

*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 5, 2020

#### Meeting Information to Connect Remotely.

Please use the address below to join the webinar:

<https://us02web.zoom.us/j/82016257408>

Or Telephone:

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

Webinar ID: 820 1625 7408

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

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

1) Update from the EPA on the Standard Mine Project, Including Q & A.

**6:30** 2) Presentation of the Draft 2021 Budget.

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

**7:02 APPROVAL OF AGENDA**

**7:04 CONSENT AGENDA**

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

*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.*

**7:12 STAFF UPDATES**

**7:25 OLD BUSINESS**

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

**7:45** 2) Discussion on Possible Aesthetic Modifications to the Marshals' Uniforms.

**8:05 NEW BUSINESS**

1) Presentation on the 2020/2021 Snow Plan.

**8:20** 2) 2021 Outdoor Winter Recreation Initiative Funding Request.

**8:35** 3) Presentation and Discussion on inDEED Affordable Housing Program.

**8:55** 4) Discussion on the Location of the RV Dump Station.

**9:15** 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.

**9:20** 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.

**9:30 LEGAL MATTERS**

**9:35 COUNCIL REPORTS AND COMMITTEE UPDATES**

**9:50 OTHER BUSINESS TO COME BEFORE THE COUNCIL**

**9:55 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

#### **10:00 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.

#### **10:30 ADJOURNMENT**

# 2021 Budget – Town Council Work Session

## 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

# Senior Staff – Budget Guiding Principles

- Staff will hold a session with Council to affirm 2021 priorities and 5-year goals. Starting place for Staff will be the Five Year Goals, as adopted by Council.
- Staff will collaborate, prioritize, develop and deliver a balanced budget, or surplus budget, to Council. This is for each fund.
- In light of the significant draw down of reserves over the last five years, the 2021 budget will include no new significant capital expenditures, or programs, unless expressly directed by Council during Priority Planning. However, critical maintenance and replacements are necessary and should be included.
- 2021 budget will start with a baseline, i.e. “keep the lights on” version as well as a version with new requests layered on top of the baseline. The baseline version will help mitigate possible budgetary issues associated with possible COVID winter impacts, such as a closed or limited CBMR.
- As a starting point for all new requests, or otherwise, Senior Staff should come forward with expense items to eliminate or reduce.
- Within each fund, staff will collaborate and prioritize new requests collectively.

# General Fund Summary (*unbalanced*)

	2020B	2021B v1	%^20B	\$^20B	Notes:
<b>Revenue</b>	<b>4,670,158</b>	<b>4,618,820</b>	-1%	-\$51,338	
<b>Expenses</b>					
Marshals	\$1,045,400	\$1,092,553	5%	\$47,153	
Mountain Express	\$834,296	\$796,028	-5%	-\$38,268	Fixed percentage of Town Sales Tax collection
Planning	\$395,663	\$475,489	20%	\$79,826	Comprehensive Plan, Parking Study, and Elk Avenue
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	\$74,350	0%	\$0	
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>\$5,322,900</u></b>	<b><u>6%</u></b>	<b><u>\$280,710</u></b>	
<b>Net Surplus / (Deficit)</b>	<b>-\$372,032</b>	<b>-\$704,081</b>			

# Affordable Housing Fund Summary (*balanced*)

	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%	
RED LADY RENT/SALES	\$6,555	\$6,555	\$0	0%	
Excise Tax	\$255,000	\$255,000	\$0	0%	
<b>TOTAL REVENUE</b>	<b>\$339,555</b>	<b>\$339,555</b>	<b>\$0</b>	<b>0%</b>	
<b>EXPENSES</b>					
INSURANCE	\$6,000	\$6,000	\$0	0%	
AFFORDABLE HOUSING TAPS	\$66,000	\$66,000	\$0	0%	
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%	
TOWN RENTAL BUILD	250,000	\$0	-\$250,000	-100%	
PARADISE PARK DUPLEX BUILD	200,000	\$0	-\$200,000	-100%	
OTHER EXPENSES	\$0	\$10,000	\$10,000	#DIV/0!	Misclanian Consultant Support
<b>TOTAL EXPENSES</b>	<b>\$608,500</b>	<b>\$168,500</b>	<b>-\$440,000</b>	<b>-72%</b>	
Surplus / (Deficit)	-\$268,945	\$171,055			

<b>New Requests not included above:</b>	
Slate River Housing Study	\$50,000
Cash Reserve for Indeed Program	\$50,000
Cash Reserve for Mortgage Assitance	\$50,000
<b>Total</b>	<b>\$150,000</b>

# Parks Summary (*unbalanced*)

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>REVENUE</b>					
SALES TAX - PARKS	\$436,941	\$415,094	-\$21,847	-5%	0.5 of Town's 4.5% sales tax
RETT	\$275,000	\$275,000			
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
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>\$907,480</b>	<b>-\$243,502</b>	<b>-10%</b>	
Surplus / (Deficit)	-\$248,441	-\$80,086			Dependent on RETT allocation

<b>New Requests not includes above:</b>	
Rainbow Park Infinity Web	\$5,200

# 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	\$625,000	\$350,000	127%	
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>\$1,115,000</b>	<b>\$648,000</b>	75%	
<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
Marshal Capital	\$85,000	\$95,000	\$10,000	12%	Replacement patrol vehicle - electric
BUILDING MAINT and CAPEX	\$115,000	\$126,000	\$11,000	10%	Pita shed, TH stairs, TH water mitigation, other maintenance
<b>TOTAL EXPENSES</b>	<b>\$1,511,722</b>	<b>\$719,000</b>	<b>-\$792,722</b>	<b>-52%</b>	
Surplus / (Deficit)	-\$1,044,722	\$396,000			

# Open Space (*balanced*)

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>REVENUE</b>					
TRANSFER TAX-OPEN SPACE	<u>\$572,913</u>	<u>\$900,000</u>			1/2 RETT dedicated to Open Space
TOTAL REVENUE	\$572,913	\$900,000			
<b>EXPENSES</b>					
OPEN SPACE TRUST	\$0		\$0	#DIV/0!	
OPEN SPACE MAINT	<u>\$22,000</u>	<u>\$22,000</u>	\$0	0%	
TOTAL EXPENSES	\$22,000	\$22,000	\$0	0%	

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

## New requests not included above

Verzuh Ranch Improvements	\$15,000
Fencing Town Ranch	<u>\$50,000</u>
Total New Requests	\$65,000

# Sewer & Water Fund (balanced)

	2020 Budget	2021 Budget	^ \$	^ %	Notes:
<b>Revenue</b>	\$3,635,739	\$2,245,539	-\$1,390,200	-38%	Includes a \$1 increase for both water and sewer
<b>Expenses</b>					
Admin	\$555,467	\$608,285	\$52,818	10%	
Water	\$399,403	\$477,870	\$78,467	20%	Principal and interest
Sewer	\$960,711	\$1,023,358	\$62,646	7%	Principal and interest
Capital	\$891,000	\$131,000	-\$760,000	-85%	
<b>Total Expense</b>	\$2,806,581	\$2,240,513	-\$566,068	-20%	
Surplus / (Deficit)	\$829,158	\$5,026			

Note: increasing rates will be required to balance revenue and expense	
Increasing rates per customer per month sewer+water	\$2 \$34,800
Increasing rates per customer per month sewer+water	\$4 \$69,600

# 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
TOTAL REVENUE	<u>\$979,119</u>	<u>\$968,345</u>	<u>-\$10,774</u>	<u>-1%</u>	
<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	<u>\$255,000</u>	<u>-</u>	<u>(255,000)</u>	<u>-100%</u>	
TOTAL EXPENSES	<u>\$950,292</u>	<u>\$857,129</u>	<u>-\$93,163</u>	<u>-10%</u>	
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 Long Range and 2021 Council priorities and goals
- 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.
- In light of the increased Enterprise Fund debt, and future needs, we need to increase rates. Does Council support \$1 to \$2 per month each for water and sewer?

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, September 21, 2020**

Mayor Schmidt called the meeting to order at 7:10PM.

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

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, and Stanford were present in Council Chambers.

Schmidt mentioned the preceding work session regarding the Verzuh Ranch Trail Modification Proposal.

**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 8, 2020 Regular Town Council Meeting Minutes.**

**2) Resolution No. 18, Series 2020 - A Resolution of the Crested Butte Town Council Authorizing the Town of Crested Butte to Apply for a State of Colorado, Department of Local Affairs Energy and Mineral Impact Program Grant for the Funding for the Town of Crested Butte Energy Performance Contract.**

The minutes were added to New Business per a request from Rebecca White, who felt the minutes were inaccurate.

Haver moved and Mitchell seconded a motion to approve the modified Consent Agenda with the removal of the minutes. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**A PROCLAMATION OF THE CRESTED BUTTE TOWN COUNCIL  
CONDEMNING RACISM AND COMMITTING TO BECOMING AN ANTI-  
RACIST COMMUNITY**

Schmidt read the proclamation. There was no discussion regarding the proclamation.

**PUBLIC COMMENT**

Rebecca White - 718 Belleview Avenue

- She was happy to live in a community that cared so much for each other.
- She described herself as a strong supporter of equal opportunity and equal justice for all.
- She thought the painting of the street mural seemed hasty. The street mural was painted before the September 8<sup>th</sup> minutes were approved and published.
- Even though she supported the premise that Black Lives Matter, she strenuously objected to that statement being painted so prominently on Elk Avenue, without what she considered to be sufficient public comment.
- She outlined the associations and objectives of the Black Lives Matter activists. They have called for the destruction of government entities, such as the police.
- She asked what the total cost was to the taxpayers for the painting on Elk Avenue.
- She mentioned that she applied to the Town Council to add, Every Life Matters, on the public forum on Elk Avenue. She expected her application to be denied, and she expected a full, written explanation of the denial.
- She thanked the Council.

Jake Jones - Crested Butte Land Trust - 258 Kubler Street in CB South

- He introduced himself to the Council as the new Executive Director of the Land Trust.
- He thanked the Council in advance for their support of land conservation.

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

- He wanted to draw attention to the increased tax on the police this year.
- He cited cases of officers being shot and killed.
- It was ridiculous and unnecessary, and it should not be exonerated or admired.
- He recommended they honor police officers with a Blue Lives Matter mural.

Karen Hoskin

- She mentioned the proclamation. She voiced her support for it and commended those who put it together.

**STAFF UPDATES**

- Stanford informed the Council that the 11PM last call for alcohol remained under the County Health Order, despite Gunnison County being approved for Protect Our Neighbors.

- Schmidt asked about the appraisal of the lot (designated for a public use in the annexation). Russ informed the Council that a mutually beneficial appraiser had been selected. The cost of the appraisal would be \$2,500 each to both the Town and the Fire District. Dujardin asked about scheduling a special meeting for further discussion amongst the entities and possibly including a facilitator. Mitchell suggested the Council wait for the appraisal to be completed. Schmidt summarized that the Council would wait for the appraisal and then re-evaluate.
- MacDonald, responding to Dujardin, identified the paint for Elk Avenue cost slightly under \$1,500. She did not have a cost for the man-hours.
- Zillioux reported that Town sales tax was preliminarily down 3% for August. Sales tax was down 6% year to date. He reviewed what he learned from towns in the vicinity of Grand Junction. Town was doing okay, but a lot of communities with outdoor space were seeing what Town was seeing, but more.

### **UPDATE FROM GUNNISON COUNTY PUBLIC HEALTH DIRECTOR JONI REYNOLDS**

Schmidt stated he really enjoyed working with Reynolds. He recognized she had been doing an outstanding job. Reynolds applauded the entire county and every individual who participated in COVID prevention.

Reynolds explained Gunnison County was approved for Protect Our Neighbors status last week. She said that Gunnison County would continue to follow local public health orders in the blue level. She cited changes to group sizes that could be increased. She outlined what was evaluated in order to get Protect Our Neighbors status.

Reynolds was grateful for the work done at Western. She said the school district was looking at football in response to the changes at CHSAA. They were considering a fall, six-game, season. Reynolds mentioned the drive-in flu clinics. The County was planning for the COVID vaccine that was expected in 2021. She elaborated upon winter planning. She was working with the recovery section through Incident Command.

Schmidt questioned the counting of a positive test when a positive result came for a person who already had tested positive. Reynolds explained they kept track of individuals, and they did not count another positive test as an additional case. Schmidt had another question regarding public transportation capacities. Bradley asked about ventilation for the restaurants and whether increased ventilation would increase the capacities of restaurants. Reynolds agreed with the concept. She was open to look and pursue with the State.

Dujardin thanked Reynolds. He asked how she could do it and what was motivating her. He asked how she was. Reynolds outlined background she had that inspired her to protect the community. Schmidt asked how vigilant people needed to be. Reynolds affirmed the actions that helped get Gunnison County into Protect Our Neighbors would help Gunnison County stay in Protect Our Neighbors. Schmidt thanked Reynolds for her time and service to the community.

## **PRESENTATION BY JOHN NORTON FROM THE TOURISM AND PROSPERITY PARTNERSHIP**

Schmidt asked Norton to provide background on TAPP. Norton explained the citizens of the valley passed a local marketing district tax twice in 17 years. The Board of County Commissioners administered the funds, and they appointed a board of seven people. Initially, TAPP was a pure marketing organization. In the past three years, they have also focused on economic development.

Norton would focus his presentation mostly on the marketing. TAPP emphasized trails and approached the valley as an integrated whole. He identified synergies, specifically mentioning Blister. Next, he explained how Arrivalist, the tracking app, was used. He added that their whole team was proud of putting a full stop on their marketing programs at the onset of COVID, and one of their staff members jumped in as PIO at Incident Command. He outlined the program put in place at the time of reopening of Gunnison County.

Norton provided a graph that depicted the percentage rate of growth of local marketing district revenue. He said it had been a big year for Crested Butte and the valley. Norton thought the shoulder seasons had done very well. There was a graph of five-year seasonal growth, showing percent of growth per quarter. He had a graph of lodging revenue that showed a COVID-19 comparison for the Gunnison Valley, Telluride, Aspen, and Steamboat. July was bigger than last July, and it was the biggest for lodging sales in the history of the valley. Norton pointed out lodging properties had the ability to raise their rates. It was a stroke of luck they developed the trails strategy years ago. Norton reported to be happy to see this type of bounce-back, and he hoped it would continue. Schmidt hoped their advertising would include the expectation that this county was a county in which mask wearing was required.

Magner asked for an update on how TAPP was working with the Black Lives Matter Committee. Norton said they were working in conjunction with Blister. He listed other efforts they had done. He elaborated, responding to Magner. Bradley asked whether it was a new approach in their marketing. Norton stated they were more aware now than they had been. Dujardin thought it would be awesome to show with the data where they spent the marketing efforts.

Schmidt questioned the marketing targeting razor and ATV owners. Norton confirmed TAPP had never advertised to razor, motorcycle, or boater owners; the marketing had been towards human powered, big-mountain recreation. Bradley wondered about plans going into the winter. She recognized there would be a new economy. Norton confirmed their plans would look like they had in the past. The resort's goal was to not shut down.

Norton identified the total budget of TAPP was \$2.4M to \$2.5M. Haver asked about tracking the spending of visitors. Norton cited the information gained from Arrivalist. He summarized something was going right. Schmidt asked whether there was anything

from the tracking system that was unexpected. Norton stated Colorado and the Front Range had become the sweet spot.

## **NEW BUSINESS**

### **1) September 8, 2020 Regular Town Council Meeting Minutes.**

Rebecca White acknowledged there were repeated quotations in the minutes to do with the Black Lives Matter Committee and people who spoke. She thought it was not clear in the minutes what would be painted. White noticed that not everyone who commented had an address in the minutes, except for two or three people. Stanford explained that addresses were included in the minutes when provided at the meeting.

White was not aware Town had designated that area of Elk Avenue for government speech. MacDonald informed White that the Council did not designate an area of Town for government speech. The Council was exercising government speech. Sullivan stated that the Town's speech was not subject to the same First Amendment issue White was trying to raise. MacDonald explained it was an action by the Council, and the action did not change the particular area. She reiterated the Town Council could exercise government speech. MacDonald elaborated it was a public space, and there were types of uses permitted on the street. White stated no changes needed to be made to the minutes. Dujardin acknowledged there was a paragraph that could have been more detailed.

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

### **2) Update from Chief Marshal Mike Reily on Emergency Mental Health Services.**

The Council deferred this agenda item at the past meeting, and Schmidt thanked those who hung on at the last meeting. Reily introduced Rob Weisbaum from CBFPD and Jenny Birnie from GVH. Both agencies supported mental health functions. Reily asked for questions from his staff report.

