- a. Properly maintain the premises, fixtures, and furnishings located therein, to include the changing of light bulbs, cleaning, mowing and weeding, snow removal upon and around entrances and parking areas, yard cleanliness and maintenance, and other such minor work.
  - b. At its sole cost and labor make all necessary day to day repairs needed to preserve the quality of the interior walls, floor, ceiling, and doors of the premises, and maintain the fixtures and furnishings in good working order and condition. Any and all such repairs or replacements shall be of a like kind and quality, and shall be done in a good and thorough workmanlike manner.
  - c. Make no alterations, repairs, or improvements to the premises without prior written permission of the Town. Lessee shall secure the premises with a lock, and insure that the Town has a key to said lock. Lessee shall return the premises to the Town clean and in good order and condition including any carpets, wood flooring, paint, furnishings and appliances, and plumbing facilities at the termination of this Lease, ordinary wear and tear excepted.
  - d. Not use the premises in any fashion that would increase the risk of fire, explosion, or any physical damage or destruction to the premises, or create hazardous conditions for other tenants or neighbors. Not use the premise in any fashion contrary to the laws of the Town, the State of Colorado, or the United States government. Except by prior arrangement and written permission from the Town, limitations on the use of the premises includes a prohibition on smoking tobacco products, and the unlawful storage, consumption, or transfer of alcoholic beverages and/or controlled substances.
  - e. Lessee shall not use the premises to further any discriminatory or derogatory practices based on race, sex religious belief, sexual orientation or national origin.
  - f. Lessee understands and agrees that the leased premise is a part of a duplex building, the adjacent portion of which is a similar rental unit occupied by an employee of the Town. Lessee agrees that the tenant(s) in the other portion of the building are entitled to the quiet enjoyment of their residence, and the Lessee agrees to refrain from behaviors or practices that may un-necessarily disturb or damage the adjacent Lease-holder.
6. **ANIMALS:** Lessee is not allowed to have pets such as a dog or cat. Other types of pets may be allowed upon mutual agreement between Lessee and the Town.
7. **CLEANING:** Lessee agrees to keep and maintain the premises used exclusively by Lessee in a neat, orderly, clean and sanitary condition at all times, and to

- provide such cleaning and other services as may be necessary to do so. All refuse or trash resulting from Lessee's use of the premises shall be stored in the animal resistant container provided by the Town on the premises for eventual removal during the weekly trash pick-up. Trash, refuse, and other such discarded materials may not be allowed to accumulate in or on the property. All cleaning supplies and equipment must be provided by Lessee. Premises are subject to periodic inspection for the purposes of insuring cleanliness, and proper repair and maintenance of the premises by the Town upon 24 hour notice to the Lessee.
8. **PARKING:** Vehicles owned or operated by the Lessee must be parked in available spaces designed for such purposes or the Town right of way in accordance with the Town's parking regulations. Vehicles may not be parked on landscaped areas, abandoned on the premises, or otherwise left in disrepair on or adjacent to the premises.
  9. **LIENS:** Lessee agrees to keep the premises free and clear of liens of any kind caused by the action or inaction of Lessee.
  10. **SECURITY AND DAMAGE DEPOSIT:** Lessee has paid the Town the sum of \$250.00 to be used as security for the faithful performance of the terms and obligations of this Lease. This deposit shall be held by the Town for the term of this Lease. The Town may apply any or all of the security deposit to the repair of damages caused to the premises by Lessee or Lessee's use thereof, and/or to pay for cleaning of the premises upon the Lessee's vacation of the premises. In the event the town deems that it is reasonable and necessary to have the premises cleaned or repaired during or after the term of this Lease, it shall be done at Lessee's expense. Any amount paid out of the deposit shall be reimbursed to the Town within ten (10) days by the Lessee to again cause a full deposit of \$250.00 to be available at all times. This deposit shall not be deemed to be of the total amount for which the Lessee shall be responsible in the event of damages. Lessee shall not be entitled to credit any amount of the deposit toward payment of any other obligation owed to the Town.
  11. **TAXES:** The Town shall pay any and all real and personal property taxes and special assessments which may be levied upon the premises, except those personal property taxes levied specifically upon the personal property of the Lessee.
  12. **INSURANCE AND INDEMNIFICATION:** Lessee agrees to indemnify and hold the Town harmless against any and all claims or judgments for loss, liability, damage, or injury to persons or property of any kind, including reasonable attorney's fees arising out of or in connection with Lessee's use of the premises, and those caused by the negligent and intentional acts of the Lessee and/or visitors in furtherance of the Lessee's occupation. The Town shall maintain in effect fire and extended coverage on the building in which the premises is located during the term of this Agreement. The Town shall also maintain in effect public

liability insurance on the building in at least the minimum amount of its exposure under the Statutes of the State of Colorado.

Lessee may obtain, at its own expense, any contents insurance and public liability insurance it may wish to purchase, provided however, that if Lessee places equipment, communications devices, or other such material with a cash value in excess of \$10,000, contents insurance is required of the Lessee, at his own expense, as a condition of occupying the premises upon execution of this Lease.

