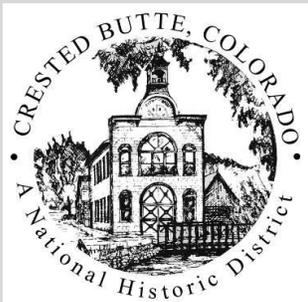


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, March 20, 2017
Council Chambers, Crested Butte Town Hall



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

Town Council Values

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

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

6:00 WORK SESSION

A Progress Update from the Creative District Commission and a Presentation of the Draft Public Arts Policy.

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

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

- 1) March 6, 2017 Regular Town Council Meeting Minutes.
 - 2) Resolution No. 12, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Award of a Contract for Engineering Services for the Contract Management of the Wastewater Treatment Plant Upgrades 2017 and Authorizing the Town Manager to Enter Into an Engineering Services Agreement Between the Town of Crested Butte and FEI Engineers.
 - 3) Resolution No. 13, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Intergovernmental Agreement for a Regional Planning Commission for Transportation Planning Gunnison Valley Transportation Planning Region.
- The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.*

7:07 PUBLIC COMMENT

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

7:12 STAFF UPDATES

7:25 PUBLIC HEARING

- 1) Ordinance No. 4, Series 2017 - An Ordinance of the Crested Butte Town Council Approving a Loan From the Colorado Water Resources and Power Development Authority; and Authorizing the Execution of a Loan Agreement and a Governmental Agency Bond to Evidence Such Loan.
- 2) New Hotel and Restaurant Liquor License Located at 202 Elk Avenue for Public House LLC DBA Public House.

7:40 NEW BUSINESS

- 1) Presentation by High Country Conservation Advocates (HCCA) on the Thompson Divide Legislation.

8:00 2) Ordinance No. 5, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 12 of the Crested Butte Municipal Code to Include Regulations for the Consolidation of Properties Subdivided Into Condominiums or Townhouses.

8:15 3) Ordinance No. 6, Series 2017 - An Ordinance of the Crested Butte Town Council Amending the Definition of Vacation Rental in Section 16-1-20 of the Crested Butte Municipal Code; Amending Section 16-14-90 of the Code to Include New Regulations for Vacation Rentals; and Making Such Other Conforming Changes to Code in Connection Therewith.

9:15 4) Discussion on HB17-1242.

9:30 **LEGAL MATTERS**

9:40 **COUNCIL REPORTS AND COMMITTEE UPDATES**

9:55 **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

10:05 **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, April 3, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 17, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 1, 2017 - 6:00PM Work Session - 7:00PM Regular Council

10:10 **EXECUTIVE SESSION**

1) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

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

10:50 **ADJOURNMENT**



Staff Report

March 20, 2017

To: Mayor and Town Council
From: Michael Yerman, Town Planner
Subject: **Creative District Commission Update/Arts in Public Places Policy**
Date: March 20, 2017

Creative District Commission Update

The Town Council adopted Ordinance 14, Series 2015 establishing the Creative District Commission. The Commission has been hard at work since their creation. The Crested Butte Creative District Commission was created in Spring 2016 and in July 2016, the Crested Butte Creative District was certified by Colorado Creative Industries.

The Creative District's work has focused on both creating a robust infrastructure for the long-term operation of the District, as well as beginning to work towards achieving the community engagement, district identity, social, and educational objects outlined in the strategic plan.

In their first year, the Creative District has made significant progress in coordinating local creatives, marketing and branding the district, and establishing several community engagement initiatives. The Creative District is currently building a directory and map of creative businesses in the Gunnison Valley and is developing a centralized cultural event calendar.

The Creative District has begun to market and brand the District. The Commission hired local designer, Keitha Kostyk, to create a Crested Butte Creative District logo and is currently working with a webdesign firm to develop a new website for the district. The Creative District has also developed a strong partnership with the Tourism Authority. Using matching funds from the TA, the Creative District plans to bring bloggers to Crested Butte this summer to help market the District's cultural offerings. The goal of the District's marketing efforts are to increase cultural patronage.

The Creative District has established several successful community engagement programs. Using funding from the Colorado Creative Industries, the Creative District has run a small grants program for individual artists and community creative groups. Funding from this program has been used for projects that can now be found throughout town including the red light post on Elk Street, the ski bench at the RTA bus stop, and the bench on the Lupine Trail. In addition to the grant program, the Creative District is partnering with the Crested Butte Community School to support creative educational opportunities.

The momentum for the Creative District is building in Crested Butte. The Creative District Commission has found success in its first year and is looking towards the future about how the District can continue to best serve the Town and the Community into the future. The current Commissioners work 10-20 hours per week as volunteers on the Creative District. In order to better manage the increasing workload of the Creative District, the Commission is considering expanding their leadership to nine commissioners.

The Commission is also looking for future revenue streams for the Creative District. Colorado Creative Industries has provided \$75,000 of grant funding for the District over the past three (3) years. Colorado Creative Industries only provides funding for three years for Creative Districts, making this the last year that Crested Butte will receive funding for CCI.

The Commission is looking towards ways to be self-sustaining in the future, including developing a non-profit fundraising arm to apply for grants and connect with individual donors in the Valley. As the Creative District establishes itself and becomes fully operational, they are hoping the Town of Crested Butte will continue to support their work.

Arts in Public Places Policy (AIPP)

One of the key tasks outlined in Ordinance 14, Series 2015 was the creation of a Public Arts Policy. The Commission began the process of developing the AIPP by hosting a public meeting on November 16, 2016 at the Center for the Arts. CCI provided technical assistance by funding Marcie Erion to assist with the creation of the policy. At this meeting, Marcie reviewed with the public the purpose of an AIPP. After this meeting, she assisted the Commission and Town Staff on the creation of the attached draft policy.

During this meeting, members of the public worked with the Commission to identify future locations for public art around the Town. These locations were then reviewed by the Commission along with staff to ensure the selected locations would not have negative impacts to the Town's snow plowing and park maintenance.

AIPP is intended to serve as the guiding document for the future installation, maintenance, donation, and deaccessioning of public art in the Town. The policy outlines the selection process for the Commission to make recommendations on the future selection of public art. The Town Council retains the final decision making authority and executes agreements between the Town and selected artist.

At this time, there is not a direct funding stream for public art within the Town. Public Art has evolved organically over time through donations or other means. However, this approach has created uncertainty for the staff on things ranging from maintenance to deaccessioning. The AIPP policy recommends a 2% funding stream attached to capital projects over \$100,000 that occur within the district or in a public park with an amount not to exceed \$25,000 for any one project. The 2% would be absorbed into the overall project budget and the public art would serve as a capstone to the capital project. The public art project would also need to be directly associated with the capital project and have a life span of at least 5 years.

The Council could also directly fund public arts projects. These would need to be prioritized alongside other planned capital projects. The Commission would recommend these potential projects during the yearly budget process. Also since this is a policy, the funding could be adjusted in future years if the Town experienced a recession or additional funding mechanisms became available.

Direction Needed at this Time:

The Commission is looking for direction on expanding the number of commissioner from seven (7) to nine (9). They are also looking for feedback on the willingness of the Town to continue to support the Creative District into the future.

The Commission would also like feedback on the AIPP and any potential considerations the Council would like to see included. Specifically, the Commission would like feedback on the 2% capital project funding mechanism. The Commission will incorporate the Council's comments and concerns into the draft AIPP and an additional public meeting will be planned to garner additional public input prior to the plan being brought back to the Council's consideration for adoption.



creative district
— CRESTED BUTTE —

The Town of Crested Butte
**Arts in Public Places
Policy**



DEFINITIONS

For the purpose of this document, the following words or phrases will be defined as the following:

ART IN PUBLIC PLACES MEANS ANY VISUAL WORK OF ART DISPLAYED FOR TWO WEEKS OR MORE IN AN OPEN TOWN-OWNED AREA, ON THE EXTERIOR OF ANY TOWN-OWNED FACILITY, INSIDE ANY TOWN-OWNED FACILITY IN AREAS DESIGNATED AS PUBLIC AREAS, WITH TOWN FUNDS OR GRANTS PROCURED BY THE TOWN.

COMMISSION MEANS THE CRESTED BUTTE CREATIVE DISTRICT COMMISSION (CBCDC) AS DEFINED IN CHAPTER 2 ARTICLE 8 OF THE TOWN CODE.

CONSTRUCTION COST MEANS ACTUAL COST OF ANY CONSTRUCTION PROJECT WITH AN ESTIMATED CONSTRUCTION COST OF \$100,000 OR MORE, EXCLUDING, SOFTS COSTS SUCH AS ENGINEERING, ADMINISTRATION, FEES AND PERMITS AND INDIRECT COSTS SUCH AS INTEREST DURING CONSTRUCTION, ADVERTISING AND LEGAL FEES.

CAPITAL IMPROVEMENT PROJECT MEANS A CAPITAL PROJECT THAT IS FUNDED BY THE TOWN'S CAPITAL FUND AND HAS BUDGET OF MORE THAN \$5,000 AND A USEFUL LIFE OF OVER 5 YEARS. PROJECTS MUST BE LOCATED IN THE CREATIVE DISTRICT BOUNDARY OR A PUBLIC PARK.

PUBLIC MAINTENANCE RESERVE ACCOUNT MEANS THE ART IN PUBLIC PLACES RESERVE ACCOUNT ESTABLISHED TO MANAGE MONIES FOR THE MAINTENANCE OF PUBLIC ART.

WORK OF ART INCLUDES, BUT IS NOT LIMITED TO, A SCULPTURE, MONUMENT, MURAL, FRESCO, RELIEF, PAINTING, FOUNTAIN, BANNER, MOSAIC, CERAMIC, WEAVING, CARVING AND STAINED GLASS.





1. Introduction

The purpose of this document is to provide a policy to guide the funding of acquisition of works of art by the Town of Crested Butte (Town), which shall become the Town's collection; selection of works of art for the collection; locations for public art; display of the collection; maintenance and repair of the works of art in the collection.

The Town of Crested Butte has a vibrant public art culture, with many existing public art pieces located throughout the Town. The Town owns and maintains eighteen (18) different facilities, many of which display existing art. Many of these facilities are operated by non-profits through lease agreements with the Town, while others are Town-run facilities. The Town also owns and maintains numerous parks and recreation facilities that are home to many public art pieces. The Town controls public right-of-ways including streets and alleys. The Parks and Recreation

Department manages Elk Avenue as a park, maintaining its existing public art, benches, trash cans, planters, signs, and sidewalks.

Crested Butte is a National Historic District. The Board of Zoning and Architectural Review (BOZAR) administers the design guidelines for the District. Any new public art must honor these guidelines and be compatible with the Historic District.

Crested Butte became a Certified Creative District in July 2016 after an extensive three-year certification process. This certification required the Town to partner with Colorado Creative Industries

Whatever the form, public art instills meaning—a greater sense of identity and understandings of where we live, work, and visit—creating memorable experiences for all.

Americans for the Arts

for technical assistance for the preparation of this Arts in Public Places Policy. The Town Council passed Ordinance 14, Series 2015, which established the Crested Butte District, including creating this Arts in Public Places Policy and the future selection of artwork.

Members of the Commission prepared the Crested Butte Creative District Strategic Plan. The Town Council adopted the Strategic Plan with the passage of Resolution 28, Series 2015. This Strategic Plan outlines many of the goals of the newly certified district including the creation of an Arts in Public Places Policy.

2. Goals

The purpose of the Crested Butte Arts in Public Places Policy (AIPP) is to act as a mechanism to achieve the goals defined by the Strategic Plan. These include:

Community Engagement in the Arts

AIPP in the Creative District will encourage all types of creative expression, showcase the talent that is unique to Crested Butte, and promote participation from the entire community and region.

Identity/District Characteristics

AIPP will showcase historical buildings as well as the natural environment, enabling art to define the

Creative District boundaries and creating awareness of the District and its brand.

Economic Development

Visitor attraction to AIPP in the Creative District will support shopping, dining, entertainment and the creative sector by nurturing and enhancing the attractiveness of the community.

Community Participation in the Creative District

AIPP programs will allow the Creative District to flourish, as it will encourage engagement in the District through art dedications, public gatherings, and educational opportunities. It will also offer visual inspiration for residents, businesses, and visitors.

Physical Characteristics

AIPP will offer residents and visitors a unique sense of place. Art will reflect the Town culture, historic character, and natural environment. It will also be used for creative wayfinding and defining the boundaries of the Creative District.

Programming

AIPP will create opportunities for educational programs, artist residencies, exhibitions, and more. The program will foster and grow the Creative District, allowing it to better support businesses and arts organizations.



3. Locations and Type of Art

The Commission, the Town Staff, and Crested Butte community created a map for possible public art locations, through a series of public meetings and site visits. This map includes locations in Town-owned buildings, parks, and along public right-of-ways.

The map is intended to identify potential new locations for art and to allow the Commission to select potential projects for these locations. Public input on these locations included the allowable types of art for each location. All new art placed in these locations must adhere to this AIPP.

This map contains many locations and should be updated periodically. Projects will be implemented over time, as funding becomes available. The current map and art type descriptions are attached to this document.

4. Funding

At this time, there is no direct funding stream, such as a tax, for the implementation of Art in Public Places. However, Public Art will be part of the Town's Capital Improvement Budget, and selected pieces will need to be budgeted and prioritized within this budget along with all other Town Capital Improvement projects. The Commission shall be responsible for prioritizing these projects and recommending projects for the Council's consideration.

The Commission recommends that the Town designates two percent (2%) of the total project cost for major capital improvement projects to art in public places. Qualifying projects will have a total project cost greater than \$100,000 and will be located within the Creative District or public parks. The amount designated for individual projects will not exceed \$25,000 per project. No more than four (4) projects shall occur in a calendar year. The Town's Capital Project Fund would pay for arts in public places projects. AIPP projects should serve as a capstone to these Capital projects and have a minimum lifespan of 5 years. The Council may provide additional funding for an art project at their discretion.



5. Administration

The Commission shall administer the provisions of this document relating to the recommendations of works of art and display locations. The Town Council shall approve any agreements, leases, and the placement of any art in a public facility, park or right-of-way after considering the recommendation of the Commission. The Town of Crested Butte's staff will provide administrative support and assistance to the Commission as necessary to accomplish the purposes of this policy. The Commission shall present the Council an annual update before the adoption of the yearly budget and update the Council on future and past projects.

*Art is to the community
what the dream is to the
individual.*

Thomas Mann



Guidelines

The following guidelines will be used to guide decision-making on the display, selection, donation, maintenance, and deaccessioning of artwork in the Town of Crested Butte. All works of art acquired in accordance with this policy shall be acquired in the name of the Town, and the Town will hold the title.

1. Display of Artwork in Public Places

No work of art financed or installed, either wholly or in part, with Town funds or with grants procured by the Town shall be installed on privately owned property. All works of art installed on public property that are owned by the artist will have a written agreement between the Town Council and the owner specifying the proprietary interests in the work of art and other provisions deemed necessary or desirable by the Town attorney. Such written agreement shall also specify that the owner will comply with the following guidelines for display of Art in Public Places.

Guidelines for the display of art in public places

- The work of art will be installed in a manner that will protect the work of art and not be a hazard to the public
- The work of art will be maintained in good condition
- Insurance and indemnification will be provided as appropriate
- Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation

with the artist whenever feasible

- The Commission, along with the Town, will keep detailed records of all art in public places

Placement in the public right-of-way (ROW)

The goal of this guideline is to develop a framework for the consideration of art that will enhance the community, travel corridors, or the right-of-ways. Collaboration amongst relevant departments is critical and the Commission will work with Town staff when sites and pieces are being considered for inclusion in the AIPP inventory. Selection of artwork policy criteria will be considered, as well as the following:

- ADA requirements
- Impact of flow on pedestrians, bicycles or traffic
- Safety impacts
- Maintenance requirements that may be created by the installation
- Distractions for drivers
- Snow plowing and parks and ground maintenance



2. Selection of Artwork

The Commission may recommend works of art for inclusion in the AIPP inventory. Additions to the AIPP inventory may also be initiated (e.g. a donation) from an outside party. The Town Council must approve all additions or changes to the artwork in the AIPP inventory. The Town staff shall review the application for compliance with the

owner under unique circumstances (e.g. when the price presents an economic advantage or work ties in directly to the Strategic Plan and goals of the program). The Commission may approach an artist, or the artist may approach the Commission.

Artists who have finished work for Commission's consideration should submit the following:

- A proposal sheet with artist's name, the title of artwork, dimensions, medium, date produced, price, location, the number of reproductions, restrictions to reproduction, and any other information artist deems pertinent.
- Resume and references
- A maquette or images of the actual work for review
- A cover letter explaining why the work should be added to the Town's collection
- Assessment describing the artwork's condition along with a maintenance plan and life span of work

Art is a nation's most precious heritage. For it is in our works of art that we reveal to ourselves and to others the inner vision which guides us as a nation. And where there is no vision, the people perish.

Lyndon Johnson, on signing into existence the National Endowment

guidelines of the AIPP and prepare a staff report with a recommendation and possible conditions for the Commission's consideration. All selections require a majority vote of a quorum of the Commission before the Commission can make a recommendation to the Town Council.

Selection Methods

The Crested Butte Creative District can use the following methods to recommend the purchase of artwork to the Town Council.

Direct Purchase

The Commission can recommend the purchase of existing artwork from an artist/

Open Competitions or Requests for Proposals (RFP)

Competitions or RFPs are open to artists within geographic limits and other specifications set by the Commission, which may vary from competition to competition. The Commission shall strive to maintain a balance between competitions involving local artists only and artists from a larger area.

proposed project and the artist's technical ability

- Overall project budget
- Other factors deemed important

Artwork and Site Selection

The Commission will recommend work of art and sites for purchased and donated artwork. The Commission considers the following criteria in matching artwork to the display site:

- Conceptual compatibility of the design with the immediate site environment
- Appropriateness of the design for the function of the site
- Compatibility of the design and location with the design or historical character of the site
- Creation of a desirable environment for the general community by the design and location of the work of art
- Preservation and integration of natural features for the project
- Representation of a broad variety of tastes within the community and the provisions of a balanced inventory of art in public places to ensure a variety



The typical process for open competitions or RFPs will be, but is not limited to:

- The Commission will provide a project description, site/location, budget, project schedule, and summary of duties and obligations
- The artist provides a maquette and site drawing (if appropriate) design concept statement, budget, photographs, resume, and references
- The Commission will consider and vote on proposals at a regularly scheduled and noticed meeting
- Entry materials will be returned if artist provides packaging, postage, and insurance

Artist Selection Criteria

When evaluating the possibility of working with a particular artist, the Commission considers:

- The artist's experience with arts in public places projects
- The ability of the artist to work cooperatively and effectively with stakeholders
- The artist's presentation
- The technical feasibility of a



- Recommendations from staff

The Town staff will prepare a staff report and recommendations when working to select artwork for a designated site or selecting a site for already acquired works of art. The Commission will strive to get input from relevant Town departments. The Commission encourages participation by the relevant department leads and encourages

their participation in the selection process.

Post-Selection Process:

Once a site has been approved, an installation plan will be developed by the Commission and relevant Town Staff along with input from the artist, donor, and contractor when appropriate. The proposed budget for the artwork should cover costs of installation, which may include plinth or other display components, site development, and identification plaques.

Once a final selection of artwork, artist, and location has been made, a written contract will be prepared by Town staff and the Town attorney. The contract will be approved by the Town Council and filed by the Town Clerk.

3. Donations

Donations can be an important part of an arts in public places collection. The Commission only recommends work that will further the goals of the AIPP for donation. The Council will approve the donation of any pieces for the arts in public places collection.

of style, design, and media throughout the community

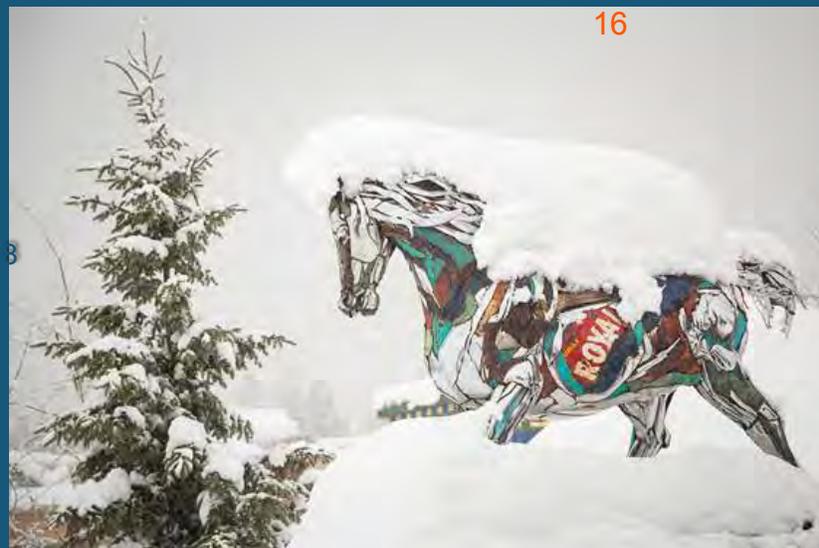
- Visibility and accessibility
- Dark sky compliant
- Sound ordinance compliant
- Public safety
- Car and pedestrian traffic patterns, and other right-of-way considerations
- Site design including landscaping, irrigation, drainage, grading, lighting and seating
- Environmental impacts such as noise, sound, light, and odor
- Every effort shall be made to ensure the placement does not negatively impact the Town's parks ground maintenance or interfere with snow plowing
- Susceptibility to vandalism
- Compatibility with the National Historic District
- Costs of site preparation
- Existing artworks in the site area
- Impact on adjacent property owners
- Any other criteria deemed by the CBCD to be important
- Budget
- Expected maintenance costs



Process for Consideration

Individuals or entities interested in donating an artwork should follow these steps:

- Submit a complete official donation application to the CBCD
- Provide a maquette or images
- Include a cover letter explaining that the artwork is being offered as a gift to the Town and explaining why the artwork should be added to the collection
- Provide a copy of the artist's resume
- Provide a conservation assessment describing the artwork's condition and a maintenance plan including lifespan of the work while placed in a public environment
- Decide on who will pay for the maintenance, either through AIPP funds or an endowment from the donor



Review Considerations:

The Commission typically considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with other art in public places, and budget. Additional review criteria for artwork and site selection considerations can be found under the selection of artwork policy.

*The object of art is to give
life shape.*

Jean Anouilh

Funds to maintain artworks in the Town's collection are limited. Therefore, when accepting a gift into the Town's collection, the Commission may require that the donor signs a maintenance agreement or establish a maintenance endowment. The Commission is unlikely to consider any donation that requires immediate or extensive maintenance.

4. Maintenance

The goal of the Arts in Public Places Maintenance Policy is to maintain the Town's collection of publicly-owned artwork to ensure Crested Butte citizens' long-term enjoyment of the collection. The Maintenance Policy details the documentation, preservation, and maintenance processes that will support that goal. It will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection.

Documentation, through a standardized form, of each piece of artwork in the collection is required, including periodic condition reports, records of maintenance performed, photographs, artist's recommendations, methods and materials

information, installation information, warranties, and other knowledgeable opinions regarding preservation and maintenance.

Preservation includes placement, installation, security, regularly scheduled maintenance and emergency repairs. Preservation will take into account the natural process of aging. Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection.

When an artwork is accepted into the Town collection, an initial level of maintenance and a maintenance schedule will be created. It will include the timing and type of maintenance. It will also identify any issue that may require special attention.

If appraisers, conservators, craftspeople, and experts are expected to be needed for maintenance, these costs must be included in the overall budget at the time of the selection.

Once a year, inspections will be completed for each piece by the Commission. The inspection and condition report will become part of the permanent documentation for each piece in the collection. Paid professionals or trained volunteers will perform maintenance according to the schedule, annual, condition report, or in the case of emergency or special maintenance.

Funding for maintenance will be established through a Public Maintenance Reserve Account developed by the Commission and approved by the Town Council. Funds will come from the AIPP budget and will take precedence over new purchases. A minimum of 20% of the total project cost of any new public art shall be dedicated to maintenance. Additional funds may be set aside if required by the Commission.



5. Deaccessioning

Deaccessioning is a procedure for withdrawing a work of art from the Town of Crested Butte's public collection. The Commission is responsible for recommending to the Town Council, whether any piece(s) should be deaccessioned. This occurs only with reason, at the Commission's discretion.

Process/Disposition

The Commission will review the pieces in the Town's Art in Public Places collection at least every five years to determine whether they should deaccession any piece(s). The Town reserves the right to deaccession an artwork at any time deemed appropriate by the Commission.

The Commission may only consider deaccessioning during a noticed monthly or a special meeting of the Commission. A majority of a quorum of commissioners must approve deaccessioning for two consecutive votes. After the first vote, a public announcement of the plan to deaccession must be made to permit public input before the second vote. After the second vote, the recommendation will go to the Town Council and upon approval; artwork shall be officially deaccessioned from the Town collection.

The Commission may consider the following options for disposition of a deaccessioned artwork:

1. Return to the artist
2. Sale or trade
3. Destruction (which shall be reserved for works deteriorated or damaged beyond reasonably-priced repair)
4. Donation or other option deemed appropriate



Reasons for Deaccessioning

- The artwork endangers public safety;
- The artwork has been determined to be in unsatisfactory condition;
- The artwork lacks a suitable display site;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is attached to a structure slated for destruction, remodeling or repair (so that it is not practical to keep the artwork);
- The artwork is or has become incompatible with the rest of the collection;
- The Town wishes to replace the artwork with a piece of more significance by the same artist;
- The artwork requires excessive maintenance or has faults of design or workmanship;
- The artwork is fraudulent or not authentic;
- The Town cannot properly care for or store the artwork; or
- For any other reason articulated by the Commission, in its discretion.

Acknowledgements

The Town of Crested Butte would like to thank Colorado Creative Industries for their support and guidance in developing this policy and the Crested Butte Creative District Commission for their feedback and edits. Many thanks also to Lydia Stern who provided the photos. Hilary Henry provided the middle photo on page 4 and Jennie Birnie provided the photo on page 12.

This policy was adopted by the Crested Butte Town Council on XXXX.



Map and Art Description

The following art types and locations description, and corresponding map, provide context and detail for Section 3 of the Public Arts Policy - Locations and Type of Art.