MacDonald asked about the gap in the co-responder program and for the latest update. Reily reviewed background and explained they were working on getting back on track through GVH. Birnie said the most recent news was that The Center for Mental Health would receive funding with Rocky Mountain Health Plans to do mobile crisis response. They learned the funding was for part-time assistance, and they would re-apply for the co-responder grant for full-time coverage. They were actively working to come up with a better solution.

Schmidt wondered whether there was data on how technology and social media affected young people in Gunnison County. Reily said that The Center for Mental Health could be a resource for the information. Reily felt this area was underserved related to mental health. He recognized the location of mental health services in the Ore Bucket building had been helpful.

Reily reviewed background on how mental health calls were processed, and he identified inefficiencies. Birnie pointed out that people returned to the area without a long-term plan, and it was a big problem all around. Merrill saw a huge need. She was unaware of protocols, and she thanked for the information. Schmidt asked if it would help to train a specific officer in mental health. Reily affirmed the Marshals had training from the emergency response standpoint. There were not enough services for the crises that occurred. The Marshals' approach was to support mental health the best they could. Weisbaum wanted the community to know they were there for them. He identified the times of year when they saw spikes in overdoses and suicides. He thanked Reily and said they did the feel-good parts of their jobs well. Birnie said they were hiring a person to continue the dialogue, and GVH would help fund. They would, however, need help with funding for the implementation.

### **LEGAL MATTERS**

Sullivan alerted the Council they would see an ordinance that would make an amendment to the Town Code. Judge Eden asked for an ordinance that made it a Town offense to not appear for municipal court.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Chris Haver

- They had the Housing Authority meeting.
  - The Housing Authority had been bringing in contractors to discuss the challenges of building affordable housing. The higher the risk, the higher return they needed. There were ideas floated such as tap fees collected at the time of the sale of the house. He asked Russ to attend their next meeting.

Candice Bradley

- She misplaced her notes for the Mountain Express meeting. She asked for an assist from Mitchell.

Laura Mitchell

- Mountain Express had a quick meeting. They would let the Council know about anything important.

Will Dujardin

- The EOC/COVID and the mental health meetings were covered in presentations.
- He went to the Marshals' training, which overall was great. He described it as intense.
- He mentioned the words on the Ancestors and Elders Alter, given to the Town of Crested Butte by the Vinotok Council.

Mona Merrill

- She attended the meet and greet at The Center for the Arts.

- They had their board meeting where they talked about their loans.
  - It sounded like they were using loans to pay off other loans.
  - Their financials seemed in pretty good shape.
  - They were excited for how much usage the local non-profits were getting at The Center.
- MacDonald and she met with people from The Center today about the group coming up with a creative way to borrow on the building without jeopardizing the asset.
  - The Center came up with the same plan but wanted the Town to give them the title.
  - It seemed like a better meeting for mending toxicity.
  - Merrill described how the building was being used as a community asset.
  - MacDonald acknowledged it was a different time. She agreed there was a vibe and hope for how the facility would be utilized. She stated it was a long road ahead to figure out a long-term plan.

#### Jim Schmidt

- He met with Scott (Palmer), Executive Director at The Center, one on one, for over an hour. Palmer impressed Schmidt. Schmidt took away that Palmer had been in bigger holes before out of which he was able to dig.
- MacDonald and he met with Tim Baker. Vail was refining their plans of how they would operate. They were stepping backwards with climate control and waste.

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

Schmidt brought up his appointment to the Housing Committee. He had been on the committee for quite a while, and it would make sense for someone who had years left on his or her term to take over. Dujardin voiced his willingness to serve on the committee.

MacDonald asked the Council whether they had interest, during the first weeks in October, for a work session or retreat to discuss the role of Council and process for decision-making. Stanford would send a poll to identify a date and time. Schmidt added there needed to be a review for the Town Manager before budget. Dujardin thought Brooke and Paul, from Zen for Business, did a great job, and they did not have enough time to finish discussing after the retreat last week.

Schmidt mentioned the upcoming meeting of the Black Lives Matter Committee on Friday. He thought it would be a good idea for that committee to not be an official committee of the Town. His vision was they would be set up as an advocacy group that would come to the Council with ideas, similar to HCCA. Magner wanted to continue as a Crested Butte committee of Black Lives Matter. Dujardin thought continuing as it was now was good; however, he thought in the long run, the committee would not necessarily live under their structure. He thought this group could possibly transfer into a group with the OVLC. Magner elaborated that the committee could propose ideas and then Dujardin and Magner would come to the Council with recommendations they thought should be

brought forward. Haver agreed it would be good to continue the discussion after Friday's discussion about where the committee wanted to go and what fell under Town's purview.

Dujardin pointed out his shirt and acknowledged the passing of RBG. Magner gave a shout out to Laura Puckett Daniels who put on the event honoring RBG and put out a list of actions to take in the community.

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

- Monday, October 5, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 19, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 2, 2020 - 6:00PM Work Session - 7:00PM Regular Council

### **EXECUTIVE SESSION**

Schmidt read the reason for Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the Verzuh Trails Modification Proposal.

Magner moved and Mitchell seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 9:53PM. The Council returned to open meeting at 10:36PM. Mayor Schmidt made the required announcement upon returning to open meeting.

### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:37PM.

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James A. Schmidt, Mayor

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Lynelle Stanford, Town Clerk (SEAL)



## Memorandum

**To:** Town Council

**From:** Dara MacDonald, Town Manager

**Subject:** Manager's Report

**Date:** October 5, 2020

### Town Manager

- 1) Early Childhood Council update – Childcare centers and families are strapped at this time. There are shortages of qualified staff, reduced hours or enrollment capacity due to COVID limitations and more families needing tuition assistance. Historically, there has not been much need for the income qualified Colorado Childcare Assistance Program (CCCAP) in the N. Valley, but we do have 5 families on that list awaiting tuition assistance (27 in the S. Valley). Full time early childhood care in the valley ranges from \$900-\$1,000 per month. Most providers do offer some financial assistance (apart from CCCAP) of up to 35% tuition assistance but their ability to do this has been reduced due to increased demand for assistance during COVID.
- 2) BLM Committee and DEI trainings – The training with REAL Consultants last Friday for CB BLM Committee leadership went very well. The committee is well on their way to further organizing their effort and those in attendance were able to give some deeper thought to their purpose and what they hope to achieve. The full committee has a meeting scheduled for October 8<sup>th</sup> to:
  - Digest and find consensus on what black lives matter means to us
  - Talk more about the mission and scope (Town-wide vs. valley-wide for example)
  - Talk through the ongoing relationship of the committee with the Town of Crested Butte
  - Nail down the process/structure/roles and how we want this committee to function
  - Subcommittee updates

Department heads and several Town Council members went through a different DEI training on Monday which was also fruitful. The opportunity to delve deeper into understanding the history of systemic racism and its impact on Black Americans and other people of color was well received. We will be working to provide similar training opportunities for the balance of Town staff in the coming months.

- 3) Vacation – I will be out of the office the week of October 12 on pilgrimage to Yellowstone

Public Works -

- 1) Due to overnight temperatures, the RV Dump Station will be shut down on Monday, October 5<sup>th</sup>, 2020 for the rest of the season.

### Marshals

- 1) On September 24 Mike and Cynthea attended the CIRSA Law Enforcement Regional Round-Table in Mt Crested Butte where they presented information on investigative detentions, mental health crisis response, Colorado's Red Flag law, Body Worn Cameras, policing protests/demonstrations and the new ELEI (SB-217) Act.

### Parks & Rec

- 1) The Parks Crew is preparing parks for the winter season. We are blowing out irrigation lines, aerating, fertilizing, and will begin bringing in trash cans, bike racks, benches, etc. on October 12<sup>th</sup>.
- 2) Although our traditional Arbor Day celebration with the CBCS 4<sup>th</sup> graders is not possible due to COVID-19, 7 aspens and 2 spruce trees will be planted in parks next week to observe this important day.
- 3) Skateboarding, soccer, and flag football end for the season on October 8<sup>th</sup>. Our next session of youth programs will begin on November 2<sup>nd</sup> and include basketball and volleyball.
- 4) We have purchased 80,000 doggie waste bags so far in 2020. We plan to switch to a plant-based "bio-bag" doggie waste bag product for 2021.

### Community Development

- 1) See attached Development Update.

### Town Clerk

- 1) No updates.

### Finance

- 1) Nicotine Tax update:
  - Through August, we have collected \$111,700.
  - Our monthly average has been \$13,963 whereas the highest month was \$22,300
  - The approved Ballot measure used language of "up to \$200,000" in related tax collection
  - My best guess is that total 2020 collections will be somewhere between \$180k and \$185k
  - Thus, we should be ok with TABOR

Nobody likes taxes, but we are making good use in the Valley by helping organizations that provide mental health, substance abuse and physical health support for our Community.

2) **Town Sales Tax - August**

<b>Business Type</b>	<b>Aug-20</b>	<b>Aug-19</b>	<b>\$ Diff</b>	<b>% Diff</b>
<b>BARS/REST</b>	\$180,131	\$188,063	-\$7,932	-4%
GROCERY	\$77,340	\$64,059	\$13,281	21%
<b>RETAIL</b>	\$152,893	\$161,645	-\$8,753	-5%
<b>RETAIL:MMJ</b>	\$13,714	\$17,250	-\$3,536	-21%
LODGING	\$64,010	\$49,026	\$14,984	31%
CONST/HRDWR/AUTO	\$40,616	\$38,669	\$1,947	5%
<b>SERVICE</b>	\$11,340	\$15,806	-\$4,466	-28%
OTHER	\$19,480	\$17,302	\$2,178	13%
<b>Total</b>	<b>\$559,531</b>	<b>\$551,835</b>	<b>\$7,697</b>	<b>1%</b>

August sales tax collections were up 1% versus 2019. This was slightly higher than the preliminary numbers presented during the last Town Council meeting, mostly due to late payments. Grocery and lodging led the way as the “flight to open space” continues. Hikers, wildflower lovers, moto’s and others flocked to CB (and other mountain towns) during August. Gunnison County’s health management has certainly helped bring folks to the Valley, by way of keeping infection levels low. Some restaurants did very very well, utilizing outdoor seating. Others, for various reasons, not so much.

**Town Sales Tax - YTD August**

<b>Business Type</b>	<b>YTD August 2020</b>	<b>YTD August 2019</b>	<b>\$ Diff</b>	<b>% Diff</b>
<b>BARS/REST</b>	\$825,399	\$985,798	(\$160,399)	-16%
GROCERY	\$391,067	\$361,656	\$29,411	8%
<b>RETAIL</b>	\$725,645	\$753,935	(\$28,290)	-4%
<b>RETAIL:MMJ</b>	\$93,135	\$97,990	(\$4,855)	-5%
<b>LODGING</b>	\$292,203	\$297,039	(\$4,836)	-2%
<b>CONST/HRDWR/AUTO</b>	\$262,517	\$264,412	(\$1,894)	-1%
<b>SERVICE</b>	\$108,265	\$114,599	(\$6,334)	-6%
OTHER	\$175,285	\$168,565	\$6,720	4%
<b>Total</b>	<b>\$2,873,899</b>	<b>\$3,044,510</b>	<b>(\$170,611)</b>	<b>-6%</b>

Trends have been holding fairly consistent through the year, although lodging has improved as restrictions were lifted and warm / dry weather has persisted through the summer. Additionally, visitors are staying longer than historical averages and rental prices are reflecting that tightening supply / demand equation.

As we look toward fall and winter, with the looming holiday season, economic stimulus may hinge on locals spending locally. 70% of the money spent locally stays and circulates in the Community. Spending with on-line retailers leaves little to local economic stimulus. Buy local!

3) **Fall Community Grants**

So far, we have received 12 requests totaling \$97,190. I expect to receive additional requests. These requests largely fit within the modified guidelines Council established for the Fall grant cycle.

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

### 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.

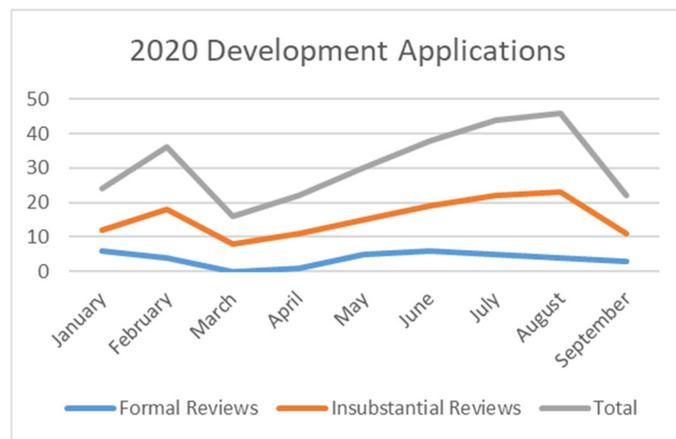
September, 2020 - Development Activity Update

Each month the Community Development Department provides Council a development activity update which tracks development applications, building permits, affordable housing construction, and short-term rental license issuance. These reports present year-to-date activity along with a rolling five-year history.

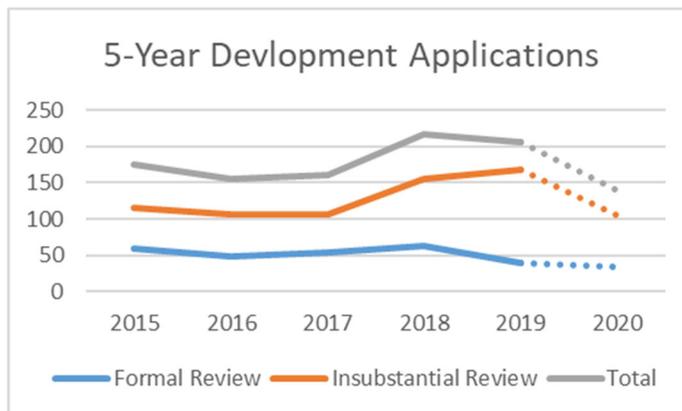
**DEVELOPMENT APPLICATIONS**

Development applications are classified into two categories: Formal Review and Insubstantial Review. Formal review generally involved development activity which required a public hearing by the Board of Zoning Architecture Review (BOZAR), or Town Council. Typically, formal reviews involve application requests which modify a property’s entitlements, or changes the physical architecture of a building that can be seen from the street. An insubstantial review involves the BOZAR’s Chair’s review of minor architectural modifications.

Year	2020 Year to Date		Total
	Formal Reviews	Insubstantial Reviews	
January	6	6	12
February	4	14	18
March	0	8	8
April	1	10	11
May	5	10	15
June	6	13	19
July	5	17	22
August	4	19	23
September	3	8	11
	<b>34</b>	<b>105</b>	<b>139</b>



Year	5-years		Total
	Formal Review	Insubstantial Review	
2015	60	115	175
2016	48	107	155
2017	53	107	160
2018	62	156	218
2019	39	168	207
2020	<b>34</b>	<b>105</b>	<b>139</b>



## BUILDING PERMITS

The summary of building permits was simplified to present general residential and commercial development activity. This report presents both the total number of permits issued along with the revenue the permits generated for the Town.

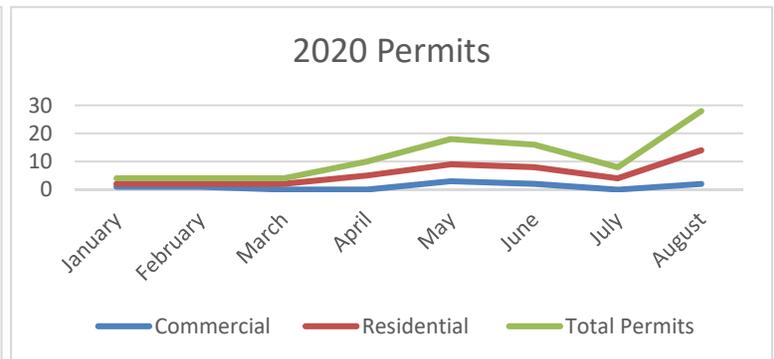
### 2020 Year to Date

Year	Commercial	Residential	Total Permits	Year	Commercial	Residential	Total Revenue
January	1	1	2	January	\$ 24,265	\$135	\$ 24,399
February	1	1	2	February	\$ 45,709	\$294	\$ 46,003
March	0	2	2	March	\$ -	\$8,669	\$ 8,669
April	0	5	5	April	\$ -	\$80,189	\$ 80,189
May	3	6	9	May	\$ 2,106	\$131,318	\$ 133,425
June	2	6	8	June	\$ 1,526	\$19,259	\$ 20,785
July	0	4	4	July	\$ -	\$12,746	\$ 12,746
August	2	12	14	August	\$ 28	\$ 92,150	\$ 92,179
September	0	4	4	September	\$ -	\$231,149	\$231,149
	<b>9</b>	<b>41</b>	<b>46</b>		<b>\$ 73,634</b>	<b>\$ 575,909</b>	<b>\$ 649,544</b>



### 5-years

Year	Commercial	Residential	Total Permits	Year	Commercial	Residential	Total Revenue
2015	26	73	99	2015	\$ 1,121,949	\$ 770,001	\$1,891,950
2016	27	48	75	2016	\$ 33,075	\$ 516,948	\$ 550,024
2017	29	51	80	2017	\$ 303,738	\$ 593,284	\$ 897,022
2018	43	65	108	2018	\$ 651,078	\$ 755,221	\$1,406,299
2019	24	52	76	2019	\$ 192,084	\$ 475,754	\$ 667,838
2020	<b>9</b>	<b>37</b>	<b>46</b>	2020	<b>\$ 73,634</b>	<b>\$ 344,760</b>	<b>\$ 418,395</b>



## AFFORDABLE AND DEED RESTRICTED HOUSING

Crested Butte has a long-term goal *“To ensure our community’s residents and employees are successful in attaining long-term, safe and energy efficient housing”*. The Town has been proactive in creating an inventory affordable and deed restricted units. Currently, there are 124 affordable housing units and 168 deed restricted units within the town. Crested Butte owns 11 deed restricted units. So far in 2020, the Town has issued Certificates of Occupancy (COs) to 28 deed restricted units. 81 affordable and deed restricted units have been built in Crested Butte since 2015.