13. **ASSIGNMENT:** Lessee shall not assign this Lease, nor sublet or rent the premises described herein to other users in any fashion, or encumber this lease or the premises in whole or in part, without the prior written consent of the Town.
14. **INSPECTION OF PREMISES:** Lessee shall allow the Town or its authorized representatives to enter upon the premises upon 24 hours notice, without intruding into Lessee's personal effects, to inspect the premises or to make repairs thereon.
15. **DEFAULT OF THE AGREEMENT:** Neither party shall have the right to terminate this Lease upon default in any covenant or condition unless such default remains uncured for five (5) days following the provision of written notice of the default to the defaulting party. If this Lease is so terminated, it is agreed that the Town may retake possession of the premises upon an additional five (5) days written notice to Lessee, without terminating the Lease. If the Town retakes possession of the premises in such fashion, Lessee shall remain liable for rental payments, and the cost of cleaning and repair, less any amount received from a new tenant during the remainder of the term of this Lease.
16. **SURRENDER OF PREMISES:** If Lessee wishes to renew this Lease, it shall notify the Town no less than 30 days prior to the expiration date. Lessee shall quit and surrender the premises in the condition upon which it was received, except for normal wear and tear, upon the expiration of this Lease, or any extension hereof. Except by prior negotiation and agreement with the Town, it shall be Lessee's responsibility to remove all personal property, personal fixtures, or approved improvements located on the premises at the time of expiration, or upon termination of this Lease. In the event of removal of said personal property, fixtures, or improvements located on the premises, Lessee shall restore the premises to its original condition.
17. **TERMINATION FOR CONVENIENCE:** Either the Town or Lessee may terminate this agreement and the tenancy hereunder at any time for any reason or no reason at all on 60 days' written notice to the other party.
18. **TOWN'S REPAIR AND MAINTENANCE OBLIGATION:** Except by prior negotiation and agreement expressed and added herein, the Town shall keep the remainder of the building in which the premises is located in good repair. The Town shall make such structural repairs as may be necessary, and repair all

plumbing, electrical, heating, ventilating, and other facilities as may be existing, unless caused by the negligent or intentional acts of the Lessee, and visitors, in which case Lessee shall pay or reimburse the Town for such repairs.

19. **NOTICES:** All notices required hereby shall be in writing and shall be hand delivered or sent by certified mail, return receipt requested, to the following addresses:

TOWN: Town Manager  
Town of Crested Butte  
P.O. Box 39  
507 Maroon Ave  
Crested Butte, CO 81224

LESSEE: Cynthia Gunderson  
PO Box 2758  
814 Teocalli Ave  
Crested Butte, CO 81224

Notices shall be deemed properly given when sent, mailed, or hand delivered to the above addresses. Either party may change its address by giving written notice of the change to the other party.

20. **APPLICABLE LAW:** This Lease is entered into in the Town of Crested Butte, Gunnison County, State of Colorado; and it is agreed that the proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Lease be in the County of Gunnison, State of Colorado.

21. **ATTORNEY FEES:** It is agreed that if any action is brought in a court of law by either party to this Lease as to its enforcement, interpretation or construction of this Lease or any document provided for herein, the prevailing party in such action shall be entitled to reasonable attorney fees, as well as all costs incurred in the prosecution or defense of such action.

22. **WAIVER:** The failure of the Town to insist in any one or more instances upon strict compliance of any of the obligations, covenants, and agreements contained herein, or the failure of the Town in any one or more instances to exercise any option, privilege, or right contained herein shall in no way be construed as constituting a waiver of such default or option by the Town.

23. **CAPTIONS:** The captions are inserted only as a matter of convenience and reference. They in no way define, limit, or describe the scope of the Lease nor the intent of any provision herein.

24. **SEVERABILITY:** If any provision, covenant, clause, or agreement contained in the Lease or the application thereof shall be found to be invalid, such invalidity

shall not affect the validity of the remaining provisions, covenants, clauses, or agreements, or the validity of the Lease as a whole.

25. **BENEFIT:** This Lease shall bind and benefit alike the successors and assigns of the parties hereto.

**IN WITNESS WHEREOF**, the parties have executed this Lease in duplicate as of the date first set forth above.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Dara T MacDonald, Town Manager

ATTEST:

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

LESSEE:

By: \_\_\_\_\_  
Cynthia Gunderson



## Staff/Town Attorney Report

October 19, 2020

**To:** Mayor and Town Council

**From:** John T. Sullivan, Sullivan Green Seavy LLC

**Subject:** Ordinance 26-2020, Adding Code Section 2-5-100 Providing for Bail Bond Violations and Penalties for Violation of Bail Bonds

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**Summary and Background:** The Council may recall that as part of the Consent Agenda on July 6, 2020, the Town approved the renewal of the Memorandum of Understanding between the Town and Judge Ben Eden, effectively extending his term as Municipal Court Judge for another 2 years. In his report of June 25, 2020, Judge Eden stated that the Town should consider enacting a bail bond violation ordinance because the Gunnison County District Attorney has indicated that it will not prosecute municipal bond violation under the applicable state statute, C.R.S. Section 18-8-212. As a result, Judge Eden has no mechanism other than contempt powers codified at Section 2-5-90 of the Code to sanction defendants who fail to appear at their appointed court hearings. While failure to appear has been a relatively rare occurrence in the Crested Butte Municipal Court, one defendant has failed to appear multiple times over a two year period has not faced any consequences for these failures. To better enforce orders of the Town's Municipal Court, the Town Attorney and Judge Eden believe it is appropriate to adopt an Ordinance to add new Code Section 2-5-100 providing for bail bond violations and penalties for such violations.

