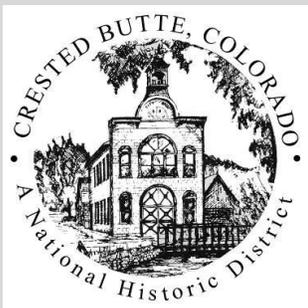


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, November 19, 2018
Council Chambers, Crested Butte Town Hall



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

Town Council Values

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

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

6:00 WORK SESSION

1) Presentation from Mike McBride from Gunnison County Electric Association.

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

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

- 1) November 5, 2018 Regular Town Council Meeting Minutes.
- 2) November 6, 2018 Special Town Council Meeting Minutes.
- 3) November 12, 2018 Special Town Council Meeting Minutes.
- 4) Town Council Regular Meeting Schedule for 2019.

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 PROCLAMATION DECLARING DECEMBER 18, 2018 AS INTERNATIONAL DAY OF THE MIGRANT

7:12 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.

7:20 STAFF UPDATES

7:30 OLD BUSINESS

- 1) Discussion on The Corner at Brush Creek Housing Project.

7:55 NEW BUSINESS

- 1) Crested Butte Emergency Services Building Projects - Basis of Design Update.

8:20 2) Ordinance No. 26, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Articles 1, 2 and 14 of Chapter 16 and Article 15 of Chapter 18 of the Town Code to Amend the Demolition Requirements, Deconstruction and Recycle Plan, Add New Criteria for Exclusion of Certain Structures From the Definition of an Historic Building, and to Provide for the Partial Demolition of an Historic Structure Subject to an Approved Rehabilitation and Development Plan.

8:25 3) Ordinance No. 27, Series 2018 - An Ordinance of the Crested Butte Town Council to Approve a Conditional Use Permit to Site a Hotel Operation in the Office/Recreation Building Located at 123 Elk Avenue, Block 20, Lots 27-28 in the B-1 Zone Based Upon Compliance with Code Section 16-8-30, the Provisions and Conditions Listed in the BOZAR Finding, and to Approve Payment in Lieu of Providing up to Four Off-Street Parking Spaces for the Office/Recreation/Hotel Building Based Upon Code Section 16-16-15.

8:30 LEGAL MATTERS

8:35 COUNCIL REPORTS AND COMMITTEE UPDATES

8:50 OTHER BUSINESS TO COME BEFORE THE COUNCIL

9:00 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

2

- Monday, December 3, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council

9:05 EXECUTIVE SESSION

For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, regarding the Town Manager Annual Review.

9:40 ADJOURNMENT

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 5, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:07PM.

Council Members Present: Will Dujardin, Chris Haver, Kent Cowherd, Jackson Petito, Laura Mitchell, and Paul Merck

Haver left the meeting during #2 under New Business, so he did not vote on motions for the remainder of the meeting.

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

Parks and Recreation Director Janna Hansen, Community Development Director Michael Yerman, Chief Marshal Mike Reily, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

Schmidt added a third Executive Session, and he read the reason: 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) to discuss the ADU Case.

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

CONSENT AGENDA

- 1) October 15, 2018 Regular Town Council Meeting Minutes.**
- 2) Agreement for the Extension of Town Water to Ruby Mountain Pursuant to Section 13-1-280.**
- 3) Acceptance of Ruby Mountain Easement for Slate River Water Transmission Line.**
- 4) Resolution No. 25, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Suzanne Simmons to Encroach Into the Right-Of-Way Adjacent to Gothic Avenue and Lots 22-24, Block 27, Town of Crested Butte.**

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

PROCLAMATION IN HONOR OF GLO CUNNINGHAM

Schmidt read the proclamation. Cunningham thanked the Council. She was humbled, honored, and thrilled. Schmidt presented Cunningham with a key to the Town.

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt referred to questions posed in the Manager’s Report. MacDonald identified that Staff needed direction on the proclamation regarding National Day of the Migrant. Schmidt was in favor of the proclamation. Cowherd agreed it matched the community values. No one disagreed, and it would be included on the next agenda.
- MacDonald reminded of the upcoming dinner this week amongst elected officials.
- There was a brief discussion on the Crested Butte to Carbondale Trail. The Council agreed to the Mayor signing the letter of support for Pitkin County that had been included in the packet.
- MacDonald met with the School of Dance. There had been positive conversations between the School of Dance and The Center for the Arts.
- She pointed out the placemats in front of every Council member. The placemats held sheets listing the Council’s values, goals, and priorities.
- Schmidt questioned if there had been any updated information on Big Air. Stanford reported that an application had not yet been submitted.
- Referencing Yerman’s short-term rental update, Cowherd asked about the five properties that were found operating without a license.

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

Schmidt explained the reasoning behind Mt. Crested Butte deferring a meeting between the councils. From the letter included in the packet, he reviewed points that had been discussed. Schmidt thought they needed to discuss #5 further, regarding the management of the units. Petito clarified that he wanted the residents to have a body and a third party mediator that had been elected, to which they could appeal. Haver summarized aspects in his proposed letter that was not in the packet but was emailed before the meeting. Dujardin drew the conversation back to the management agency, and he questioned what the relationship would be between the agency and Gatesco. Haver suggested they ask for input from the Gunnison Valley Housing Authority. Petito elaborated upon the importance he saw for oversight, for both the tenant and the landlord. MacDonald

recommended the Council state the intent to where they were trying to get, rather than trying to identify the solution.

Next, Schmidt brought up #4 from the letter in the packet, which stated the project should include for-sale units for people falling within 80 to 120% of AMI. Mitchell thought it would be hard to obtain financing to purchase. Schmidt was ambivalent, while recognizing the Town would be building for-sale units. Petito preferred that there would be for-sale units. Haver's letter indicated they would want to receive feedback on the issue. Cowherd thought it was important that the councils gain consensus on the items, and he would give up this one for consensus on others. Dujardin was concerned there were no ownership opportunities for people under 100% AMI, and they still needed to discuss. Haver did not disagree as it related to his letter, and he confirmed the overall purpose of the letter.

There was discussion on the process. MacDonald explained the reason for meetings with the Mt. Crested Butte Council. Haver suggested an order for proposed meetings, starting with another meeting between Crested Butte and Mt. Crested Butte. Cowherd thought feedback from the public was important. Dujardin said they should bring Gatesco into a meeting at some point. He did not think they should stop 180 units from happening if it could be achieved. MacDonald would summarize and gather comments based on the discussion tonight and Haver's letter in order to refine a letter for discussion at the next meeting.

Schmidt asked if anyone from the public wanted to comment:

Katey Nelson

- She would love to see a long-term housing development happen.
- She experienced difficulty in finding housing.

NEW BUSINESS

1) Presentation, Discussion, and Possible Adoption of the Snow and Ice Control Operations Plan.

Hansen showed a slide with a map that illustrated the snow management plan. She reviewed areas that were used for snow storage. She summarized highlights from the snow management plan. Hansen reviewed background on past decisions concerning removal of snow banks. She explained the banks were removed between Christmas and New Year's last year. Haver asked if there were issues with the new parking regulations. Reily reported so far it had been good, and they were still in warning mode. Hansen stated that Staff stood behind clearing banks after every snowstorm. Petito recognized that when the banks remained, people would park in traffic, away from the curb, and public safety was their first job. Mitchell wanted to try snow banks again. Dujardin agreed with Mitchell. Cowherd thought they should enjoy the snow banks during the holiday season. Merck agreed with the Staff and the Marshal's recommendations. He

did not like snow banks for the safety consideration and narrowing of streets. Haver was fine directing Staff to clear the snow.

Schmidt opened the meeting to public comment:

Alan Bernholtz - 416 Sopris

- He stated the snow banks did not need to be a safety issue.
- He suggested leaving the snow banks from Christmas to MLK weekend.
- He questioned how much it cost to remove the banks after every storm.

The Council discussed leaving the snow banks until MLK. Schmidt considered leaving them through Christmas as a compromise. Haver was not pushing to leave the snow banks through MLK.

Dujardin moved to approve the Town of Crested Butte 2018-19 Snow Management Guidelines as amended to go from the week before Christmas to the week after MLK. Motion died due to lack of second.

Mitchell moved and Dujardin seconded a motion to approve the Town of Crested Butte 2018-19 Snow Management Guidelines as presented. A roll call vote was taken with Mitchell, Schmidt, Haver, Cowherd, and Dujardin voting, “Yes,” and Merck and Petito voting, “No.” **Motion passed.**

Mitchell questioned the method for plowing regarding the Safe Route to School through the park and Hansen explained.

2) Annual Report by the Chair of the Weed Advisory Board on Weed Management in the Town of Crested Butte.

Hansen introduced key partners in attendance at the meeting. She reviewed the make-up of the Noxious Weed Advisory Board. She provided background on weed management within the Town of Crested Butte. They were asking the Town to fund, into perpetuity, a shared position for weed management that had previously been funded by a grant. Jenny Reithe, from RMBL, reviewed work being done around RMBL. She stressed the importance of weed management. Jason Evanko, from Gunnison County, explained work and the areas he treated in Town. Brad Wigginton, with Gunnison County, explained they did their best to work around the towns to prevent the seeds from being dispersed. Hansen reported on education and awareness; prevention and detection; and revegetation and rehabilitation. She outlined priorities for 2019, and she emphasized the importance of securing funding for a shared seasonal position. Jon Mugglestone, Gunnison County Weed District Coordinator, concurred with Hansen and reiterated the importance of partnerships to address the issue on a basin-wide scale.

3) Discussion Regarding Toy Vehicles in Town Rights of Way.

Reily identified that scooters may or may not be toy vehicles. He explained the Marshals' focus was on general safety with the goal to reduce conflict. He reviewed descriptions of toy vehicles, including low-power scooters, skis, toboggans, coasting sled, and skates. Reily then described the one wheel. He elaborated upon how the Marshals would currently address toy vehicles. Schmidt acknowledged there could be problems if a business decided to rent toy vehicles. Mitchell knew of a business that did rent them out, and she suggested they determine where they would not be okay. Reily felt they had a good handle on what had been happening. Dujardin thought they should be looking at a way to allow toy vehicles. He encouraged the Council to look to allow citizens continue being who they were. Reily stated the main streets were not good options for toy vehicles because of the potential conflict.

Charles Cowap - Student at Western

- He agreed with Dujardin's point that toy vehicles could be used safely.
- He recognized that the vehicles were equipped with brakes, unlike skateboards.

4) Presentation of the 5 Year Town of Crested Butte Affordable Housing Plan.

Yerman reviewed the goals for Town's affordable housing, and he explained progress made, including that 45 units were approved. Yerman showed a slide listing affordable housing successes since 2016. He proposed new policies for the Council to consider, one that was expedited BOZAR review, to which the Council was agreeable. Next, Yerman suggested a deed restriction purchase program that he thought could be successful. Yerman then mentioned a water and wastewater enterprise fee tap reduction. Yerman reported on reducing greenhouse gas emissions for Block 76, which would be about reducing residents' costs. The Council was agreeable to having Yerman pursue information to report back.

Yerman went through projects for 2018 and for 2019-2020. He informed the Council that Lot 5, Block 80 needed further review, partly due to a geo-grid and the risk of collapsing. Yerman focused on the budget as it pertained to affordable housing and major expenses. He then showed a slide with projects for 2021 and beyond and slides for 2021 budgeting and beyond. He reported on the Slate River Annexation and the associated costs for beyond 2021. He asked for direction from Council on Block 5, Lot 80. There was discussion on possibilities for the lot, including the potential for an ADU. No one on the Council voiced disagreement with selling the lot to generate seed money for a down payment program. Jim Starr recommended requiring an ADU on the lot. Yerman expressed concern with affordability of the lot. Schmidt took questions from Susan Eskew that Yerman answered.

5) Review and Adoption of the 2019 Paradise Park Affordable Housing Lottery Timeline and Procedures.

Yerman informed the Council there would be two lotteries. His staff report reflected a timeline starting on November 5th to set sale prices, AMI targets, and confirm the lottery process. He explained there would be two categories of AMI cap, up to 140% and up to

200%. There was a short discussion on employer purchases. Cowherd questioned the numbers for lottery entries, and a discussion ensued. Jennifer Kermode, from the Housing Authority, stated the Town would not be involved in the lottery.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He attended an Upper Gunnison River Water Conservancy District meeting at the beginning of October. The drought would persist until further notice. They had high-level discussions on drought contingency planning.
- Laura Mitchell was named the new Chair of Mountain Express. Duane Lehnert, from Mt. Crested Butte, joined the board. Ridership was down. They hired six new drivers for the winter season.
- He thought they needed to double down on efforts with the widening affordability gap.

Kent Cowherd

- He would attend an upcoming Creative District meeting.

Paul Merck

- Went to The Center for the Arts/School of Dance meeting. They seemed to work things out.
- He expressed appreciation for MacDonald's efforts in helping the museum with problem solving.

Laura Mitchell

- Attended Mountain Express meeting.

Jackson Petito

- The Housing Foundation would have more business as of tomorrow because they had been focused on the 6A push. They were moving closer to buying a 14 unit apartment complex in Gunnison, and they were looking at other properties north of Gunnison.

Jim Schmidt

- Went to OVPP.
- Attended CAST meeting with MacDonald in Winter Park. There were presentations about housing, what happened when a town ran out of money in a recession, and fiber optic cable.
- Went to a meeting at the Depot regarding the trail from Carbondale to Crested Butte.
- The Mayor/Managers meeting was held at The Center for the Arts.

- MacDonald pointed out Aspen was contemplating a time when all residents would live in deed-restricted housing.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin had been encouraged and wanted to be more involved with OVPP. MacDonald told him that they could further inquire. He asked to be kept in the loop on the next meeting. No one on the Council voiced disagreement with his involvement.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, November 19, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 3, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt confirmed the Council would meet tomorrow at 9AM. He mentioned the dinner on Thursday night at 9380. The next regular meeting would be on the 19th, and they would schedule another joint meeting with Mt. Crested Butte.

EXECUTIVE SESSION

Schmidt read the three reasons for Executive Session:

- 1) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) to discuss the ADU Case.
- 2) 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) on R and S Journey's End LLC Case Number 2018-CV-30008.
- 3) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, regarding the Town Manager Annual Review.

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

The Council went into Executive Session at 11:07PM. The Council returned to open meeting at 12:45AM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 12:47AM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Tuesday, November 6, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 9:10AM.