### 2020 Year to Date

Year	Single Family Units	Duplex Units	Triplex Units	Apartment Units	Accessory Dwelling Units	Mobile Homes	Commercial Building Residences	Total
January	-	6	6	-	-	-	-	12
February	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-
April	-	-	-	-	-	-	-	-
May	-	2	3	-	-	-	-	5
June	2	2	6	-	1	-	-	11
July	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>2</b>	<b>10</b>	<b>15</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>28</b>

### DEED RESTRICTED HOUSING

#### 5-years

Year	Single Family Units	Duplex Units	Triplex Units	Apartment Units	Accessory Dwelling Units	Mobile Homes	Commercial Building Residences	Total
2015	-	-	-	-	2	1	-	3
2016	1	-	-	-	1	-	-	32
2017	1	-	-	-	1	-	-	2
2018	4	-	-	-	2	-	-	6
2019	3	6	-	-	1	-	-	10
<b>2020</b>	<b>2</b>	<b>10</b>	<b>15</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>28</b>

## SHORT TERM RENTALS

The Community Development Department also manages short-term rental licenses. The Town allows up to 30% of the non-deed restricted housing stock, which are allowed to provide short-term rental, to function as unlimited short-term rental facilities. Currently, there are 211 of the allowed 211 unlimited short-term rentals in the Town of Crested Butte. There are also 16 primary resident short-term rental licenses currently issued in the Town.

### 2020 Year to Date

Year	Renewed Unlimited Short-term Rental	New Unlimited Short-term Rental	Renewed Primary Resident Short-term Rental	New Primary Resident Short-term Rental
January	-	-	-	-
February	-	-	-	-
March	-	1	-	-
April	-	-	-	-
May	-	-	-	-
June	-	2	-	-
July	-	2	-	-
August	-	5	-	-
September	-	-	-	-
<b>TOTAL</b>	<b>TBD</b>	<b>10</b>	<b>TBD</b>	<b>-</b>

### SHORT-TERM RENTALS

#### 5-years

Year	Renewed Unlimited Short-term Rental	New Unlimited Short-term Rental	Renewed Primary Resident Short-term Rental	New Primary Resident Short-term Rental
2015	-	-	-	-
2016	-	-	-	-
2017	-	-	-	-
2018	209	31	18	6
2019	208	21	16	3
<b>2020</b>	<b>TBD</b>	<b>10</b>	<b>TBD</b>	<b>-</b>



## Memorandum

**To:** Mayor Schmidt and Town Council  
**From:** Dara MacDonald, Town Manager  
**Subject:** Elk Ave update  
**Date:** October 5, 2020

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The Town Council previously directed to allow businesses to maintain the public use of seating and display areas on Elk Ave until October 15<sup>th</sup>. We have been fortunate thus far with the outstanding fall and summer weather which has allowed extensive use of these areas.

Since October 15<sup>th</sup> is a Thursday, staff is requesting the Council consider allowing the seating and display areas to remain in place through the weekend of October 17-18. Removal would then be scheduled for Tuesday, October 20<sup>th</sup>. If for some reason the 5-day forecast was looking like lots of cold and snow over the weekend we could go ahead and remove everything on the 15<sup>th</sup>, but staff would have the latitude to make that decision by Tuesday, October 13<sup>th</sup>.

If this is acceptable to the Council please make 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.



## Staff Report

### 8 September 2020

**To:** Mayor and Town Council

**Prepared By:** Michael Reily, Chief Marshal

**Thru:** Dara MacDonald, Town Manager

**Subject:** CBMO Uniforms

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#### **Summary:**

Some members of the Council have expressed concerns regarding the black uniforms worn by the Marshal's Office. The current uniform has been an evolution over the last 20 years which I will explain shortly. We agree, the Marshal's Office needs to present a professional appearance to match our professional demeanor. We believe our current uniform design meets this professional criteria and is not out of line with what other police departments are doing or community sentiment as expressed to our officers. We do hear the sentiment expressed by some members of Council and want to make it clear, the Marshal's Office is not opposed to uniform changes but would like the Council to be aware there are financial costs to some options.

#### **Previous Council Action:**

No previous Council action has been taken with regard to uniform design. Some members of Council have expressed that they see blue as a more traditional police uniform color than black and believe it would lend a "softer" appearance.

#### **Background:**

Police officers wear uniforms to deter crime by establishing a visible presence while on patrol, to make themselves easily identifiable to non-police officers or to their colleagues who require assistance, and to quickly identify each other at crime scenes for ease of coordination<sup>1</sup>.

For a time in the 1970s the Crested Butte Marshal's Office wore leather vests and jeans as their uniform. That was stylish for its time but Chief Martin informed me those officers had some officer identification issues which caused safety concerns when wearing unmarked, unusual attire. From the 1970s to 1990s departments all over the country tried different uniforms such as sport coats and outfits such as we tried and largely came to the conclusion that police officers are best dressed in standard uniforms which can be readily identified by people in need and lawbreakers alike; especially in a tourist town. Consequently, in the 1980s the Marshal's office adopted blue jeans, black nylon gear and French blue deputy style long and short sleeved shirts.

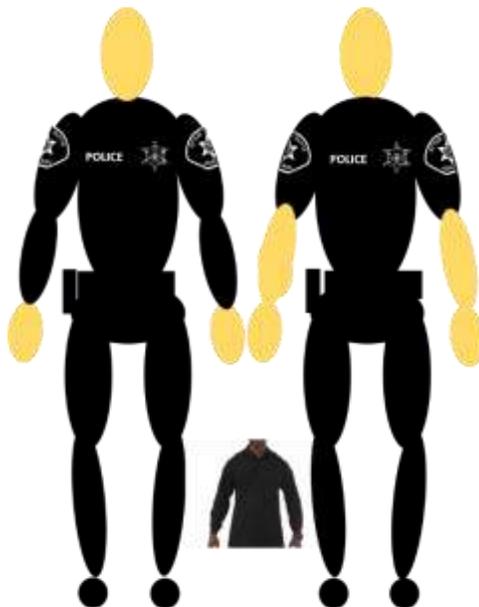
Municipal police uniforms are typically colored in blue or black, while uniforms worn by sheriff's deputies are more often green, brown, or khaki<sup>1</sup>. In an attempt to come in line with the national standard of the 1990s the department changed from blue jeans to black jeans. We quickly

found that black jeans faded as fast as the blue jeans, looked just as casual, were not particularly comfortable and the pockets were equally useless under the belt. To increase the functionality of our pants in the early 2000s we adopted widely available black 5.11 cargo style pants which looked more professional than jeans. The uniform for the next 15 years was black cargo pants, plain nylon gear and a French blue deputy shirt over concealable body armor. For six months of the year and on chilly nights officers would also wear a black coat essentially creating a black uniform.

In the early 2000s manufacturers started offering external armor carriers which officers could remove when they were in the office, allowing them to cool down and dry off. Body armor can be miserable in both winter and summer as sweating in either season solves very little to regulate body temperature when sweat gets trapped under solid panels. The early external carriers were designed so they matched the uniform shirt and did nothing to take the load away from the officer's beltline. Over the last 30 years, loads on officers' waists have increased from simply a handgun and a pair of handcuffs as items such as less-lethal options, communication equipment, emergency medical equipment and lighting were added making officers weigh an additional 20-25 pounds after getting fully dressed. Most of this weight ended up on our belts and consequently, for the first 25 years of my career I had permanent bruises on the crest of my hips. Other officers with back or hip problems tried various solutions such as different belts, hip protecting plates or suspenders but those elements didn't solve the problem.

In the mid-2000s manufacturers started producing external vest carriers (<https://www.police1.com/officer-safety/articles/load-bearing-vest-vs-duty-belt-ergonomic-researchers-determine-the-winner-BXAKXHhAdMdbM2qR/>) which could store gear that had previously been lugged around on our belts. The colors available for outer vests are generally limited to dark blue, green or black. The uniforms of CB Fire/EMS were dark blue so, to keep with our historical acquisitions, and to differentiate ourselves, the natural choice was a black outer vest. The vests are marked with police on both the front and rear for officer identification as well as required ID such as badge and name. The armor must be replaced every five years so finding a reputable manufacturer is key to maintaining a style. My external carrier holds 11 pounds of gear (carrier, armor, medical kit, trauma shears, radio, tourniquet, phone, flashlights, body worn camera and pens) which takes a majority of that weight off of my hips and the whole affair can be removed when in quarters (<https://youtu.be/dlZghnfJI4>).

Unlike concealable armor, the external vest requires a smooth shirt underneath to limit chafing from items like pockets, seams, zippers and buttons. With that in mind we switched to polo style long and short sleeved shirts. We were unable to find French blue shirts from our public safety vendors and when we were able to find similar French blue polo shirts they would not be available in both long and short sleeve or the shade, style or logo would change from year to year. The one consistent color in common with nearly everything required for a uniform is black. Black is always black. With black we have been happy with the ability to mix and match similar styles of coats, shirts, pants, rain gear, hats, buffs, and other gear. For more formal occasions we maintain the option to wear a long sleeve French blue shirt. Our current uniform is professional, standardized, comfortable, ergonomic, meets court accepted requirements for officer identification and is an overall design recognized by locals and visitors from all over.

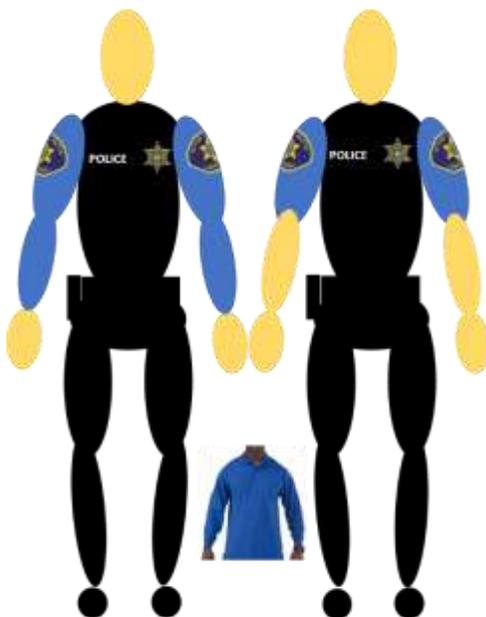


Current: Black on black with silver ID

### Discussion:

Mixing black and a similar shade of navy blue looks unusual while black with a more contrasting blue looks better. As discussed earlier, the trouble with choosing a shirt color is being able to find both long and short sleeves in a consistent color available from year to year. Both black and navy blue are available from our retailers and relatively consistent from year to year.

Obviously, retaining the current uniform design would cost nothing. The next most viable option would be to switch to an Academy blue (5.11 Professional Polo) which has both long and short sleeve options. Substituting the Academy blue shirt would soften the look people see when speaking face-to-face. Changing to Academy blue shirts would cost around \$3,000.



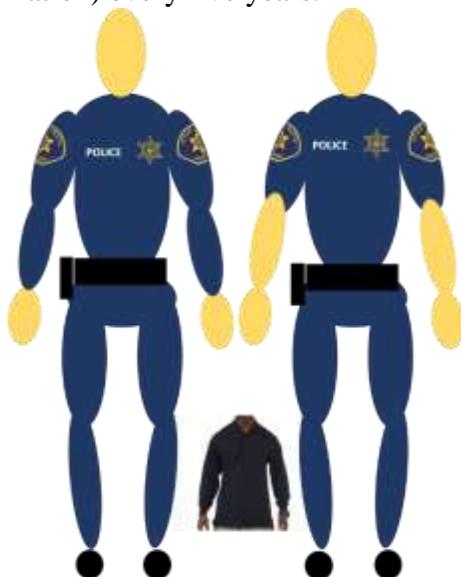
Current black vest/pants with Academy blue shirt with blue/silver ID

Another option would be to change to an overall navy blue uniform but retain the more expensive part of the change, which is the armor, until a later date (\$8,576).



Blue with current black vest and blue/silver ID

Finally, we could make the full change to navy blue (\$14,170). This change would cause all eight officers to be on the same five year armor replacement schedule. Currently our replacement schedule is staggered but, making a single year change would require us to spend around \$7,600+ (adjusted for inflation) every five years.



Navy blue with blue/silver ID

### Legal Implications:

Changing the uniform to a design which is not universally understood as police or removing some of the distinctive markings would present a problem with officer identification as

stipulated in a relatively recent Gunnison County Court decision which required patches and agency markings to be visible from all directions.

There is no pending legal requirement to change uniform design or action required by Council if they choose to take no action on this topic.

### **Financial Implications:**

#### Armor (changed to Navy Blue)

3 Bothell carrier shell only @ \$280.50 is \$841.50

5 Navy Blue package @ \$950.50 is \$4,752.50

Total **\$5,594**

#### Navy Blue Pants

3 Pants @ \$50 x 8 officers is **\$1,200**

#### Navy Blue Coats

8 Flying cross Endurance coats with soft shell inner coat (\$350)

(\$20 inner patches + \$20 outer coat patches + \$22 back patches + \$30 embroidery) is \$92

8 @ \$442

Total **\$3,536**

#### Navy Blue Hats

16 hats @ \$ 20 is **\$320**

#### Shirts (Academy or Navy Blue)

3 long sleeve shirts (\$45shirt+\$20patches) @ \$65 x 8 officers is \$1560

3 short sleeve shirts (\$40shirt+\$20patches) @ \$60 x 8 officers is \$1440

Total **\$3,000**

#### Class A Dress:

8 long sleeve shirts (\$45shirt+\$20patches) @ \$65 x 8 officers is \$520

*Shipping costs not included with pricing.*

### **Recommendation:**

Staff recommends remaining with the black uniform (\$0) or substituting an Academy blue shirt with the current uniform (\$3,000). If Council would like to see a blue uniform with black armor (\$8,576) or the more comprehensive change completely to navy blue (\$14,170) staff would recommend waiting until a time to be determined in the future when funding can be set aside for that purpose.

1. Wikipedia: [https://en.wikipedia.org/wiki/Police\\_uniforms\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Police_uniforms_in_the_United_States)

**Statement of the BLM Government Subcommittee to the CB Town Council, 9/21/20**

BLM Government Subcommittee is asking that the Crested Butte Marshall consider changing their uniform from the current black to a blue of their choosing. We make this recommendation with the following reasons and intentions:

1. Research has shown that the appearance of an officer's uniform can have a positive or negative effect on members of the public seeking assistance (see attached).
2. As a committee, we are at the beginning stages of exploring how our officer's appearances and actions might better create safety for BIPOC in our community. We recognize that the suggestion of the uniform change is only a starting place.

At our meeting with Chief Riley on Monday September 14<sup>th</sup>, he indicated that a bright blue shirt might be more welcoming and approachable to the public, while maintaining consistency with colors used by different types of law enforcement. We support and encourage this change, as a first step.

As a committee working with the town council, we seek to engage with CB Marshall and other law enforcement in the valley on broader and deeper work to overcome past and present racial injustice. We appreciate that this work will require building trust and will take time. We seek to cultivate additional recommendations over time, hopefully in partnership with law enforcement. Currently we request that Chief Riley and officers be willing to meet with us to discuss specific problems as needed. We will have additional specific recommendations.