**Financial Implications:** None.

**Recommended Motion:** A Council member should make a motion to approve Ordinance 26-2020 following a public hearing on October 19, 2020.

**ORDINANCE NO. 26**

**SERIES 2020**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADDING CODE SECTION 2-5-100 PROVIDING FOR BAIL BOND VIOLATIONS AND PENALTIES FOR VIOLATION OF BAIL BONDS.**

**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 the laws of the State of Colorado; and

**WHEREAS**, Section 7.2 of the Town Charter requires that there shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town and as may be conferred by law, which municipal court shall be presided over and its functions exercised by a judge appointed by the Town Council; and

**WHEREAS**, Section 2-5-20 of the Town Code similarly provides that the Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance; and

**WHEREAS**, the State of Colorado provides in C.R.S. Section 18-8-212 that a person who is released on bail bond of whatever kind, and either before, during, or after release is accused by complaint, information, indictment, or the filing of a delinquency petition of any felony or misdemeanor arising from the conduct for which he was arrested, commits a crime if he knowingly fails to appear for trial or other proceedings in the case in which the bail bond was filed or if he knowingly violates the conditions of the bail bond; and

**WHEREAS**, at the request of the Town’s Municipal Court Judge and the Town Attorney, the Town Council has considered and finds that the adoption of a similar law as part of the Town Code would benefit the health, safety, and general welfare of the citizens of the Town and the Town’s Municipal Court.

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

**Section 1. Adding Subsection 2-5-100, Violation of Bail Bond Conditions.**

**Sec. 2-5-100 Violations of Bail Bond Conditions.**

- (a) A person who is released on bail bond of whatever kind, and either before, during, or after release is accused by complaint, information, indictment, or the filing of a delinquency petition of any violation of the Town Code arising from the conduct for which he was arrested or received a summons, commits a misdemeanor if he knowingly fails to

appear for trial or other proceedings in the case in which the bail bond was filed or if he knowingly violates the conditions of the bail bond.

(b) A person who is convicted of violating bail bond conditions shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of one (1) year, or such other penalty as may be imposed under Section 1-4-20 of the Town Code.

**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 shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**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 of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.**

**TOWN OF CRESTED BUTTE, COLORADO**

**By: \_\_\_\_\_  
James A. Schmidt, Mayor**

**ATTEST:**

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

**[SEAL]**

June 25, 2020

Crested Butte Town Council  
PO Box 39  
Crested Butte, CO 81224

Dear Jim Schmidt, Will Dujardin, Chris Haver, Mallika Magner, Mona Merrill, Candice Bradley, and Laura Mitchell,

In accord with our most recent memorandum of understanding, I submit this letter on the status of the Court. My thanks to the Council for its support and especially to Betty Warren, who does a wonderful job as Court Clerk. A Court Clerk typically takes the brunt of bad-mannered defendants, who, strangely, are on better behavior with me.

#### CURRENT OPERATION OF THE COURT

Cases in 2019 were similar, both in numbers and types of cases to those of previous years. Again, false credentials to obtain marijuana remain one of the more common misdemeanors, along with public consumption of alcohol or marijuana. There has not been a False ID to obtain alcohol case in several years. Many of the defendants are out-of-staters, as one might predict.

Parking tickets and dog cases remain the most emotional cases and the most likely to involve a trial. Defendants continue to say they are confused by parking signs. I do not know how much clearer the signage can be.

January and February 2020 cases were similar in numbers to previous years. That all changed with COVID-19. We have cancelled one docket date and have done all Court dockets telephonically. The case numbers are down well over 70% since March 2020. That will continue at least until Town rules re: Town Hall change.

State rule changes on arrest warrants for failures to appear have not caused a significant problem for the aggregate of defendants. We have had one defendant (who has two cases) that has failed to appear several times since 2018 and gotten arrested. That has required multiple hearings on non-Court days to comply with state statute. These hearings involve no extra cost to the Town, as I view them as part of my administrative duties. The case is now a collection case as he pled out several months ago. As State probation will not take on the municipal collection (as they did prior to 2017), we have to schedule monthly payment reviews. (This particular defendant has multiple state charges he is on probation for.) Hopefully, this defendant's situation remains rare. We have had people pay fines and costs slowly, but they eventually have paid in full.

## FUTURE CONCERNS

Coping with COVID-19 remains the most significant concern. The Court will continue to follow all restrictions required by the Town. Masks and telephone conferences are easy to accomplish and do not impair rights of any party. Historically there are not many citizens who attend Court session unless they are personally involved in a case. Therefore, the public nature of courts are not impaired. Jury trial request would pose some problem with respect to COVID-19. However, since there has been only one jury trial in Municipal Court in the last 10 years, that is not a substantial worry.

I anticipate that there may be some sign code cases upcoming. Otherwise, the most common types of offenses will probably remain the same. One aspect of sentencing that may require some attention is increasing minimum fine amounts on misdemeanors. The current "schedule" has been unchanged since my tenure began in 2005. I would suggest to the Council, however, that now would not be the time to undertake such changes.

One aspect that we may have to consider is the passage of a bail-bond violation ordinance. The D.A. has indicated they will not prosecute Municipal bond violations under state statute. A Municipal ordinance would give us the ability to sanction people who fail to appear multiple times and better enforce the orders of the Court.