Art Types and Locations

Crank Plaza Artwork located between light poles, should have a Crested Butte/municipal theme, 3D, interactive art on W side Town Hall

Marshall's hallway Rotating artwork on West wall, creative bench, mobile hanging from high ceiling, lighting installation

Rock Area Temporary summer art, would require additional maintenance because of lawn care, benches are here in the summer so there may not be space for artwork, performance, lighting installations

Sidewalk at 6th & Maroon 3-D art on lawn

Planter with Rocks

New Transit Center Artwork inside the transit center, 1% of budget for Transit Center could be dedicated to art, mural, interactive art

Planter by Visitor's Center Interactive art

Public Lawn at 4-way

Lawn West of Tennis Court Lighting installations, performance, installations

RTA Bus stop 2-D art / tile art, creative bench (ski bench), interactive art, performance art

Center for the Arts To Be Determined, performance art, installations, lighting installations, interactive, 2D, murals

Anthracite Place Apartments Art installation could be a partnership with GVRHA, murals on 2nd and 3rd floor at the end of the hallways. Textile art would reduce echo in hallways (TBD with fire suppression).

Entrance to Big Mine Park where 3 coke ovens are buried. Put out RFQ for sign creation. Artist will/can incorporate coke ovens.

Ice Rink Big Mine Interpretive Sign. Coke ovens/plaque area can be improved. This will be part of the Big Mine Park Master Plan., performance

West of Nordic Center Building will be expanded to the West. Open space area will be lawn/pavilion. Trails will be added, disc golf will move, skate park will be relocated. 1% of budget for Big Mine renovations could be dedicated to art. Lighting installations, performance, installations

Old Town Hall hallway Artwork on walls. Need to discuss how to choose artwork in public buildings. Add artists' names to artwork. Consider murals or permanently attaching artwork to walls in public spaces. installations, lighting installations, performance

Large 3-D art installation at West end of Elk Avenue on the hill. This will help draw people to the West end of Elk. Possibly cut bench into slope. 3D art, performance art, installation

Bridge over Coal Creek Replace bridge abutments with an artistic bridge, lighting installation, installations

Coal Creek Seasonal art celebrating Coal Creek. Could be installed in the creek. Bridge abutments (using historical materials) along the road could use improvement. installations

Parking lot behind Pita's There will be a single row of parking which will need a buffer between it and the house to the south, possibly in aspen stand on the SE corner of the property. Consider picnic tables. This is a snow storage area in winter. Performance, interactive

308 Elk Hallway where restrooms are. Mural, wall art

Pump room Lots of wall space in dance studio. Consider movement-oriented murals, inspirational words, light/ceiling installation. It is a kid-friendly space so do not have hanging art. Could get high school youth involved in an art project. Mural, performance art, interactive art.

Totem Pole Park More totem poles! Lighting installations, performance, installations

Town Park Snow sculpture with/without lights

Roundabout Bridge w/ 3D art

Wall on south side of Ice Rink Mural

Bridge on Butte Lighting Installation, installations

Three Ladies Park 3D art, interactive art, performance

Recreation Path at 9th & Teocalli 3D art

Rainbow Pond

Bus Stop on Belleview Interactive art, performance, murals

Tommy V Field Installations, interactive art

Crested Butte Community School Murals, 2D, 3D, lighting installations, interactive art, performance, installations, art on ceilings, moveable murals, permanent sidewalk chalk art

Wedding Garden

Bike Park

Other

- Elk Avenue (2nd to 6th St) – performance installations
- Bus stops – consider artwork at all bus stops.
- Mt Express bus mural project – Mt Express and CBCD could potentially partner on this project, photo-document/display all existing buses.
- Henderson Park – installations, performance
- Gothic Field – interactive, lighting installations
- Eighth St Greenway at 8th and Elk – performance, installations
- Rec Path bridge – installations, interactive art
- Along Coal Creek in Block 28 – installations, lighting installations
- Depot – performance, interactive art, 2D, murals
- Sidewalk from Rainbow Park to School
- Use Art Walk as a forum
- Consider extra spaces for offering **ART CLASSES**: Depot, CBMT, Pump Room, Churches, Town Hall, Library, Artspace

Artwork Type Description

Murals: sidewalk art, transit center, tile mural at bus stops, post office

Painting/Framed 2D: secured and safe from elements, town hall framed art, chalk art, CBCS

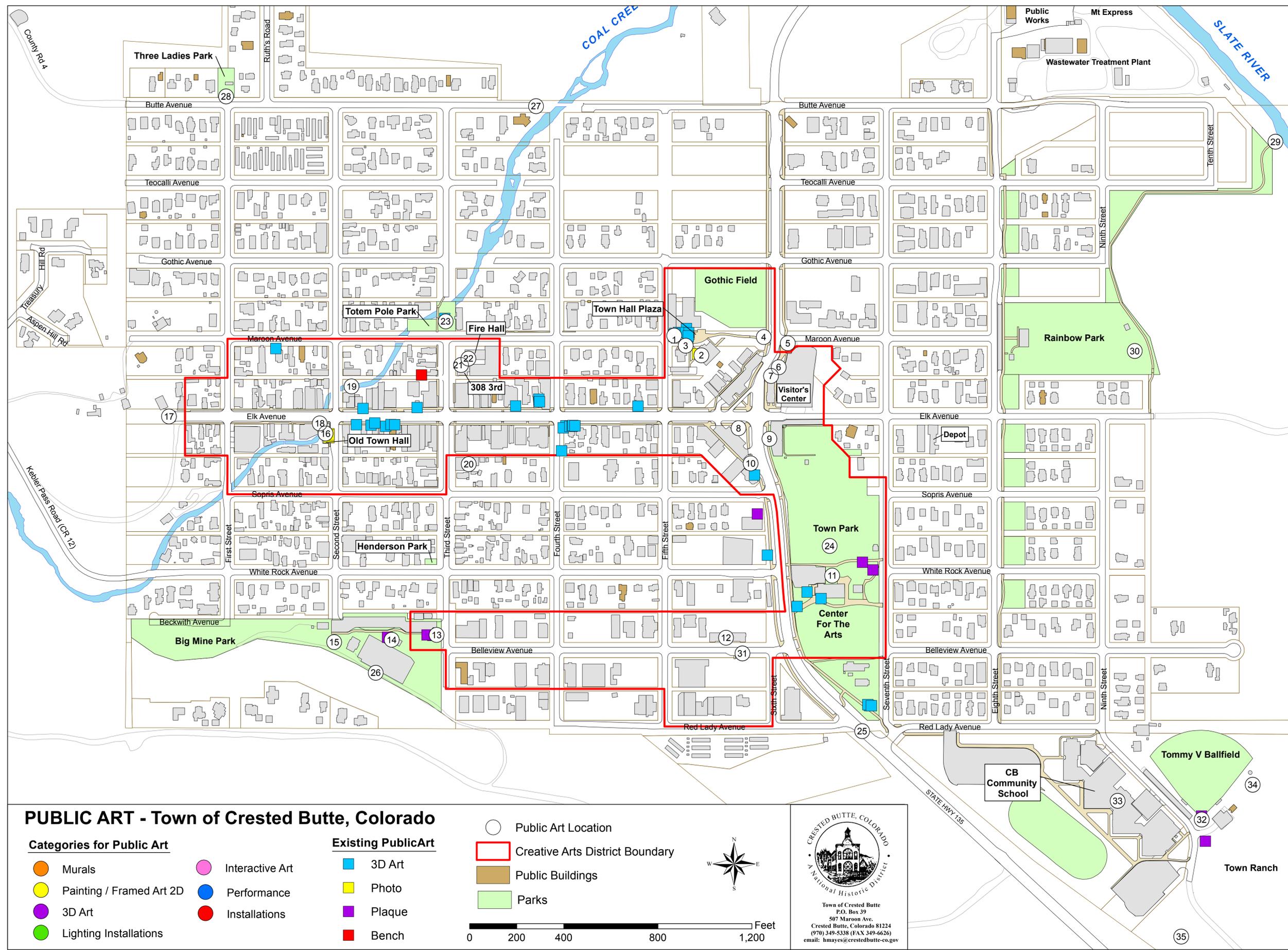
3D art: Entryway piece at Red Lady & 6th (reference spirit of town, work with gateway signs), snow cave

Lighting Installations: Big Mine Park, Bridges of the Butte

Interactive Art: safety, labyrinth, trailhead music, youth friendly, large-scale, weaving, music garden, community mosaic, iron pour (sell the pieces that all come together for one piece)

Performance Art: pop-up stages on raised platform (“busker box”), puppet shows, flash mobs, lunch beat; Center for the Arts, End of Elk (venue for theater, poetry), Pump Room, Old Town Hall,

Installations: sidewalk (temporary), have a public space to write ideas, luge, snow installation with lights, labyrinth at Rainbow Park, youth-created installations (preschool, elementary, middle, high school)



- ### Public Art Locations
- ① Crank Plaza
 - ② Marshals Hallway
 - ③ Rock Area
 - ④ Sidewalk at 6th and Maroon
 - ⑤ Planter with Rocks
 - ⑥ New Transit Center
 - ⑦ Planter by Visitor's Center
 - ⑧ Public Lawn at 4-way
 - ⑨ Lawn West of Tennis Court
 - ⑩ Bus Stop by Alpeiner
 - ⑪ Center for the Arts - TBD
 - ⑫ Anthracite Place Apartments
 - ⑬ Entrance to Big Mine Park
 - ⑭ Ice Rink - Big Mine Interpretive Sign
 - ⑮ West of Nordic Center
 - ⑯ Old Town Hall
 - ⑰ End of Elk
 - ⑱ Bridge over Coal Creek
 - ⑲ Coal Creek
 - ⑳ Parking Behind Pita's
 - ㉑ 308 3rd St Restrooms
 - ㉒ Pump Room
 - ㉓ Totem Pole Park
 - ㉔ Town Park
 - ㉕ Roundabout
 - ㉖ Wall on S Side of Ice Rink
 - ㉗ Bridge on Butte
 - ㉘ Three Ladies Park
 - ㉙ Rec Path
 - ㉚ Rainbow Pond
 - ㉛ Bus Stop on Belleview
 - ㉜ Tommy V Field
 - ㉝ Crested Butte Community School
 - ㉞ Wedding Garden
 - ㉟ Bike Park

PUBLIC ART - Town of Crested Butte, Colorado

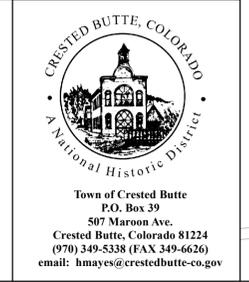
Categories for Public Art

- Murals
- Painting / Framed Art 2D
- 3D Art
- Lighting Installations
- Interactive Art
- Performance
- Installations

Existing Public Art

- 3D Art
- Photo
- Plaque
- Bench

- Public Art Location
- Creative Arts District Boundary
- Public Buildings
- Parks



MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, March 6, 2017
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:00 PM.

Council Members Present: Jim Schmidt, Jackson Petito, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck.

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, Planning Director Michael Yerman, and Building and Zoning Director Bob Gillie.

Public Works Director Rodney Due, Parks and Recreation Director Janna Hansen, and Deputy Town Clerk Betty Warren (all for part of the meeting).

APPROVAL OF THE AGENDA

Mayor Michel reported on three changes to the agenda:

- 1) Item number 2 under New Business was removed from the agenda which was a letter of support for the Space to Create.
- 2) An Executive Session was added 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).
- 3) A Letter of Support was added to the Consent Agenda for the Crested Butte Land Trust's grant fund request to the Laura J. Musser Fund for the Gunsight Bridge replacement.

Merck moved and Ladoulis 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) **February 21, 2017 Regular Town Council Meeting Minutes.**
- 2) **Resolution No. 9, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Engagement Letter of Butler Snow LLP to Serve as Bond Legal Counsel in the Town's Proposed Loan from the Colorado Water Resources and Power Development Authority in Connection with the Town's Proposed Improvements to the Wastewater Treatment Plant.**
- 3) **Resolution No. 10, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Award of a Professional Services Contract to SociumDigital for the Construction of a Website for the Crested Butte Creative District for an Amount Not to Exceed \$7,000.00.**

4) Resolution No. 11, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Map and Declaration of Green Drake Condominiums, Lots 27 and 28, Block 20, Town of Crested Butte, Colorado.

5) A Letter of Support for the Crested Butte Land Trust's Grant Fund Request to the Laura Musser Fund for the Gunsight Bridge Replacement.

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

PUBLIC COMMENT

None

STAFF UPDATES

Janna Hansen:

- Reported that Jake Houston with GOCO Colorado said the Grant Committee had recommended the Town Park Playground Renovation Project for funding that would go before the GOCO Board for approval on March 23, 2017. If approved, the grant awarded would be \$350,000. She said, out of 62 applicants, the Town Park Playground Renovation Project was number 16.
- Hansen confirmed that the Big Mine Ice Arena would close on Sunday, March 12, 2017 for the season.
- Petito said that Town crews had cleared the sidewalks very well today, and it was the cleanest he had seen sidewalks and roads.

Michael Yerman:

- Reported that he would take the quarterly trip to the CDOT meeting in Montrose. The meeting was scheduled for Thursday, March 9, 2017.

Bob Gillie:

- Reported that the Building Department had additions to the number of houses and remodels for this year.
- He talked with Clark's last week, and they were still moving forward, but parking remained a challenge.
- There would be a BOZAR meeting on March 21, 2017 to discuss the 6th Street Station/Crested Butte Hotel project.
- He had talked to Wine House about a project there.
- He said he was still working on issues at the Transit Center and construction documents with Andrew Hadley. Hadley had to shift the building a bit to get it off the sewer line. He hoped to get that out to bid this month.

Rodney Due:

- Reported that he had lost one operator to Mt Crested Butte and said that the entire valley was transitioning related to water/wastewater positions.
- Related to the WWTP upgrades, he had six general contractors bidding.
- Due said that crews would pull snow banks tomorrow, March 7, 2017 on Elk Avenue.
- He said he would provide the number of truckloads hauled this winter at the next Town Council meeting.

Betty Warren:

- Pointed out that Nordic passes for the Council Retreat at the Yurt were at each person's place at the table. She reminded retreat attendees to have their tickets with them and in a visible location for their travel to and from the Yurt.

Dara MacDonald:

- Reported that she had emailed Council on the Brush Creek RFQ (Request for Qualifications) released today by Gunnison County for targeting developers interested in partnering with the ownership group for mixed use development housing. This would be residential housing with a recreational component. She said it did not specify how many deed restricted units at this time, but was speaking more generally.
Schmidt noted that the verbiage on the county's website did not emphasize that this was intended to be a mixed income project. MacDonald would speak with Matthew Birnie to amend that language.
- Commercial leases were sent to all but four of non-residential tenants. She said they were there to negotiate, not trying to hurt anyone, but would work with them.
- There would be a joint meeting with the Board of County Commissioners on March 28, 2017 from 10:00 a.m.-12:00 p.m. in Council Chambers.
- She reported on the Broadband meeting last week. Phase I efforts were almost complete with Montrose and Delta as the towns first on the list for Broadband to those areas, then efforts would begin for Gunnison, Ridgeway, and Ouray. She reported that Monarch to Poncha had not been funded this year, but they could request funding going forward. There would be a meeting with Mt. Crested Butte, Region 10 folks, and their engineers to get into the details about how we would address things up here. Gunnison Electric was receptive to begin the conversation to run fiber on some of their poles, but that would be a board discussion on their part. They would need to get fiber to some of their substations.
- There would be a CAST legislative meeting early Thursday morning, March 9, 2017 in Denver.
- MacDonald reiterated that Cottonwood Pass would not reopen this year. The county was moving ahead with that project. Chaffee County would be in discussion with the feds, in hopes they would be in construction in 2018, but that was not certain, so Cottonwood Pass could be closed longer than expected.
- The Gunnison Valley Regional Housing Authority would like to hire Magellan Strategies related to the 2015 RTA ballot issue. They were looking for sustainable funding for the Regional Housing Authority and the potential of a ballot issue in

November. They were reaching out to other entities for funding for that effort. The total cost for Magellan Strategies was \$24,500, but they would be looking for \$6,000 from each governmental entity. MacDonald asked Council if they would have interest in pursuing a \$6,000 funding effort. MacDonald said that the \$6,000 could come out of the affordable housing fund. Michel said the issue would be discussed during Schmidt's committee update.

- Reported on water court applications (McCormick Ditch and Cypress Annexation), and updated Council that the period for entering objections had expired. She said there had been five opposers in water court; therefore, the process would continue to a referee who would take a look at this over the next couple of months.
- Reminded Council and John Belkin of the Town Council retreat this Wednesday, March 8, 2017.

PUBLIC HEARING

Mayor Michel confirmed that proper public notification had been given.

1) Ordinance No. 3, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Articles 16 and 21 of the Crested Butte Municipal Code to Include Requirements for Mechanical Parking Lift Systems, to Credit the Use of Private Property Parking for Public Parking in the "T" Zone District and to Exempt Parking Square Footage and Access to Such Parking from Resident Occupied Affordable Housing Requirements.

Gillie reported that nothing had changed. Gary Hartman of Sunlit Architecture, said he attended the Town Council meeting to answer any questions. He said what was shown in the meeting packet was not the same, as they were now working with City Lift. He said that did not fundamentally change anything. Ken Stone stated that these units were all underground, all had pans under them, and were designed for ice, salt, and various weather conditions. He reported that larger SUV's would fit as well as large vehicles with roof racks.

Mayor Michel opened to Public Comment.

No one from the public was present to comment.

Mayor Michel closed to Public Comment and opened to Council Discussion

Schmidt mentioned that there was a high percentage of vehicles with roof racks, bicycles, and skis on top. Hartman described the dimensions of spaces and clearance. Mitchell noted that there was a riverbed in the area; however, Hartman said that hydrology studies had been performed for 10 years related to that issue. Michel said this sounded like a good solution for a challenging problem. Gillie suggested a contingency should be included that all civil engineering would be reviewed by staff. If a third party was needed, one will be accessed to review all the issues.

Schmidt moved and Mitchell seconded a motion to approve Ordinance No. 3, Series 2017. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 4, Series 2017 - An Ordinance of the Crested Butte Town Council Approving a Loan From the Colorado Water Resources and Power Development Authority; and Authorizing the Execution of a Loan Agreement and a Governmental Agency Bond to Evidence Such Loan.

Due said the process was to address the requirements for a loan, and he was making the request to set for hearing at the next council meeting, dated March 20, 2017.

Schmidt moved and Mason seconded a motion to set Ordinance No. 4, Series 2017 for Public Hearing on March 20, 2017. **Motion passed.**

2) Authorization for the Town Manager to Sign the Application for Space to Create.

This item was removed from the agenda per Mayor Michel's announcement.

3) Discussion and Possible Direction to Staff Regarding Vacation Rentals.

Let the record show that Michel and Mitchell recused themselves and left the room. Roland Mason, Mayor Pro Tem, continued the meeting.

Mason continued the discussion related to vacation rentals. He had asked staff to give the Council questions and to give direction on caps and green and white zones.

Belkin asked the Council what issues they were trying to fix or address. Schmidt said in the previous meeting there was discussion to grandfather everyone in, and asked if that could be done. Schmidt stated that the concern was that Town was becoming a hotel.

Residences were becoming lodges, and he asked how much hotels could be limited.

Merck said that anyone could invite friends to stay, which would include cars parking in numbers and increased noise in the area. Petito added that if friends were invited, there would not be advertising. Mason agreed with Schmidt and reiterated that we did not want our town to turn into a hotel, and that there were parking and noise concerns. He suggested something that looked toward the future. The ordinance addressed some immediate concerns, but now was the time to begin to act. He wanted staff to look at the ordinance, as it might not be the right solution.

Petito said that residents wanted to live in a residential neighborhood and not a hotel area.

Merck noted the increased growth, congestion, and traffic in town. Mason discussed the idea of a cap above what was currently in place; therefore, no unconditional uses, and they would not have to grandfather in. Once the number was hit, it would be done. He said the debate had divided Town. Ladoulis raised the question of how to regulate to achieve balance, and said that was the problem to be solved. He said it was about zone, primary use, grandfathering, and number of days.

Schmidt's suggestions were:

- A cap of 35% in permitted zones.
- B-1 zone would be for long term renters.
- B-4 zone would allow unlimited vacation rentals as long as licensing was in place.
- Grandfather in business licenses in prohibited zones, but there would be no more permits issued in those prohibited zones.

Mason said it was safe to say that Council did not want to make the percentage lower than it was currently. He said he would be willing to entertain percent and zones and spoke about what to direct staff to do. He suggested putting a cap above what was currently in place, and said he was not talking about grandfathering in or unconditional uses. He said they could rent as many days as they wanted, and that there would be "x" amount of permits related to the number of structures.

Mayor Michel opened to public comment:

Steve Ryan – 75 Escalante:

- Ryan stated that the current regulations on parking and noise were good. He said to keep it simple going forward, and that Mason's proposed plan was good.
- He suggested that policy should move density around and that monitoring of parking and noise would quell lots of fears.
- The type of visitors was changing in Crested Butte. It was more Front Rangers and Boulder residents, and when people visit from close by, there might be six people who come and each drove their own car. Visitors coming from closer locations would add to trash and increased traffic. He suggested the possibility of a 5 night minimum stay and percent cap on licenses in town.

Jim Starr - 323 Gothic:

- Reiterated that the problem to solve was the loss of community.
- Starr suggested grandfathering in existing, cap it, and review in 3 years.
- Encouraged Council to allow owner occupied to rent short term.
- He asked Council to consider limiting the number of days.
- He said there must be adequate parking.
- Starr thanked Council for their efforts and said this was a good process.

Nicole Blaser -11 7th Street

- Thanked Council for allowing all points of view to be considered.
- She said that she had close friends on the other side of this issue but considered her viewpoints to be on both sides.
- She stated that she had a life built around her house as a rental.
- She moved to Crested Butte in 1999, lived here full time, and occasionally in other areas.
- She was an active member of the community, volunteer, etc.
- Blaser offered her long term financial plan as to how she made her living.
- She spoke about how she had to take out a second mortgage for a remodel to continue renting.

- Currently, her license and use were legal.
- She said she had vacation rented to neighbors for family visits.
- She liked Mason's idea and would like to see grandfathering in people such as herself.
- She was understanding on both sides of this issue, but made her living on the rental of her property.
- She said she was in the white zone
- Thanked Council again for all the work they had put in related to this issue.

Susan Eskew - 201 Gothic:

- Eskew said she believed the market corrected itself, and that we were now a Front Range market.
- She spoke about the three day minimum and noticed a greater impact with trash.
- She had rented in the past and currently to visitors from Texas and Oklahoma.
- Eskew suggested that when you rent for 30 days, it was a different clientele that can afford that amount of time.
- Crested Butte was a good model for Front Range visitors and said they were part of the community.
- Thanked Council for their time.

Mason closed the meeting to public comment.

Further Council discussion ensued. Mason directed staff to draft an ordinance to address the following:

- Cap vacation rentals in the zones where currently permitted. Capping at 28%-35% was discussed and 35% was the final proposed starting point.
- B-1 Zone would remain in place for long term renters, but vacation rentals would not be allowed in the B-1 Zone.
- BOLT units currently licensed could get vacation rental licenses. If they do not renew their licenses within the green zone, those units would operate under the cap. This would not allow for property transfer.
- Allow B-4 Zone to have unlimited vacation rentals with proper licensing and add to the green zone.
- Not open up additional licenses in the white zone. Vacation rentals would not be allowed in the white zone, but existing units would continue if the unit was rented at least one time per year.
- Grandfather in business licenses for vacation rentals in prohibited zones, but then no more permits to be issued in those zones.
- Once licenses reached the maximum number, create a lottery system or waiting list for units applying after that maximum number of licenses have been issued under the cap.
- There would be not limits on the number of nights.
- Licenses would not be transferable.

- Coordinate with Ordinance No. 12, Series 2016 and correct the 30 days or less verbiage.

Michel and Mitchell returned to the meeting and Mayor Michel returned to the Mayor's seat.

LEGAL MATTERS

- Working with Barbara Green and David Baumgarten on an agenda and conversation with the County on Mt Emmons.
- Working with the Center folks on construction documents.
- Working on condo property consolidation to bring to Council next meeting.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Jim Schmidt:

- Attended the Housing Authority retreat, which was facilitated by Marv Weidener. The retreat yielded a three page document which addressed wider goals and not exactly a strategic plan. He said that staff members, Michael Yerman and Dara MacDonald had attended as well.

Schmidt reported that the retreat attendees came up with four basic strategies:

- 1) Introduce Housing Authority to the County.
- 2) Work with private developers and foster partnerships. He said that land costs were too high in Crested Butte to have builders commit to affordable housing projects, and therefore, this would have to be land Town owned and a partnership as with Brush Creek.
- 3) Find a permanent funding source for housing in the County.
- 4) Set up blueprint/pipeline of what plans there were for the County.

Schmidt said he was disappointed with the document, as it was focused on broader goals instead of specific strategies, but that the discussion at the retreat had gone to the meat of things. He said that any housing project was good for everybody.

Schmidt spoke about the possibility of providing a donation to the Housing Authority related to building and not for operations. He raised the question about an option to commit to a 5 year funding total of \$62,500 per entity for the Housing Authority. Crested Butte was currently at \$55,000, Mt Crested Butte's portion would go up considerably, and Gunnison's would decrease. He said it was a reasonable thing to do, as this was an annual budget allocation. MacDonald gave the thumbs up to funding \$6,000.

- Schmidt said reviewing for the position of Director of the Housing Authority would begin Tuesday, March 14, 2017. They hoped to hire by the end of March or first part of April.
- Brush Creek project was moving ahead and that the goal of their strategic plan to facilitate 200 units in the next 5 years.

Chris Ladoulis:

- Attended Tourism Association meeting a few weeks ago. The organization was looking at targeted branding on how the association operated and was very professional. They were much more focused than in years past. He said he was anxious to talk with RTA representatives and TA to see how they could work together. There would be another meeting in a week.

Roland Mason:

- Attended an Air Command meeting on Friday with RTA and CBMR. Western State had been invited, but Dr. Salsbury could not attend. There would be a meeting Friday on RTA related to that discussion to include service next year, and how service performed this year. There were not final numbers, as it is only March, but summer was strong, January was better than last year, and February was not as good. The Dallas market performed very well with approximately 17,000 seats.
- Hired Director's Assistant, Anthony Poponi, to help Scott Truex with public relations and outreach for RTA.
- Mason reported that he would be gone next week.