Council Members Present: Will Dujardin, Kent Cowherd, Laura Mitchell, and Paul Merck

Jackson Petito arrived after the meeting was called to order.

Town Attorneys, John Sullivan and Barbara Green, were also present.

Schmidt read the three reasons for Executive Session:

- 1) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) relating to Town Attorney.
- 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).
- 3) 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).

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

Merck moved and Dujardin seconded a motion to go into Executive Session for the purposes stated. A roll call vote was taken with all voting, “Yes,” except for Petito, who had not yet arrived. **Motion passed unanimously.**

The Council went into Executive Session at 9:12AM. The Council returned to open meeting at 10:35AM. Mayor Schmidt made the required announcement upon returning to open meeting.

Merck moved and Mitchell seconded a motion to continue this Special Meeting and the Executive Session until November 12th at 6:00PM. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:40AM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Monday, November 12, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 6:05PM.

Council Members Present: Will Dujardin, Kent Cowherd, Jackson Petito, Laura Mitchell, and Paul Merck

Town Manager Dara MacDonald and Town Attorney John Sullivan were present for the entire meeting.

Attorney Brenden Desmond was present for part of the meeting.

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

Schmidt read the three reasons for Executive Session:

- 1) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) relating to the Town Attorney.
- 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) 2016CV30080, Sopris 715, LLC v. Town of Crested Butte.
- 3) 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).

Petito moved and Merck seconded a motion to go into Executive Session for those purposes. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

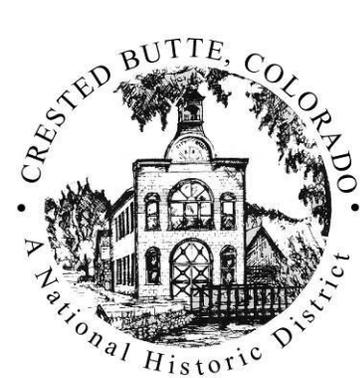
The Council went into Executive Session at 6:08PM. The Council returned to open meeting at 8:16PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 8:17PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

November 19, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Town Council Regular Meeting Schedule for 2019
Date: November 6, 2018

Summary:

A regular meeting schedule for 2019 is included in the packet. The Town Charter states in part that “the Council shall meet regularly at least twice each month at a day and hour to be fixed by the Council.” Town Code dictates that the Council meetings are regularly scheduled on the first and third Mondays of each month, excluding holidays. In the case of a holiday falling on a Monday when a meeting would regularly be scheduled, the meeting is held the subsequent Tuesday.

Recommendation:

Staff recommends approval of the Town Council Regular meeting schedule for 2019.

Recommended Motion:

To approve the Town Council Regular meeting schedule for 2019 as part of the Consent Agenda.

2019 Regular Town Council Meeting Schedule

January

7 Town Council 7 p.m.

22 (TUESDAY) Town Council 7 p.m.

*Due to Martin Luther King Jr. Day

February

4 Town Council 7 p.m.

19 (TUESDAY) Town Council 7 p.m.

*Due to Presidents' Day

March

4 Town Council 7 p.m.

18 Town Council 7 p.m.

April

1 Town Council 7 p.m.

15 Town Council 7 p.m.

May

6 Town Council 7 p.m.

20 Town Council 7 p.m.

June

3 Town Council 7 p.m.

17 Town Council 7 p.m.

July

1 Town Council 7 p.m.

15 Town Council 7 p.m.

August

6 (TUESDAY) Town Council 7 p.m.

*Due to Colorado Day

19 Town Council 7 p.m.

September

3 (TUESDAY) Town Council 7 p.m.

*Due to Labor Day

16 Town Council 7 p.m.

October

7 Town Council 7 p.m.

21 Town Council 7 p.m.

November

4 Town Council 7 p.m.

18 Town Council 7 p.m.

December

2 Town Council 7 p.m.

16 Town Council 7 p.m.



**PROCLAMATION
DECLARING DECEMBER 18, 2018 TO BE
INTERNATIONAL DAY OF THE MIGRANT**

WHEREAS, the Town Council of the Town of Crested Butte, Colorado, honors the dignity of all city residents, regardless of nationality, and recognizes the importance of their many contributions to the social, cultural, religious and economic life of our city; and

WHEREAS, On December 4, 2000, the United Nations General Assembly, taking into account the large and increasing numbers of migrants in the world, proclaimed December 18, as “International Migrants Day”; and

WHEREAS, the Town Council of the Town of Crested Butte supports the Constitution of the United States and the Bill of Rights, documents that have become beacons of hope for people all over the globe seeking a better life and peaceful future; and

WHEREAS, the Town of Crested Butte is concerned that immigration reform legislation be just, fair and comprehensive for all immigrants in our country, state and community; and

WHEREAS, December 18th is recognized by the United Nations and many Colorado communities, as the “International Day of the Migrant”, and is a day for our country to look closely at our immigration, laws, policies and practices.

NOW, THEREFORE, I, James A. Schmidt, by virtue of the authority vested in me as Mayor of Crested Butte, do hereby proclaim Tuesday, December 18, 2018, as

“INTERNATIONAL DAY OF THE MIGRANT”

in the Town of Crested Butte, and I urge all citizens to observe the day by encouraging fair, just, and comprehensive immigration reform to provide principled and ethical solutions to our nation’s and community’s immigration situation.

DATED this 19th day of November, 2018.

James A. Schmidt, Mayor
Town of Crested Butte

ATTEST:

Lynelle Stanford, Town Clerk



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: November 19, 2018

Town Manager

- 1) School Master Plan and intersection improvements – The school district is still working to finalize their master plan. Town staff did meet with district and CBCS staff along with their architectural and traffic engineering consultants on November 13th to discuss the traffic implications of what the district has been discussing. Regarding the proposed realignment of the entrance to the Red Lady parking lot, we are planning to have a presentation for the Council at the Dec 3rd meeting. Plans include realignment of the parking lot entrance to align with the current three-way intersection at 8th and Red Lady, a dedicated right turn lane into that parking lot and newly aligned bus parking along Red Lady.
- 2) Winter Parking and Snow Removal Tips – We updated the attached brochure with relevant information and distributed through social media, notices on utility bills, the Chamber's Winter Economic Forecast, distribution to vacation rentals and direct mail to Elk Ave property owners between the zero block and 6th.
- 3) ADU litigation – We have received a notice from the CO Court of Appeals setting the date for oral arguments for January 15, 2019 at 1:30 p.m.
- 4) Chamber Economic Forecast – I attended the Winter Economic Forecast with Jim on Nov 13th. Vail and the new General Manager, Tim Baker, were clearly the main attraction but we did manage to give away a few flyers about Town Happenings (attached).

Public Works

- 1) Shea travelled to Burlington CO along with our engineering consultant to present to the Board for the Department of Local Affairs. The Town has requested \$800,000 to assist with the water treatment plant project scheduled for construction in 2019. We should hear in late November or early December whether and how much funding we may be awarded.
- 2) Also in anticipation of the water treatment plant project, a \$1.2M loan application was submitted on November 15th through the Colorado Drinking Water Revolving Fund.

Marshals

- 1) On October 17 the Marshal's Office, CB Fire/EMS honored our Explorer Assistant Chief Tanner Perkins with a Scouting Award for Lifesaving after his exceptional response to a serious crash on Highway 82 last February.
- 2) We conducted our annual winter/low-light firearms training on November 14.

- 3) Working with Mt Crested Butte PD to schedule mutual aid for upcoming winter events.
- 4) Working with Gunnison Emergency Management, Gunnison Dispatch and the Community School's Emergency Operations Director to craft an emergency messaging MOU.
- 5) Preparing to take Cynthea Gunderson on board after her graduation from the Colorado Mountain College academy on December 14.
- 6) We have issued numerous winter parking warnings and are providing education regarding the new winter parking signs in anticipation of a stellar winter.

Parks & Rec

- 1) Bike Park Shed – A new shed to house an irrigation pump and provide tool storage at the Bike Park was custom ordered from Cumberland Buildings. The custom nature of the building was to accommodate BOZAR requirements. The shed that was delivered on 11/8 did not incorporate many of the custom items as ordered. Staff is working with Cumberland Buildings to return this shed and have a new shed built and delivered that reflects what was ordered.
- 2) Totem Pole Stream Bank – The large hole in the bank along Coal Creek at Totem Pole Park has been repaired. There are other smaller holes further downstream that will also be repaired next summer.
- 3) CBAC Avalanche Mitigation – The Professional Services Agreement between the Town and CBAC for the performance of avalanche mitigation work for the 2018-2019 season has been sent to CBAC and awaits their signature.
- 4) Big Mine Ice Arena Facility Use Charge – CB Nordic has agreed to administer the collection of a facility use charge that will be assessed to anyone renting ice skates from CB Nordic for use at Big Mine. The fee is \$5 for adults and \$3 for children 16 and under.
- 5) Big Mine Warming House Update – CB Nordic and WEHA have entered into an agreement with Third Sector Innovations to perform a feasibility study to gauge the support level of potential donors, and to facilitate the creation of an MOU and other project related documents.

Community Development

- 1) Formula based business community meeting was held on Thursday evening. The next step will be review by BOZAR on November 27th.
- 2) CB to Carbondale Trail – The Carbondale to Crested Butte Trail Plan is set for a public hearings for approval by the Pitkin County Commissioner on December 19th. Both Jim and Michael went to Carbondale on November 7th to voice their support of the Plan and to thank the Board of County Commissioners and the staff for their work and funding of the GOCO grant.
- 3) STOR Committee update - The STOR committee is starting a conversation about addressing UTV (Utility Task Vehicles) use and is considering starting a working group to address this. They have also been working a lot on different stewardship models, from ways to better engage youth in stewardship projects to partnering with the National Forest Foundation on creating a stewardship fund for local projects. Additionally, the Land Trust is planning a community forum about the Peanut Lake road area during the first week of December. Mel will update the Council with the date/time/details of this forum before Thanksgiving.
- 4) Creative District update - The Creative District is unveiling its latest public art project on Friday, November 23rd at 5pm at the 308 3rd Street public restrooms. Heather Bischoff was commissioned to

create a mural called “Anima on 3rd Street” on the east wall of the common room that was inspired by the Dark Canyons Raggeds Wilderness and the Plute Elk at the museum.

Town Clerk

- 1) Fat Bike Worlds – The Chamber has submitted an event application which includes an extensive street closure in downtown on the evening of Friday, January 25th to allow for a circuit race. The road closure would last for approximately 3 hours.
- 2) ARTum – Would the Council like to schedule a time to discuss ARTum? During the approval last spring some members of Council expressed hesitation about the event and suggested they wanted to attend the 2018 event and then revisit for discussion.
- 3) The Center for the Arts has approached the Town about the possibility of hosting a large music event in Town Park on July 20th. Council has expressed concerns in the past about adding new festivals or events during July, so please let staff know if this is a concern. Otherwise we will proceed with processing the event application when it is submitted. Council approval will be required for the event.

Finance

- 1) Rob was able to attend his first statewide conference of municipal finance professionals and LOVED IT!

Intergovernmental

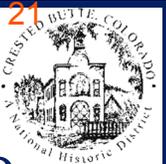
There is currently not a future joint meeting scheduled with other elected officials in the County.

Upcoming Meetings or Events

November 21st – Potluck lunch for Town staff, Public works, noon

December 14th – Holiday dinner for Town staff and families, Elk Avenue Prime, 6:00 p.m.

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



Winter 2018

Latest Happenings with the Town of Crested Butte

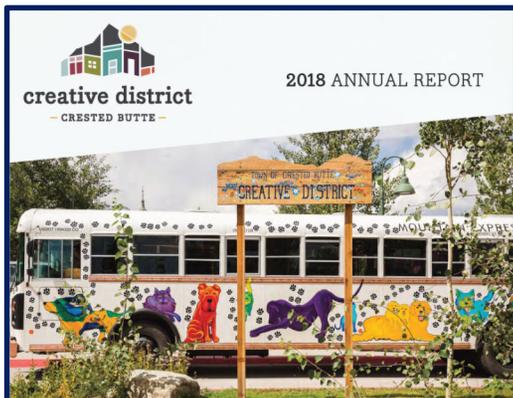
Slate River Working Group



The 2019 Floating Management Plan has been completed and is available on the CB Land Trust website.

Creative District

The mission of the Crested Butte Creative District is to support a dynamic cultural economy where local creatives live, create, and thrive.



The 2018 Annual Report is available on the Creative District's website at: cbcreativedistrict.org/2018-annual-report

Formula Based Businesses

There is currently a moratorium in place preventing new chain stores from opening in Crested Butte. **Get involved** in the conversation about the future of these types of businesses in town.

Community meeting, Thursday, Nov. 15th 6:00 p.m.
Council Chambers

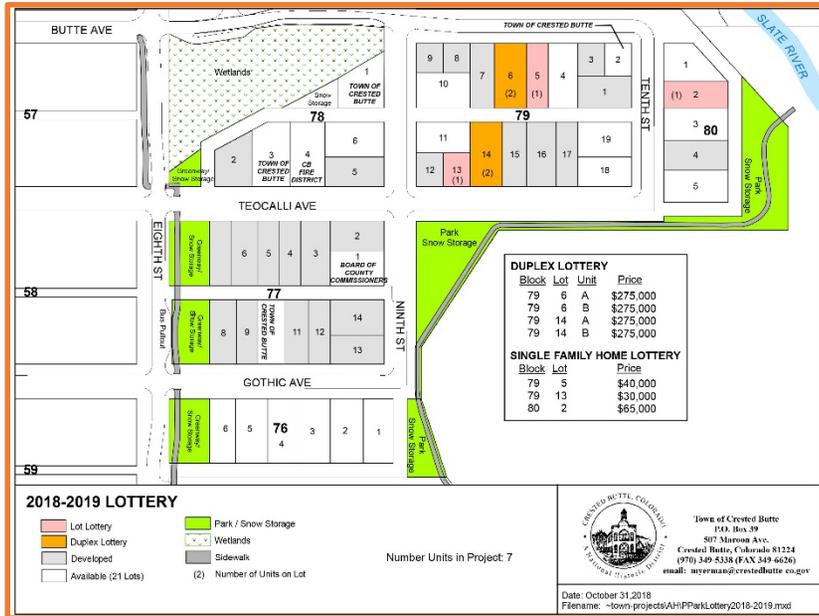
Winter Snow & Parking Tips

No Parking Before 10am	No Parking Before 10am	No Parking Before 10am	No Parking Before 10am
6	7	8	9
Even day	Odd day		
No Parking After 10pm	No Parking After 10pm	No Parking After 10pm	No Parking After 10pm
By Calendar ↗			
By Sign ↙			
By cardinal direction ↘			
		Odd Side	Even Side
		Odd Side	Even Side
Whiterock Ave		Fourth St	Fifth St

The rules have changed for the better! Get the latest info on winter parking, sidewalk regulations and plowing from our new brochure at crestedbutte-co.gov.