I would be happy to answer any questions any of you might have. I would like to again thank the Council for the opportunity to serve as Municipal Judge.

Sincerely yours,



Ben F. Eden

Municipal Court Judge



## Staff Report

October 19, 2020

**To:** Mayor Schmidt and Town Council  
**From:** Mel Yemma, Planner I  
**Thru:** Troy Russ, Community Development Director  
**Subject:** BLM Committee Update

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**Background:** The Crested Butte Town Council held a work session on August 17, 2020 to discuss Black Lives Matter and diversity, equity, and inclusion issues in Crested Butte. At the work session, the Town Council provided direction to form a Town committee, which is currently being called the Crested Butte Black Lives Matter Committee. An open invitation to join the Committee was shared within the community, and additionally, specific invitations were shared with certain entities in the community (for example, Gunnison County, CBMR, TAPP, etc.). To date, there are 49 contacts on the Committee list.

The BLM Committee has met as a full committee twice, and has also split into 6 different subcommittees listed below:

1. **Local Government** (example focus areas: housing policies, community grants, law enforcement, internal policies and operations, recruitment practices, transportation, public statement of intention) (*Leader: Laird Cagan*)
2. **Business Community and Economic Opportunity** (example focus areas: recruitment practices, communications, economic development and resiliency, business strategy, marketing, HR policies) (*Leader: Andrea Schumacher*)
3. **Tourism Marketing and Outdoor Recreation** (example focus areas: marketing strategies, outdoor recreation inclusion ideas, budgeting and spending marketing funds) (*Leader: Will Shoemaker*)
4. **Educational Opportunities** (example focus areas: K-12 school programming opportunities, professional development, community education opportunities and forums, Western Colorado University engagement) (*Leaders: Chloe Bowman and Ginny Turner*)
5. **Community Expression of Values** (example focus areas: public spaces, public art, events, sharing of history, storytelling, cultural inclusion, shared values statement) (*Leader: Mark Tardiff*)
6. **Mission/Vision Statement Development** (*Leaders: Will Dujardin and Mallika Magner*)

Additionally, a 23-person “core” committee comprised of subcommittee leaders, original committee organizers, and other interested committee members participated in a 6-hour workshop with REAL Consultants on September 25<sup>th</sup> to begin JEDI training (Justice, Equity, Diversity, Inclusion), discuss getting organized, and start talking about what Black Lives Matter Means to us.

The Committee has had many thoughtful discussions on ideas on how to better incorporate JEDI into our community in Crested Butte. The current draft mission statement of the Crested Butte Black Lives Matter Committee is to establish a community-wide commitment to pursue racial equality for people of color within and visiting our community through tangible anti-racist policies and practices.

**BLM Committee Relationship with the Town:** While initially convened by the Town Council, this committee needs to decide whether to formalize and continue that relationship as an advisory committee to the Town Council or evolve into a community-based organization. At the most recent Committee meeting on October 8<sup>th</sup>, the Committee decided to work over the next few months to become an independent coalition/organization/movement outside of the Town government, with active involvement and participation from Mallika Magner and Will Dujardin as a direct communication nexus with the Town Council. This decision was made based upon the pros and cons presented below, as well as the understanding that this Committee would like to focus on a valley-wide effort, and not just on the Town of Crested Butte:

<b>A Committee of the Town</b>	<b>Committee Independent of the Town</b>
<ol style="list-style-type: none"> <li>1. Council control <ul style="list-style-type: none"> <li>Section 8.4 of the Town’s Home Rule Charter explains how the Town Council may establish permanent boards and commissions. The following laws apply to such boards and commissions: <ul style="list-style-type: none"> <li>o Advisory boards and commissions shall be created by ordinance</li> <li>o Ordinance shall set forth the powers and duties delegated to boards and commissions</li> <li>o Council shall appoint members and terms</li> <li>o All members are subject to removal by the Council</li> <li>o Chair will be chosen by the Council</li> <li>o Operate in accordance with its own rules or procedure except as otherwise directed by the Council</li> <li>o All meetings shall be open to the public</li> <li>o May be abolished by the Council</li> </ul> </li> </ul> </li> <li>2. Town staff provides organizational support such as arranging meetings, keeping meetings, circulating agendas, etc.</li> <li>3. The Committee’s recommendations carry the legitimacy of the municipality</li> </ol>	<ol style="list-style-type: none"> <li>1. Committee could define its mission and purpose independent of the municipal government</li> <li>2. Committee could have broader reach to influence policy or make statements beyond the scope of the municipality (i.e. make recommendations to other local governments, businesses, etc.)</li> <li>3. Committee takes on responsibility for organizational support</li> <li>4. Could maintain clear pathway to Town of Crested Butte through Town Council members or staff being assigned as Town representatives on committee</li> <li>5. Committee would have the space to look more objectively at Town policies and operations</li> </ol>

### **BLM Committee Next Steps:**

Additionally at the October 8<sup>th</sup> meeting, the Committee formed an executive/advisory board of 10 members, including subcommittee leaders, to be the core group that would develop the organizational structure for the committee and set the committee up for success outside of the auspices of the Town.

The members of the executive board are: Chloe Bowman, Ginny Turner, Nunu Mbokwana, Laird Caigan, Mark Tardiff, Andrea Schumacher, Will Shoemaker, Maurice Caldare, Will Dujardin, and Mallika Magner.