**Attachment****Nunu Mbokwana <nunumbokwana@gmail.com>**

Mon, Sep 7, 12:17 PM (10 days ago)

to lairdpcagan, Turner, Mallika, Hilary, chamelia21, yale.laura, Mel, me, Dara, Michael, Karen, Will, Chloe, Sooner

Good Day.

I hope this email finds everyone well and in good spirits. Bellow are reasons why the Town Marshall's uniform needs to change:

**1. Community Relations:**

We are trying to bridge the gap between the Police/Marshall's department and the community. How are we to do that when the Marshall's appearance is on it's own threatening? Changing their uniforms to a brighter color and a darker one will bring ease to their presence in community and still yield professionalism and authority.

**2. Public Safety:**

The Police/Marshall's department is a Public safety entity and with that being said they have to be ACCESSIBLE to the public irrespective of race. Their intimidating current uniform defeats the Public Safety part from the public standpoint. Crested Butte is a tourist town and with us trying to bring BIPOC groups into the community, when a Person of Color gets into a situation that requires Police attention they will not approach our Marshall's for any help as their military uniform and all the weapons they carry are already screaming "Don't You Dare Come closer!" Communities that are on the receiving end of Police Brutality are triggered and terrified by everything the current Marshall's uniform represents. Unless Public unrest and terror is the intended purpose for the choice of the current uniform, then goal achieved!

**3. Identification:**

Children or someone that's in need of help should be able to IDENTIFY or SPOT a Police/Marshall from afar or in a crowd and BE ABLE TO APPROACH THEM AND FEEL SAFE in doing so. Mostly in those cases it's a matter of life and death and time is of the essence. Brighter colors make that easy. Same analogy applies to people about to break the law. It'll quickly make them reconsider without the Police/Marshall having to engage. Thus lessening civilian/Police injuries and deaths, again putting emphasis on "Prevention being better than cure."

**4. Psychological Color Association and Response Behavior:**

BLUE: tests have found that the color blue is associated with feelings of security ,comfort and competence .

BLACK: tests have found that black is associated with feelings of strength ,power and passiveness but also as bad.

"Across all cultures that have been studied, light colors are consistently associated with goodness and weakness, while dark colors are consistently perceived as strong but evil. On psychological inventories, test subjects rate lighter colors as more pleasant and less dominant. Dark colors on the other hand elicit emotions of anger, hostility, dominance, and aggression. If the results of these studies in color were applied to the police uniform, it would seem to suggest that darker police uniforms may be sending negative subconscious signals to citizens. A dark

police uniform may be subconsciously encouraging citizens to perceive officers as aggressive evil, or corrupt ,suggesting that police officers in dark uniforms may be subconsciously influenced to act more aggressively.”

An all black uniform doesn't induce the feeling of safety and when you look at a Police/Marshall you should feel SAFE above everything else. The aim of the uniform should be respect not fear/terror.

#### 5. Officer Safety Concerns:

“The police uniform may also influence the safety level of the officer who wears it. As has already been mentioned, dark colored uniforms may promote subconscious negative feelings from citizens. These negative feelings may encourage some citizens to consider violent action when confronted by the police because the citizen perceives the officer as aggressive. In addition to the color, the condition of a police officer's uniform and equipment can also have an impact on the officer's safety. Interviews with prison inmates who have murdered police officers indicate that the killers often visually "sized-up" the officer before deciding to use violence. If the officer looked or acted "unprofessional" in the assailant's eyes, then the assailant felt that he was capable of successfully resisting the officer. A dirty or wrinkled uniform or a badly worn duty belt may convey a message to a suspect that the officer has a complacent attitude about his or her job. This complacency can be an invitation to violence.

In many situations involving the use of force, the fact that a police officer has a distinguishable uniform can help prevent the officer's injury or death. An officer in plain clothes is at risk of being harmed by citizens and other officers as a result of misidentification. Almost any police officer would immediately draw his or her weapon on a person who is wearing jeans, a T-shirt, and is carrying a gun in his or her hand. A plain clothes officer who is chasing a burglary suspect through backyards at night is at risk of being shot by a home owner who believes the officer to be a criminal. The uniform helps both citizens and fellow police officers identify the wearer as having a legitimate purpose for trespassing, using force, or carrying a weapon.”

Source: <https://www.police1.com/police-products/apparel/uniforms/articles/the-psychological-influence-of-the-police-uniform-bhN9cdehTsvjzbMh/>

In conclusion the Police/Marshall's uniform already yields authority and demands compliance from the citizens. Don't use it to inflict fear/terror and this is why the uniform needs to change!

Regards  
N. Mbokwana



## Staff Report

October 5, 2020

**To:** Mayor and Town Council

**Prepared By:** Shea D Earley, Public Works Director  
Janna Hansen, Parks and Recreation Director

**Thru:** Dara MacDonald, Town Manager

**Subject:** Snow and Ice Control Operations Plan 2020 - 2021

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### Summary:

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

### Discussion:

Some of the highlights in the 2020 - 21 Snow Management Guidelines are listed below:

1. Snow plowing will commence at 3 inches of accumulation, and snow blowing of sidewalks will commence at 1 inch of accumulation as defined by the Snow Removal Map.
2. Every effort will be made to keep the Bus Route and Emergency Routes clear of snow and ice accumulation.
3. The primary snow crew will remove snow from banks on Elk Avenue **between snow events** to promote pedestrian safety, pedestrian and vehicular visibility, and provide easy access to businesses.
4. Snow banks will remain on Elk Avenue the week prior to Christmas through the week after New Year's, or to accommodate additional snow required for Special Events.
5. The snow management permit allows Town Staff to track and regulate private contractors hauling, dumping, and transporting snow on public rights of way.
6. Per Ordinance No 27, series 2019, private property owners or property management companies are responsible for the removal of snow and ice build-up from roofs adjacent to public areas, public streets, and rights-of-way maintained by Town that present a possible hazard to the public.

**Climate Impact:**

It should be noted that snow removal operations have a negative impact on the climate. Heavy equipment operations are a significant contributor to GHG emissions.

**Recommendation:**

Staff recommends approval of the Town of Crested Butte 2020 – 2021 Snow and Ice Control Operations Plan as presented, *or as amended*, during the October 5, 2020 council meeting.

**Proposed Motion:**

I move to approve the Town of Crested Butte 2020 – 2021 Snow and Ice Control Operations Plan as presented, *or as amended*.



# Town of Crested Butte

## Snow and Ice Control Operations Plan

### 2020-2021

#### INTRODUCTION

##### A. Purpose

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

##### B. Annual Snow Summit

The purpose of the Town of Crested Butte's annual Snow Summit is to discuss with the involved stake-holders general snow removal procedures, outline any proposed changes, and develop a dialogue between the involved parties allowing them to exchange ideas and voice concerns. This Summit is scheduled in late October or early November of each year. This year's Snow Summit is tentatively scheduled for the week of October 19th, and will invite the following stake-holders:

Crested Butte Marshal's Office  
 Crested Butte Public Works Department  
 Private Snow Removal Contractors  
 Gunnison County Public Works  
 Gunnison County Sheriff's Department  
 Crested Butte Fire District  
 General Cons. Contractors  
 Crested Butte Parks and Recreation Dept.  
 CDOT (Colorado Department of Trans.)  
 Mt. Express Bus Service

Regional Transportation Authority (RTA)  
 Atmos Energy (Gas Company)  
 GCEA/REA (Electric Company)  
 Waste Management (Refuse Disposal)  
 FEDEX/UPS  
 Century Link/Time Warner  
 Property Management Companies  
 Chamber of Commerce

### C. Responsibilities

- a. The Street Division is responsible for conducting snow and ice control operations on municipal streets and public parking areas.
- b. The Parks Maintenance Division is responsible for clearing sidewalks, crosswalks, park paths, snow removal at the Ice Arena, and creating “cut-outs” as identified in the Snow Removal Plan.
- c. Adjacent property owners are responsible for the removal of snow and ice from sidewalks adjacent to their properties.

**Removal of Snow and Ice –Generally.** *Any owner or other person in charge of or having the control and supervision of any premises adjacent to any sidewalk shall cause to be removed and cleared away snow or ice from a path of at least (5) feet in width from so much of the sidewalk as is adjacent to said premises. For owners or other persons in charge of or having the control and supervision of any premises with adjacent sidewalks that have snowmelt systems, such persons shall see to it that ice accumulating on sidewalks of neighboring remises that are a result of the heated sidewalk shall be similarly removed and cleared away. It shall be unlawful for any person to fail or refuse to comply with this requirement.* Ordinance #3, 2007, Section 19-3-5 A.

- d. Private property owners or property management companies are responsible for the removal of snow and ice build-up from roofs adjacent to public areas, public streets, and rights-of-way maintained by town that present a possible hazard to the public.

**Removal of snow and ice from roofs.** *The owner or other person in charge of or having control and supervision of any building located within or adjacent to public areas and public streets and rights-of-way maintained by the Town shall remove snow and ice build-up from the building’s roof within a reasonable time, but no more than 24 hours, following a snowstorm to ensure that each roof plane of the build does not shed snow or ice onto such public areas or public street and rights-of-way* Ordinance #27, 2019, Section 11-1-70-b

Town staff will inspect roofs at a minimum of once a week. If a building is found to be out of compliance, the Marshals or Building Department will issue a notice to the property owner or manager. At the time of notice, the property owner or manager will have 24 hours to comply with the notice.

#### **Roof snow and ice management.**

- (1) *During months that snow accumulates, all eaves and other roof areas of a building that could result in shedding of snow and ice onto public areas and public streets and rights-of-way maintained by the Town shall be inspected on a weekly basis, at a minimum.*

- (2) Upon identifying a potentially hazardous build-up of snow or ice as a result of inspections or upon receiving notice by a representative of the Town:
- (i) The hazard area shall be immediately cordoned off using appropriate fencing or Town approved barriers. In the event that the cordoned off area is an entrance or egress, directions to the alternate entrance or egress area shall be clearly posted
  - (ii) Appropriate work crews shall be immediately scheduled to remove the built-up snow or ice. Diligent and reasonable efforts shall be made to complete the snow and ice removal activity within 24 hours of identifying the hazard or receiving notice from the Town.

Ordinance #27, 2019, Section 11-1-70-c

Failure to comply will result in a violation and, subsequently, the Town may elect to remove the snow at the owner's expense.

***Failure to comply and notice of violation.*** Failure to remove potentially hazardous snow and ice build-up from a building's roof within 24 hours following a snowstorm shall constitute a violation of the Section 11-1-70. The Town shall give written notice to the owner or other person in charge of or having control and supervision of the building, delivered to the party's last known local address, requiring that the built-up snow and ice be removed within 24 hours of receiving notice. Upon failure or refusal to timely remedy or otherwise respond to the notice, the Town may, at its election, remove the snow and ice build-up on the building's roof at the owner's expense.

Ordinance #27, 2019, Section 11-1-70-d

- e. Private Contractors removing snow from private property must not obstruct traffic signs, fire hydrants, handicap access areas and public right of ways. Private contractors will also maintain line of sight on intersections, sidewalks, driveways and parking areas for both vehicles and pedestrians. The storage of snow on town property or within Town right-of-ways is prohibited, unless otherwise authorized by the possession of a Snow Management Permit.
- f. Gunnison County Public Works Department and CDOT work cooperatively with the Town of Crested Butte Public Works Department while plowing snow through town.
- g. The Water Division will mark fire hydrants with poles by November 1st, and will clear snow from fire hydrants for access.

#### **D. Periodic Reviews**

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

## PERSONNEL

### A. Staffing

- a. All CDL certified personnel are subject to duty during major snow and ice storms
- b. Tasks assigned during a snow and ice storm will remain within the capabilities of the employee's skill set.
- c. The Public Works Department and the Parks and Recreation Department will develop a secondary snow crew in preparation for an extended snow cycle.
- d. The primary snow crew will begin at 12:00 a.m. and work until 08:30 a.m. (Crews may work until 10:00 a.m. during snow events).
- e. If continued operations are necessary due to an extreme event, the Public Works Director will determine the procedures necessary to direct resources.
- f. Parks Maintenance Division begins between 6:00-6:30 a.m. and the sidewalk removal involves approximately 4 hours of snow and ice removal.

### B. Control and Direction

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

### C. Organization

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

### D. Telephone Number Lists

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

## OPERATIONAL PROCEDURES

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

### A. Roadways

#### a. Strategic Plan

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

- i. Plow Public Works yard including access to bus area, search and rescue building, tow lot and wastewater facilities.

- ii. Plow east of 6th Street including Chamber Parking Lot, and Chamber bus stop;
- iii. Plow south and west of 6th and Elk;
- iv. Plow 4-way including parking lots, bus turn, and bus pull-out;
- v. Plow core area including 5th, 4th, 3rd, 2nd streets on both sides of Elk; Elk Avenue Public Parking Lot, Fire Hall and adjacent public parking lot; Alleys one block north and south of Elk Avenue (2nd St. to 5th St.); and public buildings (e.g. Town Hall, Marshal's and Old Rock Library) parking and access areas.
- vi. Plow north and west of Elk and 6th;
- vii. Plow Treasury Hill;
- viii. Center for the Arts: Fire Lane

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

Residential parking restrictions are in effect November 1<sup>st</sup> through April 30<sup>th</sup>. New winter parking signs installed in 2018 illustrate the winter parking restrictions. Snow will be plowed to alternate sides of the streets to coincide with the following winter parking rules:

*On odd numbered days between 10:00 p.m. and 10:00 a.m. the next day, it shall be unlawful to park a vehicle on any odd numbered address of any street or alley, except Elk Avenue from Sixth Street to First Street.*

*On even numbered days between 10:00 p.m. and 10:00 a.m. the next day, it shall be unlawful to park a vehicle on any even numbered address of any street or alley, except Elk Avenue from Sixth Street to First Street.*

*On every day between the hours of 2:00 a.m. and 8:00 a.m., it shall be unlawful to park a vehicle:*

- 1) *On Elk Avenue from Sixth Street to First Street.*
- 2) *In the following Town public parking lots:*
  - a. *The lots immediately east of the intersection of Sixth Street and Elk Avenue.*
  - b. *The lot immediately south of the intersection of First Street and Elk Avenue.*
  - c. *The lot at the Crested Butte Nordic Center/Big Mine Park.*
  - d. *The lot on the north side of the alley west of Second Street between Elk Avenue and Maroon Avenue*
  - e. *The lot at the Fire Hall located at 306 Maroon Avenue.*
  - f. *The lot immediately north of the Crested Butte Mountain Heritage Museum located at 331 Elk Avenue.*

On every day between the hours of 2:00 a.m. and 7:00 a.m., it shall be unlawful to park a vehicle on Third Street from one hundred twenty-five (125) feet north of Elk Avenue to one hundred twenty-five (125) feet south of Elk Avenue.

On every day, between Elk Avenue and Sopris Avenue and Elk Avenue and Maroon Avenue from one hundred (100) feet west of Second Street to one hundred fifty (150) feet east of Third Street, it shall be unlawful to park a vehicle in the alleys and to place a trash collection device, including Dumpsters, on any public street, alley or right-of-way.

No person shall park a vehicle at any time on the west side of Second Street from Elk Avenue to Sopris Avenue and on the south side of Whiterock Avenue from Second Street to one hundred (100) feet east of Second Street.

Ordinance #12, 2018, Section 8-2-50 b-g.

The informational card below, provided by the Marshal's Office, further illustrates these restrictions.

**CRESTED BUTTE Winter Parking**

From November 1 through April 30 vehicles parked on public rights of way must follow the parking rules set forth to allow for snow plowing.



Even side of the street addresses

Green signs



Odd side of the street addresses

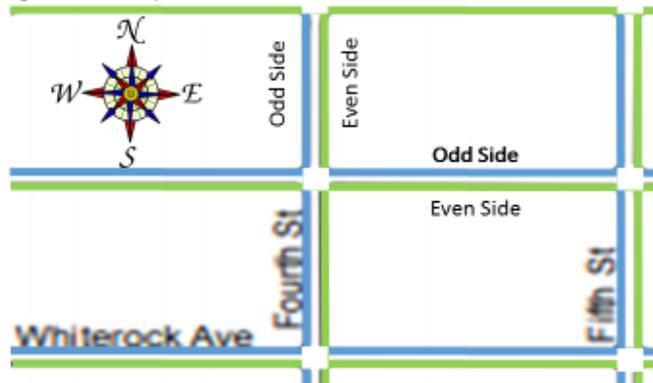
Blue signs

No Parking Before 10am			
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
Even day	Odd day		
No Parking After 10pm			

By Calendar ↗

↙ By Sign

By cardinal direction ↘



Special area parking restrictions 2:00am-8:00am

- Elk Av – 100-500 blocks (downtown)
- Third St, alley to alley, 1/2 block off Elk either direction
- All public Parking lots
- As posted/temporarily signed

**b. Snow Banks on Elk Avenue**

The primary snow crew will remove snow banks on Elk Avenue between snow events to promote pedestrian safety, enhance pedestrian and vehicular visibility, and provide easy access to businesses. Snow banks will remain on Elk Avenue the week prior to Christmas through the week after New Year's, or to accommodate additional snow required for special events.