Affordable Housing

There is so much happening around affordable housing these days!



Now accepting applications for February 2019 Lottery:

- Four 2-bedroom duplex units - \$275,000 each
- 3 Paradise Park lots - \$30,000 - \$65,000

May 2019 Lottery, For Sale:

- Twenty two 1, 2, & 3-bedroom duplex and triplex units

Contact the Gunnison Valley Regional Housing Authority for more information about the lotteries: www.gvrha.org or 970-641-7900

Several units will be available for **businesses to purchase directly** for use as employee housing. Contact Michael Yerman asap if you are interested: myerman@crestedbutte-co.gov.

Sales Tax Update

Sales tax revenues are holding steady at a 4.8% increase over 2017 revenues. The Town has begun collecting sales tax from online retailers like Amazon and Apple this year.

Contact Finance Director Rob Zillioux for the latest in sales tax news at: rzillioux@crestedbutte-co.gov or 349-5338.

Parking Regulations

Town Council has been discussing possible solutions to parking congestion in Crested Butte. Possible strategies include paid parking enforcement, neighborhood parking restrictions, employee parking passes, etc. Join the conversation during the Council work session at 6:00 p.m., December 17th in the Council Chambers at Town Hall. Contact Town Planner Bob Nevins for more information: bnevins@crestedbutte-co.gov, 349-5338

2018 Community Survey

We heard from you!

Results from the 2018 Community Survey are available at: crestedbutte-co.gov under Community Development Department/Planning/Documents. There is lots of interesting information about thoughts from citizens and visitors about a variety of issues around town.

Council 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.
- Permanent removal of mining claims by Mt. Emmons Mining Company on Red Lady.
- Maintain at least one year of operating reserves in Town's funds.
- 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.
- Complete (modified) recommended capital projects in Parks & Recreation master plan.
- Upgrade Marshal Office facilities.



Welcome to winter in Crested Butte!

The Town of Crested Butte is prepared to respond to winter weather conditions! Town-operated snow removal equipment removes snow on Town roadways at 3 inches of accumulation. Snow removal operations occur primarily between the hours of 12:00am and 10:00am.

Please keep in mind that it is almost impossible to keep snow from being deposited in your driveway.

TIP: When you clear your driveway, clear an area on the left side of your entrance from the street. The snow from the plow will likely unload in this area instead of your driveway.

Please do not shovel, plow, blow, or allow roof snow to shed into the street or public parking areas. It is prohibited and can create traffic and emergency access issues. For additional information, please review the Snow & Ice Control Operations Plan at www.townofcrestedbutte.com.



Winter Preparedness

- Prepare for an electric or gas outage—stock up on candles, food, water, and medicine, and have an alternate heat source.
- Prepare your car for winter—maintain a half tank of gas, ensure you have proper winter tires, check washer fluid levels, keep a winter emergency kit on hand.
- Slow down! - reduce your speed to account for icy conditions and keep a longer following distance between yourself and the car in front of you.
- Dress for winter—wear several layers of clothing and wear proper footwear to walk on snow pack.
- Know what your elderly or disabled friends and neighbors might need in the event of extreme weather.
- Hydrate! Hydrate! Hydrate!



Winter Parking & Snow Removal Tips

TOWN OF
CRESTED BUTTE



Let's work together and have a safe winter for all!

Town of Crested Butte
P.O. Box 39
509 Maroon Avenue
Crested Butte, CO 81224

Phone: 970-349-5338
Fax: 970-349-6626
www.townofcrestedbutte.com

Winter Parking

To facilitate snow removal, the Town of Crested Butte has adopted alternate side of the street parking restrictions. From **November 1st—April 30th** vehicles parked on public rights of way must follow the parking regulations described below. Please note that the public right of way extends a minimum of 16 ft. on either side of the paved road including driveways.

There is **no overnight parking in public parking lots** and no parking in the alleyways.

Additional parking restrictions on Elk Avenue include no parking on Elk Avenue between 1st and 6th Streets from 2:00 a.m. to 8:00 a.m.

Vehicles parked in violation of winter parking regulations are subject to towing at the owner's expense and/or a citation.



Even side of the street addresses

Green signs



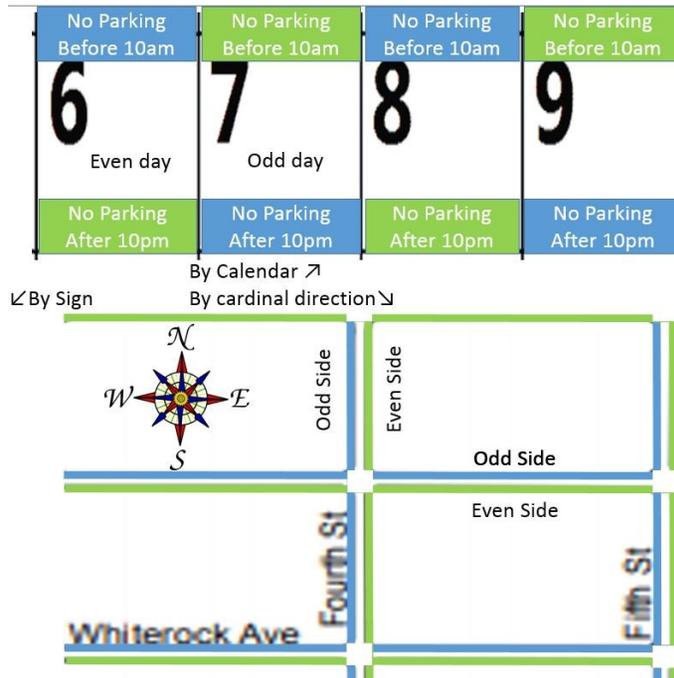
Odd side of the street addresses

Blue signs

WINTER PARKING FINES AND TOWING FEES COULD BE AS MUCH AS \$200!

Please contact the Marshals office at 349-5231 if you need further explanation or if you have any questions.

CARS ILLEGALLY PARKED WILL BE TICKETED AND TOWED AT THE OWNER'S EXPENSE!



Sidewalks, Roof Sheds, and Ice Dams

Walking down Elk Avenue as the snow falls in the early morning or evening remains one of the most picturesque and enjoyable activities of a Crested Butte day. Falling on an icy sidewalk is not. Please wear proper winter footwear.

Please remember that clearing snow and ice from sidewalks is the responsibility of the owner or other person in charge of the property adjacent to any sidewalk per section 11-1-40 of the Crested Butte Town Code, which can be found online at www.townofcrestedbutte.com.

The Town of Crested Butte begins snow blowing designated public walkways when there is accumulation of 1 inch of snow. Not all sidewalks are blown by the Town and those areas for which snow removal is provided can be viewed on the Snow Removal Map available at www.townofcrestedbutte.com.

The Town assists with snow removal during and immediately following storm events, but the responsibility to clear sidewalks remains with adjacent property owners or other person in charge of the property. This removal or maintenance includes the application of sand/ice melt, ice and ice dam removal, and snow removal resulting from roof shedding or overhangs.

TOWNS OF MT. CRESTED BUTTE AND CRESTED BUTTE

Gunnison County Board of County Commissioners

Re: The Corner at Brush Creek development project

Dear Commissioners:

Following sketch plan approval and in light of the condition that three of the MOA parties would have to agree to allow the developer to move to preliminary plan, the Towns of Mt. Crested Butte and Crested Butte have met to see if they could find common ground on appropriate development terms and conditions for the use of the site. The two Town Councils have held multiple joint meetings as well as discussions amongst the individual Councils on this topic.

To go back to the beginning of this process the primary objectives identified for the Brush Creek property in the initial Request for Qualifications issued in March of 2017 were:

- To construct a project that will improve the housing choices available for current and future residents of the Upper East River Valley
- To provide public amenities and transportation choices that benefit residents of the project and the County.

Following is a summary of our positions on key issues of concern:

- 1. Five acres of the site should be set aside for intercept parking and other possible uses as close as feasible to State Highway 135.** We are requiring this because parking has become a prominent concern for the Town of Crested Butte, particularly in the summer months and with Vail assuming ownership of CBMR, we anticipate increased numbers of winter visitors as well. It is important for transit parking to be as close to town and the ski resort as possible and this is the only suitable property for which we currently have public control. Our hope is to provide needed parking in an optimal location as our community grows.
- 2. The developer should provide two parking spaces for every unit constructed to be provided contemporaneous with the construction of the units.** The LUR requires two spaces per unit and because this property is outside of town, we believe most people who live here will have cars. By providing for sufficient parking, our hope is to create a community where parking is not an issue that causes conflict amongst neighbors.
- 3. Fifteen units per acre is the maximum density on the remainder of the parcel after the set aside described in #1, above.** Other parts of the surrounding community have been able

to build at this density and maintain compatibility with the surrounding developments. While it should be anticipated that this property may be developed at a higher density than adjacent neighborhoods, the project should still strive to maintain the mountain community character and flavor of the Upper East River Valley.

4. The developer should consider including for-sale units for people falling within the range of 80 -120% of AMI. It is difficult to supply ownership units for lower AMI households due to infrastructure and mobilization costs. For a project of this magnitude, which is quite large for this area, it is imperative that consider taking advantage of the larger scale and provide ownership units for lower incomes.

5. There should be an entity established to address landlord/tenant disputes with the purpose of ensuring protection of tenants from unfair treatment and ensuring that the units remain habitable and affordable. This could be an existing entity such as the Gunnison Valley Regional Housing Authority or a dispute resolution board established as part of the development. This should be established as a precautionary measure. With so much pressure on housing in the area, having one entity controlling so much of the rental market has potential for abuse which can be avoided by establishing mechanisms upfront.

6. Before the Towns can agree to the developer proceeding to preliminary plan, the developer must prepare and submit for review to the Towns a site plan depicting the five acres of intercept parking, two parking spaces per unit, and a density of no more than fifteen units per acre after the land set aside described in #1. The site plan should be the same level of detail as the Development Layout Plan provided for sketch plan along with estimates of building heights and square footages.

7. Prior to execution of the contract for sale, the developer must provide a pro forma to the Towns to be reviewed by an outside expert retained by the Towns that demonstrates his financial capability to construct and operate the project. As the public representatives responsible for the investment of public property in this partnership, it is our duty to make sure we are investing wisely in a long-term successful project.

We remain committed to efforts to provide additional affordable housing to serve the workforce in Gunnison County. Under the conditions stipulated above, the Towns consent to allow the developer to submit an application for preliminary plan. The Towns reserve their right to submit comments as review agencies on the application.

Thank you again for your interest in gaining support for an acceptable project from the Towns in the Northern part of the Valley.

Mayor James A. Schmidt Town of Crested Butte

Mayor Todd Barnes, Town of Mt. Crested Butte

Dara MacDonald

From: Will Dujardin
Sent: Wednesday, October 31, 2018 12:29 PM
To: Dara MacDonald
Subject: Re: Preparation for next work session on Brush Creek

Dara,
Thanks for all your work. These are my comments on the proposed letter:

- On point 1, 5 Acres seems kind of arbitrary in comparison to the need of affordable housing. I am OK setting aside some land for future use / intercept lot but feel we should be determining what and how much to put there with our other MOA partners, not just Mt. CB, and then get feedback from the developer on how to make it work.
- On point 3, I do not think we should be handicapping the developer to potentially still achieve 180 units. If there is still a way to make 180 work effectively and visually after land is potentially set aside we should be doing that.
- Point 4 is very important to me. Since the 2016 housing needs assessment there has not been any affordable housing built en masse for under 80% AMI. Just because people take low-paying jobs to live somewhere they love does not mean there should not be options for financial security and long-term housing.
- Point 5 needs clarity. Is the GVRHA capable of managing Brush Creek? Is an HOA capable of funding a management agency? This point is vague and to be honest seems biased.
- Point 6 six should be clarified to say "depicting 5 acres of land set aside for future use," as opposed to intercept parking, unless the developer is planning to do intercept parking.

Thanks and have a good weekend! Happy Halloween!
-will

Will Dujardin
Crested Butte Town Council
wdujardin@crestedbutte-co.gov
Cell: (201)-572-0605

On Oct 30, 2018, at 9:04 AM, Dara MacDonald <dmacdonald@crestedbutte-co.gov> wrote:

Dara MacDonald

From: Chris Haver
Sent: Saturday, November 03, 2018 4:19 PM
To: Dara MacDonald
Subject: Re: Preparation for next work session on Brush Creek

Dara and Town Council,

I apologize for not getting in my response earlier. I have been thinking about how best to address our letter and would like to recommend a little variation.

I would like us to be able to open by referring to the RFQ and RFP as to what the request was for. I do not have these documents currently but from memory I do believe they point out the importance of Transit Parking and the ability for this development to not only fit in but add to the surrounding neighborhood.

To help create clarity and some flexibility, I believe we should state what we are asking for, why we are asking for it, and what our hopes are in asking for it.