The charge of the executive board is to:

1. **Refine mission statement and scope:** Refine (if necessary) the draft mission statement listed above, and discuss the overall scope of the committee. For example, is this committee focused on the Town of Crested Butte specifically or is this a valley-wide effort?
2. **Find consensus on what Black Lives Matter means to us:** At the REAL workshop, the group began discussing what Black Lives Matter means to us. The executive board would develop a message about this utilizing the past discussions of the committee.
3. **Develop the decision making structure and process:** The committee still needs a decision making structure and process. Are decisions made via consensus or majority? Also, if a subcommittee has an idea of an event that they would like to do, or a proposal that they want to bring to the Town Council or another governmental entity, does this need to be run by the full committee or executive board first?
4. **Discuss messaging and sharing of information:** Once the mission, scope, organizational structure, and what Black Lives Matter means to us is refined, the executive board would need to discuss how to message the committee and share information about the work that the committee is doing.
5. **Set expectations for subcommittees, meeting frequency, etc.:** The executive board will need to set expectations for the subcommittees, executive board and full committee as far as meeting frequency, deliverables, decision making, and sharing of information.
6. **Assign officers:** It would be recommended for the executive board to assign officers (for example Chair and Vice-Chair) to define roles for who organizes and runs the meetings.
7. **Develop overall organizational structure:** Is the committee going to be backed by a 501c3, or will it be a general coalition of community members and organizations?

Overall, the executive board will convene over the next few months to develop the general organizational structure of the Committee, with the goal of becoming independent from the Town. In the meantime, the subcommittee will continue meeting and working on their different action items, which include, but are not limited to, educational panels and events, coordination with TAPP and CBMR, development of public art and cultural event opportunities, and ways in which local government can ensure more diversity, equity, and inclusion in their operations.

**Agenda  
Design Review Committee  
Tuesday  
October 13, 2020**

- 3:00 **Site Visit** and consideration of the application of **Marybeth Goodnough Survivors Trust, Christopher D. Goodnough** to site an addition to the existing historic single family residence located at 210 Gothic Avenue, Block 16, Tract 1 of the Goodnough Subdivision Plat in the R1C zone. (Racek/Goodnough)  
**- Architectural approval is required.**  
**- Permission to demolish two porch roofs and a portion of the South wall of the historic residence is requested.**
- 4:15 **Site Visit** and consideration of the application of **Michael H. Higuera** to lift the building, move the building onto the property and site a basement for the existing historic single family residence located at 221 Whiterock Avenue, Block 33, Lots 27-28 in the R2C zone. (Higuera)  
**-Architectural approval is required.**  
**- Permission to demolish a small shed attached to the north elevation wall of the historic residence is requested.**
- 5:15 Consideration of the application of **Joseph Bosshard** to construct a new single family residence and accessory building to be located at 512 Teocalli Avenue, Block 12, Tract 8 in the R1 zone. (Weber/Coburn)  
**- Architectural approval is required.**  
**- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1 zone is required.**

Topic: DRC - October 13th  
Time: Oct 13, 2020 03:00 PM Mountain Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/81092136808?pwd=SUclSzBzZ0cxVytSMi9SbVZNYnBpdz09>

Meeting ID: 810 9213 6808  
Passcode: 539767  
One tap mobile  
+16699006833,,81092136808#,,,,,0#,,539767# US (San Jose)  
+12532158782,,81092136808#,,,,,0#,,539767# US (Tacoma)

Dial by your location  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Germantown)  
+1 312 626 6799 US (Chicago)

Meeting ID: 810 9213 6808  
Passcode: 539767  
Find your local number: <https://us02web.zoom.us/j/81092136808?pwd=SUclSzBzZ0cxVytSMi9SbVZNYnBpdz09>

***The above times are only tentative. The meeting may move more quickly or slowly than scheduled***



## AGENDA

### Regular Town Council Meeting

6:00 PM - Tuesday, October 20, 2020

Council Chambers

#### 1. ZOOM CALL INSTRUCTIONS

Join Zoom Meeting

<https://zoom.us/j/93589299992?pwd=cDRtTEpHL00yV2RQaHIURWo5dS9mUT09>

Meeting ID: 935 8929 9992

Passcode: 177460

One tap mobile

+13462487799,,93589299992#,,,,,0#,,177460# US (Houston)

+16699009128,,93589299992#,,,,,0#,,177460# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 935 8929 9992

Passcode: 177460

Find your local number: <https://zoom.us/u/acW0USt6gP>

#### 2. WORK SESSION - 4:00 PM - 2021 BUDGET

#### 3. CALL TO ORDER - 6:00 PM

#### 4. ROLL CALL

#### 5. PUBLIC COMMENT

Citizens may make comments on items not scheduled on the agenda. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date, if necessary. You must sign in with the Town Clerk before speaking. Comments are limited to three minutes.

#### 6. CONSENT AGENDA

The consent agenda allows Town Council to approve, by a single motion, second and vote, matters that have already been discussed by the entire Council or matters that are considered routine or non-controversial. The agenda items will not be separately discussed unless a Councilor, Town staff, or a citizen requests an item be removed and discussed separately. Items removed from the consent agenda will then be considered after consideration of the consent agenda.