**c. Snow Pack**

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

**d. Sand**

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

**e. Clean-up Procedures**

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

**B. Snow Hauling**

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

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

- |   |   |
|---|---|
| <b>a.</b> First and Beckwith            | <b>h.</b> Big Mine Park Snow Storage Area |
| <b>b.</b> Ruth's Road Dead-End          | <b>i.</b> Block 80, Lot 1                 |
| <b>c.</b> Three Ladies Park             | <b>j.</b> Annexation Lot                  |
| <b>d.</b> Gravel Pit                    | <b>k.</b> Academy Lots (Temporary)        |
| <b>e.</b> Public Works Yard             |   |
| <b>f.</b> 412 Third Street (Pita's lot) |   |
| <b>g.</b> Totem Pole Park               |   |

In addition to these lots the Town is currently leasing 4 private snow storage lots, and has an agreement with the Catholic Church to store snow in the lower church parking lot.

### C. Alleys

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

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

Additionally, any snow stored in Town alleys must be hauled prior to the snow reaching a height of one half the height of the adjacent fence line. At a minimum snow MUST be hauled from alleys prior to April 1st of each calendar year, except as otherwise permitted by the Town Manager in writing.

### D. Pedestrian Areas

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

- a. Sidewalks /Handicap Ramps – All sidewalks and handicap ramps will be cleared as indicated on the snow removal map.
- b. Cut-outs on both Elk Avenue and Sixth Street will be created as indicated by the snow removal map.
- c. Crosswalks- All entrances to crosswalks on Elk Avenue will be cleared, and the crosswalks entrances on Sixth Street will be cleared as indicated on the snow removal map.
- d. Bus Stop Shelters- Reasonable access to bus stops will be maintained and bus shelters will be cleared of snow when necessary.

### E. Resident/Business and Property Owners.

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

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

### **EMERGENCY SNOW OPERATIONS PLAN**

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

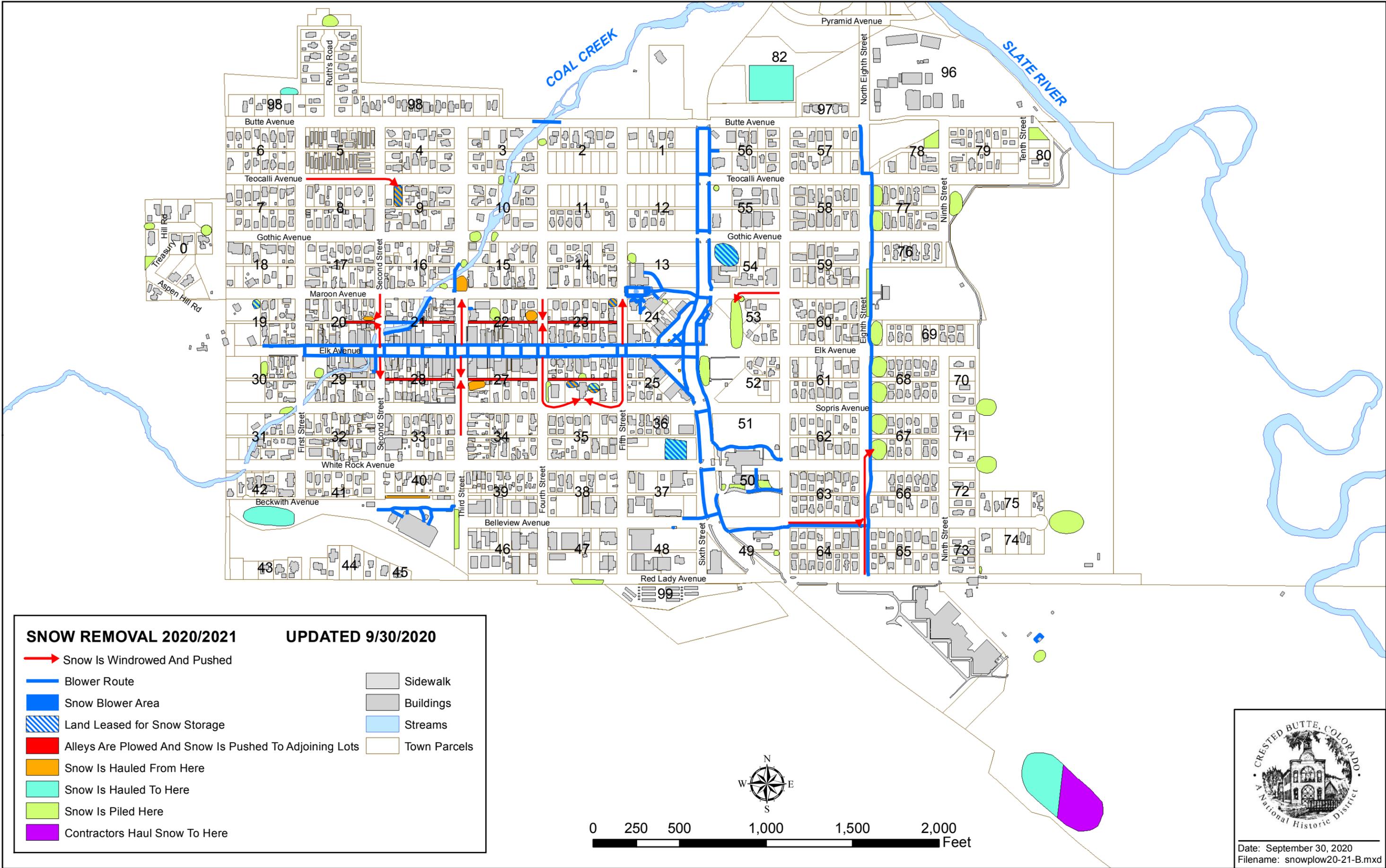
If declared, the Public Works Director will convene a stakeholder meeting to initiate the following plan, and initiate a public service notification plan that includes KBUT, and social media.

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

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

#### **A. Elastic Clause**

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





## Staff Report

October 5, 2020

**To:** Mayor and Town Council

**Prepared By:** Dara MacDonald, Town Manager

**Subject:** 2021 Outdoor Winter Recreation Initiative Funding Request

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**Summary:** The Gunnison County Metropolitan Recreation District (Met Rec) has come forward with a 2:1 match proposal to help fund local initiatives focused on outdoor access this coming winter. Met Rec is requesting \$11,300 in funding from the Town which they will match with \$22,600 of their dollars. This will be further combined with \$4,000 from Gunnison County, being matched by \$8,000 from Met Rec for a total project budget of \$44,900.

**Previous Council Action:**

On July 27<sup>th</sup> the Town Council held a work session about fall and winter scenario planning under COVID-19. At that meeting the Council directed staff to pursue a fall grant cycle with up to \$75,000 with a focus on community health and wellness programs. Examples include: mental health support, nordic skiing, backcountry education, food security, etc.

Development of this particular proposal has been brought to the Council's attention previously including as part of the Manager's Report on September 21, 2020. No action has been taken.

**Background:**

See attached memo from Hedda Peterson, Met Rec Executive Director, for more information on the proposed use of funds.

**Discussion:**

This proposal is an opportunity to leverage Town funds with the 2:1 match being offered by Met Rec. The proposal is very much in line with the Council's discussions about wanting to support mental health through providing access to outdoor activities this winter during the pandemic.

**Climate Impact:**

There is no direct climate impact related to this agenda item.

**Financial Impact:**

The requested \$11,300 would be taken from the fall grant cycle including Nicotine Tax revenues which were unbudgeted in 2020. This would reduce the amount of the \$75,000 in available grant funding this fall to \$63,700.

**Legal Review:**

No legal review has been requested for this item.

**Recommendation:**

Staff recommends that the Council allocate \$11,300 from the Fall grant cycle funds to the 2021 Outdoor Winter Recreation Initiative.

**Proposed Motion:**

A Council member may make a motion, “to approve \$11,300 from the Fall grant cycle funds to the 2021 Outdoor Winter Recreation Initiative.”

## Gunnison Valley 2021 Outdoor Winter Recreation Initiative

### Initiative Purpose:

Given the on-going impact of COVID-19, the Gunnison Valley is preparing for a unique winter. This summer, easy access to trails, parks and open space provided residents the opportunity to responsibly socialize and recreate. The winter season is expected to present additional challenges for residents, including increased feelings of isolation. Additionally, the change in operations of Crested Butte Mountain Resort is expected to shift how and where people recreate, steering more people to the backcountry and Nordic ski trails.

In anticipation of these challenging changes, the Gunnison County Metropolitan Recreation District (Met Rec) *seeks to support community partners in a collective effort to connect more residents to outdoor winter recreation opportunities, reduce local barriers to engaging in outdoor winter recreation pursuits, and promote safe and responsible outdoor recreation for residents and visitors.*

Partner organizations working together to support the community through the 2021 winter season include; Crested Butte Nordic, Gunnison Nordic, the City of Gunnison and the Crested Butte Avalanche Center (CBAC).

### Initiative Goals:

#### 1. Connect more Gunnison Valley residents to outdoor winter recreation opportunities.

- **Expand After School Nordic programming in Gunnison and Crested Butte**

Crested Butte Nordic, Gunnison Nordic and the City of Gunnison are working together to provide synergistic, After School Nordic programs. The City of Gunnison and Gunnison Nordic will provide introductory youth the opportunity to engage in the sport, serving as a feeder to Crested Butte Nordic's more competitive program.

- The City of Gunnison/Gunnison Nordic programs will welcome 5-13-year olds. One program will run December 9, 16 and 23. A second program will run January 11 – February 12 (Mondays and Wednesdays) with a 6:1 student to coach ratio.
- Crested Butte Nordic's program will welcome 8-18-year olds and run for nine weeks (two days a week) with practices in Gunnison and Crested Butte.

Both programs will provide access to free equipment and outdoor winter clothing for participants as well as transportation to training locations in the north and south ends of the valley. Together, the entities will enhance outreach efforts to the School District and other community organizations working with the Valley's youth.

- **Expand Adult Programming in Gunnison**

Gunnison Nordic seeks to offer a series of adult ski clinics throughout the season. Participants would be provided free equipment from Crested Butte Nordic's portable gear trailer and benefit from a 1:5 coach to participant ratio.

Additionally, Gunnison Nordic and the Senior Center wish to provide senior-friendly Nordic and/or snowshoe outings. Participants would be guided by instructors and equipped with free ski or snowshoe rentals.

## 2. Reduce local barriers to engaging in outdoor winter recreation pursuits.

- **Expand Community Outreach programming aimed at engaging under-served community groups in Nordic skiing**

Crested Butte Nordic seeks to grow their Community Outreach program developed to familiarize groups with Nordic skiing. Having partnered primarily with Emigrantes Unidos de Gunnison in the past, Crested Butte Nordic wishes to expand the program by engaging additional groups.

The Community Outreach Program provides participants access to *free* equipment, outdoor winter clothing, free Nordic passes, instructors and transportation to Nordic venues in Gunnison and Crested Butte.

- **Implement portable rental fleet for free and/or low-cost use in Gunnison and Crested Butte**

To lessen the hassle that can come with acquiring Nordic gear, especially for those who have never used the equipment, Crested Butte Nordic wishes to provide a portable rental fleet for use in Gunnison and Crested Butte. Kept in a tow-behind trailer, the rental equipment would be easily transported to Gunnison and Crested Butte Nordic venues and trailheads, providing a one-stop set-up for youth and adult programming.

- **Develop and implement effective outreach mechanisms**

To grow participation in the youth and adult Nordic programming, Gunnison and Crested Butte Nordic will enhance outreach and marketing efforts to effectively reach community groups, including Gunnison Valley Mentors, Western Colorado University's Multi-Cultural Center, the Gunnison County Veterans Service as well as the general public. This work will include working with the School District and in particular, local English Language Learner (ELL) teachers.

## 3. Promote safe and responsible outdoor recreation for residents and visitors.

- **Enhance avalanche awareness education**

The Crested Butte Avalanche Center (CBAC) seeks to launch a Community Outreach Program to emphasize the importance of avalanche awareness. In particular, CBAC seeks to expand its in-person education through the following events and programming.

- **Trailhead Days**  
Provide a human presence at trailheads (10 days), including Kebler Pass, Slate River, Washington Gulch, Snodgrass and Cement Creek. CBAC Outreach staff will remind backcountry users of proper etiquette and the importance of checking the daily avalanche forecast.
- **Fireside Chats**  
Host six Fireside Chats; a season-long speaker series developed to provide detailed, in-person updates on the “state of the snowpack” as well as current trends in avalanche education and backcountry travel. Five of the events will occur in Crested Butte and one in Gunnison.
- **Youth Outreach**  
Host avalanche awareness events for Gunnison and Crested Butte youth:
  - Western Colorado University
  - Crested Butte Mountain Sports Team
  - Gunnison High School
  - Crested Butte Community School

Additionally, CBAC will develop avalanche awareness curriculum for Gunnison and Crested Butte Nordic to share as part of their programming. Given the increasingly crowded backcountry and proximity of some Nordic skiing zones to avalanche terrain, this is an effort the partner organizations wish to prioritize.
- **Public Outreach**  
Host five free and open to the public Avalanche Info sessions (1-2 hours each), aimed at engaging and introducing backcountry recreationists of varying abilities to more formal avalanche education opportunities provided by local avalanche education providers.
- **Avalanche Hazard Signage**  
Design and develop avalanche hazard rating signage for the entrance to Crested Butte and at popular trailheads.

#### **4. Provide capacity building support to help partner organizations operate safely and efficiently.**

- **Facilitate safe and efficient Nordic operations**

To meet public health guidelines and ensure the safety of Nordic participants and staff, Crested Butte Nordic’s Warming House will not open to the public. However, they wish

to provided continued services and, in some instances, expanded services. Day pass and rental equipment sales must transition to an online system. The following improvements will allow Crested Butte Nordic to provide services to the community in a safe and highly efficient manner, now and into the future:

- Implement online POS system to manage rental inventory
- Provide outdoor ski boxes for pick-up and drop-off of equipment

Initiative Components	Cost
<i>Connect more residents to outdoor winter recreation</i>	
<b>After School Nordic Programming</b>	
Gunnison Nordic/City of Gunnison	\$680
Crested Butte Nordic	\$3,510
Sub-Total	<b>\$4,190</b>
<b>Adult &amp; Senior Nordic Programming</b>	
Gunnison Nordic	\$840
Sub-Total	<b>\$840</b>
<i>Reduce local barriers to engaging in outdoor winter recreation pursuits</i>	
<b>Community Outreach Nordic Programming</b>	
Gunnison Nordic	\$240
Crested Butte Nordic	\$3,550
Sub-Total	<b>\$3,790</b>
<b>Portable Rental Fleet</b>	
Rental ski boots	\$5,000
Rental skis and poles	\$5,000
Portable gear trailer	\$3,000
Sub-Total	<b>\$13,000</b>
<i>Promote safe and responsible outdoor recreation for residents and visitors</i>	
<b>CBAC Community Outreach Program</b>	
Trailhead Days	\$5,000
Fireside Chats	\$2,400
Youth Outreach	\$2,400
Public Outreach	\$5,000
Avalanche Hazard Signage	\$3,200
Sub-Total	<b>\$18,000</b>
<i>Provide capacity building support to help partner organizations operate safely and efficiently</i>	
<b>Nordic Operations Support</b>	
Ski boxes for outdoor pick-up	\$1,000
iPads and POS equipment	\$5,000
Sub-Total	<b>\$6,000</b>
<b>TOTAL</b>	<b>\$45,820</b>

## Met Rec Matching Contribution

Met Rec is committed to matching *two* dollars for every *one* dollar contributed to the initiative, up to \$30,000

Gunnison County commit \$4,000 to the initiative- leveraging an additional \$8,000 from Met Rec

This leaves approximately \$34,000 left to secure- or, \$11,300 from a partner

\$4,000 (Gunnison County)  
+ \$8,000 (Met Rec Match)

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= \$12,000 secured

+ \$11,300 (Town of Crested Butte)  
+ \$22,600 (Met Rec Match)

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= \$45,900



## Staff Report

October 5, 2020

**To:** Mayor and Town Council  
**From:** Mel Yemma, Planner I  
**Thru:** Troy Russ, Community Development Director  
**Subject:** Development of InDeed Framework for the Town of Crested Butte

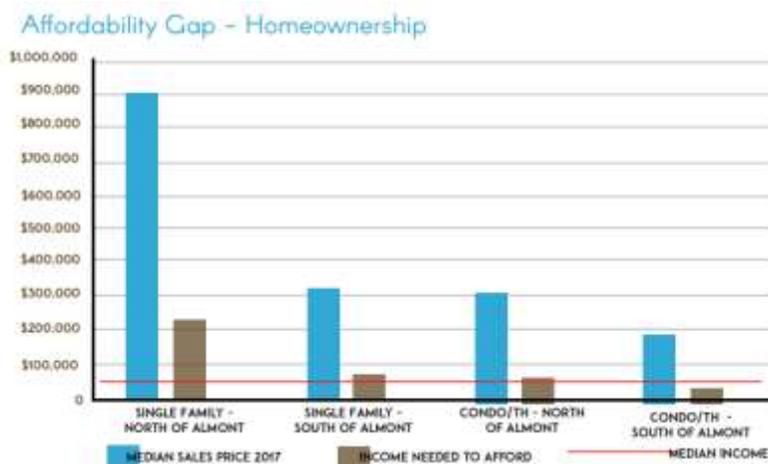
**Summary:** In order to preserve the social fabric of our community, the Town of Crested Butte places high value in ensuring the community stays affordable for all residents. The Town Council has a goal to achieve a 75% fulltime housing occupancy in Town and have 30% of the residential units in Town be affordable and deed restricted by 2023. The Town has a variety of tools to help achieve these goals. However, more need to be utilized. The purpose of this agenda item is to discuss the possibility of the Town developing another housing tool of developing a deed restriction purchase program (InDeed) to help achieve the Town affordability goals by providing incentives to deed restrictions on some of the town's existing housing stock.