1. Five acres of the site should be set aside for intercept parking and other possible uses as close as feasible to State Highway 135. We are asking for this because a time in our history in which transit parking will become an important part of our community. It is important for transit parking to be as close to town and the ski resort as possible. Our hope is to provide needed parking in an optimal location as our community grows.
2. The developer should provide two parking spaces for every unit. The LUR requires two spaces per unit and because this property is outside of town, we believe most people will have cars living here. Our hope is to create a community where parking is not an issue that causes conflict amongst neighbors.
3. 15 Units per acre is the maximum density on the remainder of the parcel. Other parts of the surrounding community have been able to build at this density and still fit into the neighborhood. Our hope is to develop a community that can fit into the surrounding neighborhoods.
4. The project should include for-sale units for people falling at or below the 100% AMI level. At this time, it is hard to build lower AMI units because of small project costs. It is our hope that these units could be built more affordably since this project will be so large in scale.
5. We would like to GVRHA to be heavily involved in this project from development to operations as much as possible. It is our Housing Authority's role to make sure we have good affordable housing options in our valley. Our hope is that a good set of parameters can be set up for those who can rent at this development and that it be operated fairly.
6. Prior to the execution of the contract for the land, the developer must provide a pro forma to the Towns to be reviewed by an outside expert retained by the Towns that demonstrates Gatesco's financial capability to construct and operate the project. As the public representatives responsible for the investment of public property in this partnership, it is our duty to make sure we are investing wisely in a long-term successful project.
7. (I still would like to request the following:
 - a. That a Market Study be done for the same reason as above.
 - b. I would like to clarify that the Traffic Study will be completed before the end of the Preliminary Phase.
 - c. I still request that we require a Fiscal and Facilities Impact Analysis and a Bus Study to be preformed based on this development during the Preliminary Phase. These studies will give our communities very important information on how this particular development will affect our Towns. It is my hope that with this information we can be proactive in preparing for its completion rather than reacting to the effects it has on us. For example, we could be working out how we are going to manage and pay for the bus services before we have to start the services.)

8. Though a site plan is challenging at this point, we would like to make it clear that if the site plan produced in the preliminary phase of the LUR does not reflect the above criteria we will not approve the development to move into the final phase and thus will not sign any contract for the land.

I would also recommend that after our next meeting with Mt CB we have a follow up meeting inviting GVRHA, Vail Resorts and Gatesco to discuss these items before we hand them in as our final requirements of moving forward in the LUR. I would also like to clarify in writing that we will be voting again on this before the Final Phase and the Contract.

This is only a draft of my thoughts. If you like this approach, let's clean it up.

Thank you,
Chris Haver
Crested Butte Town Council

From: Dara MacDonald <dmacdonald@crestedbutte-co.gov>

Date: Tuesday, October 30, 2018 at 9:04 AM

To: Chris Haver <chaver@crestedbutte-co.gov>, Jackson Petito <jacksonp@crestedbutte-co.gov>, J Schmidt <JSchmidt@crestedbutte-co.gov>, Kent Cowherd <kcowherd@crestedbutte-co.gov>, Laura Mitchell <lmitchell@crestedbutte-co.gov>, Paul Merck <pmerck@crestedbutte-co.gov>, Will Dujardin <wdujardin@crestedbutte-co.gov>

Subject: FW: Preparation for next work session on Brush Creek

Mayor Schmidt and Council members,

Although the joint work session has been postponed, staff still recommends that Council continue with the previously suggested exercise detailed in the attached memo. Please submit any comments by 10:00 on Thursday so we can compile and include in your packets for discussion on Monday evening.

Thanks!

Dara

From: Dara MacDonald

Sent: Wednesday, October 24, 2018 4:19 PM

To: Chris Haver (chaver@crestedbutte-co.gov) <chaver@crestedbutte-co.gov>; Jackson Petito <jacksonp@crestedbutte-co.gov>; Jim Schmidt <JSchmidt@crestedbutte-co.gov>; Kent Cowherd <kcowherd@crestedbutte-co.gov>; Laura Mitchell <lmitchell@crestedbutte-co.gov>; Paul Merck <pmerck@crestedbutte-co.gov>; Will Dujardin <wdujardin@crestedbutte-co.gov>

Cc: John Sullivan <john@sullivangreenseavy.com>; Barbara Green <barbara@sullivangreenseavy.com>

Subject: Preparation for next work session on Brush Creek

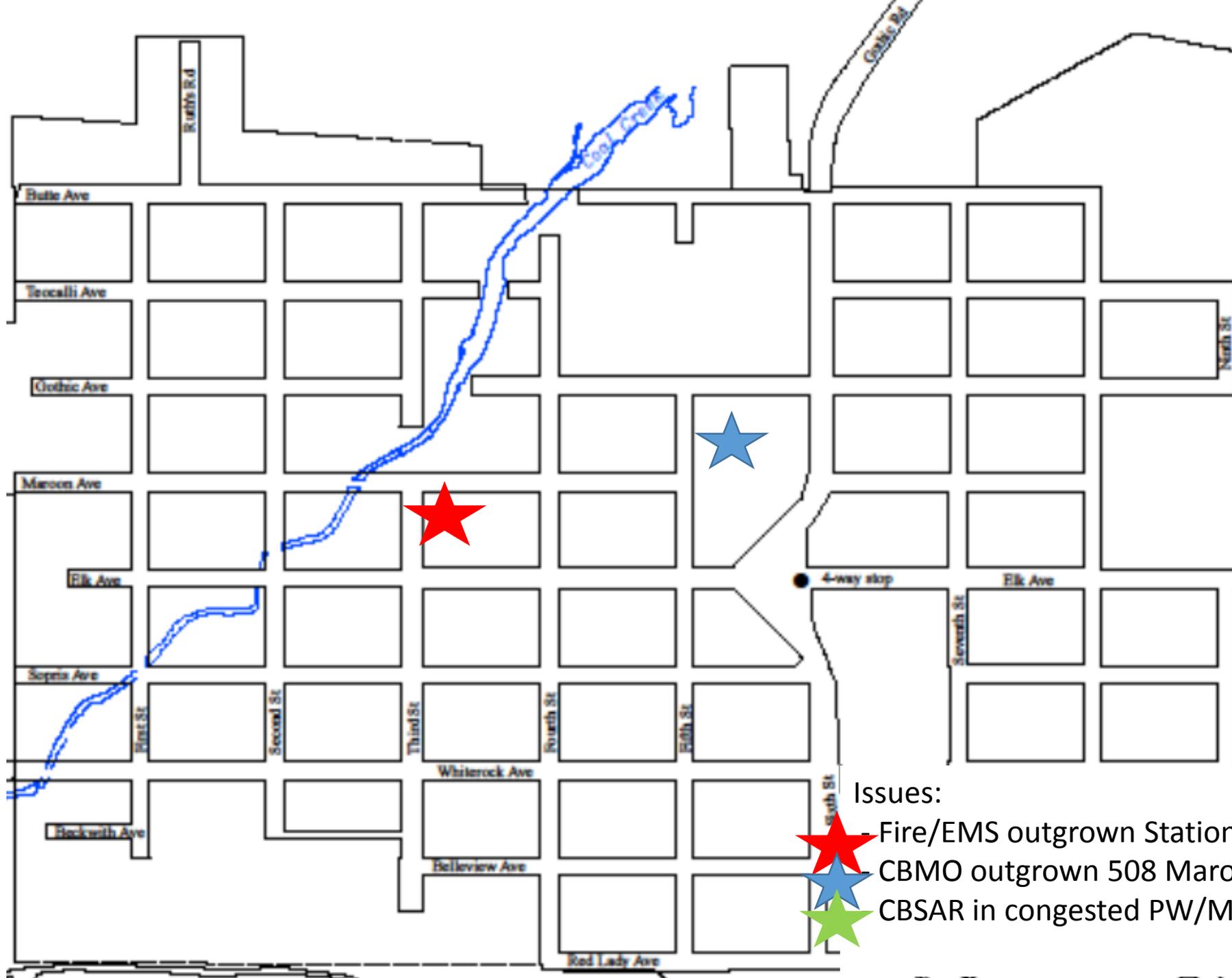
Mayor Schmidt and Council members,

Please see the attached memo seeking feedback from each of you in advance of the work session on November 5th. I have shared this with Joe Fitzpatrick as well and am hopeful that the members of the Mt. Crested Butte Council will go through a similar exercise with the goal of focusing your discussions at the next work session.

Please let me know if you have any questions or would like to discuss. I will be heading to Winter Park tomorrow afternoon with Jim for the CAST meeting and will be back in the office on Monday morning. You can certainly reach me by email or cell phone in the meantime.

NEEDS ANALYSIS | PLANNING CONCEPT DESIGN +
BASIS OF DESIGN STUDY

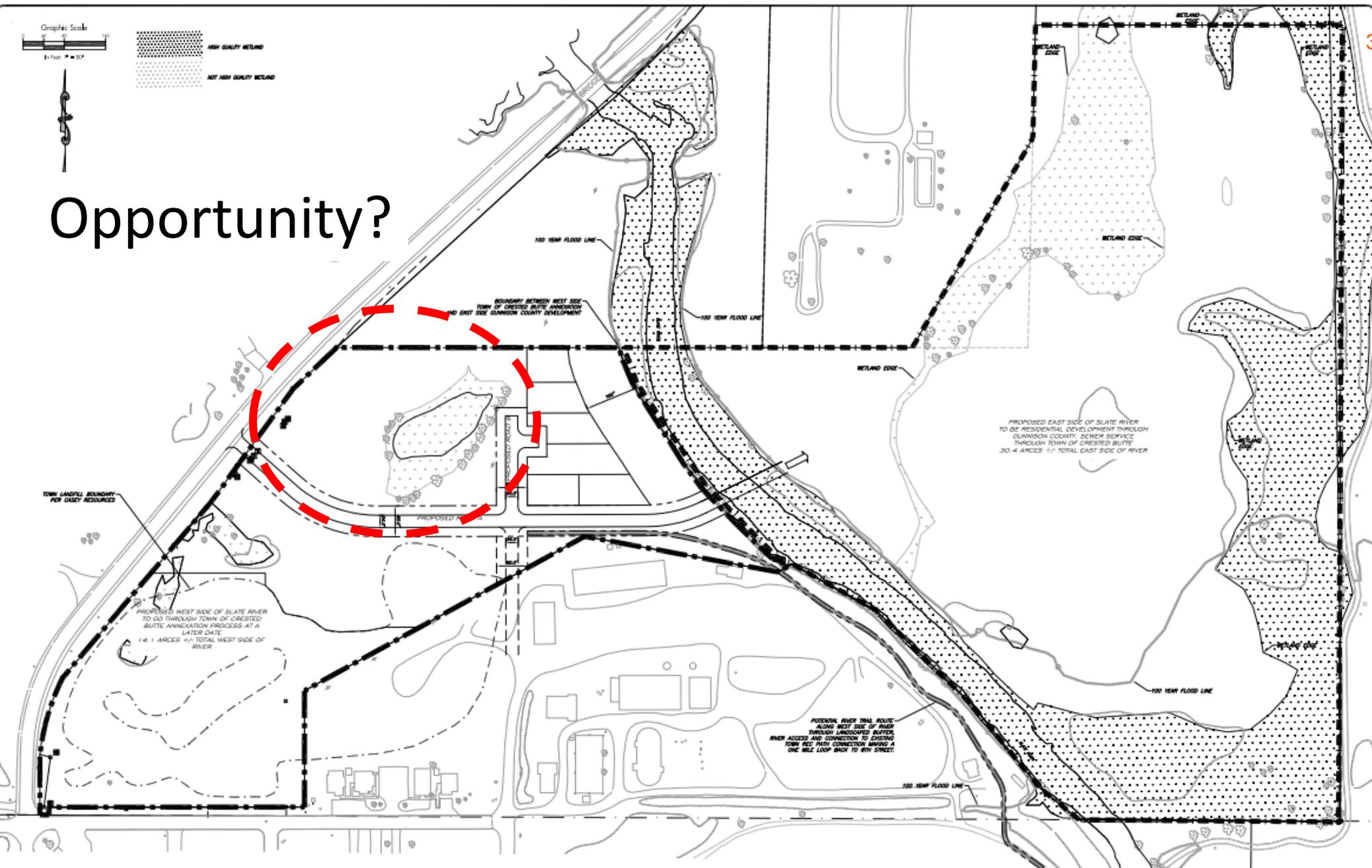




Issues:

-  Fire/EMS outgrown Station One and 306 Third
-  CBMO outgrown 508 Maroon
-  CBSAR in congested PW/MtnX yard

Opportunity?



NOT FOR CONSTRUCTION

SGM
 103 W. Tonicha Ave., Suite A
 Gunnison, CO 81230
 970.641.5355 www.sgm4inc.com

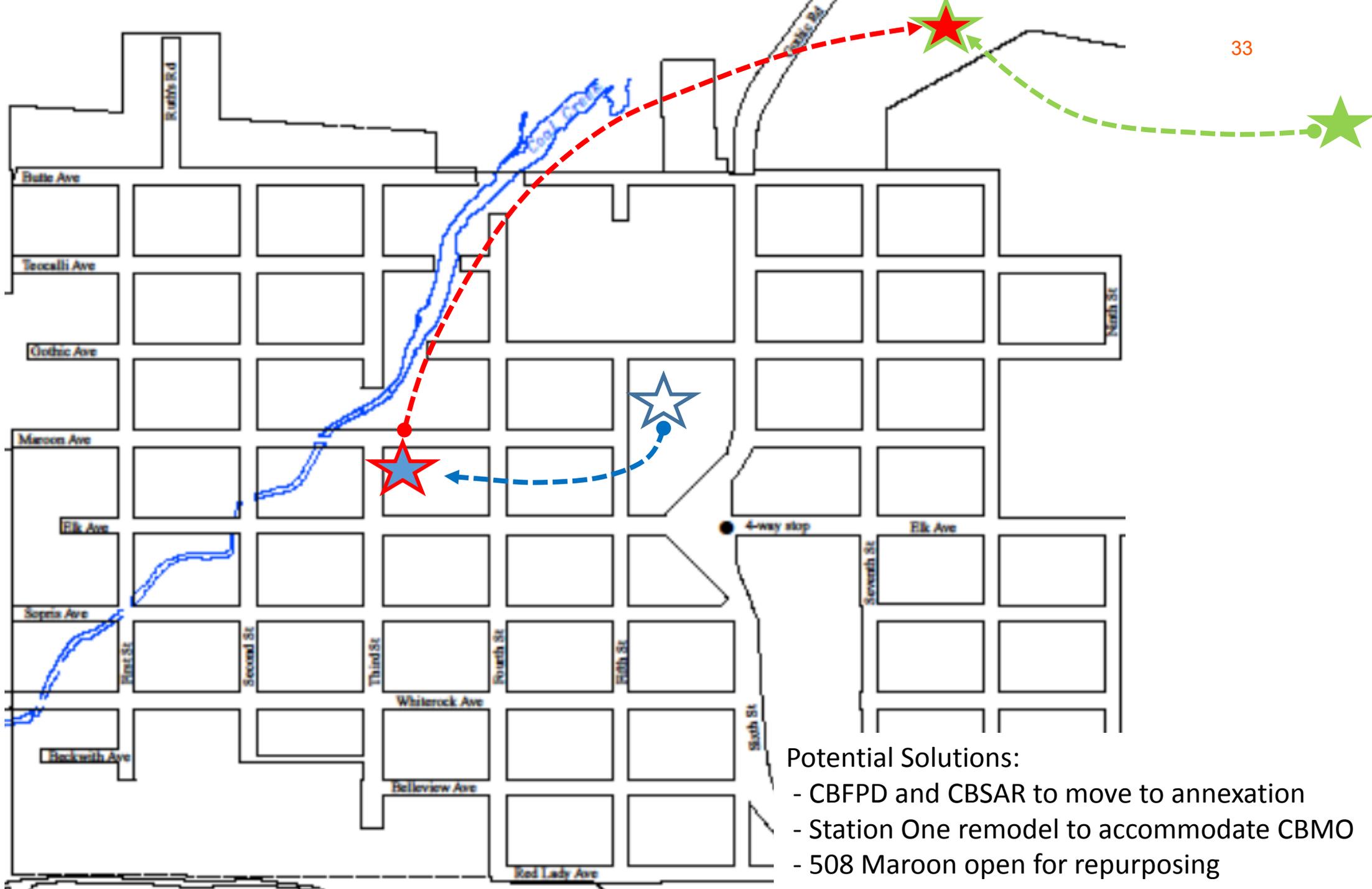
Slate River Development
Exhibit B

#	Revision	Date	By
1			

Extension of Sewer Service
Property Exhibit

Job No.	2015-201-001
Drawn by	ES
Date	1/21/14
Scale	1" = 50'
File	www.sgm4inc.com