Paul Merck:

- Reported that there would be a Center For The Arts meeting next Wednesday (same day as the Retreat), and that he would meet with Ed Schmidt, President for The Center Board of Directors, to get him up to speed.
- Nordic Center had a great Gothic Tour. He said 104 registered, 77 participated due to cold weather conditions, and 66 finished.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Michel spoke about the Greater Thompson Divide and the Thompson Divide Protection Bill that Senator Bennet reintroduced. The bill would protect more than 172,000 acres in the Thompson Divide as well as surrounding areas. It would prevent future leasing and provide compensation for Thompson Divide leaseholders. The area included had expanded greatly, and encompassed a lot of land west of Kebler Pass to the Paonia Reservoir. He would like to see Council entertain the idea to bring HCCA in to speak to Council and form a letter of support. He suggested Council might form a letter of support as soon as they get more information. He said, at that time, Council would instruct MacDonald to work with Matt Reed on a letter of support.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, March 20, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 3, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 17, 2017 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Schmidt moved and Mason seconded a motion to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

The Council went into Executive Session at 9:18PM. Council returned to open meeting at 10:02PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:03PM.

Glenn Michel, Mayor

Betty Warren, Deputy Town Clerk (SEAL)



Staff Report

March 17, 2017

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Rodney E Due, Director of Public Works
Subject: **Engineering Service Agreement for Construction Management**
Attachments: 1. Service Agreement
Date: March 13, 2017

Summary: : In the January 27th and February 3rd editions of the Crested Butte News, the Public Works Department published a Request for Qualifications for (RFQ) for engineering services for the construction management of the Wastewater Treatment Plant Upgrades. The RFQ was also posted on the Town of Crested Butte web site. Proposals were received by the Public Works Department until 04:00 p.m. on Friday, February 24th. There were two (2) Proposals received. The proposals were reviewed by the Public Works Department, and Town Manager. The estimate for engineering services and construction management for this project was \$435,000. FEI base bid price for the project \$196,236.00. Total with contingency, not to exceed \$220,000.00. The Town received proposals from;

1. FEI Engineers \$128 per hr.
2. JVA Consulting Engineers \$166 per hr.

Recommendation: To approve Resolution No. 12, Series 2017 approving a resolution of the Crested Butte Town Council approving the award of a contract for engineering services for the construction management of the Wastewater Treatment Plant Upgrades 2017 and authorizing the Town manager to enter into an engineering services agreement between the Town of Crested Butte and FEI Engineers, Inc. as part of the Consent Agenda.

Recommended Motion: Motion to approve Resolution No. 12, Series 2017 as a part of the Consent Agenda.

RESOLUTION NO. 12**SERIES NO. 2017****RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE AWARD OF A CONTRACT FOR ENGINEERING SERVICES FOR THE CONSTRUCTION MANAGEMENT OF THE WASTEWATER TREATMENT PLANT UPGRADES 2017 AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO A ENGINEERING SERVICES AGREEMENT BETWEEN THE TOWN OF CRESTED BUTTE AND FEI ENGINEERS**

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

WHEREAS, the Town Council desires to appoint an Engineer for the Construction Management Services for the Wastewater Treatment Plant Upgrades project; and FEI Engineers responded to the Town's request for qualifications for engineering services and construction management; and

WHEREAS, the Town Council desires to award the contract to FEI Engineers, Inc. accordingly, subject to the terms and conditions of a Engineering Services Agreement in an amount not to exceed \$220,000.00 to be executed by the parties.

WHEREAS, this award is contingent upon successful execution of the pending \$2.5MM Colorado Department of Public Health & Environment (CDPHE) State Revolving Fund loan (SRF). Said SRF Loan Agreement has been approved by CDPHE and the loan agreement is anticipated to be executed by April 15, 2017.

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

1. The Town Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.
2. The Town Council hereby awards the contract for engineering services for the contract management of the Wastewater Treatment Plant Upgrades to FEI Engineers, Inc. in an amount not to exceed \$220,000.00 and authorizes the Town Manager to execute an Engineering Services Agreement further detailing the terms and conditions of such award.

RESOLVED, APPROVED and ADOPTED this 20th day of March, 2017.

TOWN OF CRESTED BUTTE

By: _____
Glenn Michel, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

Scope of Services

The FEI Team will provide normal and customary construction phase engineering services as described by following Scope of Services under two tasks as described below.

- Construction Office Engineering
- Part-Time Resident Project Representative Services.

Our detailed scope of services are coordinated with and based on the basic engineering services noted as the responsibility of the designated engineer (Engineer) in the General and Supplementary Conditions of the Town's pending Construction Contract with the successful bidder.

TASK 1 - Construction Office Engineering

Upon successful completion of the Bidding / Contract Award Phase, Engineer shall:

1. **General Administration of Construction Contract:** Consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of Engineer in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on Engineer, then Owner shall compensate Engineer for any related increases in the cost to provide Construction Phase services. Engineer shall not be required to furnish or perform services contrary to Engineer's responsibilities as a licensed professional. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this

Agreement and the Construction Contract except as otherwise provided in writing.

2. **Pre-Construction Conference:** Participate in a pre-construction conference prior to commencement of Work at the Site.
3. **Schedules:** Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
4. **Visits to Site and Observation of Construction:** In connection with observations of Contractor's Work while it is in progress:
 - a. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress of Contractor's executed Work. Such visits and observations by Engineer, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.
 - b. The purpose of Engineer's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the

- Construction Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. Engineer shall not, during such visits or as a result of such observations of the Work, supervise, direct, or have control over the Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of its work. Accordingly, Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
5. **Defective Work:** Reject Work if, on the basis of Engineer's observations, Engineer believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to Owner regarding whether Contractor should correct such Work or remove and replace such Work, or whether Owner should consider accepting such Work as provided in the Construction Contract Documents.
 6. **Compatibility with Design Concept:** If Engineer has knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform Owner of such incompatibility, and provide recommendations for addressing such Work.
 7. **Clarifications and Interpretations:** Accept from Contractor and Owner submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.
 8. **Field Orders:** Subject to any limitations in the Construction Contract Documents, Engineer may prepare and issue Field Orders requiring minor changes in the Work.
 9. **Change Orders and Work Change Directives:** Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
 10. **Differing Site Conditions:** Respond to any notice from Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews and prepare findings, conclusions, and recommendations for Owner's use.
 11. **Shop Drawings, Samples, and Other Submittals:** Review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other required Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.
 12. **Substitutes and "Or-equal":** Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor.
 13. **Inspections and Tests:**
 - a. Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract

Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Construction Contract Documents. Engineer shall be entitled to rely on the results of such inspections and tests.

- b. As deemed reasonably necessary, request that Contractor uncover Work that is to be inspected, tested, or approved.
- c. Pursuant to the terms of the Construction Contract, require special inspections or testing of the Work, whether or not the Work is fabricated, installed, or completed.

14. **Change Proposals and Claims:** (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, approve it in whole, or deny it in part and approve it in part. Such actions shall be in writing, with a copy provided to Owner and Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then Engineer will notify the parties that the Engineer will not resolve the Change Proposal. (b) Provide information or data to Owner regarding engineering or technical matters pertaining to Claims.

15. **Applications for Payment:** Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

- a. Determine the amounts that Engineer recommends Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole

prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe the Work. In the case of unit price Work, Engineer's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).

- b. By recommending payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the money paid to Contractor by Owner; to determine that title to any portion of the Work, including materials or equipment, has passed to Owner free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

16. **Contractor's Completion Documents:** Receive from Contractor, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or

other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data. Receive from Contractor, review, and transmit to Owner the annotated record documents which are to be assembled by Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of Engineer's review of record documents shall be to check that Contractor has submitted all pages.

17. **Substantial Completion:** Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, visit the Site to review the Work and determine the status of completion. Follow the procedures in the Construction Contract regarding the preliminary certificate of Substantial Completion, punch list of items to be completed, Owner's objections, notice to Contractor, and issuance of a final certificate of Substantial Completion. Assist Owner regarding any remaining engineering or technical matters affecting Owner's use or occupancy of the Work following Substantial Completion.
18. **Final Notice of Acceptability of the Work:** Conduct a final visit to the Project to determine if the Work is complete and acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice to Owner and Contractor that the Work is acceptable to the best of Engineer's knowledge, information, and belief, and based on the extent of the services provided by Engineer under this Agreement.
19. **Standards for Certain Construction-Phase Decisions:** Engineer will render decisions regarding the requirements of the Construction Contract Documents, and judge the acceptability of the Work, pursuant to the specific procedures set forth in the Construction Contract for initial interpretations, Change Proposals, and acceptance of the Work. In rendering such decisions and judgments, Engineer will not show partiality to Owner or Contractor, and will not be liable to Owner, Contractor, or others in connection with any proceedings, interpretations, decisions, or judgments conducted or rendered in good faith.

20. **Duration of Construction Phase:** The Construction Phase will commence with the execution of the first Construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. FEI has based our fee estimate and scope of services on a construction duration of 12 months from NTP to Substantial Completion and 14 months to Final Completion. Engineer shall be entitled to an equitable increase in compensation if Construction Phase services (including Resident Project Representative Services, if any) are required after the original date for completion and readiness for final payment of Contractor as set forth in the Construction Contract.

TASK 2 - Part-Time Resident Project Representative Services

1. **Resident Project Representative (RPR):** Provide the services of a part-time RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as described in the EJDC 2013 General Conditions in the Construction Contract Documents. The furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth. RPR services will be provided for an average of 12 hours per week for 52 weeks and 4 hours per week for 8 weeks, for a total of 656 hours.

TASK 3 - Additional Services

1. **Facility O&M Manual and Training:** The Town has a facility O&M Manual prepared by Sear Brown. FEI has reviewed the O&M Manual and will provide a supplement/ update describing the new MLE process and related equipment and updating the overall design criteria. This O&M Manual supplement will be provided for an additional estimated fee of \$7,500.

Start-up and Training for equipment and systems is specified to be provided by the Contractor and the equipment manufacturer's qualified representatives\ technicians. FEI's scope and fee includes FEI services to review these start-up and training submittals, and our

local RPR team can participate in / attend the mfrs. start-up and training sessions as desired.

FEI will also provide Town Staff with a 4-hr training session regarding the MLE process, taught by FEI Lead Process Engineer Bob Frchetti for an additional \$500. This training class will be coordinated with the Final Completion / Close out inspection trip to minimize travel expenses.

2. **Project Record Documents:** Red-line "As-builts" are required to be provided by the Contractor as part of the Construction Work. FEI will provide electronic "As-builts" based on the Contractor markup and the mark-ups of our Resident Project Representative for an estimated (additional) fee of \$5000 for CADD services and engineer back-checking.

Please also see attached RFP response email dated March 2, 2017 for clarification.

		Town of Crested Butte WWTP Upgrades Construction Management Services Based on 14 month total construction duration: 12 months from NTP to Subs Completion (SC); 2 months SC to Final Completion (FC)											February 24, 2017			
		LEVEL OF EFFORT (hours)								Total FEI Hours	Total FEI Labor \$	Subconsultants		Direct Expenses	FEI Expenses and Subs Markup	Total FEI Fee
		PIC / PM	ICE & QA/QC	Proj Eng II	Eng III	RPR II	RPR I	Senior Designer	Admin			Repella (Structural Eng)	10%			
TASKS AND SUBTASKS			B. Frachetti	N. Toussaint	S. Omer	K. Venkat	T. Harpel	L. Schumacher	K. Rindt	E. Trujillo						
			\$165/hr	\$165/hr	\$135/hr	\$118/hr	\$114/hr	\$104/hr	\$110/hr	\$85/hr						
1	Construction Office Engineering & Site Visits	1	130	56	230	224			20	116	776	\$100,232	\$9,000	\$1,000	\$1,000	\$111,232
			\$21,450	\$9,240	\$31,050	\$26,432			\$2,200	\$9,860						
1.1	Office Engineering (RFI's, Submittals, Pay Apps, FO, CO, WCD, weekly construction meeting call in) - 60 weeks		80	32	224	224			20	104	684	\$86,192				\$86,192
1.2	Engineer of Record - Precon Meeting and Periodic Site Visits (5 visits)		32	8							40	\$6,600		\$1,000	\$100	\$7,700
1.3	Final & Substantial Completion (Inspection and Punch List)		16	16						8	40	\$5,960				\$5,960
1.4	Project Close Out Assistance		2		6					4	12	\$1,480				\$1,480
1.5	Structural Engineering												\$9,000		\$900	\$9,900
2	Resident Project Representative (RPR)	2					328	328			656	\$71,504		\$500		\$72,004
							\$37,392	\$34,112								
2.1	Part-time RPR Services - 12 hr/wk avg x 52 weeks +4 hrs/week x 8 weeks						328	328			656	\$71,504		\$500		\$72,004
3	Additional Services (TBD)	3	10	9		40			40	9	108	\$13,020				\$13,020
			\$1,650	\$1,485		\$4,720			\$4,400	\$765						
3.1	Post Construction Warranty Services Assistance (NIC)															
3.2	Facility O&M Manual Update (Supplement) & Training		8	8		32			8	8	64	\$7,976				\$7,976
3.3	Project Record Documents (ACAD)		2	1		8			32	1	44	\$5,044				\$5,044
Project Fee Summary			Task Hours							1,540	184,756	9,000	1,500	1,000	\$196,256.00	
			140	65	230	264	328	328	60							125
			Task Fees													
			\$23,100	\$10,725	\$31,050	\$31,152	\$37,392	\$34,112	\$6,600	\$10,625						



To: Mayor Michel and Town Council
From: Michael Yerman, Town Planner
Thru: Dara MacDonald, Town Manager
Subject: **Gunnison Transportation Planning Region CDOT IGA**
Date: March 20, 2017

Background:

The Gunnison Transportation Planning Region (TPR) has requested that all participating jurisdictions renew their IGA with CDOT. This IGA allows the Town to participate and vote in Regional Planning efforts for CDOT projects. At this time, Councilman Jim Schmidt or Planning Director Michael Yerman attend and vote on projects presented to the TPR. These Regional Planning meetings occur quarterly and are located in Montrose.

This IGA is particularly important for the Town because of our pending request for funding assistance for the roundabout at the Red Lady intersection with SR 135. The Town has requested \$1.6 million in funding assistance from CDOT to allow this project to move forward. The Town has targeted 2019 to begin design and 2021-2022 for construction. Funding at this time has not been allocated for this project from the TRP. It is anticipated the TPR will be voting on projects for the 2020-2025 STIP in the coming year.

Recommendation:

Staff recommends the Town Council approves Resolution 13, Series 2017, entering into an Intergovernmental Agreement for a Regional Planning Commission for Transportation Planning in the Gunnison Valley Transportation Planning Region.

RESOLUTION NO. 13**SERIES NO. 2017****RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING GUNNISON VALLEY TRANSPORTATION PLANNING REGION**

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

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually, and;

WHEREAS, Section 43-1-1101 C.R.S. recognizes Regional Planning Commissions as the proper forum for transportation planning, and;

WHEREAS, Section 43-1-1102(5) C.R.S. requires that Regional Planning Commissions formed for the purpose of transportation planning must be formed pursuant to Section 30-28-105 C.R.S., and;

WHEREAS, the parties to this Agreement desire to cooperate in developing and maintaining a long range Regional Transportation Plan, the purpose of which is to identify the mobility needs of the Gunnison Valley Transportation Planning Region, and prepare a plan for addressing the needs, and;

WHEREAS, Section 43-1-1103 C.R.S. requires that any Regional Planning Commission formed for the purpose of transportation planning is responsible for regional transportation planning for said region, and;

WHEREAS, the Gunnison Valley Transportation Planning Region, consisting of the areas within the counties of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel was designated in the Rules for the Statewide Transportation Planning Process (2 CCR 604-2) as adopted by the Transportation Commission of Colorado and effective December 15, 2012, and;

WHEREAS, the parties to this Agreement are governing bodies or officials having charge of public improvements within their jurisdictions in Gunnison Valley Transportation Planning Region.

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

1. The Town Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.

2. The Town Council hereby enters into an intergovernmental agreement for the Town's participation in the Regional Planning Commission for Transportation Planning in the Gunnison Valley Transportation Planning Region.

RESOLVED, APPROVED and ADOPTED this 20th day of March, 2017.

TOWN OF CRESTED BUTTE

By: _____
Glenn Michel, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

INTERGOVERNMENTAL AGREEMENT
FOR A
REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING
GUNNISON VALLEY TRANSPORTATION PLANNING REGION

THIS AGREEMENT made this 20th day of March, 2017, by and among the following local governments in the Gunnison Valley Transportation Planning Region:

1. Delta County
2. Gunnison County
3. Hinsdale County
4. Montrose County
5. Ouray County
6. San Miguel County
7. Town of Cedaredge
8. Town of Crawford
9. Town of Crested Butte
10. City of Delta
11. City of Gunnison
12. Town of Hotchkiss
13. Town of Lake City
14. City of Montrose
15. Town of Mount Crested Butte
16. Town of Mountain Village
17. Town of Naturita
18. Town of Norwood

19. Town of Olathe
20. City of Ouray
21. Town of Paonia
22. Town of Ridgway
23. Town of Telluride

Participation in this agreement by each aforementioned party is made only upon execution of a Certificate of Participation.

This Agreement is thereby executed in multiple Certificates of Participation, each of which shall constitute an original, but all of which, taken together, shall constitute the same document.

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually, and;

WHEREAS, Section 43-1-1101 C.R.S. recognizes Regional Planning Commissions as the proper forum for transportation planning, and;

WHEREAS, Section 43-1-1102(5) C.R.S. requires that Regional Planning Commissions formed for the purpose of transportation planning must be formed pursuant to Section 30-28-105 C.R.S., and;

WHEREAS, the parties to this Agreement desire to cooperate in developing and maintaining a long range Regional Transportation Plan, the purpose of which is to identify the mobility needs of the Gunnison Valley Transportation Planning Region, and prepare a plan for addressing the needs, and;

WHEREAS, Section 43-1-1103 C.R.S. requires that any Regional Planning Commission formed for the purpose of transportation planning is responsible for regional transportation planning for said region, and;

WHEREAS, the Gunnison Valley Transportation Planning Region, consisting of the areas within the counties of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel was designated in the Rules for the Statewide Transportation Planning Process (2 CCR 604-2) as adopted by the Transportation Commission of Colorado and effective December 15, 2012, and;

WHEREAS, the parties to this Agreement are governing bodies or officials having charge of public improvements within their jurisdictions in Gunnison Valley Transportation Planning Region.

NOW THEREFORE, the parties hereby mutually agree as follows:

1. Designation of Regional Planning Commission. The parties to this Agreement shall have one representative each on the Regional Planning Commission for the Gunnison Valley Transportation Planning Region.
2. Responsibilities of Regional Planning Commission. The Regional Planning Commission shall be responsible, in cooperation with the state and other governmental agencies, for carrying out necessary continuing, cooperative, and comprehensive transportation planning for the Gunnison Valley Transportation Planning Region; for creating, amending and updating Regional Transportation Plans pursuant to all applicable federal and state laws and rules or regulations including public participation provisions; for recommending the priority for any transportation improvements planned for the region; and for participating in the State Transportation Improvement Program development process. The Regional Planning commission shall keep records of its resolutions, transactions, contractual undertakings, findings, and determinations, which records shall be public records.
3. Chairperson and Officers. The Regional Planning Commission shall elect its Chairperson, whose term shall be one year, with eligibility for reelection. The Chairperson, or their designee, shall be the representative of the Gunnison Valley Transportation Planning Region on the State Transportation Advisory Committee.
4. Contracting. The Regional Planning Commission may, with the consent of the parties to this Agreement, contract the services of other eligible individuals or entities to carry out all or any portion of the responsibilities assumed by the Regional Planning Commission under this Agreement.
5. Distribution of state or federal funds. The Regional Planning Commission may, through contracts or Memoranda of Agreement, receive and expend state or federal funds designated for regional transportation planning.
6. Terms of this Agreement. This Agreement shall remain in full force and effect for so long as the parties to this Agreement consider necessary to complete and maintain Regional Transportation Plans for the Gunnison Valley Transportation Planning Region and for periodic updates or amendments as may be required. Any party to this Agreement may, however, terminate its participation in this Agreement six months after providing written notice of such termination to the other parties of this Agreement. This Agreement may be terminated at any time by agreement of all parties to this Agreement unless a grant contract is in effect with the State. In this case, the State must approve such termination and arrangements for completing the project.
7. Modification and Changes. The terms of this Agreement may be modified at any time by agreement of all parties to this Agreement.

CERTIFICATE OF PARTICIPATION
IN THE
INTERGOVERNMENTAL AGREEMENT
FOR A
REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING
GUNNISON VALLEY TRANSPORTATION PLANNING REGION

THIS is to certify that Town of Crested Butte has agreed to participate in this Intergovernmental Agreement for the Gunnison Valley Regional Planning Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above on page 1.

_____ Date: _____
Glenn Michel, Mayor
Town of Crested Butte

ATTEST:

_____ Date: _____
Lynelle Stanford, Town Clerk

Seal:



Staff Report

March 20, 2017

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Rodney Due, Public Works Director

Subject: Ordinance No. 4, Series 2017 - An Ordinance of the Crested Butte Town Council Approving a Loan From the Colorado Water Resources and Power Development Authority; and Authorizing the Execution of a Loan Agreement and a Governmental Agency Bond to Evidence Such Loan

Date: March 16, 2017

Summary: Ordinance No. 4 authorizes a loan between the Town of Crested Butte and the Colorado Water Resources and Power Development Authority, authorizing the execution of the loan agreement and a governmental agency bond to execute the loan.

Background: The Town is currently requesting funding for the construction of the upgrades to the Wastewater Treatment Plant in 2017 in the amount of \$2.5 million from the Colorado Water Resources and Power Development Authority. This will be a 20 year 2% low interest loan. The total project cost is \$3.3 million. The additional funding will come from a \$400,000 tier II DOLA Grant, and \$400,000 from the Enterprise Fund. An additional \$200,000 Tier I DOLA Grant is currently being requested to offset the \$400,000 for the Enterprise Fund.

The project is designed to maintain permit compliance, and to meet future effluent limits. The upgrades of the treatment plant are based on a design being provided by FEI Engineers. The proposed upgrades include; replacing the mechanical bar screen and grit collection system (that are at the end of their useable life), construction of a new biological treatment process (currently no redundancy, and unable to take off line for maintenance or cleaning), and replace the existing UV disinfection system (no longer serviced by the manufacturer, and has no redundancy as required by CDPHE Policy WPC-DR-1). The new treatment process will also help the system achieve future compliance with Regulation 85 nutrient requirements.

Recommendation: Staff recommends approving Ordinance No. 4, Series 2017.

Proposed Motion: I move to approve Ordinance No. 4, Series 2017.

**TOWN OF CRESTED BUTTE, COLORADO
ORDINANCE NO. 4, SERIES 2017**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
APPROVING A LOAN FROM THE COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY; AND AUTHORIZING
THE EXECUTION OF A LOAN AGREEMENT AND A
GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN**

WHEREAS, the Town of Crested Butte (the “Town”), in the County of Gunnison and State of Colorado (the “State”), is duly organized and existing under the Constitution and the laws of the State and the home rule charter of the Town (the “Charter”); and

WHEREAS, the members of the Town Council of the Town (the “Council”) have been duly elected and qualified; and

WHEREAS, the Town has acted pursuant to Article X, Section 20 of the Colorado Constitution (“TABOR”) and Title 37, Article 45.1, C.R.S. (the “Enterprise Act”) to create a water activity enterprise (the “Enterprise”) to operate the municipal water and sewer systems serving the inhabitants of the Town (the “System”); and

WHEREAS, the Council serves as the governing body of the Enterprise; and

WHEREAS, under TABOR, the Enterprise is a government-owned business authorized to issue its own revenue bonds and receiving under 10% of annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, the Council finds and determines that it is in the best interest of the Town to make improvements to its wastewater treatment system (the “Project”); and

WHEREAS, the Town has made an application to the Colorado Water Resources and Power Development Authority (the “CWRPDA”), a body corporate and political subdivision of the State, for a loan to finance all or a portion of that cost of the Project; and

WHEREAS, the Council has determined that in order to finance all or a portion of the cost of the Project, it is necessary and advisable and in the best interests of the Town for the Town to enter into a loan agreement (the “Loan Agreement”) with the CWRPDA, pursuant to which the CWRPDA shall loan the Town an amount of not more than \$2,500,000 (the “Loan”) for such purposes; and

WHEREAS, the repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the “Bond”) to be issued by the Town to the CWRPDA; and

WHEREAS, the Town’s obligations under the Loan Agreement and the Bond (collectively referred to as the “Financing Documents”) shall constitute a revenue obligation of the Town payable from the Pledged Property (as defined in the Loan Agreement); and

WHEREAS, pursuant to TABOR, Section 10.4 of the Charter, Title 31, Article 35, Part 4, C.R.S. (the “Sewer and Water Systems Act”) and the Enterprise Act, the Financing Documents may be approved by the Council without an election; and

WHEREAS, the forms of the Financing Documents are on file with the Town Clerk; and

WHEREAS, the Council desires to approve the form of the Financing Documents and other documents referenced therein, authorize the execution of the Loan Agreement, and authorize the execution and delivery of the Bond; and

WHEREAS, none of the members of the Council have any financial interest or other potential conflicting interests in connection with the authorization or execution of the Financing Documents, or the use of the proceeds thereof; and

WHEREAS, the Town has previously entered into a loan agreement with the CWRPDA for a loan in the amount of \$1,900,000, dated May 25, 2010 (the “2010 Loan”), and a separate loan agreement with the CWRPDA for a loan in the amount of \$400,000, dated February 29, 2012 (the “2012 Loan” and with the 2010 Loan, the “Prior Loans”); and

WHEREAS, the Prior Loans are secured by a lien on the Pledged Property;

WHEREAS, the lien on the Pledged Property securing the Loan will be subordinate to the lien on the Pledged Property securing the Prior Loans; and

WHEREAS, except to secure the Prior Loans, the Loan and the Bond, the Town has not pledged nor hypothecated the net revenues derived or to be derived from the operation of the System, or any part thereof, to the payment of any bonds or for any other purpose, with the result that the net revenue may now be pledged lawfully and irrevocably to the payment of the Bond.

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

Section 1. Determinations. The Council hereby finds and determines that the Enterprise constitutes an enterprise under TABOR.

Section 2. Approvals, Authorizations, and Amendments. The forms of the Financing Documents are incorporated herein by reference and are hereby approved. The Town shall enter into and perform its obligations under the Financing Documents in the forms of such documents,

with such changes as are not inconsistent herewith and as are hereafter approved by the Mayor of the Town (the “Mayor”). The Mayor and the Town Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the Town thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved pursuant to this Ordinance.