At the October 5<sup>th</sup> Town Council meeting, Town staff will present a draft overview and framework of an InDeed program for Town Council consideration, feedback and direction.

**Background:** The Town has 3 primary 5-year goals related to affordable housing. By 2023, the Town Council plans to:

1. Increase percentage of residents living in Town by achieving 75% fulltime occupancy
2. Have 30% of units in Town be deed restricted
3. Have 15 rental units available for Town Employees

Town Council prioritizes affordable housing and has these goals because of the growing affordability gap to own or rent a home in Crested Butte. In 2018, the median home value in Crested Butte was \$864,940 while the median household income is approximately \$66,375 (\$37,603 per capita). The graph to the right is from the One Valley Prosperity Partnership State of the Valley in 2018. It demonstrates this affordability gap by showing the income needed to afford a single family home or condo in the north vs. south Gunnison Valley, compared to the median income in Gunnison County.



The affordability gap from 2018 has grown in Crested Butte. While wages are remaining stagnant, home prices continue to increase. It is becoming increasingly unaffordable for local workers to live in Town. The north valley currently provides 42% of Gunnison County's jobs, only 23% of workers live in the north valley.

The 2019 median assessed value of a single family home is \$1,214, 970. This is increasing. The Town is already starting to notice impacts from coronavirus in 2020 with multiple home sales in Town over \$2 million. The table below breaks down the median assessed value from 2019 per different home types in the Town of Crested Butte, as well as the current percentage of those units that are deed restricted and occupied fulltime.

Home Type	# of Units	2019 Median Assessed Value	% Deed Restricted	% Occupied Full Time
Total	1182	\$864,940	22%	65%
Single Family Homes	538	\$1,214,970	4%	46%
Mobile Homes	41	\$57,435	24%	95%
Multifamily Residential Units	216	\$331,640	20%	83%
Duplex Units	178	\$608,790	17%	66%
Accessory Dwelling Units	178	N/A	52%	57%
Units in Commercial Building	91	\$926,970	67%	89%

The Town has a significant way to go to meet its housing goals by 2023:

1. *Increase percentage of residents living in Town by achieving 75% fulltime occupancy*
  - a. The current fulltime occupancy in Town is 65%
  - b. The Town needs 120 more units to be occupied fulltime in order to reach this goal
2. *Have 30% of units in Town be deed restricted*
  - a. 22% of the housing stock in Town is currently deed restricted
  - b. There is potential for 14 more units through the Paradise Park buildout and estimated 60 more units in the Slate River annexation
  - c. 95 more deed restricted units are needed to reach the Town's goal of 30% deed restricted (or 45 if the potential units listed above are included).
3. *Have 15 rental units for Town Employees*
  - a. The Town currently leases 10 units to Town Employees
  - b. There is potential for 2 more units in the future through the SOAR build and the Depot apartment
  - c. The Town needs 3 more employee housing units to reach its five-year goal

**Affordable Housing Tools:** The Town has various tools to work towards these goals. First, the Town has regulatory tools in place which require affordable housing units and/or payment in lieu for commercial development through ROAH (resident occupied affordable housing) and for residential units through ADUs (accessory dwelling units). Additionally, the Town also regulates short-term rentals and has a limit on the number of short-term rental licenses available. This regulation encourages full-time occupancy by limiting short-term rentals. These regulations ensure new developments within the Town are providing housing opportunities which support the employment demand within Town they create.

Second, the Town has historically invested in acquiring land and building affordable housing. Affordable housing projects have varied in the Town from one of the first projects of the Red Lady Estates Mobile Home Park to the Anthracite Place rental apartments to the Poverty Gulch and Paradise Park homeownership opportunities. Each project is different and aims to meet a different need whether its rental vs. ownership and/or targeting a different income category. The Town also aims to leverage partnerships and funding opportunities for successful projects and works with our regional partners to ensure that each project is meeting the current or projected housing need. The currently planned upcoming projects for the Town will be to build out the remaining lots of Paradise Park and to develop the Slate River Annexation property.

However, as noted above, even with construction of homes on these properties, the Town would still need 45 additional deed restricted units in Town to reach the five-year goal of 30% deed restricted. Crested Butte is largely built-out so cannot rely on the regulatory tools to make up the difference. The Town's limited resources and limited land availability make additional public investments in new construction an unlikely source to meet the five year goals.

Additional tools are needed to achieve the Town Housing Goal.

A third affordable housing tool involving the voluntary purchase of deed restrictions from the Town's existing building stock should be considered. Similar communities including Vail and Summit County have developed programs to purchase deed restrictions on existing homes to ensure that the unit will be owner occupied or rented to a local. Last year, the Town Council held a work session with Vail's director of housing, George Ruther, and local housing expert, Willa Williford, about Vail's InDeed program. Intrigued by the concept, the Town Council set a 2020 goal/priority to develop a framework for a Crested Butte InDeed program.

**InDeed Program Overview:** The premise of an InDeed program is to incentivize existing homeowners or home buyers to place a deed restriction on their property to preserve the home for local workers. Under such a program, the Town would pay owners or buyers to record a deed restriction on the home that is currently an unrestricted market rate unit. Similar programs purchase deed restrictions at a price of 10-20% of the current value of the property, and the amount can vary depending on the market and how well the home meets the current needs in the community. Recipients can use the funds for down payment, home repairs, special assessments, or any other purpose. In return, the recipients are required to execute a deed restriction that requires the home to be occupied by a local worker.

The deed restriction requires that a local worker be the owner or a renter and similar programs do not have an appreciation cap, income caps or rental caps. However, because the deed restriction restricts how the property can be used, it's likely that the future value of the home can be impacted. In Summit County's program called "Housing Helps", the key terms of the deed restriction include:

- The property must be occupied as a primary residence by person(s) employed a minimum of 30 hours a week in Summit County.
- The property may not be used as a seasonal or vacation home or as a short term rental.
- Unlike some other deed restricted properties these units will not be subject to any resale cap, appreciation cap, rental restrictions, or income cap. Retirement in these properties may be permitted subject to the County's Housing Guidelines for retirement in deed restricted units.

Most existing deed restrictions in the Town of Crested Butte require that the person owning or living in the unit makes 80% of their income in Gunnison County. Additionally, most existing deed restrictions in the Town place a 3% cap on appreciation for the unit. A primary discussion point for the Town Council on October 5<sup>th</sup> will be the parameters the Council is interested in including in the deed restriction.

If the Town were to purchase deed restrictions, the Town would want to target homes that are considered affordable for our local workers to own or rent. Town Staff conducted an analysis of our free market housing stock for homes that are valued within the maximum affordable price within 3 different income categories. The maximum affordable prices were derived from the Gunnison Valley Regional Housing Authority's 2019 Housing Plan. The table below shows the breakdown per Area Median Income (AMI) category and how many free market units in Town are valued within the maximum affordable price point. Overall, 200 units in Town could be considered eligible for the InDeed program. What's worth noting is that 24 of those units have active short term rental licenses, meaning the owners may not be interested in participating in the program.

% AMI	Max Affordable Price	# Free Market Units in Price Bracket	Potential cost of deed restriction (10% - 20% of value)	Duplex	Mobile Home	Multi-family	Single Family Home
50% - 80%	\$172,900	29	\$17,290 - \$34,580	2	18	9	
80% - 120%	\$259,300	25	\$25,930 - \$51,860	2		23	
120% - 200%	\$432,200	146	\$43,220 - \$86,440	18	8	116	4

The number of potential units in Town that could be eligible for this program is higher than Staff originally anticipated. However, another discussion point for the Town Council would be if the Town should focus this InDeed program on just the Town of Crested Butte, or if the Town should consider leveraging partnerships in the North Valley to have a broader reach. For example, could the Town consider partnering with Mt. Crested Butte and the Valley Housing Fund to leverage our funding and available housing stock for this program?

The table above also shows potential prices for purchasing a deed restriction (based on 10%-20% of the value of the home). The Town could spend anywhere from \$17,290 to \$86,440 to purchase a deed restriction and the budget implication is another reason to consider leveraging our funding through partnerships to broaden the reach and long-term sustainability of the program. The Town currently has about \$400,000 in its affordable housing fund, which is where the funds for this program would come from annually. Future affordable housing projects, including building housing, would also tap into the same fund.

**Green Deed Consideration:** In previous discussions, the Town Council has discussed connecting the InDeed program to the Town's Climate Action Plan (CAP) goals surrounding energy efficiency. The CAP aims to drive and support deep energy retrofits in existing buildings, and the plan specifically lists an action item to "launch a Green Deed program to incentivize retrofits in exchange for a permanent deed-restriction on a property". Town Staff would also like feedback from the Council on the approach to include an energy efficiency component into the program. After preliminary research, a recommended incentive program could be:

1. Partner with GV-HEAT (the Gunnison Valley Home Energy Efficiency Program through the Housing Authority) or a local contractor to conduct an assessment for an eligible home for a Home Energy Score (HES), which is the US Department of Energy’s 1-10 rating system.
2. Energy efficient homes with a higher HES (7 or higher) are eligible to receive a higher value of the home for the Deed Restriction.
3. Energy inefficient homes with a lower HES (6 or lower) receive a lower value of the home for the Deed Restriction, plus an additional financial incentive that would exclusively pay for the energy efficiency upgrades.
  - a. The funding for the energy efficiency incentive could come out of a separate CAP fund.
  - b. The Town would potentially need annual funding to set up the assessment and retrofit program with GV-HEAT or a local contractor.

**Proposed GreenDeed Framework:** If the Town Council is supportive of including the energy efficiency incentive, as well as targeting a variety of deed restriction types (including an appreciate cap vs. not including an appreciation cap), Town Staff proposes the following framework for the “GreenDeed” program (the name of the program can be further discussed as well).

Home Type	Type of Deed Restriction	Price for Deed Restriction	Green Incentive (additional funds to go towards energy efficiency upgrades)
New/Energy Efficient (HES = 7-10)	Loose (no appreciate cap)	15%	N/A
New/Energy Efficient (HES = 7-10)	Strict (3% appreciation cap)	20%	N/A
Energy Inefficient (HES = 1-6)	Loose (no appreciate cap)	10%	Up to 5%
Energy Inefficient (HES = 1-6)	Strict (3% appreciation cap)	15%	Up to 5%

Under this framework, a home’s HES score as well as the strictness of the deed restriction that they are willing to place will have implications on the percentage of the value of the home that the Town will pay the homeowner or buyer. For example, if a home is new and energy efficient with a higher HES rating, and the homeowner is willing to place a “strict” deed restriction on the property (including a 3% appreciation cap), then they could be eligible to receive 20% of the home’s value in exchange for the deed restriction. If a home is energy inefficient with a lower HES rating, and the owner is willing to place a “loose” deed restriction on the property (no appreciation cap), the homeowner could be eligible to receive 10% of the value of the property for in exchange for the deed restriction, plus up to an additional 5% that go towards energy efficiency upgrades.

**Town Council Direction:** Town Staff will further present this framework to the Town Council on October 5<sup>th</sup> and is primary seeking feedback on the following discussion points:

1. **Overall feedback on proposed draft framework**

2. **Type of Deed Restriction:** Should we target both “loose” and “strict” deed restrictions? What type of deed restriction requirements should be included? Owner occupied or long-term rental? 80% of income in Gunnison County? Include additional incentive for appreciation cap?
3. **GreenDeed:** Should we incorporate an energy efficiency component into the program? Should this be a requirement or an incentive?
4. **Funding:** How do we fund this and how much annually?
5. **Focus Area:** Do we just focus on the Town of Crested Butte or leverage partnerships for a broader reach? (For example: Valley Housing Fund and Town of Mt. Crested Butte)



## Staff Report

October 5, 2020

**To:** Mayor and Town Council

**Prepared By:** Shea Earley, Director of Public Works

**Thru:** Dara MacDonald, Town Manager

**Subject:** **Discussion on Relocation of RV Dump Station/Fill Station**

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### **Summary:**

The Town of Crested Butte (Town) RV dump/fill station is a public amenity that is currently located at the southeast corner of 8<sup>th</sup> and Butte Ave, across from the Wastewater Treatment Facility. In recent years, the Town has seen an increased usage at the RV dump/fill station. Due to this increased usage, members of the community have begun to voice concerns around added congestion in the area resulting in public safety concerns. Furthermore, on September 24<sup>th</sup>, 2020, the Town received a petition (Exhibit A) requesting that the RV dump station be relocated outside of Town limits. Town Staff is seeking direction from Town Council on how to address these concerns/requests from the community.

### **Background:**

The RV dump/fill station was established in the 1990s. In 2015, the Town constructed improvements to the RV dump/fill station to the tune of approximately \$20,000. The primary purpose of the RV dump/fill station is to provide an accessible location for RVs, campers, boaters, etc. to acquire potable water and deposit their waste generated during their recreational activities. Finally, it serves as a buffer to protect the environment by facilitating an easy access location to deposit waste.

For the past year, Town Staff has received feedback from the community regarding the increase in usage of the RV dump station. This increase in usage has led to safety concerns, congestion at the intersection of 8<sup>th</sup> and Butte Ave, and the occasional verbal altercation between RV drivers and residents.

In order to address these concerns, Town Staff initiated an investigation a few weeks ago to determine the feasibility of alternate locations and/or amending the points of access and egress for the RV dump station. Prior to the 2015 improvements, Town Staff discussed moving the location of the RV dump/fill station to an area of Town where it would have less of an impact on local residents. Unfortunately, due to technical feasibility concerns, no location was identified. So, at that time, it was determined that the best location for the station was at the current site and improvements were made there.

Over the last month, Town Staff identified three possible solutions targeting the alleviation of congestion and safety concerns identified by residents. These alternatives are listed below and are further illustrated in Exhibit B.

Option 1: Utilize the location of the existing station with minimal improvements to existing station infrastructure. This option would include the appropriation of the east side of 8<sup>th</sup> Street ROW to be utilized as a cue lane. Improvements would include paving of the ROW (behind the curb), curb and gutter modifications, and a minor extension to the existing storm water infrastructure. This project would not encroach into the open space on Block 78 beyond the ROW. Access to the station would be restricted to the cue lane off 8<sup>th</sup> Street. The exit route: Butte Ave (east) to 9<sup>th</sup> Street (south), to Gothic Ave (west), back to 6<sup>th</sup> Street. Est. cost \$10,000-\$15,000.

Option 2: This option would utilize the existing location and infrastructure; however, a second set of amenities would be required on the south side of the current station to accommodate vehicles with hooks ups on the driver side (approximately 70% of RVs have hook ups on the driver side). This option appropriates the north side of the Butte Ave ROW, between the Wastewater Treatment Facility Entrance and 9<sup>th</sup> Street. Paving of the ROW and curb and gutter modifications would be required. The exit route: Butte Ave (west) to 8<sup>th</sup> Street (south) to Gothic Ave (west), back to 6<sup>th</sup> Street. Est. cost \$25,000.