1
of 2



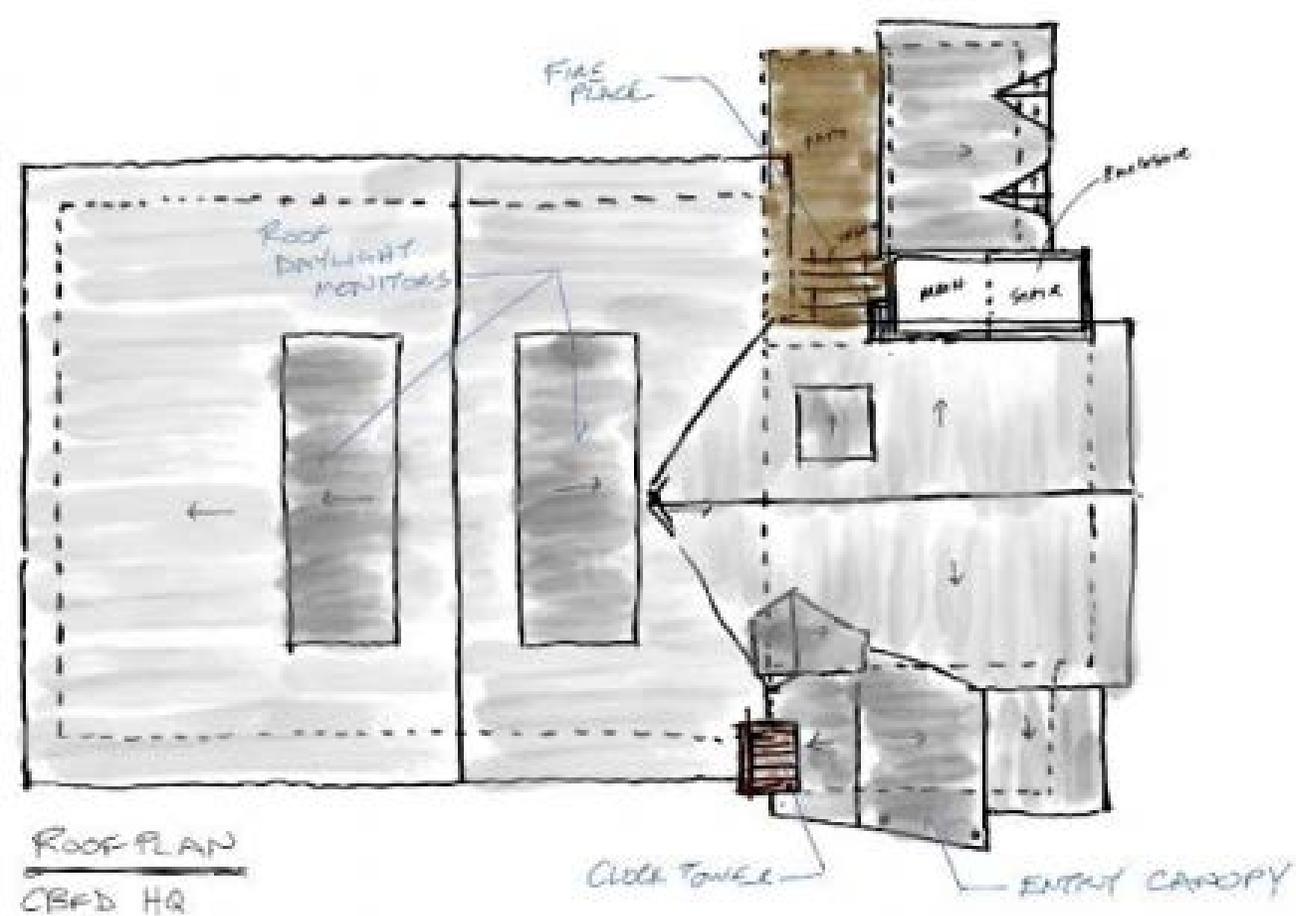
33

Potential Solutions:

- CBFPD and CBSAR to move to annexation
- Station One remodel to accommodate CBMO
- 508 Maroon open for repurposing

Basis of Design Work

- CBMO/CBFPD/CBSAR collaboration with D2C Architects
- \$14,500 split between CB and CBFPD (CB \$7,250)
- D2C Architects produced a 7chapter 100+ page document
 - Executive Summary and Cost analysis
 - Framework from which to develop funding
 - Detailed programming matrix
 - Project cost/need analysis
 - Structural/mechanical/system needs
- D2C consulted w/ Gen. Con. to develop recommended budgets
 - Project feasibility
 - Funding



New Site –
 New Fire + EMS Headquarters
 Average Cost: \$8.6-\$11.6 million

Deduct roughly \$1.6 million for SAR and
 Equipment Storage Building



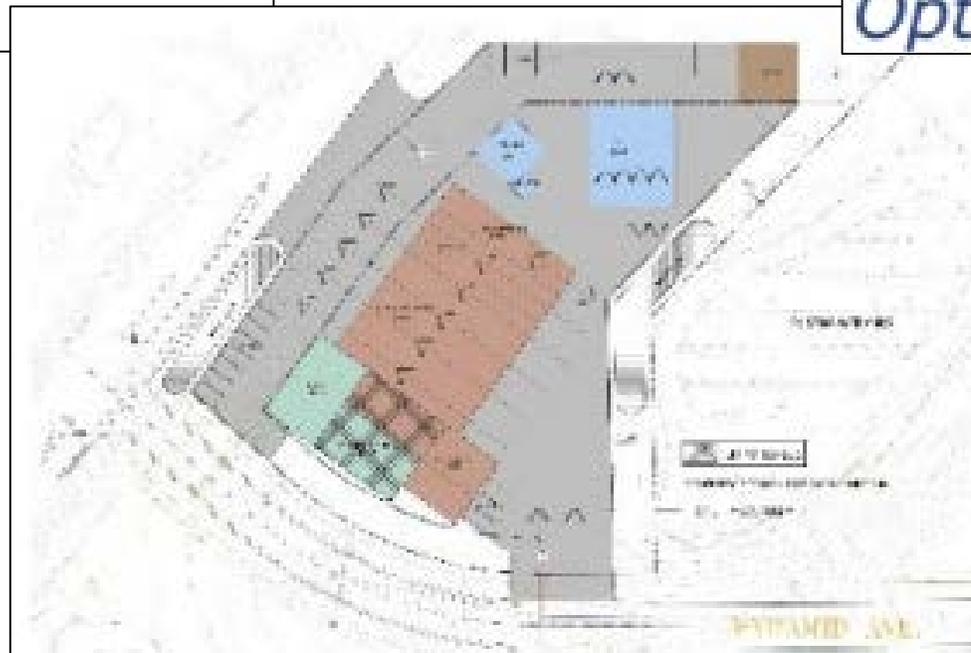
WEST ELEVATION



Option 1A: Campus

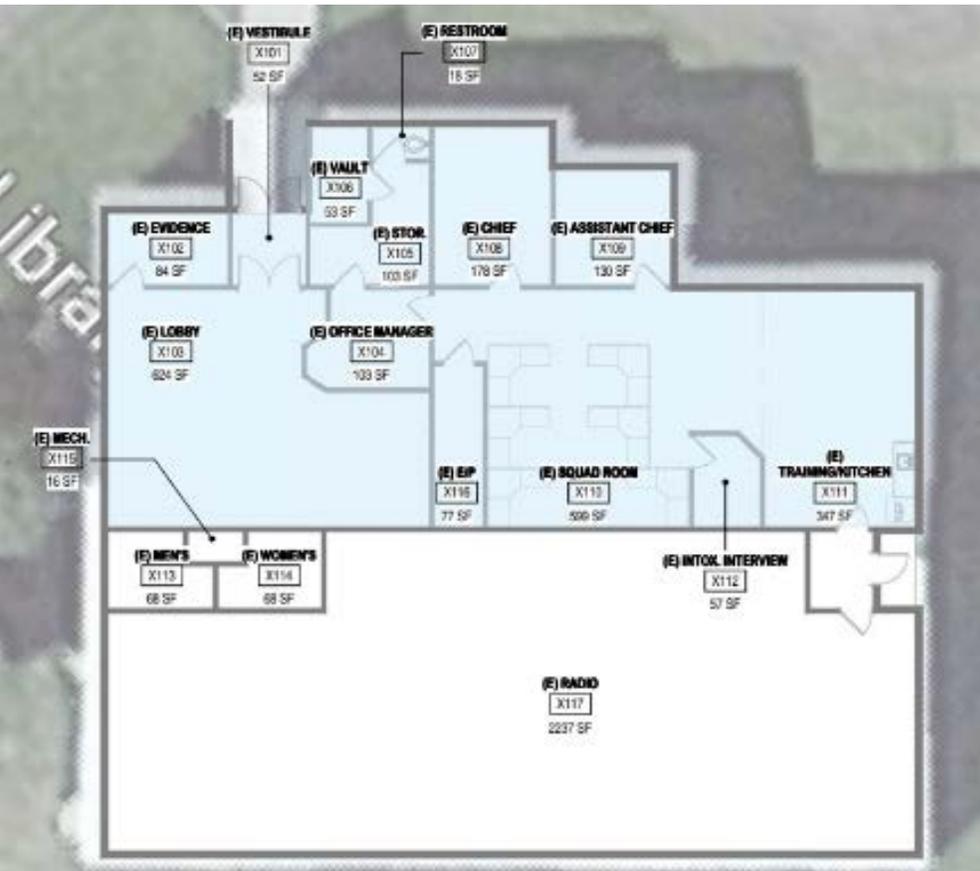
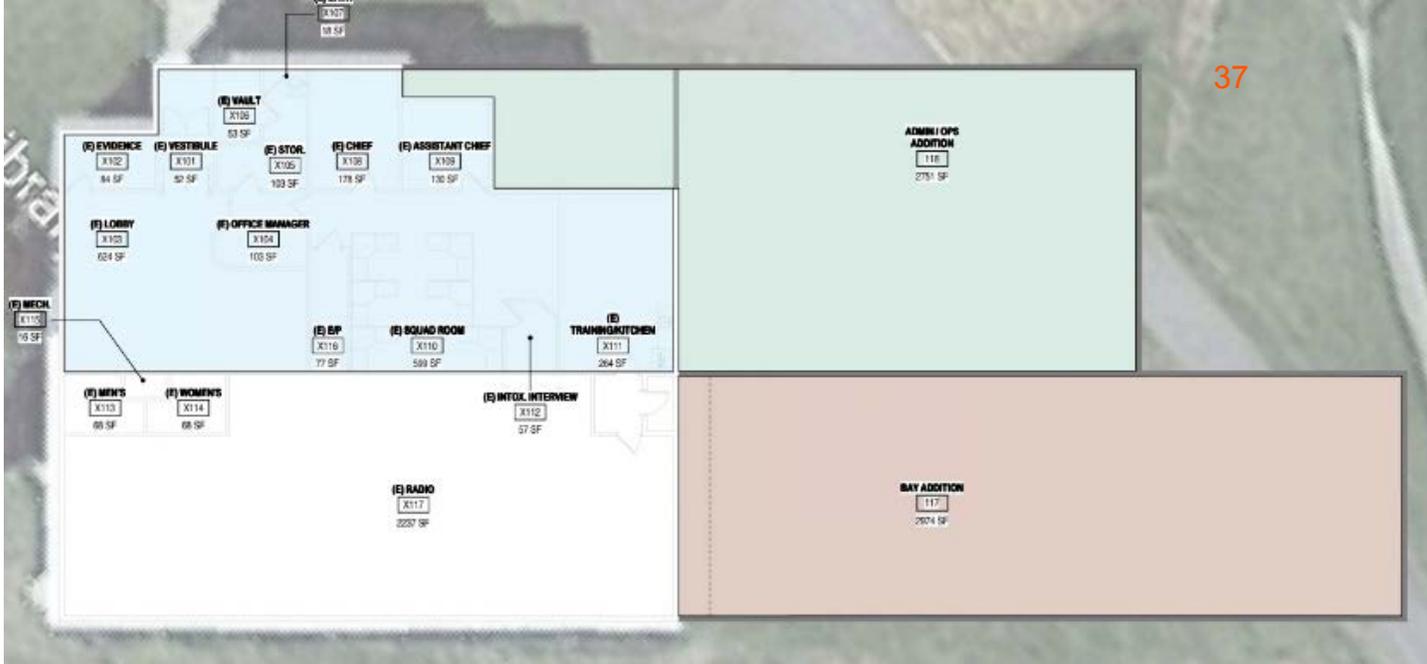


Option 2: Combined



Option 1B: Campus

Current CBMO - Expansion 508 Maroon Av (w/ KBUT)



- Building envelope restrictions
- Assumption KBUT stays
- Utilities constrictions
- Winter often requires running vehicles
- Access
- Not currently energy efficient - upgrade