The execution of any instrument or certificate or other document in connection with the matters referred to herein by the Mayor, the Town Manager, and Town Clerk or by other appropriate officers of the Town, shall be conclusive evidence of the approval by the Town of such instrument.

Section 3. Election to Apply the Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S. (the “Supplemental Act”) provides that a public entity, including the Town, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Town hereby elects to apply all of the provisions of the Supplemental Act to the Financing Documents.

Section 4. Delegation.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the Town hereby delegates to the Mayor or the Town Manager the independent authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 4:

- i. the interest rate on the Loan;
- ii. the principal amount of the Loan;
- iii. the amount of principal of the Loan maturing in any given year and the final maturity of the Loan;
- iv. the dates on which the principal of and interest on the Loan are paid;
- v. the existence and amount of reserve funds for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 4 shall be subject to the following parameters and restrictions:

- i. the interest rate on the Loan shall not exceed [__]%;
- ii. the principal amount of the Loan shall not exceed \$2,500,000; and
- iii. the final maturity of the Loan shall not be later than [__] years from the

date of the Loan.

Section 5. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Bond and the Loan Agreement shall contain recitals that the Bond is issued pursuant to certain provisions of the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bond after its delivery for value.

Section 6. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the Town and members of the Council, not inconsistent with the provisions of this Resolution, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 7. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond and the Loan Agreement provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Bond and the Loan Agreement shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the Town irrespective of whether such persons have notice of such liens.

Section 8. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the issuance of the Bond.

Section 9. Limited Obligation; Special Obligation. The Loan Agreement and the Bond are payable solely from the Pledged Property (as defined in the Loan Agreement), and the Loan Agreement and the Bond do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

No elected or appointed officers or agents of the Town shall be subject to any pecuniary liability in connection with any agreement, covenant, or undertaking by the Town, or by them, contained in any document executed in connection with the authorization, execution, and delivery of the Financing Documents or this Ordinance or with respect to any action taken or omitted to be taken in good faith with reference thereto.

Section 10. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and, to the extent permitted under federal tax laws, reimbursement to the Town for capital expenditures heretofore incurred and paid from Town funds in anticipation of the incurrence of long-term financing therefor, and all other costs and expenses incident thereto, including without limitation the costs of obtaining the Loan. Neither the CWRPDA nor any subsequent owner(s) of the Loan Agreement shall be responsible for the application or disposal by the Town or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 11. Town Representative. Pursuant to Exhibit B of the Loan Agreement, the Mayor and the Town Manager are hereby designated as the Authorized Officers (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the Town, the Bonds or the Loan Agreement. A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 12. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than the final maturity of the Loan.

Section 13. Direction to Take Authorizing Action. The appropriate officers of the Town and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to such certificates and affidavits as may reasonably be required by the CWRPDA.

Section 14. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the Town and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 15. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 16. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 17. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the Town and the CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution or other measure enacted after the issuance of the Bond shall in any manner be construed as impairing the obligations of the Town to keep and perform the covenants contained in this Ordinance.

Section 18. Recordation. A true copy of this Ordinance, as adopted by the Council, shall be numbered and recorded on the official records of the Town. The adoption and publication of this Ordinance shall be authenticated by the signatures of the Mayor and the Town Clerk, and by a certification of publication.

Section 19. Publication and Effective Date. This Ordinance shall be in full force and effect five days after public notice (including publication) following final passage.

[Remainder of page intentionally left blank.]

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED POSTED THIS 6TH DAY OF MARCH, 2017, AND A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ON THE 20TH DAY OF MARCH, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

(SEAL)

ATTEST:

Lynelle Stanford, Town Clerk

APPROVED AND ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20TH DAY OF MARCH, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

(SEAL)

ATTEST:

Lynelle Stanford, Town Clerk

STATE OF COLORADO)
)
 COUNTY OF GUNNISON) SS.
)
 TOWN OF CRESTED BUTTE)

I, Lynelle Stanford, the duly appointed, qualified and acting Town Clerk of the Town of Crested Butte, Colorado (the “Town”) do hereby certify:

1. That at a regular meeting of the Town Council of the Town (the “Council”) held on March 6, 2017, the Ordinance was introduced on first reading in writing by a member of the Council and read in full, or, if copies were made available to the Council and the public, was read by title only.

2. That following the first reading of the Ordinance, at least two members of the Council voted to approve the scheduling and holding of a public hearing on March 20, 2017 (the “Public Hearing”), which is not more than seven days after the first reading, as follows:

Name	“Yes”	“No”	Absent	Abstain
Glenn Michel, Mayor				
Roland Mason, Mayor Pro-Tem				
Chris Ladoulis				
Paul Merck				
Laura Mitchell				
Jackson Petite				
Jim Schmidt				

3. That the Council caused the notice of the Public Hearing, in the form attached hereto as **Exhibit A**, to be published at least two days prior to the Public Hearing.

4. That, at the Public Hearing, the Ordinance was read in full, or, if copies of the Ordinance were made available to the Council and the public, the Ordinance was read by title only.

5. That, following the Public Hearing and second reading of the Ordinance, at least four members of the Council voted to approve and adopt the Ordinance, as follows:

Name	“Yes”	“No”	Absent	Abstain
Glenn Michel, Mayor				
Roland Mason, Mayor Pro-Tem				
Chris Ladoulis				
Paul Merck				
Laura Mitchell				
Jackson Petito				
Jim Schmidt				

6. That, following the approval and adoption of the Ordinance and in accordance with Section 4.11 of the Town Charter, the Council caused copies of the Ordinance to be posted in three public places within the Town and a public notice containing a brief description of the ordinance, its effective date and a statement that copies are available for inspection at the Town Hall of the Town, to be published. The affidavit of publication is attached hereto as **Exhibit B**.

7. That the foregoing pages are a true, correct, and complete copy of the Ordinance approved and adopted by the Council on second reading at a regular meeting of the Council held at the Town Hall of the Town on March 20, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this ____ day of _____, 2017.

(SEAL)

Town Clerk

EXHIBIT A

Notice of Public Hearing

EXHIBIT B

Affidavit of Publication



Staff Report

March 20, 2017

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Hotel & Restaurant Liquor License for Public House LLC DBA Public House
Date: March 1, 2017

SUMMARY:

Public House LLC DBA Public House has applied for a new Hotel and Restaurant Liquor License at 202 Elk Avenue. Staff submits the following findings regarding the application:

1. Notice of public hearing on the application was posted on the premise at least 10 days prior to the public hearing, and notice was published in the *Crested Butte News* on March 10, 2017.
2. A complete application has been submitted and all application fees have been paid.
3. It appears from evidence submitted that the applicant is entitled to possession of the premises for which the application for a liquor license has been applied.
4. It is confirmed that the sale of malt, vinous, and spirituous on the premises is not a violation of zoning, building, health and fire laws or regulations.
5. In the two years prior to the application there has not been a denial of an application by the Local Liquor Licensing Authority (Crested Butte Town Council) at the location.
6. The Crested Butte Marshal's Department has conducted a background investigation concerning the principal of Public House LLC: Alan R. Pike. Fingerprints have been submitted to CBI/FBI.

RECOMMENDATION:

Staff recommends the application be approved with the following motion: Motion to approve the Hotel and Restaurant Liquor License for Public House LLC DBA Public House located at 202 Elk Avenue; Crested Butte, Colorado for the reasons stated in the staff report contingent upon the issuance of a certificate of occupancy and thereby a BOLT license.

DR 8404 (08/10/16)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 (303) 205-2300

Colorado Liquor Retail License Application

<input type="checkbox"/> New License <input checked="" type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership <input type="checkbox"/> State Property Only			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor • Local License Fee \$ <u>1,000.00</u>			
1. Applicant is applying as a/an <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)		<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other	
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Public House LLC			FEIN Number [REDACTED]
2a. Trade Name of Establishment (DBA) Public House		State Sales Tax Number [REDACTED]	Business Telephone 970-349-7761
3. Address of Premises (specify exact location of premises, include suite/unit numbers) 202 Elk Avenue			
City Crested Butte	County Gunnison	State CO	ZIP Code 81224
4. Mailing Address (Number and Street) PO Box 1807		City or Town Crested Butte	State CO
5. Email Address kyra@grassycreek.nl			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
Section A Nonrefundable Application Fees		Section B (Cont.) Liquor License Fees	
<input type="checkbox"/> Application Fee for New License \$920.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$1020.00 <input type="checkbox"/> Application Fee for Transfer \$920.00		<input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00 <input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00 <input type="checkbox"/> Manager Registration - H & R \$75.00 <input type="checkbox"/> Manager Registration - Tavern \$75.00 <input type="checkbox"/> Manager Registration - Lodging & Entertainment \$75.00	
Section B Liquor License Fees		<input type="checkbox"/> Master File Location Fee \$25.00 X _____ Total _____ <input type="checkbox"/> Master File Background \$250.00 X _____ Total _____	
<input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City) \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00 <input type="checkbox"/> Liquor Licensed Drugstore (City) \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50		<input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00	
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority <input checked="" type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input checked="" type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for Hotel and Restaurant, Tavern and Lodging & Entertainment licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input checked="" type="checkbox"/> C. If owner is managing, no fee required
X.	Manager Permit for Liquor License Drug Store and Retail Liquor Store when included with this application <input type="checkbox"/> A. \$100.00 Permit Fee <input type="checkbox"/> B. Individual History Record (DR 8404-I)

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):			
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.			
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waiver by local ordinance?		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____			
11. Is your Liquor Licensed Drug Store (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? NOTE —The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		N/A	<input type="checkbox"/>
12. Is your Liquor Licensed Drug Store (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? NOTE —The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		N/A	<input type="checkbox"/>
13. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:			
Landlord	Tenant	Expires	
Ice House LLC	Public House LLC	12/2021	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".			
15. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.			
Last Name	First Name	Date of Birth	FEIN or SSN
Last Name	First Name	Date of Birth	FEIN or SSN
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.			
16. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		N/A	<input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)			
17. Liquor Licensed Drug Store applicants, answer the following:		N/A	
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input type="checkbox"/>
18. Club Liquor License applicants answer the following: Attach a copy of applicable documentation		N/A	
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>
(c) How long has the club been incorporated?			
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>
19. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:		N/A	
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>
19a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record - DR 8404-I)			
19b. For all Liquor Licensed Drug Stores (LLDS) and Retail Liquor Stores (RLS) the manager must also submit an Individual History Record- DR 8404-I, Fingerprints, and obtain a Manager Permit.			
Last Name of Manager	First Name of Manager	Date of Birth	
Pike	Alan	03/26/44	
19c. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Name	Type of License	Account Number	

20. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?
 If yes, provide an explanation and include copies of any payment agreements.

Yes No

21. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-1 (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	DOB	Position	%Owned
Alan Pike	7999 Barrancas Ave, Bokelia, FL 33922		Manager	0
Public House LLC	PO Box 1807, Crested Butte, CO 81224		Owning LLC	100
Public House LLC	221 N Hogan Street, Suite 403, Jacksonville FL 32202		Owning LLC	100

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:
 Applicant affirms that no individual other than those disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: *[Signature]* Printed Name and Title: **ALAN R PIKE, CHAIRMAN/MANAGER** Date: **12/20/2016**

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority: **December 29, 2016** Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.): **March 20, 2017**

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-1 (Individual History Record) has:
 Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)
 Date of inspection or anticipated date: _____
 Will conduct inspection upon approval of state licensing authority

Is the Liquor Licensed Drug Store (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? Yes No
 Is the Liquor Licensed Drug Store (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? NOTE-The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. Yes No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. Therefore, this application is approved.

Local Licensing Authority for: **Town of Crested Butte** Telephone Number: **970-349-5338** Town, City County

Signature	Print	Title	Date
Signature	Print	Title	Date

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Public House LLC

is an entity formed or registered under the law of Delaware, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20161689878.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/13/2017 that have been posted, and by documents delivered to this office electronically through 03/14/2017 @ 13:02:07.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/14/2017 @ 13:02:07 in accordance with applicable law. This certificate is assigned Confirmation Number 10129577.



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Document must be filed electronically.
Paper documents are not accepted.
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Colorado Secretary of State
Date and Time: 10/12/2016 10:21 AM
ID Number: 20161689878
Document number: 20161689878
Amount Paid: \$100.00

ABOVE SPACE FOR OFFICE USE ONLY

Statement of Foreign Entity Authority
filed pursuant to § 7-90-803 of the Colorado Revised Statutes (C.R.S.)

1. The entity ID number, the entity name, and the true name, if different, are

Entity ID number 20161689878
(Colorado Secretary of State ID number)

Entity name Public House LLC

True name
(if different from the entity name) _____

2. The form of entity and the jurisdiction under the law of which the entity is formed are

Form of entity Foreign Limited Liability Company

Jurisdiction Delaware

3. The principal office address of the entity's principal office is

Street address 221 N. Hogan Street
(Street number and name)

Suite 403

Jacksonville FL 32202
(City) (State) (ZIP/Postal Code)

(Province – if applicable) (Country)

Mailing address
(leave blank if same as street address) _____
(Street number and name or Post Office Box information)

(City) (State) (ZIP/Postal Code)

(Province – if applicable) (Country)

4. The registered agent name and registered agent address of the entity's registered agent are

Name
(if an individual) _____
(Last) (First) (Middle) (Suffix)

or

(if an entity) The Corporation Company
(Caution: Do not provide both an individual and an entity name.)

Street address 1675 Broadway., Ste. 1200
(Street number and name)

Denver CO 80202
(City) (State) (ZIP Code)

Mailing address
(leave blank if same as street address) _____
(Street number and name or Post Office Box information)

_____ CO _____
(City) (State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent above has consented to being so appointed.

5. The date the entity commenced or expects to commence transacting business or conducting activities in Colorado is 10/12/2016.
(mm/dd/yyyy)

6. (If applicable, adopt the following statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

7. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

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8. The true name and mailing address of the individual causing the document to be delivered for filing are

Hawthorne Richard W
(Last) (First) (Middle) (Suffix)

One Independent Drive
(Street number and name or Post Office Box information)

Suite 1200

JACKSONVILLE FL 32202
(City) (State) (ZIP/Postal Code)

_____ United States _____
(Province - if applicable) (Country)

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OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF TRADE NAME

I, Wayne W. Williams , as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, a Statement of Trade Name for:

Public House

(Entity ID # 20171017351)

was filed in this office on 01/06/2017 with an effective date of 01/06/2017 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/14/2017 that have been posted, and by documents delivered to this office electronically through 03/15/2017 @ 13:10:29 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/15/2017 @ 13:10:29 in accordance with applicable law. This certificate is assigned Confirmation Number 10132055 .

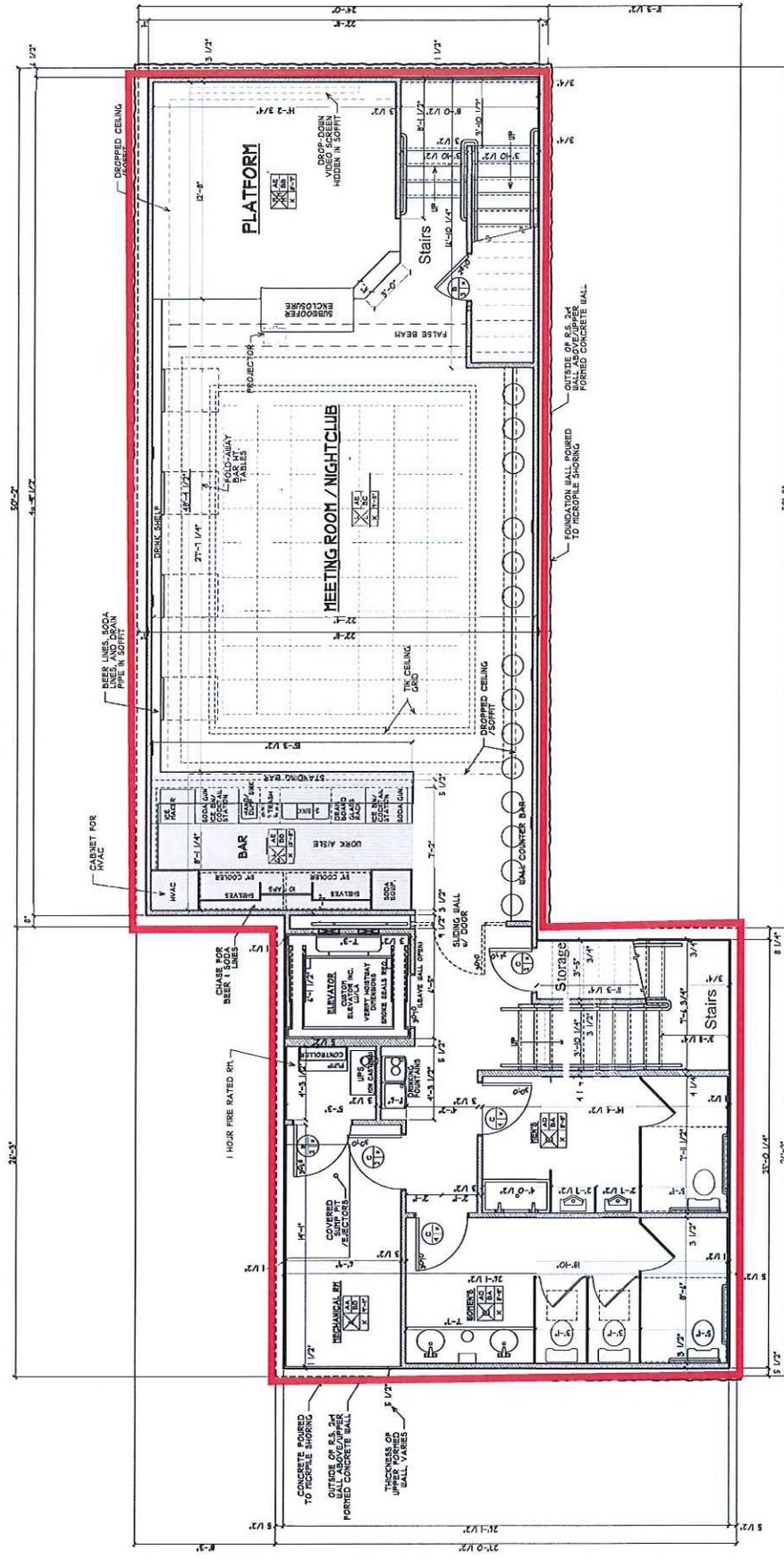


Secretary of State of the State of Colorado

*****End of Certificate*****

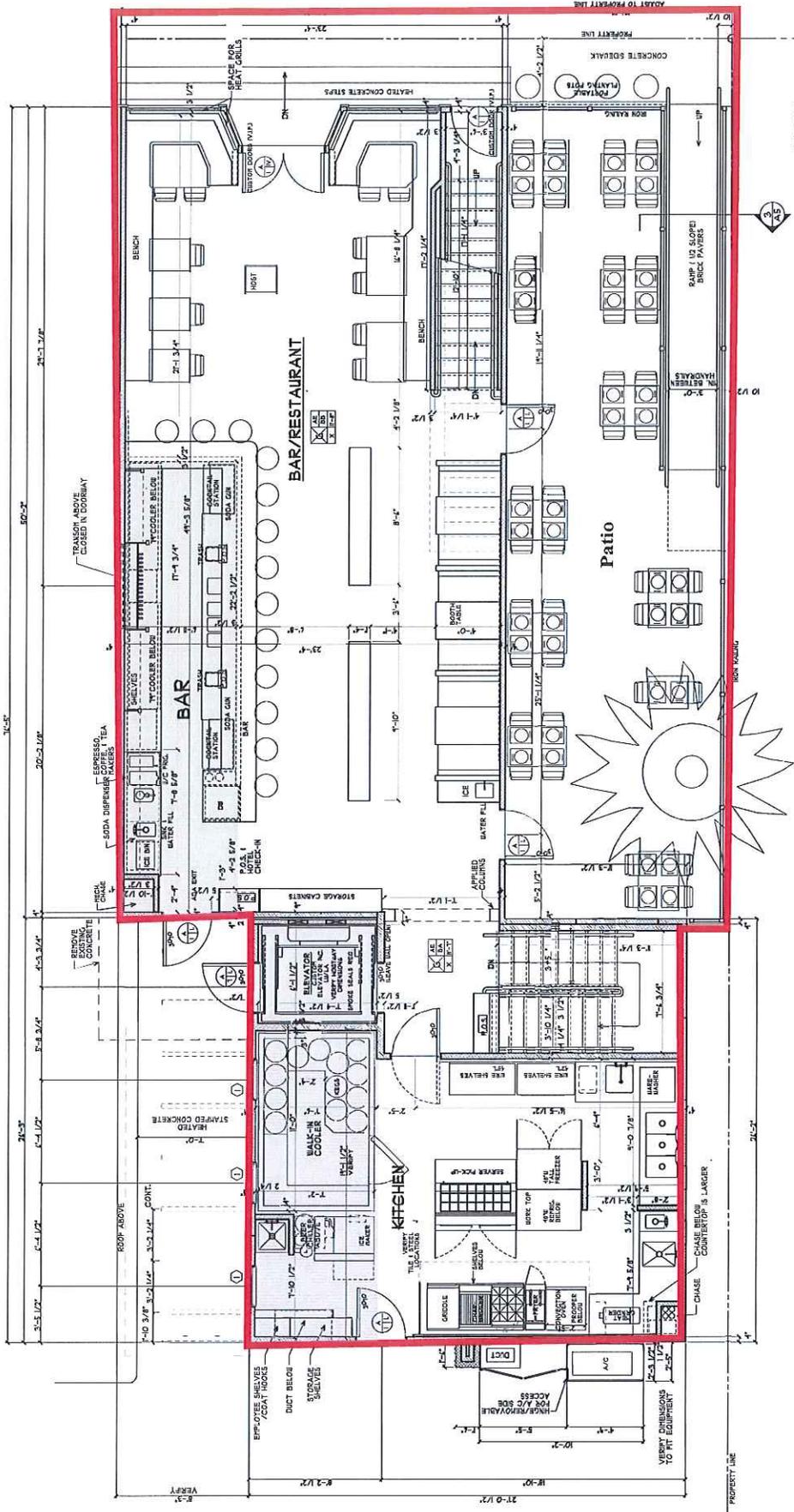
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PROJECT,
202 ELK AVENUE
CRESTED BUTTE
GUNNISON COUNTY, CO
New H&R License
Basement Floor Plan



1 BASEMENT FLOOR PLAN
SCALE: 1/4"=1'-0"

AREA INCL. WALLS = 1912.8 S.F.



PROJECT:
 202 ELK AVENUE
 CRESTED BUTTE
 GUNNISON COUNTY, CO
 New H&R License
 FIRST FLOOR PLAN

1ST FLOOR AREA = 1898.3 S.F.

1 FIRST FLOOR PLAN
 A3 SCALE: 1/4"=1'-0"

Lynelle Stanford

From: Sampson - DOR, Susan <susan.sampson@state.co.us>
Sent: Wednesday, March 15, 2017 5:29 PM
To: Lynelle Stanford
Subject: Re: Ice House LLC

Thanks for the documents. All I need now is your local approval 🙏

Sue

On Wed, Mar 15, 2017 at 9:19 AM, Lynelle Stanford <lstanford@crestedbutte-co.gov> wrote:
Good Morning Susan,

Thank you for your ongoing help!

Attached are the docs I received from the applicant.

I also pasted the email I received from the applicant with brief explanations. I sent as one PDF, but please let me know if you'd prefer them as individual docs.

Good evening, Lynelle,

Based on the requested information, please refer to the following attachments:

1. Application Incomplete- awaiting hearing scheduled on 3/20
2. LLC Articles of Incorporation- Attached - Listed as a Certificate of Formation for the State of Delaware
3. Colorado COGS- There is not a COGS for Ice House as the company operates out of Delaware. We do have the COGS for Public House LLC. A second copy is enclosed.
4. LLC Operating Agreement - Executed and Attached
5. Site Diagram- an additional site diagram is included with the shaded areas specifying the main liquor storage areas.

Please let me know if you have any further questions.

Regards,

Krista

Lynelle Stanford, CMC
Town Clerk
Town of Crested Butte
970-349-5338 (phone)
970-349-6626 (fax)
lstanford@crestedbutte-co.gov

-----Original Message-----

From: CB Admin
Sent: Wednesday, March 15, 2017 9:16 AM
To: Lynelle Stanford <lstanford@crestedbutte-co.gov>
Subject: Message from "RNP0026738C0DAA"

This E-mail was sent from "RNP0026738C0DAA" (MP C4503).

Scan Date: 03.15.2017 09:16:17 (-0600)
Queries to: cbadmin@crestedbutte-co.gov

--

Sue Sampson
Licensing Specialist
Colorado Department of Revenue - Liquor Enforcement



1881 Pierce St., Suite 108, Lakewood, CO 80214
office: (303)205-2300 | fax: 303-205-2341
email: susan.sampson@state.co.us
www.colorado.gov/revenue/liquor

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To: Mayor Michel and Town Council

From: Hilary Henry, Open Space/Creative District Coordinator

Thru: Dara MacDonald, Town Manager

Subject: **Thompson Divide Protection Bill**

Date: March 20, 2017

Background:

On March 1, 2017, Senator Michael Bennet reintroduced the Thompson Divide Protection Bill. The purpose of this bill is to remove a 172,000 acre stretch of land straddling Gunnison, Pitkin, and Garfield Counties from future mineral development, including hard rock, coal, and oil and gas (called a 'mineral withdrawal'). The bill also includes provisions for methane capture and a credit exchange for recently cancelled oil and gas leases. These provisions are secondary to the mineral withdrawal and less relevant to the Town of Crested Butte. The bill would not affect valid existing rights, including existing mining patents and oil and gas leases.

The closest extent of the mineral withdrawal area to the Town is just west of the top of Kebler Pass. The area that would be withdrawn includes the Kebler Pass recreation corridor, the West Elk Scenic Byway route, and the future alignment of the Crested Butte to Carbondale Trail. Gunnison, Pitkin, and Garfield Counties support the bill.

High Country Conservation Advocates is requesting a letter of support for the bill from the Town of Crested Butte.

Recommendation:

Staff is looking for direction from the Town Council as to whether the Council would like to provide a letter of support for the Thompson Divide Protection Bill.

Background for Agenda Item: Request from High Country Conservation Advocates for the Crested Butte Town Council to Submit a Letter of Support for the Thompson Divide Withdrawal and Protection Act of 2017 to Sen. Bennet, Sen. Gardner and Rep. Tipton.