Option 3: This option would include the relocation of the entire station to the west side of 8<sup>th</sup> Street, north of Butte Ave, as well as, the relocation of the street sweeper clean out. The relocation of both the dump/fill station and street sweeper clean out would require the installation of new underground infrastructure, paving of the ROW, and curb and gutter. This location would also cause a significant conflict with the operations of Public Works, Parks and Rec, and Mountain Express as they utilize this area for employee parking, access in and out of the facility, and overflow parking of equipment. The exit route: 8<sup>th</sup> Street (south) to Gothic Ave (west), back to 6<sup>th</sup> Street. Est. cost \$60,000-\$70,000.

As mentioned earlier, there is also a petition to have the RV dump/fill station moved outside of Town limits. There are several operational constraints with this option. First, to gain the support from the County and/or National Forest Service to take on the responsibilities of operating a RV dump/fill station in their respective area. Second, the Town's Wastewater Treatment Facility is not designed to handle large volumes of septic waste at any one time. While the plant can manage one RV's waste tank at a time mixing into the system, we cannot handle a septage hauler load emptying into the plant all at once. Doing this would be extremely deleterious to the treatment process and puts the Town in a very vulnerable position of violating its permit.

It should also be noted, at this time, there has been no formal traffic study performed to obtain accurate data or better understand the extent of the traffic and congestion issues.

### **Discussion:**

There is no good answer to this issue. All of the options, whether they involve amending existing station traffic patterns or relocating the station in/or out of Town, pose capital improvement costs. Furthermore, relocating the station outside of Town would basically preclude the Town from being able to assist with the treatment of the dump station waste.

It is Town Staff's opinion that we, as a community, have a responsibility to provide a location for people to deposit their septic waste.

**Climate Impact:**

Removing the dump station would open the door to illegal dumping. If an accessible facility to discard waste is not provided, then some people will potentially find other means of disposing of their waste. This would obviously have a negative impact on the environment.

**Financial Impact:**

Estimates for Options 1-3 are listed above and could all be completed in the Spring of 2021. Decommissioning the existing dump/fill station would be estimated at \$5,000. Relocating the station outside of Town has an unknown cost associated with it and is not the responsibility of the Town to bear alone. A lot of this depends upon stakeholder involvement and access to infrastructure.

**Recommendation:**

It is Town Staff recommendation to continue operating the RV dump/fill station in its current location. To that end, Staff would like to have time to develop design and cost estimates for options 1 and 2 and present those options to the public and Town Council in a subsequent meeting.

# PETITION

## RELOCATION OF THE RV DUMP STATION FROM WITHIN TOWN LIMITS

### TO: THE CRESTED BUTTE TOWN COUNCIL

We, the undersigned residents request the relocation of the existing RV Dump Station located on Butte Avenue between 8th and 9th street to a location outside the Town Limits of Crested Butte. The operation of the Dump Station is in violation of the Town Council Values:

- Supporting quality of life
- Environmental stewardship
- Support for the authentic and unique community
- Fiscal responsibility
- Thoughtful management of our historic character
- Rights and safety of an engaged community.

Whereas the existing facility located in a densely populated neighborhood poses significant and known public safety risks to its residents and their children. The record number of RV's entering the neighborhood with forecasted exponential growth and the related congestion, confusion and confrontation is a significant threat to our NE neighborhood. The environmental impact of the Dump Station bordering sensitive wetlands and the right to quality of life are also in conflict with the Town Council's values.

Whereas the Mayor, Town Manager and Director of Public Works preliminary proposals of traffic re-routing and expensive infrastructure changes in support of the existing location is insufficient. The proposed solution of traffic mitigation resulting in one neighborhood assuming the burden over another is divisive and inappropriate.

Whereas there is no acceptable location within the Town Limits to accommodate the RV Dump Station. Collaboration with the County and USFS to solve their problem has resulted in an unfair burden placed on the Eastside Residents of Butte, Teocalli, Gothic, 8th, 9th and 10th street. The operation of a suitable Dump Station shall default to the County.

# RV's versus the Neighborhood?

What is the solution to the RV invasion on the residents of the Eastside of Teocalli, Butte, Gothic, 8th, 9th and 10th street? A huge question the Town Council will be presented at the upcoming October Council meeting.

The issue as acknowledged by the Mayor is the uncontrolled number of RV's using the RV Dump Station on Butte Ave between 8th and 9th street. The numbers are staggering and if you multiple the seasonal days by the average daily use it is now in the THOUSANDS. The wait line often exceeds 10 RV's approaching from all roads into the 4 way stop. The illegal U-Turn creates even more congestion, confusion and emergency calls to the Marshal. All of this craziness in a dedicated safety zone with kids traveling to Rainbow Park and the School. The Crested Butte quality of life implications for the neighborhood are enormous and growing.

The Mayor is trying hard to find a solution and described some of the options to be presented to the Council. The Town believes the solution is traffic mitigation by re-routing the RV's down Teocalli with a left on 9th, and left on Butte so the RV backup will be along the sewer plant fence line rather than the 4 way stop. Or, down Teocalli, left on 8th with a new infrastructure lane built next to or into the wetlands and then right on Butte, right on 9th and right on Teocalli or Gothic. The Mayor stated the obvious flaw that the RV's will follow their GPS and not the intended route. We can all agree there is no traffic solution to thousands of RV's zig-zagging through a densely populated neighborhood. It may have worked before the expansion of 9th, 10th, Gothic and the Aperture cut through but it is now unsafe, unfair and in violation of the Council's stated values.

The solution is simple to relocate the Dump Station outside of the Town yet the execution is complicated. Having a Dump Station tied into a sewer line is a lot easier than a septic/holding tank. Yet most campgrounds are in rural areas so they have holding tank solutions. Would a Dump Station in an industrial zone where the RV campground is located be more suitable than a historic 1 square mile Town? If not Riverland, the County has 3200 square miles to find a suitable location.

To the Mayor, Town Council and County Commissioners we need your help. We have submitted a PETITION signed by more than 150 residents of the affected neighborhood requesting new and fair collaboration to relocate the Dump Station. We know it is challenging yet we place our trust in you to do the right thing.

Respectfully,

The Eastside Neighborhoods:  
Teocalli, Butte, Gothic, 8th, 9th, 10th Street  
Author: Tom Cosgrove

*newspaper  
Editorial*

SIGNATURE	PRINTED NAME	ADDRESS	DATE
	Mimi Chaturvedi	623 TED	9/10/20
	Gretchen on May	822 Teocalli	8-10-20
	Shelly Connolly	808 Teocalli	9-10-20
	Michael Greeney	302 Haverly	9-10-20
	Edgar Greeney	#5 7th St.	9-10-20
	Johanna Beenholtz	731 Teocalli Ave	9.11.20
	Ally Kranz	732 Teocalli Ave	9.11.20
	Scott Stynouse	724 Teocalli	9/11/20
	Richard Spinelle	720 Teocalli	9/11/20
	Megan Jennings	706 Bellevue	9.11.2020
	VINCENT ROSSIGNOL	711 F BUTTE AVE	9.11.2020
	Douglas Collin	721 Butte Ave <sup>unit</sup> I	9.11.2020
	USBERT CARTER	717 " "	9.11.20
	BRYAN RAMES	714 BUTTE	9.11.20
	Henry Nicholson	1 7th St unit B	9/11/20
	Brandon Bleakhe	620 Butte Ave	9/11/20
	JAY KEMERER	623 TED	9/11/20
	Katharine Smyth	730 Gothic Av	9/11/20
	Margaret Levy	118 7th St #G	9/11/20
	Shaye Gerrity	706 Gothic Ave #103	9/11/20
	Phoebe Clift	706 Gothic Ave #103	9/11/20
	PEMBA G. SHERPA	706 Gothic Ave.	9/11/20
	Leslie A Baeder	813 Gothic Ave	9/11/20
	Patrick E Church	802 Gothic Ave	9/11/20
	Tamara Zytka	Teocalli 550 unit B	9/11/20
	Chrissi C. Nchab	812 Gothic	9/11/20
	Nina Shea	819 Gothic Ave	9/11/20
	Jenelle Spedden	119 9th St.	9/11/2020
	Melissa Hiteman	8 ninth street	9/11/2020

SIGNATURE	PRINTED NAME	ADDRESS	DATE
<del>Signature</del>	<del>Mimi Chatwood</del>	<del>623 Teo</del>	<del>9/10/20</del>
<del>Signature</del>	Kami Garvey	717 Butte Ave	9/11/20
Alexandria S Milk	Alexandria Miller	271 Gothic Rd	9-11-20
Molly	Molly Dillon	623 N Spruce St	09/11/2020
Connor Brown	Connor Brown	24 slate Lane	9/11/2020
Carli's Tom	Carli's Tom	22 River Bend	9/11/2020
Maggie White	maggie whitino	2094 County Rd 740	9/11/2020
Ethan Kaufmann	Ethan Kaufmann	680 HR	9/11/20
Lilla Laird	Lilla Laird	372 Zeligman	9/11/20
RICHARD L BROWN JR	RICHARD L BROWN JR	220 SOPRIS AV <sup>CR</sup> <sub>31224</sub>	9-11-20
Crystal Edmunds	Crystal Edmunds	102 7th Street	9-11-20
Steph White	Steph White	716 Elk Ave	9-11-2020
Lydia Stern	Lydia Stern	PO BOX #1214	9/11/20
David Russell	David Russell	622 Teo	9/12/20
Greg Tomlin	Greg Tomlin	628 Teocalli	9/12/20
Maya Conn	Maya Conn	PO box 4163	9-12-2020
Holly Conn	Holly Conn	721 Gothic Ave	9-12-20
Jan Verdecchia	Jan Verdecchia	602 Spruce St	9-12-20
Lisa Hart	Lisa Hart	1066 Cascadilla	9-13-20
Ken Lightfoot	Ken Lightfoot	419 N. Lynn St	9-13-20
TRAVIS UNDERWOOD	TRAVIS UNDERWOOD	Chopwood <sup>15 SAGE</sup> <sub>Percent</sub>	9-13-20
Lisa Cramton	Lisa Cramton	Chopwood 245 Sage, Gkt	9-13-20
Dagan Schwartz	Dagan Schwartz	113 Elk <sub>Chopwood</sub>	9-13-20
Jennifer Willett	Jennifer Willett	692 Shawano St	9-13-20
Madeline Willett	Madeline Willett	692 Shawano St	9-13-20
Caden Lightcap	Caden Lightcap	726 Teocalli Ave	9-13-2020
TAR GOLAN	TAR GOLAN	726 Teocalli Ave	9-13-2020
Lightcap-Redfern	Lightcap-Redfern	726 Teocalli Ave	9-13-2020
Andrea Lightcap	andrea lightcap	7-442-1948	9/13/20

SIGNATURE	PRINTED NAME	ADDRESS	DATE
	Myles Hiteman	8 Ninth St. CB	9/11/20
	Shelley Popke	622 Teocalli Ave CB	9/12/20
	Mike Akenbrueck	5055 N State Hwy 67	7/12/20
	Virginia Ruff	7349 S. OAK St Co	7/13/20
	Kelly Ursetta	2039 S. Newcomb <sup>Co</sup>	7/13/20
	Stacey VanAverem	2599 Kuder <sup>Co SD</sup>	9/13/20
	MS Vosburg	303 Reuschland	9-13-20
	Tiffany Marsee	PO BOX 8 CB	9-13-20
	Sophia Konarek	629 teocalli ave	9-13-20
	HEATHER TOMACK	726 BUTTS AVE	9-13-20
	Bob Bernholtz	731 Teocalli ave.	9/13/20
	Laura Martineau	715 Teocalli Ave.	9/13/20
	Tyler Martineau	715 Teocalli Ave	9/13/20
	Carolyn de Groot	622 Teocalli Rd	9/13/20
	Margaret Robinson	629 Teocalli Ave	9/13/20
	David Baea	104 7th St.	9/13/20
	KEVIN EMERY	902 BUTTE	9/13/20
	Tara Hiteman	905 Teocalli	9/13/20
	Benjamin Dem	905 Teocall.	9/13/20
	CONNOR WIRSING	115 9th	9/13/20
	John Wirsing	115 9th	9/13/20
	Tara Wirsing	115 9th St.	9/13/20
	Tessa Wirsing	115 9th St.	9/13/20
	Kim Orskorn	330 Whiterock	9/13/20
	Lacey Jerdon	330 Whiterock	9/13/20
	KEVIN GARDINER	28 WHITEROCK	9-13-20
	Katelyn Zieff	318 N Pine	9-13-20
	Hayden & Daiber	714 - Bad Dog <sup>alley</sup>	9/13/20
	Amy Cirbo	720 whiterock Ave	9/13/20

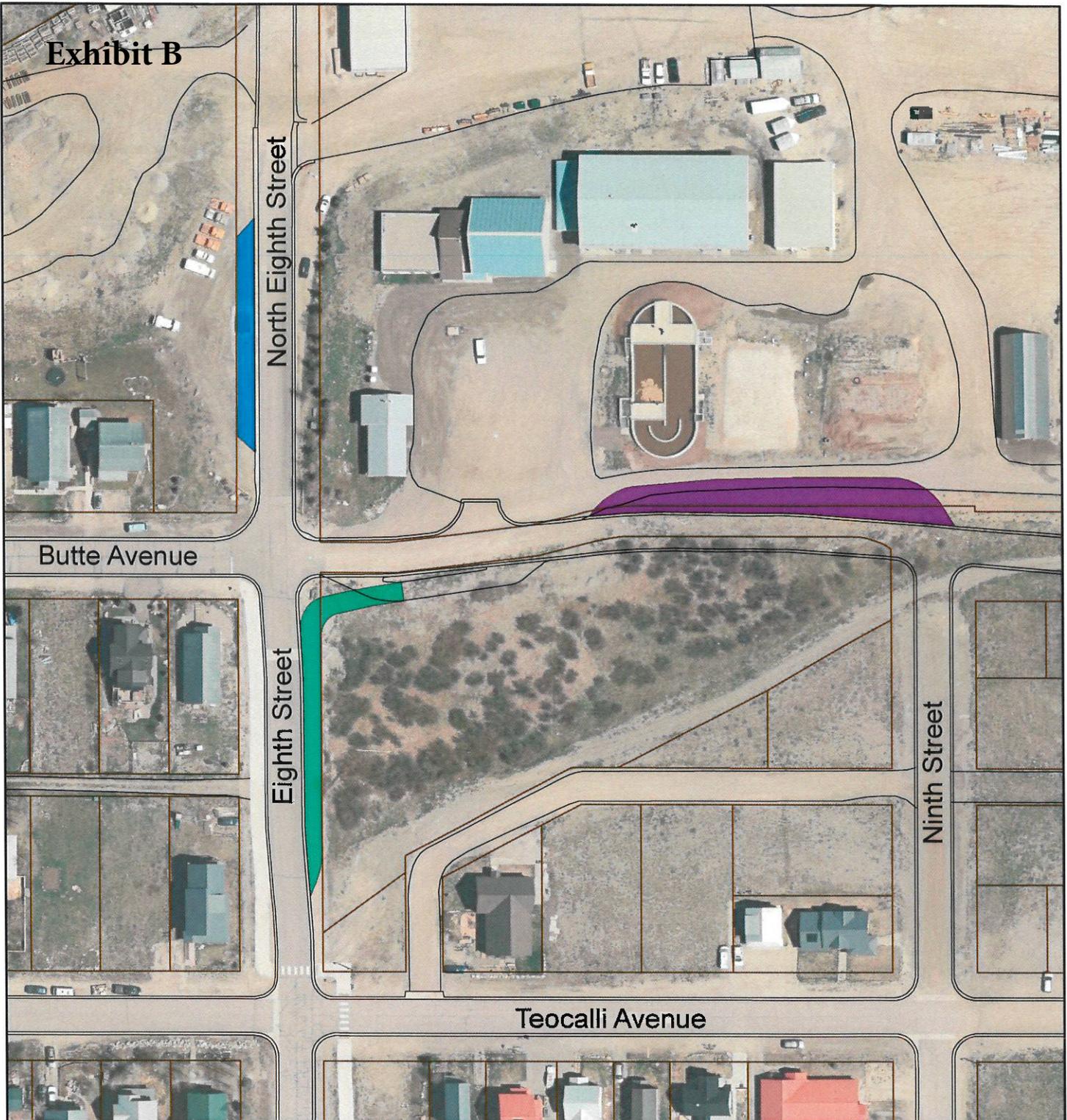






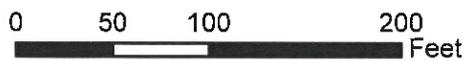


# Exhibit B



## RV DUMP STATION OPTIONS Crested Butte, Colorado

-  Roads
-  Parcel Boundaries
-  Option 1 (3,337 sq ft)
-  Option 2 (5,859 sq ft)
-  Option 3 (2,064 sq ft)





## Staff Report

October 5, 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 set Ordinance 2020-25 for a public hearing on October 19, 2020."