Existing Marshals, Expand and Renovate—Alternative
Average Cost: \$2.5-\$4.1 million

CRESTED BUTTE MARSHALS - ADDITION + RENOVATION
CRESTED BUTTE, COLORADO

Probably a much smaller addition



Crested Butte



CBMO Station One – 1st Floor

CBMO to Station One

Expand slightly and Renovate
Average Cost: \$2.6 - \$4.2 million

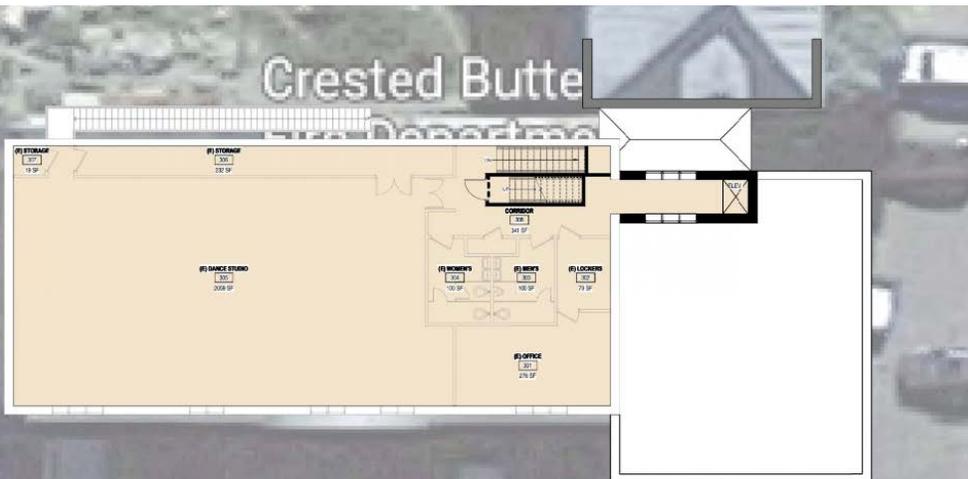
Crested Butte



CBMO Station One – 2nd Floor

- Pump Room access upgraded

Crested Butte



Next steps

- Annexation hopeful for 1Q 2019
- MOU with CBFPD and CBSAR
 - Intention to work together / transfer land
 - Allows CBFPD/SAR certainty to move forward
- CBFPD fundraising/ballot issue November 2019?
- Headquarters construction 2020-2021?
- CBMO renovation 2022?

Questions?





To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: **Ordinance 26 Series 2018- 50 year Threshold for Historic Designation and Demolition**

Date: November 19, 2018

Background:

The Town of Crested Butte was established as a Historic District by ordinance in 1972. Portions of the Town were listed on the National Register of Historic Places (NRHP) in 1974, and Chapter 16, Article 2 – Historic Preservation and Architectural Control District was established as the reviewing body for the Board of Zoning and Architectural Review to review alterations or additions to historic buildings, and all new construction in the Town.

The National Park Service (NPS), overseen by the Secretary of the Interior requires that the age of a building or structure must be at least fifty (50) years for historic classification. The historic buildings in Crested Butte were professionally identified and studied in three separate documents under the auspices of the Colorado Historical Society. They include Crested Butte Historic Building Surveys of 1998-99, the Crested Butte Historic Building Survey of 2000, and the 1994 Colorado Cultural Resource Survey of the NPS Forest Service station and residence buildings located at 104 and 108 Gothic Avenue.

The 2000 survey included redistricting Crested Butte’s NRHP boundary and established the historic district’s Period of Significance (POS) from 1880 to 1952. These documents are found in the Crested Butte building office, and Colorado Historical Society, also known as History Colorado.

Buildings that turn fifty years and that were constructed post-POS are technically classified as historic buildings per the code. Currently, they must be reviewed under Chapter 3 Design Guidelines for Historic Properties with regards to changes, alterations, or additions.

Discussion:

The Town staff has received several requests to declassify buildings that are between 45-50 years old to prevent the Historic designation design review. At this time there is no process for an applicant to appeal or declassify the historic designation. Many of times these buildings were poorly built and are not energy efficient. These buildings built after the POS are also not contributing to the National Historic District.

Ordinance 26, Series 2018 sets forth parameters for building to be declassified and to allow for their potential demolition. BOZAR would be responsible for the review of the declassification. The Ordinance creates standards for declassification that the Board can apply to ensure the building does not have a relation or building forms that would allow it to relate to other contributing buildings in the district. If a building declassified and the applicant moves forward with demolition other measures are included in the Ordinance to ensure a new approved development plan is in place prior to demolition. This ordinance will not allow for the creation of raw land for sale. The ordinance also ensures there is no loss of deed restricted housing.

Finally, the Ordinance strengthens the Town's demolition requirements by ensuring building materials are recycled or reused. A recycle plan is required and reusable materials such as windows, doors, appliances, siding, dimensional lumber, etc. must donated or reused on future projects.

Recommendation:

A Council member followed by a second set Ordinance 26, 2018 to a public hearing on December 3, 2018.

ORDINANCE NO 26.**SERIES 2018**

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING ARTICLES 1, 2 AND 14 OF CHAPTER 16 AND ARTICLE 15 OF CHAPTER 18 OF THE TOWN CODE TO ADD NEW CRITERIA FOR EXCLUSION OF CERTAIN STRUCTURES FROM THE DEFINITION OF AN HISTORIC BUILDING, AND TO PROVIDE FOR THE PARTIAL DEMOLITION OF AN HISTORIC STRUCTURE SUBJECT TO AN APPROVED REHABILITATION AND DEVELOPMENT PLAN.

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

WHEREAS, the Town of Crested Butte was established as a Historic District in 1972 and portions of the Town were listed on the National Register of Historic Places (“NRHP”) in 1974; and

WHEREAS, the historic buildings in Crested Butte were identified and studied under the auspices of the Colorado Historical Society in three separate reports including the Crested Butte Historic Building Surveys of 1998-99, the Crested Butte Historic Building Survey of 2000 (“2000 Survey”), and the 1994 Colorado Cultural Resource Survey of the NPS Forest Service station and residence buildings located at 104 and 108 Gothic Avenue; and

WHEREAS, the 2000 Survey included a nomination form and June 6, 2002 NRHP award for the redistricting Crested Butte’s NRHP boundary and established the historic district’s period of significance (“POS”) from 1880 to 1952; and

WHEREAS, the National Park Service (“NPS”) requires that a building or structure must be at least fifty (50) years of age to be classified as historic classification; and

WHEREAS, buildings that are fifty years of age or more that were constructed outside the POS are technically classified as historic buildings and any changes, alterations, or addition are subject to the Town’s Design Guidelines for Historic Properties; and

WHEREAS, the Town wishes to allow, on a case by case basis, buildings that were constructed outside the POS to be excluded from the definition of an historic building; and

WHEREAS, the Town believes that changes to regulations for partial demolition of historic structures subject to an approved rehabilitation and development plan will support the Town’s historic preservation efforts and achieve greater development potential of the property; and

WHEREAS, the Town’s Board of Zoning and Architectural Review considered the proposed amendments to the Town Code on September 25, 2018, and moved to recommend the amendments to the Town Council on October 30, 2018; and

WHEREAS, the Town Council has determined that the below amendments to the Town Code sections regarding historic structures will protect the public health, safety, and welfare and further efforts to preserve the historic character of the community.

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

Section 1. **Amendments to Chapter 16.** Chapter 16 of the Town Code is hereby amended as follows:

- a. **Sec. 16-1-20** is amended to add a new definition as follows:

Period of Significance means the period of time as defined by the 1998-99 Historic Building Survey, the 2000 Crested Butte Historic Building Survey, and 1994 Colorado Cultural Resource Survey, that a structure or building was erected.

- b. Sec. 16-1-20 shall amended the definition as follows:

Historic District means the Town Boundary of the Town of Crested Butte according to the official plat dated June 6, 1881.

- c. **Sec. 16-2-60(a)(3)** shall be amended to read as follows:

a. Notwithstanding any other provision of this Article, no structure over fifty (50) years of age (for purposes of this Section only, a "historic structure") shall not be demolished unless the Board finds that all of the following criteria are first met:

i. The historic structure is dangerous or unsafe as determined by the Building Inspector.

ii. The record owner of the subject property submits a plan for the site designed to preserve other historic structures on the property that are not currently dangerous or unsafe.

b. The Board may allow the partial demolition of a portion of an historic structure as part of an approved rehabilitation and development plan for the subject property subject to an approved deconstruction and recycle plan under Article 15 of Chapter 18 of the Code.

- d. **Article 2 of Chapter 16** is amended to add a new **Section 16-2-70** to read as follows:

Sec. 16-2-70. Exclusion from definition of historic building.

(a) A building may be excluded from the definition of a historic building

contained in Sec. 16-1-20 if all of the following criteria are met at the time of the request:

(1) The building currently meets the definition of *historic building* under Sec. 16-1-20.

(2) The building was not constructed during the established Period of Significance, i.e.1880-1952.

(3) The building does not convey an appreciable architectural relationship with historic buildings that were constructed during the Period of Significance, and is of a like use (residential, commercial, accessory building, structure), subject to the following provisions:

a. The building does not convey two (2) out of the three (3) criteria related to mass, scale and form:

i. Building mass and scale conveys and appreciable relationship with the Historic Building Types in Chapter 1, Historic Overview of the Crested Butte Design Guidelines (pp. 5-8), as amended.

ii. Building forms with regards to conventional rectangular modules appear consistent with historic buildings constructed during the period of significance.

iii. Roof angle and roof forms appear consistent with historic buildings constructed during the period of significance.

b. The building does not convey two (2) or more of the criteria related to design and details:

i. Architectural styles appear relational with historic resources.

ii. Window fenestration appear relational with historic resources.

iii. Porch styles appear relational with historic resources.

iv. Material type and coverage appear consistent with historic resources.

(4) The building is no less than 45 years old from its original construction, as determined by the Town or Designee.

(b) The exclusion of a building that may result in a future application for the demolition of the structure must comply with demolition requirements in Sections 16-1-20, 16-14-190 and 18-15-10 of the Code.

(c) Notwithstanding these provisions, property owners may elect to retain a

building or structure's historic classification that exemplifies the evolution of the skiing, tourism, and recreation era between 1960-1978. These buildings could be considered for future historic district designation, as permissible under the auspices of History Colorado. At that time, a new Period of Significance would require approval by the Town Council.

- e. **Sec. 16-4-190** is amended to read as follows:

Sec. 16-4-190.- Demolition Requirements.

Notwithstanding any restrictions that may apply under Sec. 16-2-60 of this Code, the Board may approve the demolition of an existing non-historic structure or portion thereof if the Board finds that all of the following conditions have been met:

- (1) There is no net loss of deed-restricted housing units.
- (2) A site specific deconstruction and recycle plan is approved by the Building Official in conformance with Article 15 of Chapter 18 of this Code.

Section 2. Article 15 of Chapter 18 of the Town Code is amended to read as follows:

Sec. 18-15-10. – Reuse and Recycling of Building Materials in a Structure

- (a) If a permit is requested for the demolition of an existing structure in accordance with Sec. 16-2-60 or 16-14-190 of this Code, a site specific deconstruction and recycle plan must be approved by the Building Official.
- (b) A hazardous materials assessment report must be submitted to the Building Inspector.
- (c) The Building Inspector or designee shall promulgate rules that define the requirements of an acceptable waste diversion plan. The general contractor and/or homeowner will meet with the Building Inspector to perform a material review survey. The Building Inspector will evaluate the materials with a checklist to maximize their use. The plan shall describe minimum levels of building materials that must be diverted from landfills established on the basis of a review of practices employed by the building industry. The levels may vary by disposal method or type of material and shall reflect, in the Town's opinion, the degree of waste diversion reasonably attainable through the use of accepted industry practices. The Building Inspector or designee may alter the levels as industry practices evolve throughout the structure's demolition.
- (d) The applicant for a permit shall demonstrate compliance with the approved waste diversion plan by submitting a report to the Building Inspector or designee documenting, at a minimum, the amount of and manner in which building materials were diverted from landfills. The applicant shall submit the report no later than 90 days after the issuance of the demolition permit or such later date for good cause as may be agreed to by the Building Inspector or designee. Failure to demonstrate compliance with the waste diversion plan is a violation of Sec. 16-24-20.

(e) Reusable materials include but are not limited to dimensional lumber, lower values doors, siding, trim, insulation, roofing, lighting, skylights, paneling, beadboard, wainscot and windows. Materials should typically be removed in the opposite order in which they were installed to maximize reuse.

(e) Recycled materials may be placed may be placed on the Town right of way from April through October pursuant to a ROW permit approved by the Town. The permittee shall use newspaper, radio, social media and other means to get rid of recycled materials

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

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

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS ___ DAY OF _____, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS _____ DAY OF _____, 2018.

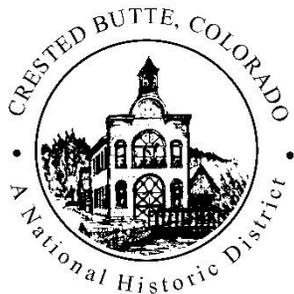
TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: **Ordinance 27 Series 2018- 123 Elk Avenue Amendment to Restrictive Covenant**

Date: November 19, 2018

Background:

On February 24, 2015 123 Elk Avenue received BOZAR approval for the construction of the current structure. The structure contained a private residence on the 2nd and 3rd stories. The unit has sat vacant for over a year with the current owner unable to sell it to a perspective buyer. The owner reapplied to BOZAR to change the private residence and some office spaces to a 4 bedroom hotel operation. On September 5, 2018 the BOZAR approved the conditional use for the hotel operation with the following conditions:

- 9:30 pm curfew for amplified music
- Only amenities on the deck will be tables and chairs
- Heaters are prohibited
- The operations plan is made part of the application and includes that the kitchen associated with the hotel will not be used to provide meals, catering or to cook anything at the back of the house for guests or private events besides the muffins and cookies.
- Restrictive Covenant Agreement recorded 7/7/16 under reception No. 640385 to be amended/restated or released with a new Agreement written as directed by the Town Attorney to reflect the removal of the residential unit, provisions of the new hotel use, together with all payment in lieu of providing off street parking, an any or all pertinent conditions of said 2016 Agreement.
- Four payment in lieu of off street parking spaces and 4 onsite parking spaces provided.