On March 1 Senator Michael Bennet introduced the Thompson Divide Withdrawal and Protection Act of 2017 ([Attachment 1](#)) to protect more than 172,000 acres in Gunnison, Pitkin and Garfield Counties from the possibility of future mineral leasing. High Country Conservation Advocates (HCCA) respectfully requests that the Town of Crested Butte submit a letter in support of the legislation, specifically the mineral withdrawal provision. Please send the letter to the following recipients:

The Honorable Michael Bennet
261 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Cory Gardner
354 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Scott Tipton
218 Cannon House Office Building
Washington, D.C. 20515

Background

- The Thompson Divide area covers over 220,000 acres of Federal land in Gunnison, Pitkin, Garfield, Mesa and Delta Counties, and lies in the path of oil and gas development advancing from the west. Recognizing the importance of existing uses in the Thompson Divide area, along with this area's outstanding natural beauty, in 2013 Sen. Bennet introduced the Thompson Divide Withdrawal and Protection Act in the United States Senate. Bennet's bill offered a middle-ground solution to the ongoing conversation about the Thompson Divide's future, and how to balance conservation of this special landscape with valid and existing mineral rights.
- In 2016, the Bureau of Land Management (BLM) canceled 25 undeveloped leases held by oil and gas companies within the Thompson Divide area that were illegally issued. SG Interests (which is one of the two main natural gas developers in Gunnison County) sued officials with the Department of Interior and BLM on February 10 over the BLM's decision to cancel 18 leases SG owned on the Thompson Divide.
- On March 1, 2017 Sen. Bennet reintroduced Thompson divide legislation, which according to his press release, "presents an option to avoid costly and drawn-out litigation by withdrawing from the Thompson Divide area altogether, in exchange for credits that could be used to bid on new leases in areas determined appropriate through the National Environmental Policy Act." In part, the legislation proposes to compensate SG Interests for the cancelled leases in the Thompson Divide through lease credits. The lease credits can be used by the oil and gas company, who held those cancelled leases, to pay for leases anywhere, which would be acquired through a competitive leasing process and pursuant to NEPA review. The credits could also be used to make payments owed the federal government by leaseholders like royalties and rentals. In exchange for relinquishment and compensation of the cancelled leases, the Secretary of the Interior shall permanently cancel the leases and bar them from re-issuance.
- A critical difference between this legislation and previous versions of the bill is the extension of the protected area much further into Gunnison County, withdrawing mineral leasing all the way to Kebler Pass. This bill is good news for the Thompson Divide, Kebler Pass and the North Fork Valley. However, there are portions of the original Thompson Divide boundary in Mesa, Delta, Garfield, and Gunnison Counties that would not be protected.

- The Thompson Divide Withdrawal and Protection Act would permanently protect a prized and threatened landscape of diverse public lands. Precluding future leasing in the withdrawal area would ensure that wildlife, recreation and historic ranching thrive into the future.

Why the Town of Crested Butte Should Support the Bill

Crested Butte should support the Thompson Divide Withdrawal and Protection Act of 2017 for a number of reasons.

- First, the area withdrawn from future mineral leasing has been expanded significantly in Gunnison County ([see Attachment 2](#)), and now includes a vast landscape surrounding the northern and western aspects of the West Elk Wilderness, almost the entirety of the west side of Kebler Pass, and the entire western and southern borders of the Raggeds Wilderness. These areas are near and dear to Crested Butte residents and visitors, and contain outstanding wildlife habitat and opportunities for sustainable recreation.
- Second, subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area would be withdrawn from all forms of disposal, mining and mineral leasing. Per Sec. 4(a), “Subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area is withdrawn from all forms of (1) entry, appropriation, and disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.” This means that public lands immediately adjacent to Kebler Pass, the West Elk Wilderness and the Raggeds Wilderness would be permanently protected. Crested Butte is a town with a history of mining, but now has a vibrant local economy based on ranching, tourism and recreation, all of which would be protected under the bill.
- Third, based on requests from Gunnison County, Delta County and natural gas producers, the bill contains a provision that would support local economies and address climate change by creating a program to lease and generate energy from excess methane in existing and abandoned coal mines in the North Fork Valley. While this provision does not substantively curtail methane emissions from the West Elk Coal mine (the single largest source of industrial methane in Colorado), it does initiate a program to address methane pollution in the North Fork while incentivizing economic development. Because Crested Butte’s economy is tied to snowpack and healthy public lands, and because methane is an extremely potent greenhouse gas, this is a step in the right direction.
- Fourth, the bill is supported by Gunnison, Pitkin and Garfield Counties, by Gunnison Energy, by HCCA, Wilderness Workshop, Thompson Divide Coalition, and Citizens for a Healthy Community, by area ranchers, and many others. [See Attachment 3](#) for Gunnison County’s letter of support.
- Fifth, the bill is a “middle-ground approach” which would protect both the land and economies tied to it from future energy development, while also compensating former leaseholders. It even has the support of Gunnison Energy. “We support this legislative compromise because it addresses our concerns over continued access to areas we need in order to continue production from our existing leases,” said Gunnison Energy President Brad Robinson. “This bill does that by balancing energy needs with the wishes of the community to keep some areas undeveloped along Thompson Divide and Kebler Pass.” The Upper North Fork Valley is already a patchwork of active and proposed coal and gas development ([see Attachment 4](#)), and this bill would place much-needed, permanent protections across a large landscape that has the potential for

development. For example, the U.S. Geologic Survey estimated last year that the Mancos shale in the Piceance Basin (which includes much of the Thompson Divide Withdrawal and Protection Area) could hold 66 trillion cubic feet of recoverable gas.

- Sixth, the expanded withdrawal area in the bill now covers the lands that are proposed as the site of the planned Crested Butte to Carbondale Trail ([see Attachment 5](#)). This trail will be a recreation linkage between communities, and would be compromised by gas development within its midst.

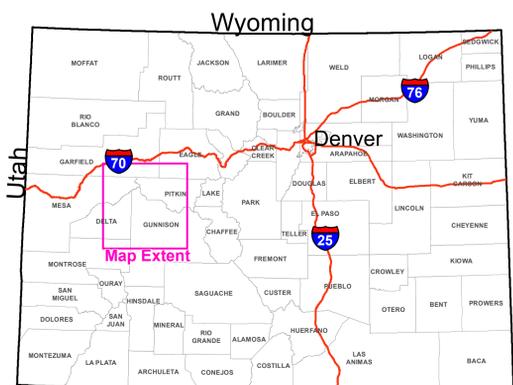
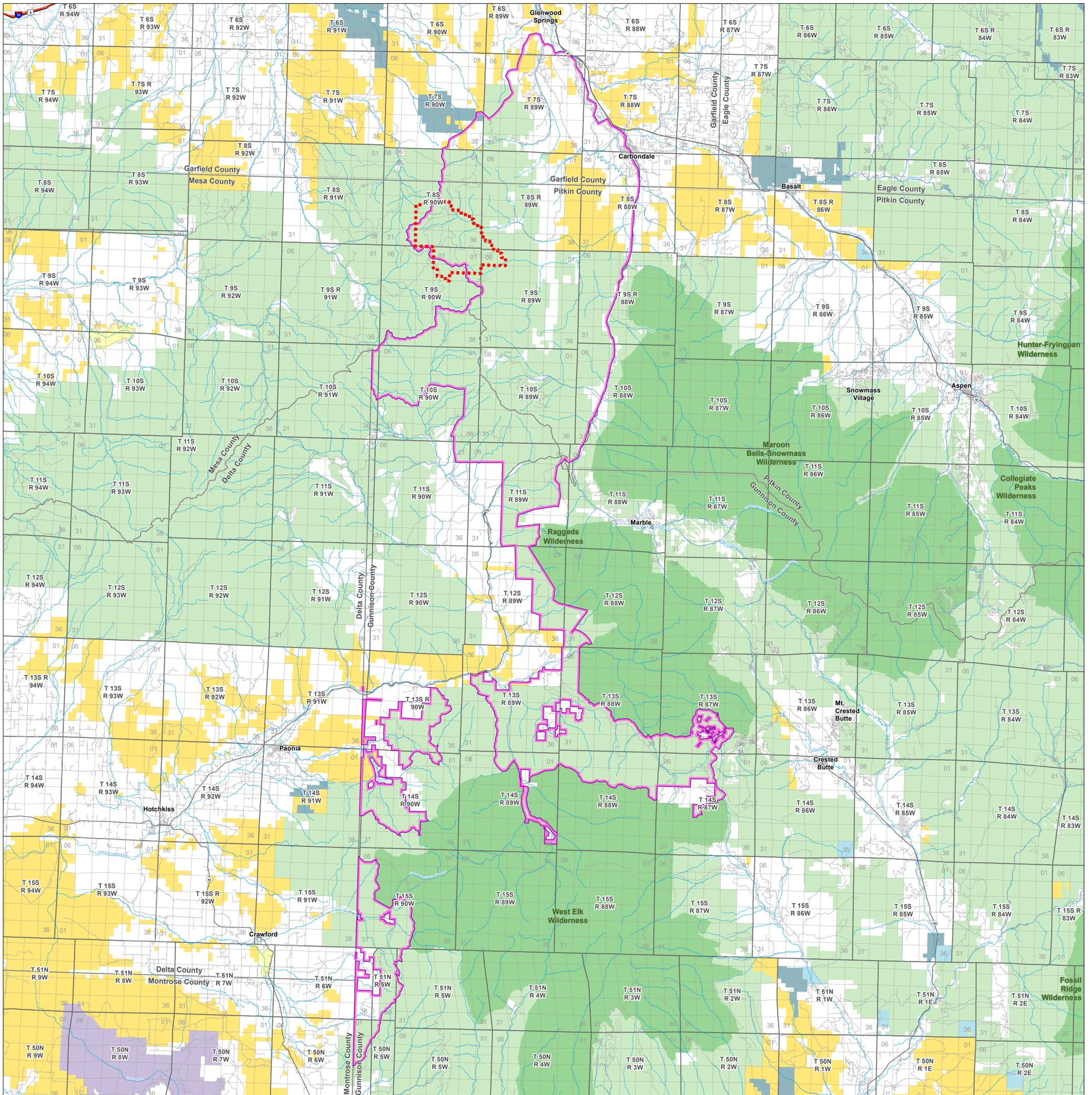
For Sen. Bennet's press release, please see [Attachment 6](#).

For local press coverage, please see [Attachments 7, 8 and 9](#).

Greater Thompson Divide Area Map

September 22, 2016

This map prepared at the request of Senator Michael Bennet



0 5 10 20 Miles

1:130,000

This map is intended to be plotted at 34 x 44 in.

-  Thompson Divide Withdrawal and Protection Area
-  Wolf Creek Storage Agreement
-  County Boundaries
-  Streams & Rivers

-  Interstates
-  U.S. Highway
-  State Highway
-  County & Main Roads
-  Bureau of Land Management
-  Bureau of Reclamation
-  National Park Service
-  Other Federal
-  State
-  State, County, City; Areas
-  US Forest Service
-  USFS Wilderness Area

NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM.
 This map was produced by the BLM Colorado State Office, Sep. 22, 2016.
 Document Path: T:\COCS\gis\work\osgeo\projects\legislative_images\2016\Thompson_Divide\mxd\Greater_Thompson_Divide_Area_Map.mxd


Gunnison County Board of County Commissioners

Phone: (970) 641-0248 • Fax: (970) 641-3061

 Email: bocc@gunnisoncounty.org • www.GunnisonCounty.org

November 17, 2015

 The Honorable Michael Bennet
 261 Russell Senate Office Building
 Washington, DC 20510

 The Honorable Cory Gardner
 354 Russell Senate Office Building
 Washington, DC 20510

 The Honorable Scott Tipton
 218 Cannon House Office Building
 Washington, DC 20510

Re: Support for Thompson Divide Mineral Withdrawal

Dear Senator Bennet, Senator Gardner and Mr. Tipton:

We would like to follow up on the letter you received from the Gunnison County Commissioners dated July 28, 2015. In that letter we clearly stated and still support permanent protections for the Thompson Divide to be finalized through federal legislation. Additionally, we continue to support a well thought out and balanced approach to mineral extraction and development in the North Fork Valley. We continue to support the work done by our neighboring counties as we work together to find a balance between responsible development and thoughtful long term conservation of areas such as the Thompson Divide.

In the time since our last correspondence we have continued to have discussions and seek input from our constituents, industry and community organizations in order to best represent the balance they desire for mineral extraction, conserving sporting and recreational opportunities as well as protecting the food producing areas of the North Fork and protecting in the long term the quality of life we have here in western Colorado. The map that is attached to this letter is what we advocate for, in Gunnison County, during the next levels of conversations that we hope leads to multi-county agreement on protections and possibilities that ultimately forms the foundation of the legislation.

Gunnison County also continues to support the diversity of tools that are available to achieve these goals. We recognize that permanent mineral withdrawal, lease exchange, no surface occupancy and appropriate areas for increased opportunity are all options to be explored as we move forward. Additionally, we look forward to new opportunities that will allow methane capture in areas of Gunnison County where it will benefit both our community and our environment while upholding the highest levels of safety for operators. We hope these comments are useful in moving us closer to the goals that our multi-county communities have been diligently working toward.

Best Regards,

A handwritten signature in blue ink, appearing to read "Paula Swenson".

Paula Swenson, Chairperson

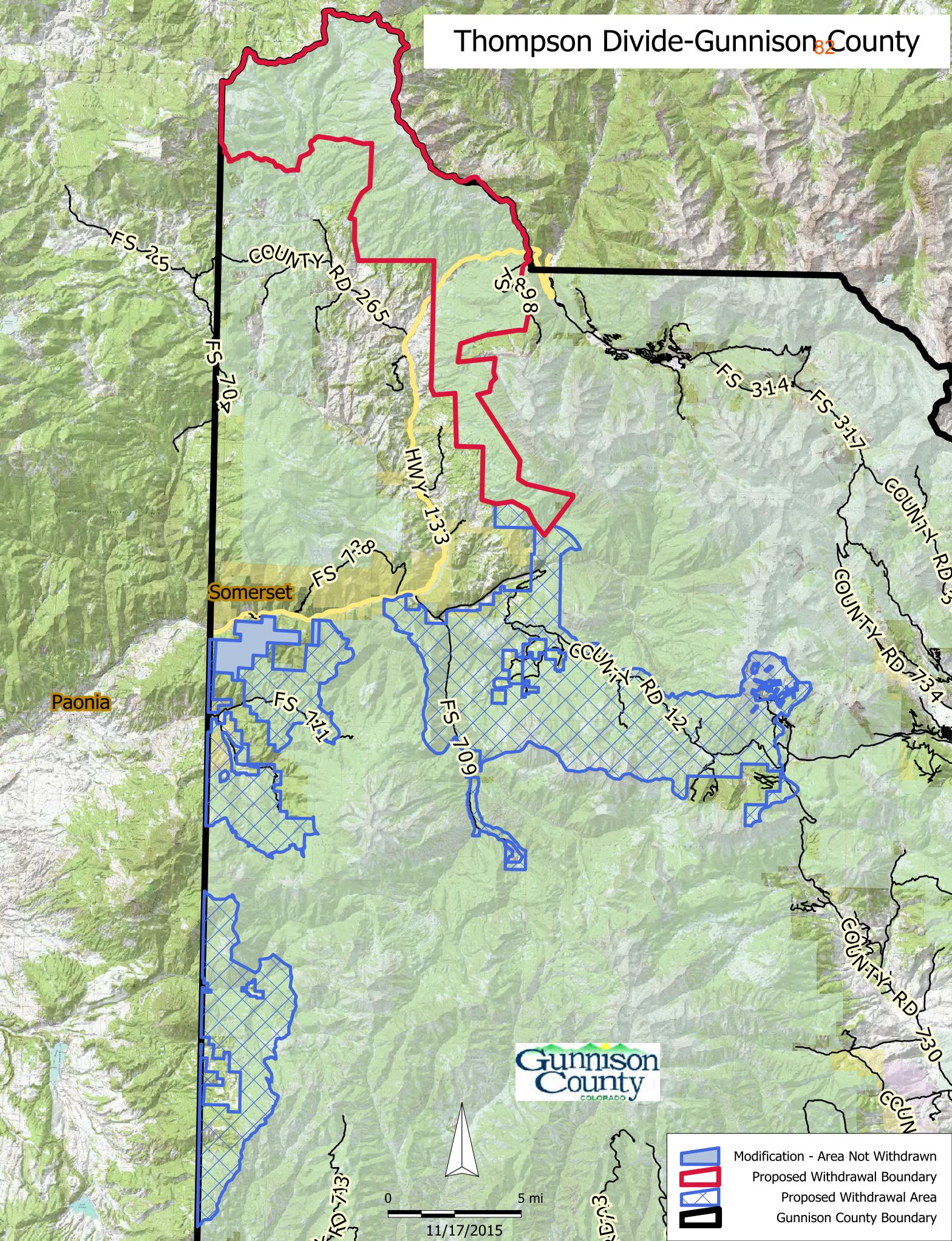
A handwritten signature in blue ink, appearing to read "Phil Chamberland".

Phil Chamberland, Commissioner

A handwritten signature in blue ink, appearing to read "Jonathan Houck".

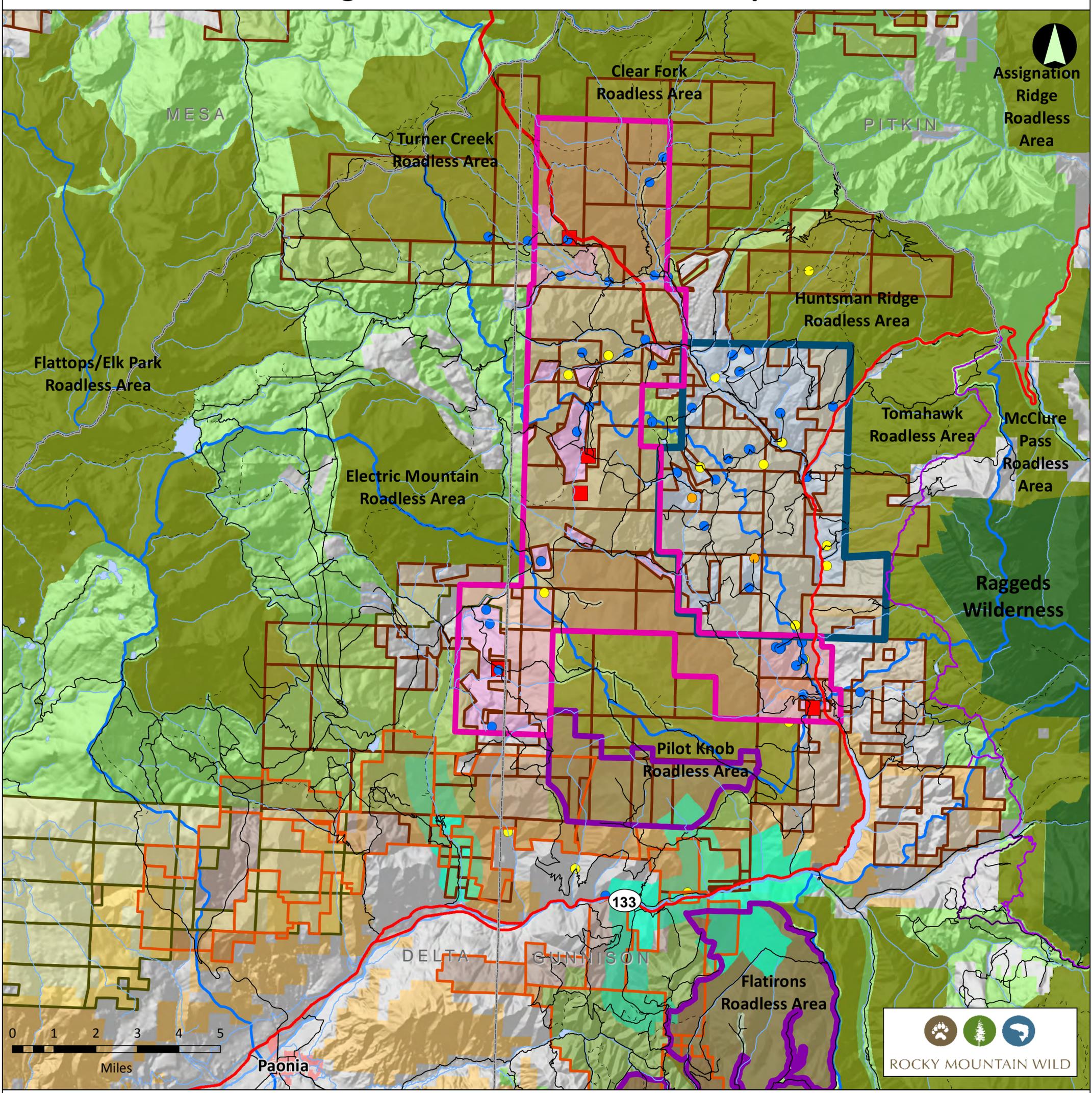
Jonathan Houck, Commissioner

Thompson Divide-Gunnison County



Proposed North Fork Mancos Master Development Plan

Existing Natural Gas and Coal Development



Legend		Oil/Gas Wells		Land Ownership	
County	North Fork Mancos Project Area	Phase 1 Well Pad	Wilderness	USFS	
Highway	Bull Mountain Unit	Bull Mountain Pipeline	Coal Lease	BLM	
Road/Motorized Trail	North Fork Coal Area	Expired Oil/Gas Lease	Oil/Gas Lease	State	
Proposed Carbondale to Crested Butte Trail	Active/Producing Well	Surface Water Supply Area	City	Other Public	
Non-Motorized Trail	Waiting on Completion	City	Private/Tribe		
River/Stream	Permitted Not Drilled	Roadless Area			
Watershed					

Data Sources: BLM, CDOT, COGCC, COMaP v10, USFS, USGS, University of Montana

Map Prepared By: Alison Gallensky Rocky Mountain Wild 2/28/2017 17-022 v4

U.S. SENATOR MICHAEL BENNET

Member: Agriculture, HELP, and Finance Committees

FOR IMMEDIATE RELEASE

Wednesday, March 1, 2017

Bennet Reintroduces Thompson Divide Protection Bill

Washington, D.C. – Colorado U.S. Senator Michael Bennet today introduced the Thompson Divide Withdrawal and Protection Act of 2017 to protect more than 172,000 acres in the Thompson Divide and adjacent areas from the possibility of future leasing, while providing compensation for Thompson Divide leaseholders.

“The bill reflects the voices of those who live, work, and recreate in the Thompson Divide area,” **Bennet said**. “We’ve taken great steps by working with these communities to reach a final resolution for long-term certainty and management of the Divide. This middle ground approach protects the land – and the local economies tied to it – from future energy development, while also ensuring that former leaseholders receive fair compensation to reinvest in other areas of Colorado.”

The Thompson Divide Withdrawal and Protection Act of 2017 is a new version of Senator Bennet’s bill from previous sessions of Congress, which is revised based on extensive discussions with local communities, elected officials, and oil and gas companies.

The bill would withdraw most of the Thompson Divide area near Carbondale and Glenwood Springs from future oil and gas development, while also preserving existing private property rights for current leaseholders and landowners. The acreage to be withdrawn is based on specific requests and feedback from Gunnison, Pitkin, and Garfield counties, as well as local oil and gas developer Gunnison Energy.

“Gunnison County [supports the commonsense compromise](#) embodied in this bill that helps to balance our needs for energy production and conservation -- both of which we support in our county,” **said Gunnison County Commissioner Jonathan Houck**. “We appreciate Senator Bennet working closely with us on this bill to ensure it reflects our input and protects those areas in our county such as Kebler pass and Thompson Divide that we feel are inappropriate for oil and gas production. This bill is a major step towards final resolution of these issues and we look forward to working with Senator Bennet to move this legislation forward.”

“Pitkin County has long supported legislation to permanently protect the Thompson Divide and provide a fair and balanced solution to the contested leases in the area,” **said Pitkin County Commissioner George Newman**. “The cancellation of many such leases last year was a major step forward in this effort, but we are still concerned about possible litigation that would cause

years of continued uncertainty for Thompson Divide and the local communities that relies on the unique and sustainable natural environment for their livelihood from historic ranching to recreation and tourism. Senator Bennet’s bill presents an immediate, thoughtful and long-term solution to those issues.”

“Garfield County supports this middle-ground compromise that makes the energy companies whole, was developed with input from all sides, and provides a balanced solution to the Thompson Divide leasing issue,” **said Garfield County Commissioner Tom Jankovsky.**

“We support this legislative compromise because it addresses our concerns over continued access to areas we need in order to continue production from our existing leases,” **said President of Gunnison Energy Brad Robinson.** “This bill does that by balancing energy needs with the wishes of the community to keep some areas undeveloped along Thompson Divide and Kebler Pass. We are also excited and encouraged over the new provisions in this bill that will promote the capture of energy from methane leaks into the atmosphere from old coal mining areas. These provisions will help bring jobs and economic growth to the North Fork Valley and also help the environment.”

While many of the leases in Thompson Divide were recently cancelled by the Bureau of Land Management, this bill would provide certainty for the local community and former leaseholders. It presents an option to avoid costly and drawn-out litigation by withdrawing from the Thompson Divide area altogether, in exchange for credits that could be used to bid on new leases in areas determined appropriate through the National Environmental Policy Act.

Based on a request from Gunnison County, nearby Delta County, and natural gas producers, the bill also contains a provision that would support the local economy and address climate change by creating a program to lease and generate energy from excess methane in existing and abandoned coal mines in the North Fork Valley of the Gunnison River, at the base of the Thompson Divide.

Senator Bennet [visited the Thompson Divide](#) most recently last August, where he toured the Divide with multiple generations of local ranchers and sportsmen who spoke unanimously about the need to remove all remaining threats of development and provide permanent protection for the area.

Bennet seeks Thompson Divide peace

By [Dennis Webb](#)

Thursday, March 2, 2017

A newly proposed measure by U.S. Sen. Michael Bennet would increase the amount of compensation that two companies receive for recently canceled leases in the Thompson Divide area southwest of Glenwood Springs.

The measure is aimed at permanently protecting the area and avoiding a legal battle over it. But an official with one of the companies, SG Interests, says he doubts it will get through Congress, and he also revealed that SG already has sued over the canceled leases.

Bennet, D-Colo., announced the introduction of the latest version of his Thompson Divide legislation Wednesday. His office said in a news release that it would “protect more than 172,000 acres in the Thompson Divide and adjacent areas from the possibility of future leasing, while providing compensation for Thompson Divide leaseholders.”