**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 5, 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 set Ordinance 26-2020 for 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]**

**Agenda**  
**Design Review Committee**  
**Monday**  
**September 21, 2020**

- 3:00 Consideration of the application of **Miller Property Holding, LLC, a Texas limited liability company** to remove a storage area on the east, make an entry addition also on the east and make revisions to windows and doors at the existing single family residence located at 213 Third Street, Block 16, Lots 28-30 in the R1C zone. (Jose)
- **Architectural approval is required.**
  - **Permission to demolish less than 25% of a non-historic structure is requested.**

Topic: DRC - September 21st  
Time: Sep 21, 2020 03:00 PM Mountain Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/82349944763?pwd=TlBaWGhqcnN2OTRhN0dDbzFRMUc5UT09>

Meeting ID: 823 4994 4763  
Passcode: 978760  
One tap mobile  
+13462487799,,82349944763#,,,,,0#,,978760# US (Houston)  
+16699006833,,82349944763#,,,,,0#,,978760# US (San Jose)

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

Meeting ID: 823 4994 4763  
Passcode: 978760  
Find your local number: <https://us02web.zoom.us/j/kdGPzCCN9e>

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

**Agenda**  
**BOARD OF ZONING and ARCHITECTURAL REVIEW**  
**Tuesday**  
**September 29, 2020**

- 6:00 Call to Order.
- 6:02 Review and approve the minutes from the **August 25, 2020** BOZAR meeting.
- 6:04 **Continuance Requested to the November 24, 2020 BOZAR:** Consideration of the application of **JF Hermanson LLC** to amend a Planned Unit Development (PUD) to construct a single family residence, accessory dwelling unit and accessory building to be located at 1, 1 ½, 3 Sopris Avenue, Block 30, Lots 17-21 in the R1B zone. (Delaney/Hadley)  
**- Approval of the landscape and drainage plan as part of Building Permit Review is required.**
- 6:06 Consideration of the application of **Verizon Wireless in conjunction with the Town of Crested Butte** to site a 60 foot cell tower to the north of the existing public works building located at 2 B and C North Eighth Street, in the P zone. *Continued from the August 25, 2020 BOZAR meeting* (Nebel)  
**- Architectural approval is required.**
- 6:40 An insubstantial determination requested by **TPB 3 LLC, a Colorado limited liability corporation** to revise the landscaping/site plan associated with the single family residence to be located at 6 Treasury Hill Road, Lot 3, Treasury Hill Subdivision in the R1B zone. (Patterson)  
**- An insubstantial determination is requested.**
- 7:00 Consideration of the application of **Bart Dalton and Eileen C. Dalton** to make an addition to the northeast corner of the existing single family residence and deck and make a larger addition to the existing accessory building located at 24 Butte Avenue, Lot 4 of Kapushion Subdivision in the R1 zone. (Murphy)  
**- Architectural approval is required.**  
**- A conditional use permit for a heated and/or plumbed accessory building in the R1 zone is required.**
- 7:45 Consideration of the application of **Miller Property Holding, LLC, a Texas limited liability company** to remove a storage area on the east, make an entry addition also on the east and make revisions to windows and doors at the existing single family residence located at 213 Third Street, Block 16, Lots 28-30 in the R1C zone. (Jose)  
**- Architectural approval is required.**  
**- Permission to demolish less than 25% of a non-historic structure is requested.**
- 8:45 Miscellaneous:  
  - o DRC for October 13 (Tuesday) and 19 Ellis and Alvarez Marti (BOZAR is October 27th)
  - o DRC for November 9 and 16: \_\_\_\_\_ (BOZAR is November 24<sup>th</sup>)
  - o Insubstantial determinations:
    - o Elk Mountain Lodge (Nolan), 129 Gothic Avenue: Window replacements
    - o Vaquera House, 510 Whiterock Avenue: Addition of cover over front (north) deck
- 8:50 Adjourn
- 8:50 BREAK**
- 9:00 Call to Order
- 9:02 Work Session: Xeriscaping
- 10:00 Adjourn

When: Sep 29, 2020 06:00 PM Mountain Time (US and Canada)  
Topic: BOZAR - September 29th

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81156082441>

Or iPhone one-tap :

US: +16699006833,,81156082441# or +12532158782,,81156082441#

Or Telephone:

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

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

Webinar ID: 811 5608 2441

International numbers available: <https://us02web.zoom.us/j/81156082441>

***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 6, 2020

Council Chambers

#### 1. CALL IN INSTRUCTIONS

Join Zoom Meeting

<https://zoom.us/j/93293575687?pwd=RXJsMjlTeE1nTFQ5RTlpeUlrbzdYQT09>

Meeting ID: 932 9357 5687

Passcode: 690832

One tap mobile

+16699009128,,93293575687#,,,,,0#,,690832# US (San Jose)

+12532158782,,93293575687#,,,,,0#,,690832# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 932 9357 5687

Passcode: 690832

Find your local number: <https://zoom.us/u/aeH3mQYScE>

#### 2. CALL TO ORDER

#### 3. ROLL CALL

#### 4. 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.

#### 5. APPROVAL OF MINUTES

5.1. Approval of the September 15, 2020 Regular Town Council Meeting Minutes

#### 6. REPORTS

6.1. Town Manager's Report

6.2. Town Council Reports

#### 7. CORRESPONDENCE

#### 8. OLD BUSINESS

#### 9. NEW BUSINESS

9.1. Discussion and Possible Consideration of a Grant to the CB Youth Wellness Program for the 2021 Budget – Kari Commerford

- 9.2. Discussion and Possible Consideration of Ordinance 9 Series 2020 - An Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Amending Sections 18-8, 21-307, 21-378, 21-403, 21-458, and 21-604 of the Town Code of the Town of Mt. Crested Butte, Colorado – First Reading – Todd Carroll
- 9.3. Discussion of TAPP’s Direction and Purpose, Including Adding Ex-Officio Members, and Possible Direction to Send a Letter to the Gunnison County Board of County Commissioners Regarding the Same – Mayor Janet Farmer
- 9.4. Discussion and Possible Consideration of a Subdivision Improvement Agreement for Villas Phase V – Carlos Velado
- 9.5. Discussion and Possible Consideration of Interim Town Manager’s Salary – Karl Trujillo
- 9.6. Discussion and Possible Consideration of the Town Manager Job Announcement, Job Description and Posting Locations - Steve Morris and Nicholas Kempin
- 9.7. Discussion and Possible Consideration of a Proposal for Awarding Additional Funds to Admissions Tax Grant Recipients that Include Plans for Marketing to Diverse Groups – Mayor Janet Farmer

#### **10. ANNOUCEMENTS AND DISCUSSION ITEMS**

- 10.1. Discussion of One Town Council to Attend the STOR Committee Meeting on October 22, 2020 – Tiffany O’Connell
- 10.2. Discussion of October 20th Attendance - Carlos Velado
- 10.3. Discussion of Moving the November 6, 2020 Town Council Regular Meeting - Carlos Velado

#### **11. 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**

**SEPTEMBER 22, 2020**

**REGULAR SESSION**

**4:30 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. Council Action Items:**

**A. Executive Session (start time 4:30 p.m.)**

Background: This Executive Session is pursuant to C.R.S. §24-6-402(4)(e)(I) to obtain counsel from the City Attorney on contract negotiations regarding the Wastewater Treatment Plant.

Staff Contact: City Manager Russ Forrest

**Action Requested of Council:** A motion and vote to go into Executive Session. No action is requested of Council from the Executive Session.

Estimated time: 45 minutes

**B. Citizen Input: (estimated time 3 minutes) (start time estimated to be 5:30 p.m.)**

*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.*

**C. Approval of the September 8, 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.

**Action Requested of Council:** A motion, second and vote to approve the September 8, 2020, Regular Session meeting minutes.

Staff contact: City Clerk Erica Boucher

Estimated time: 2 minutes

**D. Letter of Support for Gunnison Arts Center for an Enterprise Zone Tax Credit**

Background: The Gunnison Arts Center requested a letter of support for its Enterprise

Zone (EZ) Contribution Project application. Eligible nonprofit organizations can apply for certification for Enterprise Zone Contribution Projects, which allows donors to reclaim up to 25% of their donation as a Colorado State income tax credit. Contribution Projects must directly link to job creation and retention and/or business expansion in an Enterprise Zone and the project must support the economic development goals established for the EZ.

Staff contact: City Clerk Erica Boucher

**Action Requested of Council:** A motion to authorize the Mayor to sign a letter of support for the Gunnison Arts Center Enterprise Zone Contribution Project application.

Estimated time: 5 minutes

**E. Letter of Support for Pioneer Museum for Enterprise Zone Tax Credit**

Background: The Gunnison Pioneer Museum requested a letter of support for its Enterprise Zone (EZ) Contribution Project application. Eligible nonprofit organizations can apply for certification for Enterprise Zone Contribution Projects, which allows donors to reclaim up to 25% of their donation as a Colorado State income tax credit. Contribution Projects must directly link to job creation and retention and/or business expansion in an Enterprise Zone and the project must support the economic development goals established for the EZ.

Staff contact: City Clerk Erica Boucher

**Action Requested of Council:** A motion to authorize the Mayor to sign a letter of support for the Gunnison Pioneer Museum Enterprise Zone Contribution Project application.

Estimated time: 5 minutes

**F. Campfire Ranch Review**

Background: On April 28, 2020, Council directed the City Manager to execute a contract with Campfire Ranch LLC to serve as the Camp Host at Taylor Mountain Park. The contract was signed and made effective on May 13, 2020. Since then, Parks and Recreation staff has worked closely with Sam Degenhard, owner of Campfire Ranch, to review proposed improvements to the park (including future campsites and tree mitigation), assist through the County's Land Use Review, and address much of the deferred maintenance on the property. Council requested an update from Campfire Ranch toward the end of its first season to assess the partnership.

Staff contact: Park & Recreation Interim Director Dan Vollendorf

**Action Requested of Council:** To receive and provide feedback to Campfire Ranch in order to consider directing the City Manager to execute any and all documents, including a contract extension with Campfire Ranch LLC.

Estimated time: 20 minutes

**G. Senior Meal Budget Consideration**

Background: The changes in the senior meals program brought on by the circumstances of the COVID-19 pandemic have changed the senior meals program in some significant ways. This has affected both staffing and supply needs and costs, as well as how the program does outreach into the community to serve seniors.

Staff contacts: Interim Parks and Rec Director Dan Vollendorf and Senior Coordinator

Elizabeth Gillis

**Actions Requested of Council:** Three separate motions-

- 1) To approve an additional appropriation of \$54,853 to cover the meals program expenditures in 2020 realizing that there is offsetting revenue for the program.
  - 2) To authorize a permanent increase to the employee full-time equivalents by 1.35 annualized (2,028 hours) for the head cooks and line cooks.
  - 3) To adopt the staff suggested pay range for cooks effective September 19, 2020.
- Estimated time: 20 minutes

**H. Authorization for Mayor to Sign the Gunnison Rising Avigation Agreement**

Background: At the September 8<sup>th</sup>, Regular Session meeting Council accepted ZA 20-1 Gunnison Rising - Major Change to a PUD standards on second reading of Ordinance No. 8, Series 2020, and took action to accept the updated Annexation Agreement. It was discussed that the final form of agreement would be ready for signature at the September 22, Regular Session meeting

Staff contact: Community Development Director Anton Sinkewich

**Action Requested of Council:** A motion to authorize Mayor Gelwicks to sign the Avigation Agreement.

Estimated time: 15 minutes

**I. Resolution No. 16, Series 2020: A Resolution of the City Council of the City of Gunnison, Authorizing the Director of Finance to Extend the Repayment Term for Past Due Balance on Utility Bills to Twelve Months**

Background: At the outset of the Coronavirus pandemic, the City Council recognized the potential for customers being unable to make timely payments toward their utility bills, and took action to discontinue late fees and the disconnection process. The Governor and the PUC subsequently prohibited late fees and disconnection. Now that the Executive Order has expired, and the City wishes to avoid the further accumulation of large past due balances, consideration should be made toward financially feasible repayment of past due utility amounts.

Staff contact: Finance Director Ben Cowan

**Actions Requested of Council:** (1) Introduce, read by title only by the City Attorney, motion, second, and vote to adopt Resolution No. 16, Series 2020, on first reading; (2) Provide direction to regarding when the Finance Department should reinstate the service disconnection process.

Estimated time: 15 minutes

**J. Resolution No. 17, Series 2020: A Resolution of the City Council of the City of Gunnison, Colorado, Supporting Repeal of the Gallagher Amendment (Amendment B) in the November 3, 2020, General Election**

Background: During the September 8, 2020, regular session meeting, Council discussed 2020 ballot initiatives and directed staff to prepare a resolution in support of Amendment B, (CONSTITUTIONAL) Repeal Gallagher Amendment.

Staff contact: City Manager Russ Forrest

**Action Requested of Council:** Introduce, read by title only by the City Attorney, motion, second, and vote to adopt Resolution No. 17, Series 2020.

Estimated time: 5 minutes

**K. Resolution No. 18, Series 2020:** *A Resolution of the City Council of the City of Gunnison, Colorado, Supporting Voter Approval of Proposition EE in the November 3, 2020, General Election*

Background: During the September 8, 2020, regular session meeting, Council discussed 2020 ballot initiatives and directed staff to prepare a resolution in support of Proposition EE (STATUTORY), Cigarette Tobacco and Nicotine Products Tax.

Staff contact: City Manager Russ Forrest

**Action Requested of Council:** Introduce, read by title only by the City Attorney, motion, second, and vote to adopt Resolution No. 18, Series 2020.

Estimated time: 5 minutes

**L. Resolution No. 19, Series 2020:** *A Resolution of the City Council of the City of Gunnison, Colorado, Opposing Proposition 116 in the November 3, 2020, General Election*

Background: At the September 8, 2020, regular session meeting, Council discussed 2020 ballot initiatives and directed staff to prepare a resolution in opposition to Proposition 116 (STATURORY), State Income Tax Rate Reduction.

Staff contact: City Manager Russ Forrest

**Action Requested of Council:** Introduce, read by title only by the City Attorney, motion, second, and vote to adopt Resolution No. 19, Series 2020.

Estimated time: 5 minutes

**M. Resolution No. 20, Series 2020:** *A Resolution of the City Council of the City of Gunnison, Colorado Commending Arden Anderson for his Volunteer Service to the City of Gunnison in 2020*

Background: This resolution is to commend Arden Anderson for his volunteer service in the City of Gunnison throughout 2020.

Staff contact: City Manager Russ Forrest

**Action Requested of Council:** Introduce, read in full, motion, second, and vote to adopt Resolution No. 20, Series 2020.

Estimated time: 10 minutes

**N. 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:**

Police Department 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  
WORK SESSION & SPECIAL MEETING AGENDA**

**DATE:** Tuesday, September 22, 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:**

- 8:30 am • Tourism & Prosperity Partnership (TAPP) Semi Annual Update
- 10:00 • COVID-19 Recovery Update
- 10:30 • 2021 Colorado Counties, Inc (CCI) Legislative Priorities
- Adjourn

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

- 11:00 • Call to Order
- 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 Services Block Grant; Colorado Department of Local Affairs
- Vouchers & Transfers
- Sales Tax & Local Marketing District Reports
- May 2020 Purchase Card Reports
- Treasurer's Reports

**Zoom Meeting:**  
**Time: Sep 22, 2020 08:30 AM Mountain Time (US and Canada)**

**Join Zoom Meeting**  
<https://us02web.zoom.us/j/83990699703?pwd=OGQxaEpZb2pUU2F0RG5wSW5uZWpKdz09>

**Meeting ID: 839 9069 9703**  
**Passcode: 094936**  
**One tap mobile**  
**+13462487799,,83990699703#,,,,,0#,,094936# US (Houston)**  
**+14086380968,,83990699703#,,,,,0#,,094936# US (San Jose)**

**Monday, October 19, 2020****Work Session**

2021 Budget Review

**Consent Agenda**

Financial Audit

Annual Rental Agreement with WEHA

Presentation - Annual Update from CB Nordic

**Old Business**

Updated Financial Forecast and Discussion

Check-in on Elk Avenue One-Way

Update on CB Black Lives Matter Committee

**New Business**

Award of Fall Grant Cycle - Community Health and Wellness

Appointment of Council representative to GVRHA

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

Quarterly Update from BOCC

Update on Weed Management

**Consent Agenda**

Tree City USA

**Old Business**

Q3 Financial Update

Check in on Elk Avenue as One-Way

**New Business**

Resolution - IGA with CBFPD for TP-1

Verzuh Open Space Trail Proposal

**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