6.1. Approval of the October 6, 2020 Regular Town Council Meeting Minutes

6.2. Approval of the October 13, 2020 Special Town Council Meeting Minutes

#### 7. CORRESPONDENCE

**8. BUSINESS**

- 8.1. Crested Butte Lodging Winter 2019/2020 Admissions Tax Report – Kate Schmidt
- 8.2. Discussion and Possible Consideration of Resolution No. 11 Series 2020 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Supporting Repeal of the Gallagher Amendment (Amendment B) in the November 3, 2020, General Election – Carlos Velado
- 8.3. Discussion and Possible Consideration of Resolution No. 12 Series 2020 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Adopting the Gunnison County Natural Hazard Mitigation Plan – Carlos Velado
- 8.4. Discussion and Possible Consideration of Observing Election Day as an Official Town Holiday
- 8.5. Discussion and Possible Consideration of Awarding Additional Admissions Tax Funds to Grant Applications Who Have Created a Marketing Campaign Geared Towards Attracting Diverse Groups to Mt. Crested Butte – Winter 2020/2021

**9. REPORTS, DISCUSSION ITEMS AND ANNOUNCEMENTS****9.1. Town Manager's Report****9.2. Department Head Reports**

- 9.2.1. Community Development Report
- 9.2.2. Finance
- 9.2.3. Police Department
- 9.2.4. Public Works

**9.3. Other Reports**

- 9.3.1. Summer 2020 Noxious Weed Report

**9.4. Town Council Reports****10. ADJOURNMENT**

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 970-349-6632 at least 48 hours in advance of the meeting.

**GUNNISON COUNCIL AGENDA**  
**MEETING IS HELD AT CITY HALL, 201 WEST VIRGINIA AVENUE**  
**GUNNISON, COLORADO; IN THE 2<sup>nd</sup> FLOOR**  
**COUNCIL CHAMBERS**  
**REMOTE ACCESS MEETING**

Approximate meeting time: 3 hours

**TUESDAY**

**OCTOBER 13, 2020**

**REGULAR SESSION**

**5:30 P.M.**

*Due to the international outbreak of novel coronavirus (COVID-19), the City of Gunnison is holding Gunnison City Council in person and online. The public may attend Public Hearings and Regular and Special Sessions remotely. The City is holding remote meetings to follow social distancing and event guidelines. Click [Gunnison City Council Regular Session](#) to register and access the meeting.*

**I. Presiding Officer Call Regular Session to Order: (silent roll call by City Clerk):**

**II. Citizen Input: (estimated time 3 minutes)**

*At this agenda time, non-agenda scheduled citizens may present issues of City concern to Council on topics that are not to be considered later in the meeting. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date; unless an emergency situation is deemed to exist by the City Attorney. Each speaker has a time limit of 3 minutes to facilitate efficiency in the conduct of the meeting and to allow an equal opportunity for everyone wishing to speak.*

**III. Council Action Items:**

**A. Consent Agenda:** *The consent agenda allows City Council to approve, by a single motion, second and vote, matters that have already been discussed by the entire Council or matters that are considered routine or non-controversial. The agenda items will not be separately discussed unless a Councilor, City staff, or a citizen requests and item be removed and discussed separately. Items removed from the consent agenda will then be considered after consideration of the consent agenda.*

- **Approval of the September 22, 2020, Regular Session meeting minutes**

Background: Per City Charter, the City Clerk produces minutes of the Council actions for all regular and special session meetings. Minutes are approved or amended at the following regular session meetings and become permanent city record. If a City Councilor was not present at the meeting, they must abstain in the vote and action on approval of the minutes.

- **Authorization for the Police Department to apply for a \$105,000 grant through DOLA's Peace Officer Mental Health Support Grant program**

Background: The Department of Local Affairs (DOLA) offers a grant to local law enforcement agencies to support mental health and on-scene response services in communities. Grants are appropriated annually and awarded on a first-come, first-service basis. This year's grant application is due October 26, 2020.

**Action Requested of Council:** A motion, second and vote to approve the Consent Agenda as presented with the following items:

- Approval of the September 22, 2020, Regular Session meeting minutes; and
- Authorization for the Police Department to apply for a \$105,000 grant through DOLA's Peace Officer Mental Health Support Grant Program.

Staff contact: City Clerk Erica Boucher  
 Estimated time: 5 minutes

**B. Appoint Senior Center Advisory Committee Member**

Background: City Council adopted Resolution No. 15, Series 2019, during their Regular Session meeting, which established the Senior Center Advisory Committee. The Committee recently experienced two City resident resignations; therefore, two City resident vacancies currently exist. After advertising the openings, staff received one letter of interest to serve on the SCAC. The letter of interest was from Ellen Harriman.

Staff contact: City Clerk Erica Boucher

**Action Requested of Council:** To consider and make a motion to appoint a City of Gunnison resident to the Senior Center Advisory Committee, effective immediately.

Estimated time: 5 minutes

**C. Agreements for Purchase of and Reimbursement of As-Available Solar Energy**

Background: In lieu of a typical 3-way agreement between Gunnison County, the City of Gunnison and MEAN, the parties have developed two-way agreements to purchase power from the County and be reimbursed for this power from MEAN in connection with Gunnison County's large solar generation power project for county-owned buildings.