Bennet said in the release, “This middle ground approach protects the land — and the local economies tied to it — from future energy development, while also ensuring that former leaseholders receive fair compensation to reinvest in other areas of Colorado.”

The measure has received widespread support, including from the Thompson Divide Coalition, Carbondale Mayor Dan Richardson, Garfield County Commissioner Tom Jankovsky, representatives from Pitkin and Gunnison counties, Gunnison Energy, the Wilderness Society and the Wilderness Workshop.

“Garfield County supports this middle-ground compromise that makes the energy companies whole, was developed with input from all sides, and provides a balanced solution to the Thompson Divide leasing issue,” Jankovsky said in Bennet’s release.

But Robbie Guinn, a vice president for SG Interests, questions what the measure would accomplish, not to mention its prospects for passage.

“I don’t believe that this bill is going to get through Congress and be signed by the president,” he said.

He believes it runs counter to President Donald Trump’s talk of promoting oil and gas development.

Guinn said SG was notified of the legislation by Bennet the same day Bennet introduced it, and he’s still trying to understand what it does.

“It talks about avoiding litigation. Well, this litigation was filed a month ago. I really don’t understand the rationale with the bill and how this is supposed to work,” he said.

SG sued officials with the Department of Interior and Bureau of Land Management Feb. 10 over the BLM’s decision to cancel 18 leases SG owned on the Thompson Divide. The BLM also canceled seven Thompson Divide leases owned by Ursa Resources. Altogether the leases covered some 33,000 acres.

The cancellations followed a retroactive environmental review because of an earlier oversight by the BLM.

“The decision to cancel the (l)leases was not required, and it was made purely for political reasons against prior practice, scientific evidence, and legal obligations. It should therefore be held ‘unlawful and set aside’ as ‘arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,’ ” the suit says.

Bennet’s office said in his release that his bill “presents an option to avoid costly and drawn-out litigation by withdrawing from the Thompson Divide area altogether, in exchange for credits that could be used to bid on new leases in areas determined appropriate through the National Environmental Policy Act.”

Credits also could go toward lease rental fees or royalty payments.

In the case of the canceled Ursa and SG Interests leases, the bill spells out that the companies would be compensated not just for what was paid to acquire the leases and for lease rental fees, but for costs related to pursuing drilling permits, preparing environmental analysis or otherwise seeking to develop the leases, except for legal-related costs.

The BLM had said it only would reimburse lease acquisition and rental costs, covering about \$1 million in total.

Don Simpson, an Ursa official, said Thursday that Ursa already has been refunded by the BLM. It wouldn’t be eligible for lease credits under Bennet’s bill for what it’s already been paid. But it could be eligible for reimbursement for additional costs.

Simpson said the BLM had turned down its request for reimbursement for perhaps \$300,000.

Simpson said Ursa isn’t contemplating litigation in the matter.

“It would be great if we could get more of our sunk costs out of it, but right now we’ve almost moved on,” Simpson said.

Guinn said SG has refused to accept just the bonus and rentals as payment.

“We would not even accept (as sufficient) our sunk costs in what we have spent out there.”

SG contends the leases in question hold huge resource development potential. It says in its suit that the BLM failed to properly acknowledge in its lease review analysis the potential for developing Mancos shale gas there.

SG points to the results of other shale drilling in the area and a U.S. Geological Survey estimate last year that the Mancos shale in the Piceance Basin could hold 66 trillion cubic feet of recoverable gas.

SG continues to hold lease rights to drill into the Mancos shale in some 9,000 acres of Thompson Divide in what’s known as the Wolf Creek area. That’s a matter of continuing concern to opponents of Thompson Divide drilling.

Under Bennet’s bill, for SG to accept the credits being offered for the 18 canceled leases it would have to give up the Wolf Creek leases and be compensated for them as well.

According to the bill’s terms, the areas covered by relinquished leases would be permanently withdrawn from further leasing.

Guinn said that while Bennet calls the measure a middle-ground compromise, “basically it’s just taking more leases from us.”

Bennet's measure wouldn't force SG to give up leases. The decision whether to participate under the terms of the bill would be up to the company; the bill specifies that it honors valid existing rights.

But Peter Hart, an attorney with the Wilderness Workshop, said developing the Wolf Creek leases would be a headache for SG because of the level of community opposition, and other issues such as difficult road access.

"That's obviously going to be part of their calculus" should they be presented with the option to give up the leases under the bill's terms, he said.

Gunnison Energy is supporting the measure after Bennet agreed to seek protections for less acreage than he had previously, excluding an area in the upper North Fork Valley that has seen previous drilling and Gunnison Energy is interested in further developing.

Sen. Bennet reintroduces Thompson Divide protection bill

March 1, 2017

Democratic U.S. Senator Michael Bennet of Colorado on Wednesday introduced a new version of his bill aimed at protecting 172,000 acres in the Thompson Divide area west of Carbondale and south toward Kebler Pass from future oil and gas leasing.

The bill, called the Thompson Divide Withdrawal and Protection Act of 2017, would provide permanent protections in an area where two dozen previously issued but undeveloped leases were canceled in December.

It would also provide compensation for the former leaseholders, SG Interests and Ursa Resources, as well as any remaining leaseholders in the affected area.

"The bill reflects the voices of those who live, work and recreate in the Thompson Divide area," Bennet said in a news release issued Wednesday morning, the same day Congressman Ryan Zinke, R-Montana, was confirmed by the Senate as the new Secretary of the Interior under the Trump administration.

"We've taken great steps by working with these communities to reach a final resolution for long-term certainty and management of the Divide," Bennet said. "This middle ground approach protects the land, and the local economies tied to it, from future energy development, while also ensuring that former leaseholders receive fair compensation to reinvest in other areas of Colorado."

The bill is a new version of a bill introduced in previous sessions of Congress by Bennet, who visited the area as recently as last August. Bennet said the bill was revised based on "extensive discussions with local communities, elected officials and oil and gas companies.

The bill would withdraw most of the Thompson Divide area west of Carbondale and south of Glenwood Springs from future oil and gas development, while also preserving existing private property rights for current leaseholders and landowners.

The acreage to be withdrawn is based on requests and feedback from Garfield, Pitkin and Gunnison counties, as well as local oil and gas developer Gunnison Energy, which hold some of the leases in the area.

"Garfield County supports this middle-ground compromise that makes the energy companies whole, was developed with input from all sides, and provides a balanced solution to the Thompson Divide leasing issue," Garfield County Commissioner Tom Jankovsky said in the release sent out by Bennet's office.

Added Pitkin County Commissioner George Newman in the release, "Pitkin County has long supported legislation to permanently protect the Thompson Divide and provide a fair and balanced solution to the contested leases in the area.

"The cancellation of many such leases last year was a major step forward in this effort, but we are still concerned about possible litigation that would cause years of continued uncertainty for Thompson Divide and the local communities that relies on the unique and sustainable natural environment for their livelihood from historic ranching to recreation and tourism," Newman said.

Brad Robinson, president of Gunnison Energy, said his company also supports the compromise, which he said addresses concerns over access to areas where it will continue production on existing leases.

"This bill does that by balancing energy needs with the wishes of the community to keep some areas undeveloped along Thompson Divide and Kebler Pass," Robinson said.

Robinson also applauded new provisions meant to promote the capture of energy from methane leaks into the atmosphere from old coal mines in the area. The bill creates a program to lease and generate energy from excess methane in existing and abandoned coal mines in the North Fork Valley of the Gunnison River, on the far south end of the Thompson Divide area.

"These provisions will help bring jobs and economic growth to the North Fork Valley and also help the environment," he said.

Gunnison County Commissioner Jonathan Houck said the bill serves to balance energy production and conservation.

"We appreciate Senator Bennet working closely with us on this bill to ensure it reflects our input and protects those areas in our county such as Kebler pass and Thompson Divide that we feel are inappropriate for oil and gas production," Houck said.

Bennet's release concludes that the bill presents an option to avoid costly and drawn-out litigation by withdrawing from the Thompson Divide area altogether, in exchange for credits that could be used by former leaseholders to bid on new leases in areas determined appropriate through the National Environmental Policy Act.

Bennet floats new Thompson Divide bill

Measure would protect area, compensate leaseholders

Times Staff Report

The Bureau of Land Management's (BLM) decision to cancel leases in the controversial Thompson Divide area could be considered a modest victory for those set on seeing the area permanently protected. As for a farther-reaching solution? Enter Colorado Sen. Michael Bennet.

Last week, Bennet introduced the Thompson Divide Withdrawal and Protection Act of 2017 which has support from a wide range of stakeholders and would protect more than 172,000 acres in the Thompson Divide and adjacent areas from the possibility of future oil and gas leasing.

The Democratic senator calls the bill a "middle-ground approach" which would protect both the land and economies tied to it from future energy development, while also compensating former leaseholders and encouraging them to reinvest in other parts of Colorado.

Last year, the BLM canceled 25 leases held by oil and gas companies within the Thompson Divide area. Yet, the move pleased neither staunch



A scene from the Thompson Divide.

Courtesy

conservationists wanting nearby lands protected as well nor impacted oil and gas companies and other industry advocates.

The recently introduced bill is a new version of past legislative attempts by Bennet, revised "based on extensive discussions with local communities, elected officials, and oil and gas companies," according to a statement from the senator's office.

The acreage to be withdrawn is based on specific requests and feedback from Gunnison, Pitkin and Garfield counties, as well

as local oil and gas developer Gunnison Energy, which holds some of the leases in the area, according to Bennet.

While the area generally referred to as the Thompson Divide includes only the northern tip of Gunnison County, land sought for protection by Bennet extends further south to Kebler Pass and includes lands northwest and southwest of the West Elk Wilderness.

County Commissioner

Bennet bill A19

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Bennet bill

from A12

Jonathan Houck said the measure helps balance the need for energy production and conservation — both of which county leaders support.

“We appreciate Senator Bennet working closely with us on this bill to ensure it reflects our input and protects those areas in our county such as Kebler Pass and Thompson Divide that we feel are inappropriate for oil and gas production,” he said. “This bill is a major step towards final resolution of these issues and we look forward to working with Senator Bennet to move this legislation forward.”

Additionally, the bill presents an option for oil and gas companies to avoid costly and drawn-out litigation by withdrawing from the Thompson Divide area altogether, in exchange for credits that could be used to bid on new leases.

“We support this legislative compromise because it addresses our concerns over continued access to areas we need in order to continue production from our existing leases,” said Gunnison Energy President Brad Robinson. “This bill does that by balancing energy needs with the wishes of the community to keep some areas undeveloped along Thompson Divide and Kebler Pass.”

However, another oil and gas company isn't quite as pleased with the bill. Robbie Guinn, vice president of land for SG

Interests, said the measure won't cover legal expenses the company has incurred in pursuing its own solution to the public's objections to development in the area.

“We have spent quite a bit in defending the validity of these leases ... and pursuing a legislative exchange,” he said. “Trying to get an act of Congress passed does require some legal help.”

Based on requests from Gunnison County, Delta County and natural gas producers, the bill also contains a provision that would support the local economy and address climate change by creating a program to lease and generate energy from excess methane in existing and abandoned coal mines in the North Fork Valley.

Senator Bennet visited the Thompson Divide most recently last August, where he toured the Divide with multiple generations of local ranchers and sportsmen who spoke unanimously about the need to remove all remaining threats of development and provide permanent protection for the area.

Whether the latest version of the bill gains traction in a Republican-controlled Congress remains to be seen.

However, Bennet has pointed to other examples of broad support for protection of public lands, including the Hermosa Creek Watershed Protection Act, for which backing by Republican Congressman Scott Tipton helped the bill's passage.

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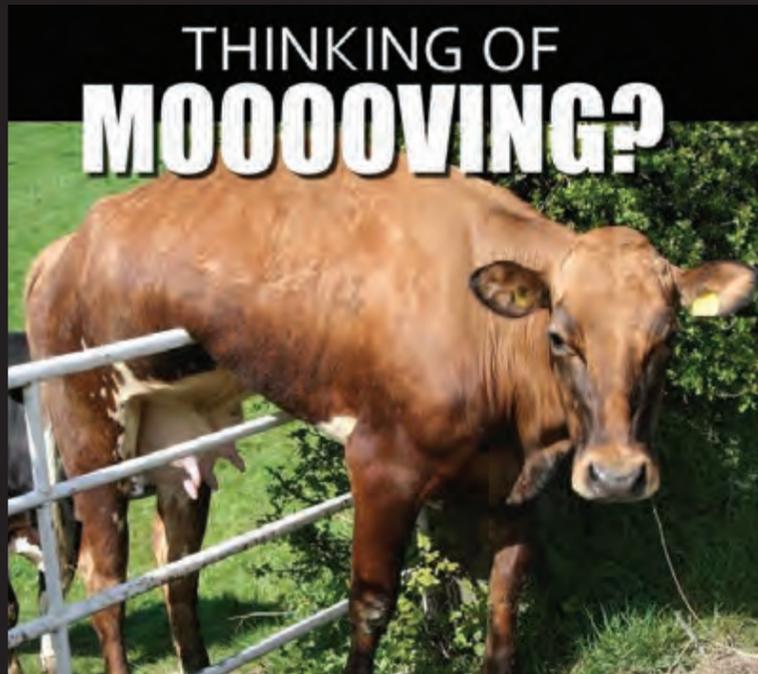
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115TH CONGRESS
1ST SESSION

S. _____

To provide for the withdrawal and protection of certain Federal land in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the withdrawal and protection of certain Federal land in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thompson Divide
5 Withdrawal and Protection Act of 2017”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Thompson Divide in western Colorado
9 provides rural character, a robust agriculture-based

1 economy, and outstanding recreational and sporting
2 opportunities to the public;

3 (2) the Thompson Divide—

4 (A) provides important spring and summer
5 grazing land for historical ranching operations;
6 and

7 (B) was described by President Theodore
8 Roosevelt as a “great, wild country”;

9 (3) the Interior Board of Land Appeals has de-
10 termined that certain mineral leases previously
11 issued within the Thompson Divide are legally defi-
12 cient;

13 (4) the remedy to the deficiencies described in
14 paragraph (3) may result in protracted legal action
15 and uncertainty for surrounding communities and
16 industry; and

17 (5) the communities affected by the leases have
18 requested a solution that—

19 (A) addresses the leasing controversy; and

20 (B) provides long-term certainty for man-
21 agement of Federal land within the Thompson
22 Divide and the surrounding landscape.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to provide for the cancellation of certain
25 Federal mineral leases in the Thompson Divide;

1 (2) subject to valid existing rights, to withdraw
2 certain Federal land in the Thompson Divide area
3 from future mineral and other disposal laws; and

4 (3) to provide a market-based form of reim-
5 bursement for cancelled leases.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) NORTH THOMPSON DIVIDE LEASE.—The
9 term “North Thompson Divide Lease” means each
10 of the Federal mineral leases numbered COC 66706,
11 COC 66707, COC 66708, COC 66709, COC 66710,
12 COC 66711, and COC 66712.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (3) SOUTH THOMPSON DIVIDE LEASE.—The
16 term “South Thompson Divide Lease” means each
17 of the Federal mineral leases numbered COC 66701,
18 COC 66687, COC 66688, COC 66689, COC 66690,
19 COC 66691, COC 66692, COC 66693, COC 66694,
20 COC 66695, COC 66696, COC 66697, COC 66698,
21 COC 66699, COC 66700, COC 66702, COC 66908,
22 and COC 66909.

23 (4) STATE.—The term “State” means the State
24 of Colorado.

1 (5) THOMPSON DIVIDE MAP.—The term
2 “Thompson Divide map” means the map entitled
3 “Greater Thompson Divide Area Map” and dated
4 September 22, 2016.

5 (6) THOMPSON DIVIDE WITHDRAWAL AND PRO-
6 TECTION AREA.—The term “Thompson Divide With-
7 drawal and Protection Area” means the Federal
8 land and minerals at Thompson Divide and adjacent
9 areas in Gunnison County, Colorado, as generally
10 depicted on the Thompson Divide map as the
11 “Thompson Divide Withdrawal and Protection
12 Area”.

13 (7) WOLF CREEK STORAGE FIELD DEVELOP-
14 MENT RIGHTS.—

15 (A) IN GENERAL.—The term “Wolf Creek
16 Storage Field development rights” means the
17 development rights for each of the Federal min-
18 eral leases numbered COC 007496, COC
19 007497, COC 007498, COC 007499, COC
20 007500, COC 007538, COC 008128, COC
21 015373, COC 0128018, COC 051645, and
22 COC 051646, and generally depicted on the
23 Thompson Divide map as “Wolf Creek Storage
24 Agreement”.

1 (B) EXCLUSIONS.—The term “Wolf Creek
2 Storage Field development rights” does not in-
3 clude any storage rights or related activities
4 within the area described in subparagraph (A).

5 **SEC. 4. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**
6 **TION AREA.**

7 (a) WITHDRAWAL.—Subject to valid existing rights,
8 the Thompson Divide Withdrawal and Protection Area is
9 withdrawn from all forms of—

10 (1) entry, appropriation, and disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) operation of the mineral leasing, mineral
15 materials, and geothermal leasing laws.

16 (b) SURVEYS.—The exact acreage and legal descrip-
17 tion of the Thompson Divide Withdrawal and Protection
18 Area shall be determined by surveys approved by the Sec-
19 retary, in consultation with the Secretary of Agriculture.

20 **SEC. 5. NORTH THOMPSON DIVIDE LEASE EXCHANGE.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), in exchange for the relinquishment by a leaseholder
23 of all North Thompson Divide Leases of the leaseholder,
24 the Secretary may issue to the leaseholder credits for bid,

1 royalty, or rental payments due under Federal oil and gas
2 leases on Federal land in the State.

3 (b) EXCEPTION.—If a North Thompson Divide Lease
4 has been cancelled by the Secretary before the date of en-
5 actment of this Act and the holder of the cancelled lease
6 has been compensated for the cancelled lease, the Sec-
7 retary may not issue credits for bid, royalty, or rental pay-
8 ments for the cancelled lease under subsection (a).

9 (c) AMOUNT OF CREDIT.—

10 (1) IN GENERAL.—The amount of the credits
11 issued to a holder of any North Thompson Divide
12 Leases relinquished under subsection (a) shall—

13 (A) be equal to the sum of—

14 (i) the amount of the bonus bids paid
15 for the applicable North Thompson Divide
16 Leases;

17 (ii) the amount of any rental paid for
18 the applicable North Thompson Divide
19 Leases as of the date on which the holder
20 of the applicable North Thompson Divide
21 Leases notifies the Secretary of the deci-
22 sion to relinquish the applicable North
23 Thompson Divide Leases; and

24 (iii) the amount of any expenses in-
25 curred by the holder of the applicable

1 North Thompson Divide Leases in the
2 preparation of drilling permits, sundry no-
3 tices, or other related submissions in fur-
4 therance of the development of the applica-
5 ble North Thompson Divide Leases as of
6 July 29, 2016, including any expenses re-
7 lated to the preparation of analyses under
8 the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.); and
10 (B) require the approval of the Secretary.

11 (2) EXCLUSION.—The amount of a credit
12 issued under subsection (a) shall not include any ex-
13 penses paid by the holder of a North Thompson Di-
14 vide Lease for legal fees or related expenses for legal
15 work with respect to a North Thompson Divide
16 Lease.

17 (d) CANCELLATION.—The North Thompson Divide
18 Leases, on relinquishment and without further action by
19 the Secretary, shall—

20 (1) be permanently cancelled; and

21 (2) not be reissued.

22 (e) CONDITIONS.—

23 (1) APPLICABLE LAW.—Except as otherwise
24 provided in this section, the exchange under this sec-
25 tion shall be conducted in accordance with—

1 (A) this Act; and

2 (B) other applicable laws (including regu-
3 lations).

4 (2) ACCEPTANCE OF CREDITS.—The Secretary
5 shall accept credits issued under subsection (a) in
6 the same manner as cash for the payments described
7 in that subsection.

8 (3) APPLICABILITY.—The use of the credits
9 issued under subsection (a) shall be subject to the
10 laws (including regulations) applicable to the pay-
11 ments described in that subsection, to the extent the
12 laws are consistent with this section.

13 (4) TREATMENT OF CREDITS.—All amounts in
14 the form of credits issued under subsection (a) ac-
15 cepted by the Secretary shall be considered to be
16 amounts received for the purposes of—

17 (A) section 35 of the Mineral Leasing Act
18 (30 U.S.C. 191); and

19 (B) section 20 of the Geothermal Steam
20 Act of 1970 (30 U.S.C. 1019).

21 **SEC. 6. SOUTH THOMPSON DIVIDE LEASE EXCHANGE.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), in exchange for the relinquishment by a leaseholder
24 of all South Thompson Divide Leases of the leaseholder,
25 the Secretary may issue to the leaseholder credits for bid,

1 royalty, or rental payments due under Federal oil and gas
2 leases on Federal land in the State.

3 (b) EXCEPTION.—If a South Thompson Divide Lease
4 has been cancelled by the Secretary before the date of en-
5 actment of this Act and the holder of the cancelled lease
6 has been compensated for the cancelled lease, the Sec-
7 retary may not issue credits for bid, royalty, or rental pay-
8 ments for the cancelled lease under subsection (a).

9 (c) AMOUNT OF CREDIT.—

10 (1) IN GENERAL.—The amount of the credits
11 issued to the holder of any South Thompson Divide
12 Leases relinquished under subsection (a) shall—

13 (A) be equal to the sum of—

14 (i) the amount of the bonus bids paid
15 for the applicable South Thompson Divide
16 Leases;

17 (ii) the amount of any rental paid for
18 the applicable South Thompson Divide
19 Leases as of the date on which the holder
20 of the applicable South Thompson Divide
21 Leases notifies the Secretary of the deci-
22 sion to relinquish the applicable South
23 Thompson Divide Leases;

24 (iii) the amount of any expenses in-
25 curred by the holder of the applicable

1 South Thompson Divide Leases in the
2 preparation of drilling permits, sundry no-
3 tices, or other related submissions in fur-
4 therance of the development of the applica-
5 ble South Thompson Divide Leases as of
6 July 29, 2016, including any expenses re-
7 lated to the preparation of analyses under
8 the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.); and

10 (iv) the amount of any expenses in-
11 curred by the holder of the applicable
12 South Thompson Divide Leases in the pur-
13 chasing of rights and the preparation of
14 drilling permits, sundry notices, or other
15 related submissions in furtherance of the
16 development of the Wolf Creek Storage
17 Field development rights; and

18 (B) require the approval of the Secretary.

19 (2) EXCLUSION.—The amount of a credit
20 issued under subsection (a) shall not include any ex-
21 penses paid by the holder of a South Thompson Di-
22 vide Lease for legal fees or related expenses for legal
23 work with respect to a South Thompson Divide
24 Lease.

1 (d) CANCELLATION.—The South Thompson Divide
2 Leases, on relinquishment and without further action by
3 the Secretary, shall—

4 (1) be permanently cancelled; and

5 (2) not be reissued.

6 (e) CONDITIONS.—

7 (1) APPLICABLE LAW.—Except as otherwise
8 provided in this section, the exchange under this sec-
9 tion shall be conducted in accordance with—

10 (A) this Act; and

11 (B) other applicable laws (including regu-
12 lations).

13 (2) ACCEPTANCE OF CREDITS.—The Secretary
14 shall accept credits issued under subsection (a) in
15 the same manner as cash for the payments described
16 in that subsection.

17 (3) APPLICABILITY.—The use of the credits
18 issued under subsection (a) shall be subject to the
19 laws (including regulations) applicable to the pay-
20 ments described in that subsection, to the extent the
21 laws are consistent with this section.

22 (4) TREATMENT OF CREDITS.—All amounts in
23 the form of credits issued under subsection (a) ac-
24 cepted by the Secretary shall be considered to be
25 amounts received for the purposes of—

1 (A) section 35 of the Mineral Leasing Act
2 (30 U.S.C. 191); and

3 (B) section 20 of the Geothermal Steam
4 Act of 1970 (30 U.S.C. 1019).

5 (f) WOLF CREEK STORAGE FIELD DEVELOPMENT
6 RIGHTS.—

7 (1) CONVEYANCE TO SECRETARY.—As a condi-
8 tion precedent to the relinquishment of the South
9 Thompson Divide Leases, a leaseholder shall perma-
10 nently relinquish, transfer, and otherwise convey to
11 the Secretary, in a form acceptable to the Secretary,
12 all Wolf Creek Storage Field development rights of
13 the leaseholder.

14 (2) LIMITATION OF TRANSFER.—Any interest
15 acquired by the Secretary under paragraph (1) shall
16 be held in perpetuity and not transferred, reissued,
17 or otherwise used for mineral extraction.

18 **SEC. 7. METHANE LEASING IN THE LOWER NORTH FORK**
19 **VALLEY.**

20 (a) INVENTORY.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary shall com-
22 plete, or shall collaborate with agencies of the State or
23 with institutions of higher education in the State to com-
24 plete, an inventory of all significant emissions of methane

1 in the North Fork Valley, Colorado, including methane
2 emissions from active, inactive, and abandoned coal mines.

3 (b) LEASING PROGRAM.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of completion of the inventory required
6 under subsection (a), the Secretary shall carry out,
7 to the extent permissible under applicable law, a
8 program to offer for lease Federal methane from ac-
9 tive, inactive, and abandoned coal mines, subject to
10 valid existing rights.

11 (2) CONDITIONS.—The program carried out
12 under paragraph (1) shall—

13 (A) only include methane that can be col-
14 lected and transported in a manner that does
15 not—

16 (i) endanger the safety of coal mine
17 workers; or

18 (ii) unreasonably interfere with ongo-
19 ing operations at coal mines; and

20 (B) provide for the owners or operators of
21 mines with leases that overlap potential meth-
22 anc leases under the program carried out under
23 paragraph (1) to elect to remove the areas from
24 potential methane leasing under the program if
25 the owners or operators determine that the con-

1 ditions described in subparagraph (A) are not
2 met.

3 (c) COAL MINE METHANE ELECTRICAL POWER GEN-
4 ERATION DEMONSTRATION PROGRAM.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of completion of the inventory required
7 under subsection (a), the Secretary shall enter into
8 discussions with the eligible entities described in
9 paragraph (2) to develop a program to facilitate the
10 sale and delivery of methane that is subject to sub-
11 section (b), but which has not been leased under
12 that subsection, to 1 or more of the eligible entities
13 to demonstrate the feasibility, cost-effectiveness, and
14 environmental benefits of producing electrical power
15 from methane from coal mines.