As one of the conditions of approval the existing restrictive covenant Reception No. 640385 needs to be amended to allow for the new conditions to be added. Ordinance 27, 2018 amends this restrictive covenant.

Recommendation:

A Council member followed by a second set Ordinance 27, 2018 to a public hearing on December 3, 2018.

ORDINANCE NO. 27

SERIES 2018

**AN ORDINANCE OF THE CRESTED BUTTE TOWN
COUNCIL AUTHORIZING THE AMENDMENT OF LAND
USE CONDITIONS AND RESTRICTIVE COVENANTS**

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 the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned property;

WHEREAS, the Town owns an interest in certain Land Use Conditions and Restrictive Covenants as part of the Restrictive Covenant Agreement recorded July 7, 2016 under reception No. 640385 (“Restrictive Covenants”);

WHEREAS, the Town required these Restrictive Covenants encumber real property and improvements located at 123 Elk Avenue, Crested Butte, Colorado 81224 (“Property”), and the Town has approved a change in some of the uses of the Property since the Restrictive Covenants were recorded;

WHEREAS, the Restrictive Covenants will be amended with different land use conditions and covenants that apply to the current uses on the property; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Restrictive Covenants should be amended, as set forth hereinbelow.

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

Section 1. Authorization to Release Town-owned Restrictive Covenant. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the Town to amend the Restrictive Covenants recorded July 7, 2016 under reception No. 640385 on the following described property, to wit:

Block 20,
Lots 27-28,
Town of Crested Butte,
State of Colorado.

commonly known as 123 Elk Avenue, Crested Butte, Colorado 81224 (the “Property”).

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the release of the Restrictive Covenants and the replacement of such Restrictive Covenants with land

use conditions and covenants that apply to the current uses on the Property, following approval thereof by the Town Attorney.

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 conflicts with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS __ DAY OF _____, 2018.

TOWN OF CRESTED BUTTE, COLORADO

**By: _____
James A. Schmidt, Mayor**

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

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

Town of Crested Butte
Attn: Town Building and Zoning Director
P.O. Box 39
Crested Butte, CO 81224

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (this “**Agreement**”) is made effective this ___ day of _____, 20__ by and between the TOWN OF CRESTED BUTTE, COLORADO (the “**Town**”), a Colorado home rule municipal corporation with an address of 507 Maroon Avenue, P.O. Box 39, Crested Butte, CO 81224 and ELK AVENUE, LLC (“**Owner**”), with an address of 123 Elk Avenue, P.O. Box ____, Crested Butte, CO 81224.

RECITALS:

WHEREAS, Owner is the record owner of certain real property located within Crested Butte and legally described as follows:

Block 20,
Lots 27-28
Town of Crested Butte,
State of Colorado,

commonly known as 123 Elk Avenue, Crested Butte, Colorado 81224 (the “**Subject Property**”);

WHEREAS, Owner applied to the Town on _____, 2018 (the “**Application**”) to change the use of the Subject Property from residential/office to hotel in Units 3, 4 and 5 of the Green Drake Condos located at 123 Elk Avenue, Block 20, Lots 27-28 in the B1 zone pursuant to Section(s) 16-4-560 to 16-4-570 *et seq.* of the Crested Butte Municipal Code (the “**Code**”);

WHEREAS, Owner also applied to allow four payment in lieu of providing off street parking spaces for the office/recreation building located at 123 Elk Avenue in the B-1 zone, under the criteria listed in Code Section 16-16-50.

WHEREAS, on August 28, 2018, and September 25, 2018, the Board of Zoning and Architectural Review (the “**Board**”) conducted public hearings on Owner’s Application;

WHEREAS, at such public hearings, the Board approved Owner’s Application pursuant to Section 16-9-70 of the Code (collectively, the “**Approvals**”);

WHEREAS, at such public hearings, the Board placed certain conditions on the Approvals as further described herein; and

WHEREAS, Owner has agreed to satisfy such conditions and to place the following covenants against the Subject Property.

NOW, THEREFORE, in consideration of the foregoing Recitals and the agreements, covenants and conditions set forth herein, the Town and Owner agree as follows:

AGREEMENT:

1. **Grant of Approvals**. The Board, through the Approvals, hereby grants to Owner with respect to the Subject Property the following rights appurtenant:

- (a) variance;
- (b) conditional use;
- (c) conditional waiver;
- (d) special development permit;
- (e) planned unit development;
- (f) conditional rezoning; and/or
- (g) architectural approval.

The following matters apply to such rights: A conditional use permit to site a four suite hotel operation in Units 3, 4 and 5 Green Drake Condominiums located at 123 Elk Avenue in the B-1 zone under the criteria in Code Section 16-8-30 approval granted. Payment in lieu of four off street parking spaces was approved under the criteria contained in Code Section 16-16-50.

2. **Conditions to Approvals**. In consideration of the Approvals, Owner hereby agrees to the following conditions and restrictions on the use and occupancy of the Subject Property:

- a. The requirements for the ‘Hotel or lodge’ use as defined in the Code Section 16-1-20, will be in full force and effect.
- b. The Operations Plan is made part of the application, and includes that the kitchen associated with the hotel and will not be used to provide meals, catering, or cook anything at the back of house for guests or private events besides the muffins and cookies.
- c. There will be a 9:30 curfew for amplified music and the only amenities on the deck will be tables and chairs, and heaters are prohibited.
- d. The Restrictive Covenant Agreement recorded July 7, 2016 at reception No. 640385 (‘2016 Agreement’) is amended to remove the residential unit previously approved, and approve provisions of the new hotel use as stated herein, together with payment in lieu of providing off street parking of four additional off-street parking spaces;
- e. All other pertinent conditions of the 2016 Agreement shall continue in full force and effect to the extent they are consistent with this Agreement; and
- f. Approval of the parking plan.

The Approvals are subject to all the requirements, rights and obligations set forth in the Code, including, without limitation, those set forth in Sections 4-8-10, 16-24-30, 16-9-70, 16-24-20 and 18-13-10 (a) (regarding entry for enforcement and inspection), as amended, as if such requirements, rights and obligations were included verbatim herein. Regarding entry and

inspection, Owner consents to such entry and inspection in consideration of the rights granted in this Agreement, at upon reasonable notice to Owner and at reasonable times. Upon written inquiry by the Town respecting Owner's compliance with the terms hereof, Owner shall reasonably promptly and truthfully, and under penalty of perjury, respond to the Town's inquiry in the time frame given to Owner in such inquiry. Absent the Town giving Owner a specific time for such response, such time frame for Owner's response shall be 30 days from Owner's receipt of such inquiry.

3. **Duration; Obligations.** The rights, obligations and restrictions contained in this Agreement shall run with the land and title to the Subject Property and shall forever bind all persons and entities having any right, title or interest in and to the Subject Property.

4. **Warranty of Priority.** Owner represents and warrants that the lien or encumbrance created by the obligations contained in this Agreement pursuant to the Code shall be superior to any deed of trust or other lien on the Property.

5. **Indemnification.** Owner, for itself, its successors and assigns hereby undertakes to indemnify, defend, hold harmless and pay the Town, its elected officials, appointed boards, officers, employees, managers, attorneys, contractors, agents, insurers and insurance pools, from any and all loss, cost, expense, claim or damage of any kind, including, without limitation, reasonable attorneys' fees, costs and expenses, arising from or relating to Owner's obligations under this Agreement and the breach thereof, and its and their exercise of the rights and privileges granted by this Agreement.

6. **Default; Remedies.**

6.1 The following conditions, occurrences or actions shall constitute a default by Owner under this Agreement:

(a) Owner's failure to pay to the Town upon demand any amounts due and owing the Town in connection with the Subject Property and the Approvals; or

(b) Owner's violation of any provision of this Agreement, the Approvals or the Code.

6.2 Upon the occurrence of a default of Owner, the Town shall have one or more of the following remedies: (i) recover any and all amounts due and owing the Town on account of such default including, without limitation, any fines, fees, costs and any reasonable attorneys' fees, costs and expenses; (ii) terminate this Agreement and with it the Approvals and the rights granted by the Board pursuant thereto; and (iii) pursue all remedies available at law and in equity, including, without limitation, abatement, the institution of collection procedures pursuant to Section 4-8-10 of the Code and/or any other rights or remedies available under the Code and applicable law.

6.3 All remedies may be applied concurrently and not to the exclusion of any other remedy. In the event of any legal action or advice necessary to pursue such remedies or

interpret this Agreement, Owner shall pay to the Town all reasonable costs and expenses in connection therewith, including, without limitation, reasonable attorneys' fees and associated costs.

6.4 Any amounts due and owing the Town pursuant to this Agreement shall accrue interest at a rate of 12% per annum until such amounts are paid.

7. **Representations and Warranties.** Owner represents and warrants that:

(a) it is duly qualified to do business and is in good standing in the State of Colorado;

(b) it, and the persons executing this Agreement, have full power and authority to execute, deliver and perform its obligations under this Agreement;

(c) that it will comply with all applicable laws, ordinances, rules, regulations or orders issued by any public or governmental agency, body or authority, whether federal, State, local or otherwise, and has obtained all applicable permits and licenses required of Owner in connection with its obligations under this Agreement; and

(d) it shall be subject to all laws, ordinances and regulations that become effective after the effective date hereof to the extent permitted by applicable law.

8. **Miscellaneous.**

8.1 **Defined Terms.** Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Code.

8.2 **Recitals.** The Recitals set forth above are deemed to be material terms of this Agreement.

8.3 **Construction.** None of the provisions of this Agreement shall be construed against or interpreted to the disadvantage of either party hereto by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured or dictated such provisions.

8.4 **No Third-Party Beneficiaries.** Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of any third party against either the Town or Owner.

8.5 **Enforcement.** Every violation of this Agreement shall be deemed to be a nuisance and shall be subject to all the remedies provided for the abatement of nuisances. A failure to comply with this Agreement shall be grounds for an action to recover damages, for injunctive relief, for specific performance and/or any other remedy available at law and in equity.

8.6 **Notices.** All notices required pursuant to this Agreement shall be deemed served upon depositing a certified letter, return receipt requested, in the United States mail, addressed to the party being served with such notice at the addresses set forth above, unless a request to mail to a different address is provided in writing to the other party.

8.7 **Severability.** If any provision of this Agreement is determined to be invalid, unenforceable or prohibited by any court, the same shall not affect any other provision or section hereof and all other provisions and sections shall remain in full force and effect.

8.8 **Entire Agreement.** This Agreement represents the entire agreement of the parties respecting the subject matters addressed herein. Any other agreement, written or oral, are hereby merged herein. This Agreement may be amended only in writing by properly executed agreement.

8.9 **Governing Law; Venue.** This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. Venue is any action in connection with this Agreement shall be the District Court of Gunnison County, Colorado.

8.10 **Waiver.** No breach by Owner, or his heirs, successors, and assigns, of any term or covenant of this Agreement, shall create a waiver by, or estoppel against the Town, as to future or continuing breaches it being the express understanding of the parties that breaches of this Agreement may be waived only by written consent of the Town.

8.11 **Amendment.** No term or provision of this Agreement may be amended, except in writing signed and duly acknowledged by the parties, and in the Town's case, duly adopted by the Board or Town Council, as applicable. No such amendment shall be effective until recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado.

8.12 **Counterparts; Telecopy.** This Agreement may be executed in multiple counterparts, each of when, when taken together, shall constitute one and the same instrument. For purposes of enforcement, facsimile, E-mail and telecopy reproductions of this Agreement shall be deemed to be originals.

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

IN WITNESS WHEREOF, Owner and the Town have caused this Agreement to be executed effective as of the date first written above.

TOWN:

TOWN OF CRESTED BUTTE, COLORADO
a Colorado home rule municipal corporation

By: _____
_____, Mayor

Attest: _____
_____, Town Clerk

[SEAL]

OWNER:

ELK AVENUE, LLC

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Restrictive Covenant Agreement was acknowledged before me this _____ day of _____, 20__ by _____, Mayor of the Town of Crested Butte, a Colorado home rule municipality on behalf of said entity.

Witness my hand and official seal.
My commission expires:

Notary Public

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Restrictive Covenant Agreement was acknowledged before me this _____ day of _____, 20__ by _____, as _____ of Elk Avenue, LLC.

Witness my hand and official seal.
My commission expires:

Notary Public

**Agenda
Design Review Committee
Monday
November 12, 2018**

- 4:00 Consideration of the application of **Robert V. Hunt** to seek re-approval of the August 30, 2016 plans to construct a residential/commercial building to be located at 612 Third Street, Block 39, the West 75' of Lot 17 in the C zone. (Cowherd)
- **A conditional use permit for a residential unit in the C zone is required.**
 - **A conditional waiver of a non-conforming aspect with respect to minimum lot size in the C zone is required; minimum lot size is 2,500 sf and existing is 1,875 sf.**
 - **Payment in lieu of up to one (1) off-street parking space is requested.**
 - **Architectural approval is required.**
- 4:45 Consideration of the application of **Town of Crested Butte** for the minor subdivision and replat of Block 76 in the R2A zone.
- **Approval of a minor subdivision is required.**

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

**REGULAR TOWN COUNCIL MEETING
MT CRESTED BUTTE, COLORADO**

**November 20, 2018
6:00 PM
COUNCIL CHAMBERS**

AGENDA

6:00pm – Public Hearing – Public Input on a Special Event Liquor License Submitted by Adaptive Sports Center of Crested Butte, Inc for an Event to be Held on December 31, 2018 from 5:00 PM to 10:00 PM at 10 Crested Butte Way, Mt. Crested Butte – Emily Girdwood

Call to Order

Roll Call

Approval of the November 6, 2018 Regular Town Council Meeting Minutes

Reports

Manager's Report
Department Head Reports
Town Council Reports

Adaptive Sports Center – Admissions Tax Report – Summer 2018 – Lee Eakin

Travel Crested Butte – Summers are Cooler – Summer 2018 – Josh Fetterman

Crested Butte/Mt. Crested Butte Chamber of Commerce – Summer Admission Tax Report Follow Up, Crested Butte Pole Pedal Paddle, Crested Butte Bike Week, Fourth of July and Chili and Beer Festival – Ashley UpChurch

Crested Butte/Mt. Crested Butte Chamber of Commerce – Third Quarter Report - Ashley UpChurch

Crested Butte Mountain Resort – Summer Unplugged Admissions Tax Report Follow Up – Patti Hensley

CORRESPONDENCE -

OLD BUSINESS -

NEW BUSINESS -

Discussion and Possible Consideration of a Special Event Liquor License Submitted by Adaptive Sports Center of Crested Butte, Inc for an Event to be Held on December 31, 2018 from 5:00 PM to 10:00 PM at 10 Crested Butte Way, Mt. Crested Butte – Emily Girdwood

Discussion and Possible Consideration of a Proclamation Declaring December 18, 2018 International Day of the Migrant – Marketa Zubkova

**REGULAR TOWN COUNCIL MEETING
MT CRESTED BUTTE, COLORADO**

61
November 20, 2018
6:00 PM
COUNCIL CHAMBERS

Discussion and Possible Consideration of the Professional Services Agreement, Visitor Information Center, between the Town of Mt. Crested Butte and the Crested Butte/Mt. Crested Butte Chamber of Commerce – Ashley UpChurch

Discussion and Possible Consideration of an Appointment of Two Members to the Downtown Development Authority Board. Term Expires June 2022.