Staff contact: Electric Superintendent Will Dowis and Public Works Director David Gardner

**Actions Requested of Council:** 1) Authorization for the City Manager to enter into a contractual agreement with Gunnison County as it relates to excess energy generated by Gunnison County's solar project; and 2) Authorization for the City Manager to enter into a contractual agreement with MEAN as it relates to excess energy generated by Gunnison County's solar project.

Estimated time: 15 minutes

**D. Funding Authorization for Tree Removal**

Background: Recent snowstorms exposed the need to cut back trees and vegetation from electric right-of-way and the need to remove 20-30 trees listed on the Colorado State Forest Service tree inventory report.

Staff contact: Public Works Director David Gardner

**Actions Requested of Council:** 1) A motion to authorize the expenditure of an amount not to exceed \$50,000 from Council's Strategic Fund to remove 20-30 deteriorating trees as recommended by the Colorado State Forest Service's tree inventory; and 2) A motion to authorize the expenditure of an amount not to exceed \$28,000 from the Electric Department funds for tree and vegetation removal in the City electric right-of-way.

Estimated time: 15 minutes

**E. 2020 Parks & Recreation and Public Works Capital Projects**

Background: The financial uncertainty brought on by COVID-19 this past spring caused several of the 2020 capital projects to be deferred for Parks & Recreation and Public Works, as discussed at the May 26 Regular Session meeting. With a clearer financial picture, City staff would like to move forward with a few key capital improvement projects before the end of the year.

Staff contact: Interim Parks and Rec Director Dan Vollendorf and Public Works Director

David Gardner

**Action Requested of Council:** Approval to proceed with already budgeted Parks & Rec and Public Works capital improvement projects in 2020.

Estimated time: 20 minutes

**F. 2021 Staff Proposed Budget**

Background: The City Charter and the Budget Law of Colorado requires that municipal staff present Council with a draft budget for its consideration by October 15 of each year.

Staff contact: Finance Director Ben Cowan

**Action Requested of Council:** To provide direction to the Finance Director regarding Council's comfort with staff wages for 2021 and the use of fund balance during a declared emergency.

Estimated time: 30 minutes

**G. Approval to Amend D.1 of the Strategic Plan**

Background: After a thorough discussion during the September 22, 2020, Regular Session meeting regarding speed limits, Council directed staff to amend Result D.1 of the City's Strategic Plan to have a more tangible and purposeful result to achieve.

Staff contact: Police Chief Keith Robinson

**Action Requested of Council:** A motion to approve the modification to Result D.1 of the Strategic Plan as presented to Council during the October 13, Regular Session meeting.

Estimated time: 15 minutes

**H. COVID-19 Update**

Background: COVID-19 update and discussion.

Staff contact: City Manager Russ Forrest

**Action Requested of Council:** Receive update on response and recovery, give feedback and determine if additional appropriations should be made for COVID-19 recovery.

Estimated time: 10 minutes

**III. Reports:**

Parks & Rec Semi-Annual Report

City Attorney Report

City Clerk Schedule Update

City Manager Update

City Councilors with City-related meeting reports; discussion items for future Council meetings

**IV. Meeting Adjournment:**

The City Council Meetings agenda is subject to change. The City Manager and City Attorney reports may include administrative items not listed. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at [www.gunnisonco.gov](http://www.gunnisonco.gov). Discussion Sessions are recorded; however, minutes are not produced. For further information, contact the City Clerk's office at 970.641.8140. **TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY CLERK 24 HOURS BEFORE ALL MEETINGS AT 970.641.8140.**

**GUNNISON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AGENDA – Revision #1**

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**DATE:** Tuesday, October 6, 2020 **Page 1 of 2**  
**PLACE:** Board of County Commissioners' Meeting Room at the Gunnison County Courthouse  
(REMOTE)

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:**

- 8:30 am
- Call to Order
  - Agenda Review
  - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
    1. Community Foundation of the Gunnison Valley Award; Gunnison County Health & Human Services; \$11,000  
Services & Early Childhood Council
    2. Colorado Health Foundation Contract; Early Childhood Council
    3. Contractor Agreement; SEH, Inc.
    4. Contractor Agreement; SG Interests, Ltd
    5. Corporate Agreement Membership; Gunnison County & Colorado Fitness
    6. Intergovernmental Agreement; Winter Road Maintenance; Town of Marble
    7. Grant Award & Agreement; Gates Family Foundation; Shady Island River Park Project
    8. Temple Hoyne Buell Grant Award; Early Childhood Council; \$30,000
    9. Grant Application; Colorado Department of Public Health & Environment; Protect Our Neighbor
    10. BOCC Letter of Support; Pioneer Museum
    11. EMPG Supplemental Grant
    12. Liquor License Renewals; 456 Entertainment LLC dba as Tully's & Amie Mountain Lodge dba as Inn at Arrowhead
  - Scheduling
- 8:40
- County Manager's Report
    1. International City / County Management Association Certificate of Excellence
    2. Resolution; Annual Colorado River District's Levy
- 8:50
- Deputy County Manager's Report
    1. Request to Extend Plowing Agreement; McCabe's Lane
- 9:00
- Continued Public Hearing; Petition to Vacate Certain Portions of Washington Street and Alder Street within the Townsite of Tincup, County of Gunnison, Colorado
- 9:15
- 2021-2025 Capital Improvement Plan
- 9:20
- Discussion; COVID-19 Recovery Recommendations
- 9:50
- Sustainable Tourism & Outdoor Recreation Report
- 10:20
- Bureau of Land Management Uncompahgre Field Office Resource Management Plan
- 10:30
- Discussion & Possible Resolutions Re: Fire Restrictions (ADDITION)
  - Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
  - Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.

*NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and Deputy County Manager's reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY BE TAKEN ON ANY ITEM**. Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Administration office at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.*

**GUNNISON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AGENDA – Revision #1**

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**DATE:** Tuesday, October 6, 2020 **Page 2 of 2**  
**PLACE:** Board of County Commissioners' Meeting Room at the Gunnison County Courthouse  
(REMOTE)

- 11:00
- Possible Executive Session; Pursuant to *§24-6-402(4)(b), C.R.S.*, Conferences with the County Attorney, the Deputy County Attorney, the County Manager, the Deputy County Manager for the purposes of receiving attorney-client privileged legal advice on potential litigation involving a County Road in Gunnison County, Colorado.
  - Adjourn

**Zoom Meeting:**  
**Time: Oct 6, 2020 08:30 AM Mountain Time (US and Canada)**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84265574598?pwd=RjFRTUI2ZjdydzFNcTB0MVcrVGJvQT09>

**Meeting ID: 842 6557 4598**

**Passcode: 575542**

**One tap mobile**

**+14086380968,,84265574598#,,,,,0#,,575542# US (San Jose)**

**+16699006833,,84265574598#,,,,,0#,,575542# US (San Jose)**

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Friday prior to the meeting.

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION AGENDA**

79

**DATE:** Tuesday, October 13, 2020

**Page 1 of 1**

**PLACE:** Board of County Commissioners' Meeting Room at the Gunnison County Courthouse  
(REMOTE)

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:**

- 9:00           •     Gunnison Valley Hospital Board of Trustees Quarterly Update
- 10:30           •     HB1177 Round Table Report
- Adjourn

**Zoom Meeting:**

**Topic:** October 13, 2020 BOCC Work Session

**Time:** Oct 13, 2020 09:00 AM Mountain Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/86433314743?pwd=VDIVRVFILORGVGNFMG9PbUpNc1FMZz09>

**Meeting ID:** 864 3331 4743

**Passcode:** 887866

**One tap mobile**

**+13462487799,,86433314743#,,,,,0#,,887866# US (Houston)**

**+14086380968,,86433314743#,,,,,0#,,887866# US (San Jose)**

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Friday prior to the meeting.

*NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and Deputy County Manager's reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY BE TAKEN ON ANY ITEM.** Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Administration office at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.*

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING AGENDA**

80

**DATE:** Thursday, October 15, 2020

**Page 1 of 1**

**PLACE:** Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING:**

- 4:45 pm
- Call to Order
  - 2021 Staff Proposed Budget Presentation
  - Adjourn

**Zoom Meeting:**

**Time: Oct 15, 2020 04:30 PM Mountain Time (US and Canada)**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/82912091658?pwd=MC8veGpKNkM2UWxXOTdjNXhRb3gvZz09>

**Meeting ID: 829 1209 1658**

**Passcode: 864459**

**One tap mobile**

**+14086380968,,82912091658#,,,,,0#,,864459# US (San Jose)**

**+16699006833,,82912091658#,,,,,0#,,864459# US (San Jose)**

**Monday, November 2, 2020****Work Session**

Budget

Quarterly Update from BOCC

Update on Weed Management

**Consent Agenda**

Tree City USA

Presentation of the 2019 Financial Statements and Report of Independent Certified Public Accountants (Annual Audit).

Quarter Three Financial Update

**Annual Update from CB Nordic****Old Business**

Updated Financial Forecast and Discussion

**New Business**

Resolution - IGA with CBFPD for TP-1

Verzuh Open Space Trail Proposal

**Monday, November 16, 2020****Work Session**

Enterprise Master Plan

**Old Business**

Updated Financial Forecast and Discussion

Discussion on Possible Aesthetic Modifications to the Marshals' Uniforms.

**New Business**

Elk Avenue 2021 Plan

Ordinance - An Ordinance of the Crested Butte Town Council Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$29.00 Per Month Per EQR; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$38.50 Per Month Per EQR.

**Monday, December 7, 2020****Work Session**

2021 Budget

**Consent Agenda**

Mortgage Assistance Program MOA with Gunnison Housing Fund

### **Presentation by Ellie Reynolds from Waste Management**

#### **Public Hearing**

Resolution No. XX, Series 2020 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2021, and Ending the Last Day of December 2021, Estimating the Amount of Money Necessary to be Derived From Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

Ordinance No. XX, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$29.00 Per Month Per EQR; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$38.50 Per Month Per EQR.

#### **New Business**

Resolution No. XX, Series 2020 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2021.

Resolution No. XX, Series 2020 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2020, Beginning the First Day of January 2021 and Ending the Last Day of December 2021

#### **Future Items**

- SOAR Affordable Housing Project
- Formation of Committee(s) to Review Options for Affordable Housing and Climate Action
- Quarterly Financial Reports
- Briefing of the Legal Implications of Vested Rights
- Cemetery Committee Presentation
- Utility Extension Policy
- Ordinance - Station One Lease
- BOZAR Appointment - First meeting in December