16 (2) DESCRIPTION OF ELIGIBLE ENTITY.—An el-
17 igible entity referred to in paragraph (1) is a rural
18 electric utility, energy cooperative, or municipal util-
19 ity with service area boundaries within 100 miles of
20 Paonia, Colorado.

21 (3) ESTABLISHMENT OF PRICING.—In facili-
22 tating the delivery of methane under paragraph (1),
23 the Secretary shall establish pricing for the sale and
24 delivery of methane that is sufficient to reimburse
25 all costs to the Secretary for the implementation and

1 management of the demonstration program devel-
2 oped under that paragraph.

3 (4) **CONTRACTS.**—The Secretary may contract
4 with the State or 1 or more institutions of higher
5 education in the State to provide services to the eli-
6 gible entities described in paragraph (2) to facilitate
7 the program developed under paragraph (1), with all
8 related costs to be included in the pricing established
9 under paragraph (3).

10 **SEC. 8. EFFECT.**

11 Unless expressly provided in this Act, nothing in this
12 Act—

13 (1) expands, diminishes, or impairs any valid
14 existing mineral leases, mineral interest, or other
15 property rights wholly or partially within the
16 Thompson Divide Withdrawal and Protection Area,
17 including access to the leases, rights, or land in ac-
18 cordance with applicable Federal, State, and local
19 laws (including regulations);

20 (2) prevents the capture of methane from ac-
21 tive, inactive, or abandoned coal mines covered by
22 this Act, in accordance with applicable law; or

23 (3) prevents access to, or the development of,
24 any new or existing coal mine or lease in Delta or
25 Gunnison County, Colorado.



Staff Report March 20, 2017

To: Town Council

Thru: Dara MacDonald

From: Bob Gillie, Building and Zoning Director

Subject: **Ordinance #5, Series 2017: Concerning the Consolidation of Residential Condominiums and Townhouses**

Date: March 17, 2017

Summary: The Town Council, at previous meetings, has requested that the staff develop an ordinance to address the consolidation and vacation of condominiums and townhouses within the Town. The Council's concerns are that condominium and townhouses previously approved by the Town and Council could be reconfigured to reduce the number of units yet increase their size. This activity could have a detrimental effect on the number or residential units in the Town and their affordability.

Discussion: The ordinance addresses several topics.

Section 1: This section adds an additional sentence to the existing condominium and townhouse purpose and intent section to add consolidation to the section that currently deals with the formation of condominiums and townhouses.

Section 2: The amendment to this section is an additional requirement for both the creation and consolidation of condominium requirements. The new requirement requires that lienholders on the property consent to the activity. This is a reasonable and legally defensible requirement that protects the property owner and Town from future challenges to the action of creating, changing, or abandoning condominiums and townhouses in which third parties have a financial interest.

Section 3: This is the addition of a new section to the rule set to deal with the consolidation of residential condominiums and townhouses and is the main focus of the ordinance.

- (a) This section requires that the Town Council approve any consolidation and prohibits the loss of the number of units or a net loss of square footage in any existing unit. For instance

two units may not be combined to create only one or two 1000 square foot units cannot be reconfigured to create one 1500 square foot unit and one 500 square foot unit. This section does allow this activity to be approved if a like sized free market unit is created or acquired and subsequently deed restricted to affordable housing. **The Council should discuss this section and confirm if this is what their intent is and whether the ability to compensate the impact with a deed restricted unit meets the Council's approval and intent.**

- (b) This section merely requires that consolidation or vacation follow the same process as the original creation of the condominium or townhouse.
- (c) This section confirms that no tap fees will be reimbursed if consolidation is allowed.
- (d) This section states that the previously approved parking may not be reduced by consolidation.
- (e) This section allows the Town Manager and Town Attorney to determine if the consolidation and rule set are applicable in specific circumstances.

Recommendation: The staff recommends that the Council review the ordinance and request the staff to make any changes desired. The Council may either continue the first reading of the ordinance, kill the ordinance by motion or lack of motion, or set the ordinance for public hearing.

Proposed Motion for ordinance #5: I move refer the ordinance to Bozar for a recommendation and set ordinance #5, Series 2017 for public hearing at the April 3, 2017 Council meeting *with the following changes...*

:

ORDINANCE NO. 5**SERIES 2017****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLE 12 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REGULATIONS FOR THE CONSOLIDATION OF RESIDENTIAL PROPERTIES SUBDIVIDED INTO CONDOMINIUMS OR TOWNHOUSES**

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

WHEREAS, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations;

WHEREAS, the Town Council has publicly expressed concern over the consolidation of properties that have been previously subdivided into condominiums and townhouses with the approval of the Town Council pursuant to Chapter 16, Article 12 of the Crested Butte Municipal Code (the “**Code**”);

WHEREAS, the Town Council is concerned that the consolidation of residential properties that have been subdivided into condominiums and townhouses will undermine residential zone densities and the diversity of units anticipated through the original land use approvals;

WHEREAS, at the request of the Town Council, the Town Staff has recommended amendments to the Code as reflected in this ordinance intending to prevent the undermining of residential zone districts through the consolidation of properties that have been subdivided into condominiums and townhouses; and

WHEREAS, the Town Council finds that making the amendments to the Code set forth herein accomplish the Town Council goals of preventing the undermining of residential zone districts through the consolidation of properties that have been subdivided into condominiums and townhouses, and for the foregoing reasons, are in the best interest of the health, safety and welfare of the Crested Butte, its residents and visitors alike.

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

Section 1. Amending Section 16-12-10. Section 16-12-10 of the Code is amended by deleting the Section in its entirety and replacing it with the following new Section that shall read as follows:

“Sec. 16-12-10 - Purpose and intent.

For the purpose of this Article, the word *condominium* shall be deemed to include the word townhouse, as both are defined in Section 16-1-20 of this Chapter. These regulations are intended to set forth requirements for the construction of condominiums and townhouses within the Town, and the requirements for information to be supplied to the Town when the construction or approval of condominiums or townhouses or changes to existing condominiums or townhouses within the Town is requested. These regulations shall also include the requirements for the consolidation of residential condominiums and townhouses.”

Section 2. Amending Section 16-12-20. Section 16-12-20 of the Code is amended by adding a new subsection (7) thereto that shall read as follows, and renumbering all the subsections thereafter starting with existing subsection (7) which shall be renumbered subsection (8) and so forth:

“(7) Lienholder consent. Lienholder consent to the Plat as reflected in a title commitment for the property shall be included thereon.”

Section 3. Adding a New Section 16-12-70.5. A new Section 16-12-70.5 is added to the Code and shall read as follows:

“Sec. 16-12-70.5 – Consolidation of residential units.

Properties with condominiums and townhouses approved by the Town Council under this Article may be consolidated, provided that the following requirements are met:

(a) Consolidation shall not result in any fewer residential units or reduction in square footages for any existing unit, unless otherwise approved by the Town Council. Town Council may approve consolidation when the applicant therefor provides one or more deed restricted affordable housing units to offset such loss of residential unit square footage. Such consolidation and deed restricted affordable housing units shall be approved by the Town Council in its sole discretion.

(b) Consolidation shall be reflected in a vacation plat approved in the same manner as the plat creating the condominium or townhouse on the subject property.

(c) Consolidation shall not permit the reduction in parking spaces required by any land use approval or this Code.

(d) Taps fees previously paid shall not be reimbursed to the property owner as a result of a reduction in taps.

(e) The process for consolidation approval shall be the same process as creating a condominium or townhouse on the subject property; provided that, those requirements contained in this Chapter that are uniquely applicable to creating multiple property interests as opposed to one property interest shall be inapplicable as determined by the Town Manager and the Town Attorney.”

Section 4. 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 5. 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 _____, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS _____ DAY OF _____, 2017.

TOWN OF CRESTED BUTTE

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



Staff Report March 20, 2017

To: Mayor and Town Council
Thru: Dara MacDonald
From: Bob Gillie, Building and Zoning Director
Subject: **Ordinance #6, Series 2017 – Regulation of Vacation Rentals**
Date: March 17, 2017

Summary: The Town Council, with Michel and Mitchell recused, held a special meeting on March 6 to discuss what possible regulations could be enacted to limit the impacts of Vacation Rentals (VRs) on the community of Crested Butte. This was after the licensing ordinance, #12, Series 2016, was passed at the February 6, 2017.

At the March 6th meeting the Council directed the staff to develop an ordinance to accomplish the following items.

- Those zones where under the current zoning ordinance (16-14-90), aka “the green zone” short term leasing is allowed will continue to be allowed. B4 will be added to this list. There will be a limitation on the number of vacation rentals in these zone as a percentage of free market units. This was discussed to be in the neighborhood of 35%.
- Provide a process for deciding how available licenses in the green zone will be allocated under the cap.
- Those zones where currently short term rentals are not allowed, aka the “white zone”, will not allow new vacation rentals however all existing BOLT licensing in these zones will be honored as long as the licensing is kept in place.
- There will be no limitation on the number of nights.
- Maintain the provision that licenses are not transferable.
- Clean up a discrepancy in ordinance 12 regarding the number of night in the vacation rental definition.

The staff has gone back through the BOLT licenses that are active in 2017 to arrive at a current list and totals of vacation rentals in Town (see attachments).

- The current number of vacation rental BOLT licenses in Town are 240. This represents 26% of the free market units in the entire Town.
- The current number of vacation rental BOLT licenses in the green zone are 198. This represents 30% of the free market units in the zone.
- The current number of vacation rental BOLT licenses in the white zone is 42 or 16% of the free market units in this area. New licenses have not been issued this year in this area but existing licenses have been allowed to renew.

Discussion:

Ordinance #6, Series 2017 addresses the Council's request in the following manner.

Section 1 – Cleans up the discrepancy in the number of days, vacation rentals are allowed in the definition of vacation rental in the licensing chapter 6, adopted by Ordinance #12, Series 2016.

Section 2 – Repeals the current regulations and inserts the new rule set in the zoning chapter 16.

- (a) This section addresses intent of the ordinance and should be read carefully to determine if it represents the Council intentions regarding the ordinance.
- (b) This section gets into the actual limitation.
 - (1) This section states that VRs are not allowed in other types of lodging establishments.
 - (2) This section states that VRs are not allowed in deed restricted housing.
 - (3) This section states where VRs are allowed and the limitation on the percentage.
 - (4) Lists where VRs are not allowed.
 - (5) This grandfathers in existing BOLT licensed and states how the licenses can be lost. Either by non-licensing or use for a year.

Section 3 - Establishes in chapter 6 the first come first served protocol for licensing in the green zone and requires a waiting list be established if necessary.

Recommendation: The staff recommends the Council affirm that the ordinance meets their intent. The Council may if they wish take additional public comment but don't have to at this point. The council may set the ordinance for a public hearing, choose to continue first reading, kill the ordinance by motion or lack of motion and make changes to the ordinance if desired.

Proposed Motion for ordinance #: I move to set Ordinance #6, Series 2017 for public hearing at the April 17, 2017 Council meeting.

ORDINANCE NO. 6**SERIES 2017****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING THE DEFINITION OF VACATION RENTAL IN SECTION 16-1-20 OF THE CRESTED BUTTE MUNICIPAL CODE; AMENDING SECTION 16-14-90 OF THE CODE TO INCLUDE REGULATIONS FOR VACATION RENTALS; AND MAKING SUCH OTHER CONFORMING CHANGES TO THE CODE IN CONNECTION THEREWITH**

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

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

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

WHEREAS, the Committee's recommendations addressed, among other things, neighborhood and community impacts respecting vacation rentals;

WHEREAS, the Committee's recommendations addressed the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods;

WHEREAS, the Town Council, after hearing the presentation by the Committee, and receiving public comment from the community at the September 26 Special Meeting, held public meetings on October 17, November 14, December 5, and December 19, 2016 and January 3 and January 17, 2017, culminating in the adoption of Ordinance Number 12, Series 2016 during a public hearing on February 6, 2017 which adopted regulations for licensing vacation rentals;

WHEREAS, during a Special and Regular Meetings of the Town Council on February 15 and March 6, respectively, the Town Council considered options for the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods;

WHEREAS, following receipt of public comment on the adoption of limits on vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods, the Town Council instructed Town Staff to prepare an ordinance that, among other things, limits the number of vacation rentals in certain zone districts; and

WHEREAS, the Town Council hereby finds that limiting the number of vacation rentals in certain zone districts based on the impacts such lodging type uses are having in primarily residential neighborhoods as reflected in this ordinance is in the best interest of the general health, safety and welfare of Crested Butte, its residents and visitors alike.

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

Section 1. Amending Section 16-1-20. The definition of vacation rental in Section 16-1-90 is hereby deleted in its entirety and replaced with the following new definition thereof which read as follows:

“*Vacation rental* means (i) the rental or lease of a property for a period of 29 or less consecutive nights or less; or (ii) the rental or lease of no more than two sleeping units within a property for a period of 29 or less consecutive nights where the owner or agent is present during occupancy. Vacation rental use is not a residential use.”

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

“Sec. 16-14-90. Limitation on Vacation Rentals.

(a) *Intent.* The use of property as a vacation rental has impacts on the neighborhoods not unlike that of bed and breakfasts, hotel or lodges and motels. The impacts of vacation rentals on neighboring uses can be significant when the vacation rental property is occupied by multiple tenants in consecutive tenancies throughout the year. The commercial aspects of vacation rentals can have detrimental effects on the quiet, dignity and neighborliness of adjacent residential uses and therefore should be regulated to protect the health, safety and welfare of Crested Butte.

(b) *Limitations.* There shall be imposed limitations on vacation rentals as follows:

- (1) Vacation rentals are not allowed in bed and breakfasts, condo hotels, hotels or lodges, motels or short-term residential accommodations uses as defined in the Code, as amended.
- (2) Vacation rentals are not allowed in any property that is subject to a deed restriction, covenant or other Town restriction or requirement regarding occupancy where the use as a vacation rental is inconsistent with the intent of such deed restriction, covenant or other Town restriction or requirement.
- (3) Vacation rentals are permitted in the “R1,” “R1A,” “R1C,” “R2,” “R2C,” “R3C,” “B3,” and “B4” Districts, provided that the number of vacation rentals shall at all times be limited to 35% of the total free market residential units in such Districts cumulatively.

- (4) Vacation rentals are not permitted in the “R1B,” “R1D,” “R1E,” “R4,” “R2A,” “B1,” “B2,” “M,” “T,” “C,” “AO,” and “P” Districts.
- (5) Any property that holds a Business Occupation License for a Short Term Rental as of __TBD – effective date of this Ordinance in any zone may continue to operate as a vacation rental where such property has and maintains a vacation rental license as required by Chapter 6, Article 6, until such time as the property is no longer licensed and used as a vacation rental for a period of one year.”

Section 3. Amending Section 6-6-70. Section 6-6-70 of the Code is hereby amended by adding a new subsection (a) thereto that shall read as follows, and renumbering all the subsections thereafter starting with existing subsection (a) which shall be renumbered subsection (b), and so forth:

“(a) Vacation rental licenses shall be issued on a first come first serve basis. If needed a waiting list of applications shall be maintained and reviewed as licenses become available.”

Section 4. 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 5. 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 _____, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS _____ DAY OF _____, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

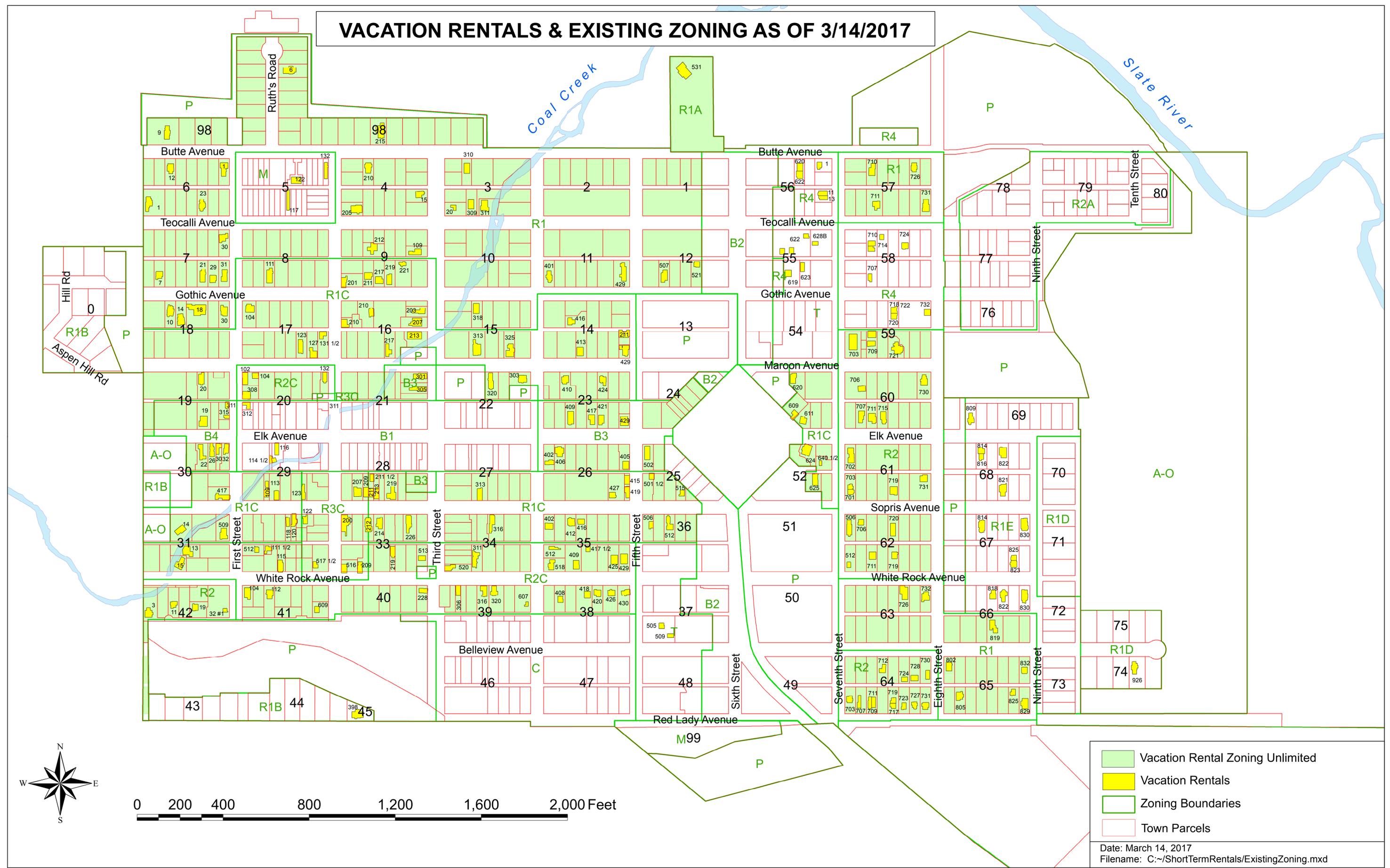
[SEAL]

Percentage of Free-Market Primary Dwelling Units that are Vacation Rentals (by zoning district) (3/14/2017)

Zone	SFR	ACC DWELL	DUPLEX	MULTI	MOBILE	CM/RS	B&B	TOTAL	Vacation			Dwelling Units that are Vacation Rentals		
									Rentals	#DRR	DRR Unit Type	#AH Units	# Free Market Units	that are Vacation Rentals
R1	179	22	12	0	1	0	0	214	42	19	19 ADU	5	190	22%
R1A	1	0	0	0	0	0	0	1	1	0			1	100%
R1B	18	3	0	0	0	0	0	21	1	3			18	6%
R1C	145	37	22	7	0	1	1	213	60	25	24 ADU, 1 Duplex Unit		188	32%
R1D	6	0	0	0	0	0	0	6	1	0			6	17%
R1E	33	6	10	0	0	0	0	49	12	6	1 SFR, 5 ADU	7	36	33%
R2	26	5	72	35	0	1	0	139	36	7	4 ADU, 3 Duplex Units		132	27%
R2A	5	1	18	0	0	0	0	24	0	1	1 ADU	23	0	0%
R2C	63	20	16	14	0	0	0	113	33	19	19 ADU		94	35%
R3C	15	3	2	0	0	2	0	22	9	3	3 ADU		19	47%
R4	2	0	26	62	0	0	0	90	13	6	6 Multi-units	10	74	18%
T	1	0	0	87	0	9	3	100	8	9	1 SFR, 1 Multi, 7 CM/RS	30	61	13%
B1	10	0	0	0	0	28	0	38	4	16	16 CM/RS		22	18%
B2	0	0	0	8	0	9	0	17	0	2	2 CM/RS		15	0%
B3	11	5	0	0	0	11	0	27	10	5	2 ADU, 3 CM/RS		22	45%
B4	9	4	0	0	0	0	0	13	7	3	3 ADU		10	70%
M	0	0	0	0	40	0	0	40	3	0		10	30	10%
C	0	0	0	0	0	35	0	35	0	30	30 CM/RS		5	0%
A-O	0	0	0	0	0	0	0	0	0	0			0	0%
P	0	0	0	3	0	0	0	3	0	0		3	0	0%
TOTAL	524	106	178	216	41	96	4	1165	240	154		88	923	

Percentage of Free-Market Dwelling Units that are Vacation Rentals			
Vacation Rental Zoning Unlimited	198	656	30%
Vacation Rental Not Allowed	42	267	16%
Entire Town	240	923	26%

VACATION RENTALS & EXISTING ZONING AS OF 3/14/2017



- Vacation Rental Zoning Unlimited
- Vacation Rentals
- Zoning Boundaries
- Town Parcels

Date: March 14, 2017
 Filename: C:\ShortTermRentals/ExistingZoning.mxd



Memorandum

To: Mayor Michel and Town Council
From: Dara MacDonald, Town Manager
Subject: HB17-1242
Date: March 20, 2017

Attached are several documents provided by the Colorado Municipal League (CML) and the legislature summarizing HB17-1242. In summary this is a statewide sales tax measure currently being contemplated by the state legislature. Approval of the additional 0.62% sales tax would be referred to the voters in November 2017. The funds would be used to fund transportation projects.

There seems to be no dispute that additional funds are needed to address aging transportation infrastructure and arising transportation needs in Colorado. Polling has indicated that a sales tax is the most palatable tax for the voters.

Details of how the funds are proposed to be allocated are in the attached documentation. The majority of the funds would be allocated to debt service for \$3.5 billion in bonds to be issued. Preliminary estimates provided by CML indicate that the direct allocation to Crested Butte would be reduced annually from \$55,525 to \$50,309. There would be a new grant pool created through this legislation that local governments could apply to with matching funds of at least 50% that could address some of this loss.

CML is currently assessing the legislation and seeking comments from its members. Hearings on the bill are scheduled to begin on March 22nd.

Decision point:

Would the Council like to express a position to CML and thus the legislature on this proposed legislation? If so, what are the salient points?

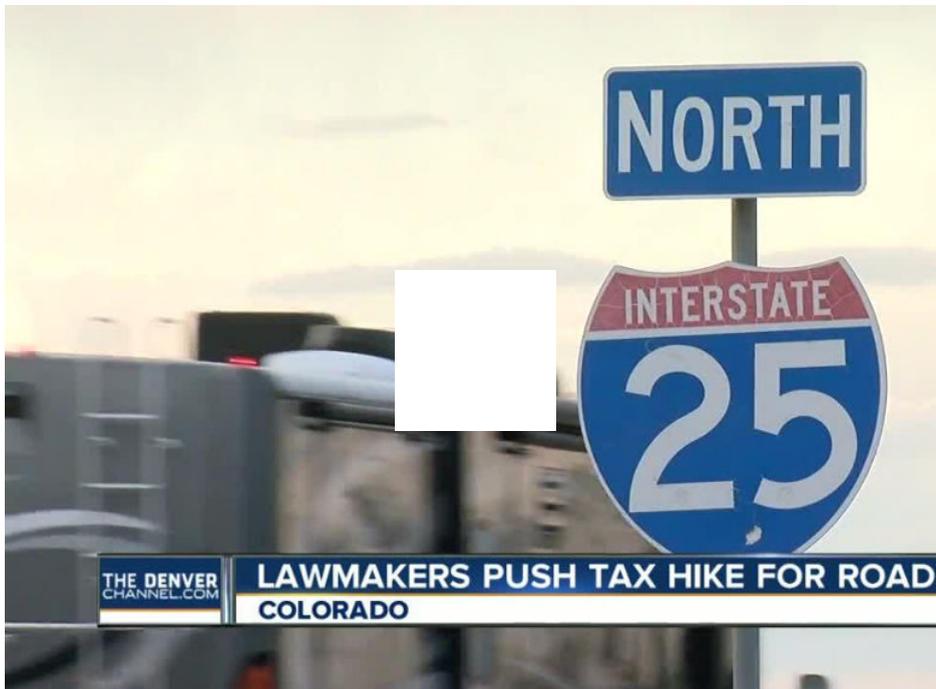
POLITICS

Colorado lawmakers reach agreement for tax hike, \$3.5 billion bond in transportation deal

House Bill 1242 represents a compromise plan between Democrats and Republicans

By **JOHN FRANK** | jfrank@denverpost.com | The Denver Post

PUBLISHED: March 8, 2017 at 4:18 pm | UPDATED: March 9, 2017 at 12:02 pm



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Colorado's top lawmakers want to ask voters to increase the state sales tax by less than a penny on a dollar to support spending as much as \$3.5 billion to improve roads and traffic congestion.

The [much-anticipated legislation](#), introduced late Wednesday, represents a breakthrough after months of [difficult negotiations](#) between Democratic and Republican leaders to address what both parties agree is the General Assembly's top priority.

[House Bill 1242](#) – sponsored by Democratic House Speaker Crisanta Duran and Republican Senate President Kevin Grantham – would increase the statewide sales tax to 3.52 percent from 2.9 percent. If approved by the voters in November, the tax hike would start in January 2018 and remain in place for 20 years.

“If we are really going to deliver results to the people of Colorado, we need everybody at the table – Republicans and Democrats. I think this is an example of that,” Duran, of Denver, said in an interview.

The legislation, details of which were first reported by The Denver Post, also would redirect \$50 million in existing revenue to roads and decrease annual vehicle registration fees by \$75 million a year. The total package would generate an estimated \$677 million a year for transportation.

The registration fee on small cars would decrease from \$23 to \$9, while the rate on motorcycles would fall from \$16 to \$6. The levy on larger passenger vehicles goes from \$28 to \$11.

The deal represents a compromise on both sides: It pulls from existing revenues, a point Democrats dislike, and it represents an increase in total revenue, a problem for conservatives.