Discussion and Possible Consideration of Resolution 18, Series 2018 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado Confirming Prospect Development Company's Satisfaction of Affordable Housing Unit Requirements in the Homestead Subdivision Pursuant to the Annexation and Development Agreement

Discussion and Possible Consideration of a Contract to Buy, Sell and Develop Deed Restricted Housing in the Homestead Subdivision

OTHER BUSINESS –

PUBLIC COMMENT – *Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*

ADJOURN

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.

GUNNISON COUNCIL AGENDA
MEETING IS HELD AT CITY HALL, 201 W. VIRGINIA AVENUE
GUNNISON, CO, IN THE 2nd FLOOR COUNCIL CHAMBERS
Approximate meeting time: 3.5 hours

November 13, 2018

REGULAR SESSION

5:30 P.M.

City of Gunnison Councilmembers gather for a light meal at 5:00 P.M. in Council Chambers. No City Council activity takes place.

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

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

- III. **Council Action Items:**
 - A. **Approval of the October 23, 2018, 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 follow 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.
 Staff contact: City Clerk Erica Boucher
Action Requested of Council: Motion to approve the minutes of the October 23, 2018, Regular Session meeting as submitted.
 Estimated time: 1 minute

 - B. **Presentation on Community Survey Results from RRC Associates**
 Background: The City of Gunnison’s 2017 Strategic Plan included Community Engagement as one of its four strategic priorities. In order to gather information from the community about the City’s current level of community engagement as well as to gather benchmark data on City services and to receive feedback on the City’s strategic priorities, the City hired RRC Associates to execute an online and paper survey for Gunnison. The survey was open Monday, September 10-Friday, October 12, 2018.
 Staff Contact: City Clerk Erica Boucher
Action Requested of Council: To review and discuss the Community Survey results with RRC Associates.
 Estimated time: 60 minutes

- C. Gunnison Rising Discussion with Alex Joyce of Cascadia Partners**
 Background: The City of Gunnison, Gunnison County, and Western Colorado University have partnered with Gunnison Valley Properties to create a new vision for the 633-acre site of Gunnison Rising. The project partners met over the last eight months to share project goals and development priorities. The Gunnison Rising Concept Plan is a summary of that shared effort and vision.
 Staff contact: Interim Community Development Director Andie Ruggera
Action Requested of Council: To discuss and accept the Gunnison Rising Concept Plan dated October 2018.
 Estimated time: 30 minutes
- D. Ordinance No. 11, Series 2018 First Reading; Re: An Ordinance of the City Council of the City of Gunnison, Colorado Amending Title 5 General Offenses, Chapter 5.10 General Offenses and Title 8 Business Regulation, Chapter 8.50 Marijuana Business Licensing Regulations of the City of Gunnison Municipal Code to Correspond to the Changes Made by the State of Colorado**
 Background: This ordinance amends Gunnison Municipal Code Title 5, Chapter 5.10 and Title 8, Chapter 8.50 to be consistent with the state statutory references regarding marijuana business regulations and criminal violations in the City of Gunnison.
 Staff contact: City Clerk Erica Boucher
Action Requested of Council: Introduce, read by title only, motion, second, vote to pass and order to publish Ordinance No. 11, Series 2018 on first reading.
 Estimated time: 5 minutes
- E. Ordinance No. 12, Series 2018 First Reading; Re: An Ordinance of the City Council of the City of Gunnison, Colorado Amending Title 5 General Offenses, Chapter 5.10 General Offenses and Title 8 Business Regulation, Chapter 8.40 City Liquor License Application Fees of the City of Gunnison Municipal Code to Correspond to the Changes Made by the State of Colorado**
 Background: This ordinance amends Gunnison Municipal Code Title 5 General Offenses, Chapter 5.10 General Offenses and Title 8, Business Regulations Chapter 8.40 City Liquor License Application Fees to be consistent with the state statutory references regarding liquor in the City of Gunnison.
 Staff contact: City Clerk Erica Boucher
Action Requested of Council: Introduce, read by title only, motion, second, and vote to pass and order to publish Ordinance No. 12, Series 2018 on first reading.
 Estimated time: 5 minutes
- F. Mental Health/Law Enforcement Co-Response Grant**
 Background: A co-response program allows for mental health and law enforcement to respond to scenes involving individuals in mental health crisis. The program proposed would be for Crested Butte, Mt. Crested

Butte, the City of Gunnison, and Gunnison County.

Staff contact: Police Chief Keith Robinson

Action Requested of Council: To discuss grant availability and give authorization to staff to pursue the Peace Officer Mental Health Support grant from DOLA for \$80,000.

Estimated time: 15 minutes

G. Engineering Contract for Safe Routes to Schools Sidewalk Project

Background: The City of Gunnison issued, advertised, received and evaluated RFPs for a qualified engineer for the Safe Routes to School Sidewalk project by a selection committee. Upon review, J-U-B Engineers was ranked highest. Contract negotiations were pursued with J-U-B Engineers. Upon successful negotiations, a contract is recommended. Staff contact: Public Works Director David Gardner

Action Requested of Council: To approve and authorize the City to enter into a contractual agreement with J-U-B Engineers to provide survey, design, production of bid documents and to meet all City and CDOT requirements on time and material basis not to exceed \$85,700.00.

Estimated time: 15 minutes

H. Public Works Semi-Annual Report

Background: Director will brief Council regarding the highlights and accomplishments within the Department of Public Works over the last 6 month period.

Staff contact: Public Works Director David Gardner

Action Requested of Council: No action is requested of Council.

Estimated time: 20 minutes

I. Recommendation for Comprehensive Plan Consulting Firm

Background: A Request for Qualifications (RFQ) was originally issued in April 2018 and five consulting firms responded. After receiving feedback, Staff made adjustments and was then directed by City Council and the Planning and Zoning Commission to issue a Request for Proposal (RFP) which was released in July with the proposals due in September. A total of eight consulting teams responded to the RFP.

Staff contact: City Manager Russ Forrest

Action Requested of Council: A motion to direct the City Manager to negotiate a contract with the recommended consulting team and bring back a contract for City Council's review and approval.

Estimated time: 30 minutes

J. Lazy K Housing RFP

Background: The West Gunnison Park and Site Plan has been approved by the City Council. After discussion and receiving feedback from Council on the draft Lazy K RFP at the October 23, 2018, Regular Session meeting, the City Manager has revised the Lazy K RFP to include their suggestions. During the discussion in the October 23, it was determined that the City should hire a housing consultant to support Phase 1 of this project.

Staff contact: City Manager Russ Forrest

Actions Requested of Council: 1) To authorize \$10,000 and direct the City Manager to select and negotiate with a consultant to support Phase 1 of the Lazy K housing project; and 2) To direct the City Manager to issue the Lazy K RFP.

Estimated time: 30 minutes

K. Budget Follow up

Background: To provide an opportunity for Council direction in modification of the proposed budget.

Staff contact: City Manager Russ Forrest

Action Requested of Council: If necessary, a motion to direct staff to modify the Proposed Budget as deemed necessary by the City Council and to direct the Mayor to sign a Personal Action Form for the City Manager.

Estimated time: 10 minutes|

L. City representation on Gunnison Valley Observatory Board

Background: Up until November 2017, former City Clerk Gail Davidson served on the Gunnison Valley Observatory (GVO) Board as a representative of the City. The Observatory Board believes that it is a beneficial to have a representative from the City at the Council or Departmental Head level to actively participate on the GVO Board in order to maintain its success as a non-profit organization.

Council contact: Mayor Jim Gelwicks

Action Requested by Council: Possible motion to appoint a member of Council or City Staff to serve on the GVO Board.

Estimated time: 10 minutes

IV. Reports:

City Attorney Report:

City Manager Strategic Projects Update and Report:

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

V. Meeting Adjournment

The City Council meeting agenda is subject to change. The City Manager and City Attorney reports may include administrative items not listed.

Regular meetings and special session meetings are recorded and action can be taken. Minutes are posted at city hall and on the city website at:

www.gunnisonco.gov Discussion or work sessions are recorded, however minutes are not produced. For further information, contact the City Clerk's office at 970.641.8080. TO COMPLY WITH ADAD REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY CLERK 24 HOURS BEFORE ALL MEETINGS AT 970.641.8080 SO THAT WE MAY ASSIST YOU.

GUNNISON COUNTY BOARD OF COMMISSIONERS
WORK SESSION

66

DATE: Tuesday, November 13, 2018

Page 1 of 1

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

GUNNISON COUNTY BOARD OF COMMISSIONERS WORK SESSION:

- 8:30 • Quarterly Update; Gunnison-Crested Butte Tourism Association Board
- 9:15 • Gunnison Rising Update; Alex Joyce
- 9:45 • Gunnison Chamber of Commerce; Budget / Funding Request 2019
- 10:05 • Performance Update; Administration
- 10:35 • Performance Update; Health & Human Services
- 11:05 • Performance Update; Public Works
- Adjourn

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA & WORK SESSION

67

DATE: Tuesday, November 6, 2018

Page 1 of 2

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

GUNNISON COUNTY BOARD OF COMMISSIONERS REGULAR MEETING:

- 8:30 am
- Call to Order; Agenda Review

 - Minutes Approval:
 1. 10/02/18 Regular Meeting
 2. 10/15/18 Special Meeting

 - 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. Acknowledgment of County Manager's Approval to Submit Grant Application; Continuation Funding for West Central Public Health Partnership; \$30,000
 2. Acknowledgment of County Manager's Approval to Submit Grant Application; Rocky Mountain Health Foundation; Suicide Prevention; \$25,173.20
 3. Acknowledgment of County Manager's Approval to Submit Grant Application; City of Gunnison; Community Health Coalition of the Gunnison Valley; \$11,500
 4. Ratification of County Manager's Signature; Department of Human Services; System of Care COACT Colorado 2.0 Grant; \$49,973.88
 5. Ratification of County Manager's Signature; Crested Butte Snow Sports Foundation Grant; Choice Pass Program; \$1,900
 6. Public Service Grant Application; Gunnison County GCSAPP; Youth Shared Space & Sources of Strength; \$26,094.00
 7. Grant Application; Division of Criminal Justice Juvenile Diversion; \$35,000; \$11,667
 8. Release of Development Improvements Agreement; Riverwalk Estates Subdivision
 9. Development Improvements Agreement; Gunnison Secure Storage; Phase 2A
 10. Ground Lease Agreement (Second); Gunnison Valley Animal Welfare League
 11. Renewal Proposal; Vector Disease Control International; Mosquito Mitigation; 2019-2021
 12. Request for Scope Change; Department of Local Affairs; Energy/Mineral Impact Assistance Fund Grant; Compressed Natural Gas Vehicles
 13. Contract Agreement; Amendment; Ben White Architecture, LLC
 14. Contract Agreement; Second Amendment; Christopher Klein Construction
 15. Lease Agreement; Gunnison-Crested Butte Regional Airport; Ramon Ray dba Ray Trucking and Backhoe

 - Scheduling
- 8:35
- County Manager's Report
- 8:45
- Deputy County Manager's Report
 1. Intergovernmental Agreement; Winter Road Maintenance; Town of Pitkin
 2. Representative Appointment; Marble Working Group
- 8:55
- Award Presentation; Distinguished Budget Presentation Award; Government Finance Officers Association
- 9:00
- Presentation; Colorado Water Conservation Board Re: Instream Flow Recommendations
- 9:45
- Region 10; Dan Scinto Re: Community Development Block Grant Application
- 10:00
- Condominium Plat Request; BAM Condominiums; Crested Butte South

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA & WORK SESSION

68

DATE: Tuesday, November 6, 2018

Page 2 of 2

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

- 10:05
- Memorandum of Understanding; Gunnison County Sustainable Tourism & Outdoor Recreation Committee & National Forest Foundation
- 10:10
- BOCC Correspondence; Bureau of Land Management Re: Oil & Gas Lease Sale
 - Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.
 - Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
 - Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:

- Gunnison County 2019 Budget
- Adjourn

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

December 3, 2018**Work Session**

Budget

Possible Joint Work Session with Mt. Crested Butte

Kari Commerford – GCSAPP – Community Risk and Protective Factors (or New Business)

Consent Agenda

Tree City USA Application

Block 76 Re-plat

Adoption of Personnel Manual

Agreement with the Town Attorney

Arbor Day Proclamation**Public Hearing**

Adoption of 2019 Budget

Ordinances

Old Business

Brush Creek

New Business

Present Results of 2018 Town Census

MOU with CBFPD and CBSAR

Funding Agreement with the Chamber

8th Street Intersection Realignment

McCormick Ditch Agreement

McCormick Ditch Relocation Agreement

Resolution – Fee Schedule Adoption

Resolution – Adopting Mill Levies

December 17, 2018**Work Session**

Parking Management Plan

Old Business

Brush Creek

New Business

John Norton with Tourism Association

2018 Budget Amendment

Block 76 Developer Contract with Bywater

Ordinance – Selling Land to the School District

Purchase Contract with the School District

Ordinance – Formula Based Businesses

Future Items

- Quarterly Financial Reports
- Year-End – Retreat Update
- Year-End – Project Update
- Heights Open Space Plat Note and Covenants
- RLA for Dillon Wall
- ARTumn Discussion
- DOLA Update
- MOU with School District Regarding 2019 Projects – January 7