“This bill probably isn't what the final product will look like, because what's being introduced is a work in progress and there's still a lot of debate, compromise and hard work ahead before we'll have a proposal good enough to pass muster with voters,” Grantham, of Cañon City, said in a statement. “But I'm optimistic that we'll get there in the end.”

Gov. John Hickenlooper called for a voter referendum in [his State of the State address](#) in January and continued to express optimism Wednesday about the potential for a consensus bill.

“I'm open to pretty much any way to fund it,” he told reporters, emphasizing that transportation is not a partisan issue.

The Colorado Department of Transportation has identified \$9 billion in need for the state's transportation system, which is suffering from a population boom and limited maintenance dollars.

The top priorities are the expansion of Interstate 70 through the mountains and widening of Interstate 25 north and south of Denver.

The \$677 million in total transportation dollars outlined in the legislation would split into three buckets.

The majority of the money – \$350 million – would go toward a payments on a potential \$3.5 billion bond package.

The remaining share would be split with 70 percent to local governments for road improvements and 30 percent earmarked for transit-oriented projects.

The local government share is projected to reach near \$216 million in the first year. Another portion, estimated at \$92 million, would go to local areas in the form of matching grants awarded by a new commission created in the legislation.

“It's statewide. There's something in here for everyone,” said Rep. Diane Mitsch Bush, a D-Steamboat Springs and the House transportation chairwoman.

The bipartisan coalition pushing for more road dollars praised the bill, calling it a “critical first step to alleviate congestion in our major corridors and address safety concerns across the state.”

“The deal, as we understand it, attempts to strike the right balance between the priorities of the leadership in both houses while considering what might be viable with voters,” said Sandra Hagen Solin, who is with Fix Colorado Roads.

In her interview with The Post, Duran emphasized that the legislation includes provisions to make the spending transparent to voters, including a public website to track the spending and a committee to oversee the bonding.

“We want to make sure at the end of the day the people of Colorado know how their dollars are going to be spent and how their local community is going to be impacted,” she said. “We want to ensure promises made are promises kept.”

Not all applauded the compromise plan. Americans for Prosperity, a conservative organization that blocked legislative attempts in recent years to increase spending, noted how it represents a tax hike — a 21 percent increase in the state sales tax.

“Coloradans want the legislature to prioritize the state budget – not raise taxes,” said Michael Fields, the organization’s state director. “Despite publicly saying that a proposal would be revenue neutral in the first year, Senate leadership is now supporting a \$677 tax increase in year one.”

TAGS: **COLORADO HOUSE, COLORADO SENATE, CRISANTA DURAN, INFRASTRUCTURE, JOHN HICKENLOOPER, TAXES, TRAFFIC**



John Frank

John Frank is a political reporter and craft beer columnist at The Denver Post. [Follow John Frank @byJohnFrank](#)



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Dara MacDonald

From: CML Statehouse Report <cml@cml.org>
Sent: Monday, March 13, 2017 11:43 AM
To: Dara MacDonald
Subject: Transportation/multimodal funding proposal introduced

Problem viewing this email? [Click here](#) for our online version.



Transportation/multimodal funding proposal introduced

On March 8, the legislative leadership discussions that started in the fall produced a proposal co-sponsored by the speaker of the House, president of the Senate, and chairs of the House and Senate Transportation Committees: HB 17-1242.

The League is evaluating the proposal and seeking member feedback before staff makes a recommendation to the CML Executive Board for a position on HB 17-1242. [League staff compiled an initial analysis of the legislation](#), which will be updated as new information is compiled.

For years, our members have struggled to meet local infrastructure and service needs. Municipalities and our residents also have been impacted by an aging and insufficient state system. Many of our members have faced these challenges locally by coming up with creative solutions, using existing resources efficiently, establishing regional or rural transit or transportation systems with other local governments, and sometimes asking municipal residents for tax increases to support transportation and multimodal systems and services.

On average, more than 70 percent of municipal tax revenues are derived from sales and use taxes. Because the revenue source proposed is a statewide sales tax, this proposal requires us to judiciously weigh the “pros” versus the “cons.” League staff met directly with House and Senate leaders and staff and expressed the importance of the sales tax to our members. We stressed the critical importance that a statewide solution should raise the levels of infrastructure and services on both the state and local levels. We

Direct Links to Legislative Details

[Statehouse Report bill summaries](#)

[Box Score of support bills](#)

[Box Score of oppose \(or oppose unless amended\) bills](#)

[List of All Bills Followed by CML: House](#)

[List of All Bills Followed by CML: Senate](#)

Direct Links to Bill Topics

[Affordable Housing](#)

are grateful that President Grantham and Speaker Duran clearly listened to us because these municipal perspectives are reflected in the approach of HB 17-1242. The proposal calls for new revenues to municipalities, counties, and the state. **Based on initial estimates, the new revenues would roughly double what is currently received through the Highway User's Tax Fund allocation.**

The days and weeks ahead will include a critical examination of the proposal to ensure that it does what is intended without unanticipated consequences. Important discussions with municipal leaders around the state also will occur, and we expect to have to be able to react to proposed amendments along the way, as well.

There will be a lot of work to be done if the bill is to pass the General Assembly, let alone gain statewide voter approval. Again, CML is working with our members to determine if this is the proposal we can support, and we appreciate the sponsors' efforts listen to CML throughout the process and to address municipal issues and needs.

Member feedback is requested. If you have any questions, comments, or concerns, contact CML Legislative & Policy Advocate Dianne Criswell at 303-831-6411 or dcriswell@cml.org.

CML-tracked legislation

Stay connected with all the bills CML is tracking and has positions established, [visit the Legislative > Current Session page of the CML website](#) or go directly to the [complete Statehouse Report for bill summaries](#).

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Colorado Municipal League

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THE VOICE OF COLORADO'S CITIES AND TOWNS

To: CML Members
 From: Dianne Criswell, Legislative and Policy Advocate
 Date: March 9, 2017
 Subject: HB17-1242 – Transportation Funding Ballot Measure

[HB17-1242](#) is a proposal released March 8, 2017 from the legislative leadership of the Colorado General Assembly to send a ballot issue to voters at the fall 2017 general election on transportation funding.

Summary of the Proposed Ballot Measure

If voters approve the ballot issue in section 15 of the bill, the following will be enacted:

1. Revenue

- Increasing the state's sales tax rate from 2018 to 2038 by 0.62%.
- Approving Transportation Revenue Anticipation Notes (TRANs Bonds) in a maximum amount of \$3.5 billion and a maximum repayment of \$5.0 billion. The project list will be in the blue book.
- The allocation of new sales tax revenues are as follows:
 - The first \$300 million of revenues are credited to the state's highway fund, primarily for debt service on new TRANs Bonds;
 - The remainder of the sales tax revenue after the \$300 million is credited to state highway fund is allocated as follows:
 - 30% to a new, Multi-Modal Transportations Options Fund; and
 - 70% allocated to cities and counties (each receiving half, and distributed to each locality based on the existing statutory formulas).

2. Multi-Modal Transportation Options Fund

- 75% of revenue is for transportation options.
- 25% of revenue is for pedestrian and active transportation.
- A Multimodal Transportation Option Committee (governor appointed from transit agencies, transportation planning organizations (NPOs, TPRs), local governments, and Colorado Department of Transportation (CDOT)) will allocate funding throughout the state. Funding will require an equal, local match.

3. Other

- Repealing the 10% for transit requirement for general fund statutory transfers to the state's highway fund. *(The existing statutory, providing local flexibility to use Highway User Tax Fund revenues for multimodal purposes, is amended to delete the 15% limit on transit-related purposes; thereby removing any formulary limits on expenditures by type.)*
- Repeals the SB-228 general fund statutory transfers to the state's highway fund.
- Reduces FASTER fee revenue by reducing vehicle weight fees. These revenues are reduced in the state's allocation of faster fees, and local governments are held harmless.
- Requires CDOT to use \$50 million from its existing revenues to repay bonds before applying any new sales tax revenues.

Estimated Revenue Impact

Based on CML's preliminary estimates, the new state sales tax will generate approximately \$700 million in the first full year (FY 2018-2019). The first full year's allocation to cities and towns would be approximately \$140 million (if the new revenue was allocated by the existing Highway User's Tax Fund formula of 60% state, 22% counties, 18% cities, the first full year's municipal allocation would be \$125 million).

Cities may also receive resources above these amounts via the dollar-for-dollar match for transportation options projects through the Multi-Modal Options Fund. Part 11 of the bill sets out the governance of this process and has a broad scope of the types of projects and programs that may qualify, including senior/disabled mobility, local options, and safe routes to schools.

Comments

If you have any questions or comments on HB17-1242, please contact Dianne Criswell at CML (dcriswell@cml.org or (303) 831-6411).

HB17-1242

New Transportation Infrastructure Funding Revenue

Concerning transportation funding.

SESSION: 2017 Regular Session

SUBJECT:  [Transportation & Motor Vehicles \(/bill-search?field_subjects%5B%5D=67\)](/bill-search?field_subjects%5B%5D=67)

Section 15 of the bill requires a ballot question to be submitted to the voters of the state at the November 2017 statewide election that seeks approval for the state to temporarily increase the rate of the state sales and use tax for 20 years beginning in 2018. If the voters approve the temporary sales and use tax rate increase, the new revenue generated is allocated solely for transportation infrastructure funding purposes, with specific projects to be funded required to be included in the 2017 ballot information booklet provided to the voters of the state, as follows:

- \$300 million annually to the state highway fund for use by the department of transportation (CDOT); and
- Of the remaining new revenue:
- 70% to counties and municipalities in equal total amounts; and
- 30% to a newly created multimodal transportation options fund (fund).

If the voters approve the temporary state sales and use tax rate increase:

- CDOT may issue up to a specified amount of transportation revenue anticipation notes (TRANs) for the purpose of funding transportation projects that are part of CDOT's strategic transportation investment program and are on CDOT's priority list for funding and the transportation commission must covenant that amounts it allocates on an annual basis to pay TRANs shall be paid: First, from \$50 million from any legally available money under its control other than the new sales and use tax revenue; next, from the new sales and use tax revenue; and last, if necessary, from any other legally available money under its control any amount needed for payment of the TRANs until the TRANs are fully repaid;
- The revenue allocations to counties and municipalities are further allocated to each county and municipality in accordance with certain existing statutory formulas used to allocate highway users tax fund (HUTF) money to each county and municipality;
- The existing statutory requirement that at least 10% of the sales and use tax net revenue and other general fund revenue that may be transferred or appropriated to the HUTF and subsequently credited to the state highway fund must be expended for transit purposes of transit-related capital improvements is repealed;
- A transportation options account and a pedestrian and active transportation account are created in the fund and the transportation commission is required to designate the percentages of fund revenue to be credited to each account subject to the limitations that for any given fiscal year no more than 75% of the revenue may be

credited to the transportation options account and at least 25% of the revenue must be credited to the pedestrian and active transportation account;

- A multimodal transportation options committee of gubernatorial appointees representing transit agencies, transportation planning organizations, local governments, and CDOT is created as a **type 1** agency within CDOT for the purpose of allocating the money in the transportation options account of the fund for transportation options projects throughout the state. Under the supervision and guidance of the committee, the transit and rail division of CDOT is required to solicit, receive, and evaluate proposed transportation options projects and propose funding for interregional transportation options projects. Any transportation options project receiving funding from the transportation options account of the fund must also be funded by at least an equal total amount of local government, regional transportation authority, or transit agency funding.
- CDOT is required to allocate the money in the pedestrian and active transportation account of the fund for projects for transportation infrastructure that is designed for users of nonmotorized mobility-enhancing equipment;
- Transfers of 2% of general fund revenue to the HUTF that are scheduled under current law to be made for state fiscal years 2017-18, 2018-19, and 2019-20 are eliminated;
- The state road safety surcharges imposed on motor vehicles weighing 10,000 pounds or less are reduced for the same period during which the rates of the state sales and use taxes are increased. The resulting reduction in state fee revenue is taken entirely from the share of such fee revenue that is kept by the state so that county and municipal allocations of such revenue are not reduced.
- CDOT must annually report to the joint budget committee, legislative audit committee, house transportation and energy committee, and senate transportation committee regarding its use of TRANs proceeds and must post the reports and certain user-friendly project-specific information on its website; and
- The transportation revenue anticipation notes citizen oversight committee is created to provide oversight of the expenditure by the department of the proceeds of additional TRANs. The committee must annually report to the transportation legislation review committee regarding its activities and findings.

(Note: This summary applies to this bill as introduced.)

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Diane Mitsch Bush (</legislators/diane-mitsch-bush>)





Senator
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Senator
[Kevin Grantham \(/legislators/kevin-j-grantham\)](/legislators/kevin-j-grantham)

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House
[Transportation & Energy \(/committees/transportation-energy/2017-regular-session\)](/committees/transportation-energy/2017-regular-session)

Status

Introduced

Under Consideration

Bill Text

Bill Text

[All Versions \(1\)](#)



DATE	BILL TYPE	DOCUMENTS
03/08/2017	Introduced	PDF (http://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017A_1242_01.pdf)

From: [Dara MacDonald](#)
To: [Lynelle Stanford](#)
Subject: FW: [MGRLIST] Soliciting your city or town's feedback on HB17-1242 (Transportation Funding Ballot Measure)
Date: Saturday, March 11, 2017 10:06:22 AM
Attachments: [HB17-1242 - Transportation Funding Ballot Measure.pdf](#)

Lynelle,

Could you add this email and the attached pdf to the Council packet for March 20th. New Business.

Thanks,

Dara

From: CML Municipal Managers List [mailto:MGRLIST@LIST.CML.ORG] **On Behalf Of** Dianne Criswell
Sent: Friday, March 10, 2017 2:51 PM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Soliciting your city or town's feedback on HB17-1242 (Transportation Funding Ballot Measure)

Dear City Manager Colleagues,

Attached is a summary of HB17-1242 (this also went out in yesterday's CML Action Alert). This is the legislative leadership proposal to send a ballot measure to increase the state's sales tax for 20 years to provide additional revenues for transportation and multi-modal purposes.

I'd like to ask you for your help. I need your community's feedback on this proposal.

If you are able to the time in your busy schedules to engage in discussions with your internal staff (finance, tax, capital/public works) and your local elected officials to determine how this proposal may impact your city or town – and for you to share your feedback with CML – your input would be very valuable. What benefits do you see or what concerns do you have?

Please email me with your comments. If it's feasible, I'd like to get some responses by COB on Wednesday, March 15th. That's a quick turn-around; however, getting some responses will help inform our assessment of the bill.

If you have any questions about the bill, feel free to reach out to me.

Thank you kindly,



Dianne Criswell, J.D.
Legislative & Policy Advocate

Colorado Municipal League
 1144 Sherman Street, Denver, CO 80203
 (p) 303-831-6411 / 866-578-0936 • (f) 303-860-8175
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Visit www.cml.org Information > *Cities & Towns Make It Possible* for new ways to promote municipal services!

Dara MacDonald

From: CML Statehouse Report <cml@cml.org>
Sent: Monday, March 13, 2017 11:43 AM
To: Dara MacDonald
Subject: Transportation/multimodal funding proposal introduced

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Transportation/multimodal funding proposal introduced

On March 8, the legislative leadership discussions that started in the fall produced a proposal co-sponsored by the speaker of the House, president of the Senate, and chairs of the House and Senate Transportation Committees: HB 17-1242.

The League is evaluating the proposal and seeking member feedback before staff makes a recommendation to the CML Executive Board for a position on HB 17-1242. [League staff compiled an initial analysis of the legislation](#), which will be updated as new information is compiled.

For years, our members have struggled to meet local infrastructure and service needs. Municipalities and our residents also have been impacted by an aging and insufficient state system. Many of our members have faced these challenges locally by coming up with creative solutions, using existing resources efficiently, establishing regional or rural transit or transportation systems with other local governments, and sometimes asking municipal residents for tax increases to support transportation and multimodal systems and services.

On average, more than 70 percent of municipal tax revenues are derived from sales and use taxes. Because the revenue source proposed is a statewide sales tax, this proposal requires us to judiciously weigh the “pros” versus the “cons.” League staff met directly with House and Senate leaders and staff and expressed the importance of the sales tax to our members. We stressed the critical importance that a statewide solution should raise the levels of infrastructure and services on both the state and local levels. We

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[Statehouse Report bill summaries](#)

[Box Score of support bills](#)

[Box Score of oppose \(or oppose unless amended\) bills](#)

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are grateful that President Grantham and Speaker Duran clearly listened to us because these municipal perspectives are reflected in the approach of HB 17-1242. The proposal calls for new revenues to municipalities, counties, and the state. **Based on initial estimates, the new revenues would roughly double what is currently received through the Highway User's Tax Fund allocation.**

The days and weeks ahead will include a critical examination of the proposal to ensure that it does what is intended without unanticipated consequences. Important discussions with municipal leaders around the state also will occur, and we expect to have to be able to react to proposed amendments along the way, as well.

There will be a lot of work to be done if the bill is to pass the General Assembly, let alone gain statewide voter approval. Again, CML is working with our members to determine if this is the proposal we can support, and we appreciate the sponsors' efforts listen to CML throughout the process and to address municipal issues and needs.

Member feedback is requested. If you have any questions, comments, or concerns, contact CML Legislative & Policy Advocate Dianne Criswell at 303-831-6411 or dcriswell@cml.org.

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HB17-1242

New Transportation Infrastructure Funding Revenue

Concerning transportation funding.

SESSION: 2017 Regular Session

SUBJECT: [Transportation & Motor Vehicles \(/bill-search?field_subjects%5B%5D=67\)](#)

Section 15 of the bill requires a ballot question to be submitted to the voters of the state at the November 2017 statewide election that seeks approval for the state to temporarily increase the rate of the state sales and use tax for 20 years beginning in 2018. If the voters approve the temporary sales and use tax rate increase, the new revenue generated is allocated solely for transportation infrastructure funding purposes, with specific projects to be funded required to be included in the 2017 ballot information booklet provided to the voters of the state, as follows:

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(Note: This summary applies to this bill as introduced.)

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[Transportation & Energy \(/committees/transportation-energy/2017-regular-session\)](/committees/transportation-energy/2017-regular-session)

Status

Introduced

Under Consideration

Bill Text

Bill Text

[All Versions \(1\)](#)



DATE	BILL TYPE	DOCUMENTS
03/08/2017	Introduced	PDF (http://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017A_1242_01.pdf)



Memorandum

To: Mayor Michel and Town Council
From: Dara MacDonald, Town Manager
Subject: 2017 Spring Council retreat follow up
Date: March 20, 2017

The attached sheet shows the Goal and Objectives identified by the Council during the retreat on March 8th. Please review and we will discuss during the Council meeting on March 20th under Other Business to Come Before the Council.

Next steps would be further discussion among staff to create strategies for achieving these objectives over the next few years. I anticipate another Council retreat in mid-summer to discuss these priorities and how they will integrate into the 2018 budget and long-term capital plans. We can also use this as we discuss new budget proposals to evaluate whether or not they further the goals identified by the Council.

As a reminder there were six goals that were identified by the Council. Under each goal are possible metrics or relevant ways that we could measure that we are achieving these goals. Following that are steps that can be taken to achieve the goals.

Feel free to hack away as this could certainly use refinement and improvement. Thanks again for your ongoing participation in the effort to define and guide the future of the Crested Butte community.

Preserve our sense of community



Measures of success

- Community involvement through volunteering
- Quality 4th of July floats in the parade
- Locals on bar stools and at Alpenglow concerts
- Number of registered vehicles more than 10 years old
- At least 60% of homes occupied year round
- Regulatory structure that supports and protects values of the community
- Preservation of historic assets and new construction that is sympathetic to those assets
- Do people lock their doors?
- Residents knowing neighbors on their block

Steps to achieve



- Provide training and culture to ensure Town staff are approachable and knowledgeable
- Prioritize quality of life over financial gain
- Create way to measure funkiness
- Support community based events that locals enjoy and can access
- Support neighborhood block parties
- Review ordinances and policies to make sure Town is continuing to allow funkiness & spontaneity
- Discourage exclusivity – private clubs, luxury residences on Elk Ave., gated communities
- Town Picnic in the early summer - June

Increase the number of local families residing in Town



Measures of success

- % of CBCS students living in Town
- Number of registered voters
- Participants in recreation programs & intermural sports
- Adequate staffing for local businesses

Steps to achieve



- Achieve and maintain at least 25% deed restricted housing units in Town
- Provide adequate rec facilities including supporting a regional approach to create a rec center
- Revive community survey
- Review opportunities for increased density
- Investigate income qualified subsidy or fee reduction for development fees
- Reexamine ADU model and see if it can be more effective
- Inventory opportunities for ADUs or additional density in town

Diversification of the economy



Measures of success

- Creation of new, non-service sector businesses
- Initiatives to foster entrepreneurship (Center for the Arts, Space to Create...)
- Sufficient broadband access
- Thriving Creative District



Steps to achieve

- Form partnership with SBDC/ICELab to bring services into Town
- Pursue live/work housing opportunities
- Supporting entrepreneurial efforts in surrounding communities (Riverland) through engagement with County
- Expand air travel to support local employers/business travelers

Be excellent stewards of the environment



Measures of success

- Elimination of mining threat on Mt. Emmons
- Participation in acquisition and stewardship of open space
- Reduction of community carbon footprint
- Reduction of negative impacts on neighboring backcountry
- Increase/maintain percentage of waste that is recycled



Steps to achieve

- Achieve withdrawal of unpatented mining claims
- Identify strategic future open space acquisition opportunities
- Implement Energy Action Plan
- Increase transit access to backcountry
- Create alternative camping areas with adequate facilities (Avalanche Park)
- Continue internal review and improvement of energy efficiency at Town facilities
- Inform public about achievements in energy efficiency
- Pursue renewable energy alternatives for the community
- Backcountry advertisement through experience, not brochures (connection between sales tax and bc management)
- Support County and public land management agencies in backcountry management efforts

Maintain core municipal services



Measures of success

- Balance budget while maintaining services even through down economies
- Maintain healthy fund balances
- Housing for Town employees
- Municipal code and policies that support and protect values of the community
- Essential service providers residing in Town
- Infrastructure that can accommodate demands on usage
- Change in service complaints over time



Steps to achieve

- Increase/maintain bike and pedestrian safety
- Achieve 15 rentals for Town employees within 5 years
- Undertake review of LUC
- Continue paving parking for ½ block off Elk Ave.
- Monitor changing visitor patterns to anticipate impacts on services (weekend visitors vs week-long visits)
- Enforce 2-hr parking

Provide leadership for the community



Measures of success

- Utilize values based decision making
- Support each other - Council, BOZAR and staff
- Mutually supportive relationships with other local governments
- Proactive leadership rather than quickly reacting
- Contemplate future impacts of present actions
- Practice civility
- Recruit and retain quality Council members



Steps to achieve

- Periodic meetings with other local elected officials
- Open two-way communication with the multiple constituencies of the public
- Communicate successes and services that Town provides
- Create master plan (include past planning efforts)
- Provide training for elected officials
- Positive outreach prior to Council elections
- Pay increases for Council
- Appointment of Mayor rather than elected position
- Hold community values above immediate financial gain in decision making
- Assert position of Council regarding relevant external issues

From: [Janae Deverell](#)
To: [Glenn Michel](#); [Chris Ladoulis](#); [Paul Merck](#); [J Schmidt](#); [R Mason](#); [Laura Mitchell](#); [Lynelle Stanford](#)
Subject: Affordable Housing
Date: Monday, March 06, 2017 9:52:55 PM

Dear Council Members,

As you move forward with making decisions about affordable housing, I encourage you to not pass legislation which essentially penalizes the "poorer" people of Crested Butte. By not allowing short term rentals in the less-desirable, higher-density housing areas of towns (such as places where condos, trailers, and duplexes are located), you are sending a message that only the more wealthy people in town are allowed to short term rent their properties. In principle, this logic to me seems backward, as really the people who live in the smaller, more run down units in town are the people who might actually need to be able to rent their places out for a night or two here and there in order to stay here. While I understand that these properties tend to provide much of the long term rental supply, that is primarily because the wealthier people who own larger/nicer homes choose not to long term rent them.

Thank you for reading.

Sincerely,

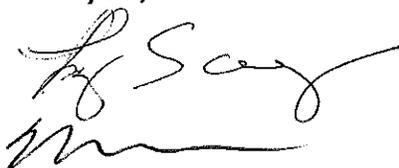
Janae Pritchett

March 8, 2017

To Town Council and Town of Crested Butte,

This is a formal request asking for our inactive business license to be reinstated for the 2017 year and beyond. We have had a Town of Crested Butte Business License for the rental of our house over the past several years. We put the license on hold for the year of 2016 to deal with family matters, but did not realize that when we went to activate the license again that we would not be allowed to make it active. In the muni rev's our license is still shown, but we can not make it active. We currently hold active sales tax license. Our intent has always been to keep the business license. We feel as though we should have the same allowance as people who ran out 3 months ago and got licenses. I have held a license 2013, 2014, 2015. We ask that you please take this formal request and let us activate our license again.

Thank you,

A handwritten signature in black ink, appearing to read "Liz Sawyer" with a flourish underneath.

Liz and Mark Sawyer

810 Sopris Ave

Town of Crested Butte

April 3, 2017**Consent Agenda**

Bid Award for the 3rd Street Pavement Project
 Resolution to Award Architectural Services at Big Mine
 Appointment of Creative District Commissioners

Public Hearing

Possibly Ordinance Nos. 5 and 6

New Business

Presentation by GVRHA on Strategic Plan
 Presentation by Community School on Budget for Employee Rental Unit
 Award of Construction Contract
 First reading on closing on four lots in Blocks 79 and 80

April 17, 2017**Work Session**

Vinotok

May 1 or May 15, 2017**Work Session**

Summer Projects

Future Work Session Items:

- Camping @ Town Ranch (allow? Not allow? Allow camping in other places?)
- BLM and OBJ Campground/Seasonal Housing Shortage (this could be combined with others – especially the Affordable Housing item at the bottom of this list)
- Perimeter Trail – Update, timelines, costs, what does this look like when finished
- Land Trust and Town Preservation Priorities – basically a joint planning/discussion with the CBLT (maybe in Exec Session if they would like) to confer on the priority parcels identified by the CBLT and the priorities of the Town (for planning future open space acquisitions). Maybe even a discussion about purchasing trail easements.
- Elk Avenue Rule Set re: Private Clubs – the whole “private clubs on Elk Avenue” concern that was raised when Irwin obtained a private liquor license for the Scarp Ridge Lodge.
- Affordable Housing/Density/Workforce – Blk 79/80
- Drones
- Special Events
- Speeding