



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

Town Council Values

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

AGENDA
Town of Crested Butte
Regular Town Council Meeting
Tuesday, September 6, 2016
Council Chambers, Crested Butte Town Hall

6:00 WORK SESSION

Presentation by Parks and Recreation Director Janna Hansen and by Members of the Weed Advisory Board Regarding the Amended Weed Plan.

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

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

- 1) August 12, 2016 Special Town Council Meeting Minutes.
- 2) August 15, 2016 Regular Town Council Meeting Minutes.
- 3) August 18, 2016 Special Town Council Meeting Minutes.
- 4) August 27, 2016 Special Town Council Meeting Minutes.
- 5) August 29, 2016 Special Town Council Meeting Minutes.
- 6) Crested Butte to Carbondale Trail Great Outdoors Colorado (GOCO) Connect Initiative Trail Planning Grant Letter of Support.

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

7:06 PROCLAMATION FOR OUTGOING BOZAR CHAIRPERSON LIZ SAWYER

7:12 PUBLIC COMMENT

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

7:20 STAFF UPDATES

7:35 PUBLIC HEARING

- 1) Ordinance No. 7, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 4, Block 80, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Trevor Main for the Sale Price of \$75,000.00.
- 2) Ordinance No. 8, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 3, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Warren Seekatz and Heather Allyn for the Sale Price of \$30,000.00.
- 3) Ordinance No. 9, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 12, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Kent Cowherd for the Sale Price of \$30,000.00.
- 4) Ordinance No. 10, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 15, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Beth Goldstone for the Sale Price of \$60,000.00.

7:50 NEW BUSINESS

- 1) Appointment of BOZAR Member.

- 8:00** 2) Presentation and Possible Request for Support by Kari Commerford, Director of Gunnison County Substance Abuse Prevention Project (GCSAPP), on Healthy Youth Development.
- 8:10** 3) Discussion and Possible Approval of Vinotok Special Event Application and Special Event Liquor Permit for September 23, 2016 in the 100 Block of Elk Avenue, Closure from 6AM on September 23 to 6AM on September 24 and September 24, 2016 in the 200 Block of Elk, Closure Starting at 5AM Throughout the Day, Then Rolling Closure on Elk During the Processional Starting at 7:00PM, and the Chamber Parking Lot Closed All Day September 23 Until the Clean Up is Concluded on September 24.
- 8:30** 4) Resolution No. 27, Series 2016 - Resolutions of the Crested Butte Town Council Calling for a Special Election on November 8, 2016 for Purposes of Submitting to the Registered Electors the Question of Whether the Town May Incur a Debt of Not More than \$2,110,000.00 for the Purposes of Preventing Mining Activity on Mt. Emmons by Mount Emmons Mining Company, its Successor and Assigns; Setting Forth the Ballot Title; and Providing for the Conduct of the Election.

8:50 5) Possible Contract Approval with New Town Manager.

9:05 **LEGAL MATTERS**

9:15 **COUNCIL REPORTS AND COMMITTEE UPDATES**

9:30 **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

9:45 **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, September 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 3, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 17, 2016 - 6:00PM Work Session - 7:00PM Regular Council

9:50 **ADJOURNMENT**

TOWN OF CRESTED BUTTE NOXIOUS WEED MANAGEMENT PLAN

SECTION I: INTRODUCTION

1.01 Introduction and Purpose:

The Town of Crested Butte is in the northern end of the Gunnison Valley and at the headwaters of the Colorado River. As the “Wildflower Capital of Colorado”, the health of our natural environment is a high priority for residents of Crested Butte. The spread of noxious weeds can result in monocultures of weeds rather than the rich variety of wild flowers currently found in our valley. Noxious weeds are jeopardizing our valued ecosystems and displacing native plants. Noxious weeds spread to our downstream neighbors having a negative impact on agricultural lands and other communities. An effective integrated weed management plan is a vital step in protecting the local ecosystems that residents and visitors value so highly.

The intent of this plan is to provide guidelines for managing state and locally designated noxious weeds which represent a threat to the environmental and economic value of lands in Crested Butte. Through education, partnerships, and a sound work plan, this plan should provide a framework for controlling noxious weeds on both public and private property in the Town of Crested Butte.

1.02 Enactment Authority:

“The governing body of each municipality in the state shall adopt a noxious weed management plan for all lands within the territorial limits of the municipality. In addition to and independent of the powers elsewhere delegated by law, the governing body of a municipality may adopt and provide for the enforcement of such ordinances, resolutions, rules, and other regulations as may be necessary and proper to enforce said plan and otherwise provide for the management of noxious weeds within the municipality....”

Colorado Noxious Weed Act (§ 35-5.5-106 (2008))

The Colorado Noxious Weed Act, codified in the Colorado Statutes at § 35-5.5-101 et seq. (2008) (the “Act”), prohibits, among other things, the introduction of noxious weeds into Colorado. It also requires private property owners, as well as state and local entities, to take steps to establish mechanisms and procedures to prevent the establishment of noxious weeds. Where such weeds are already established, the Act requires their abatement and eradication. In conjunction with requiring such mechanisms and procedures, the Act identifies those species that are noxious and categorizes them based upon their impacts and the responses private property owners, state, and local entities must take when such noxious weeds are encountered. Species that are native to Colorado are excluded from the noxious weed list. The Act aims to restore environmentally or agriculturally valuable land. It also authorizes

and requires local governments to establish plans regarding the management of noxious weeds and provides for mechanisms to enforce the plans including management, abatement and eradication mandates set forth in the Act. Lastly, the Act creates a state noxious weed fund, providing grants or contracts to assist local entities in administering weed management plans.

Designated noxious weeds have been arranged into four lists:

- **List A** includes plants designated for eradication on all county, state, federal and private lands;
- **List B** includes plants whose continued spread must be stopped; and
- **List C** includes plants selected for recommended control methods by jurisdictions that choose to require management of List C species.
- **Watch List** species include plants that have been determined to pose a potential threat to the agricultural productivity and environmental values of the lands of the state and is intended to serve advisory and educational purposes to facilitate the collection of information to assist in determining which species should be designated noxious weeds.

Crested Butte’s Noxious Weed List is attached hereto as Appendix A.

In furtherance of the Act, the Gunnison County Board of County Commissioners established the Gunnison County Weed District to coordinate and oversee the Gunnison County Weed Management Plan and provide information and resources to local weed managers. The following noxious weed management plan is intended to advance the intent and comply with the edicts of the Colorado General Assembly relative to noxious weeds and their abatement and eradication.

1.03 Weed Advisory Board:

“The governing body of each county and municipality shall appoint a local advisory board.” Colorado Noxious Weed Act (§ 35-5.5-107 (2008))

Crested Butte has appointed a local Noxious Weed Advisory Board (“the Board”), whose power and duties, administratively supported by Town Staff (“Staff”), are as follows:

1. To develop a Weed Management Plan for the integrated management of designated noxious weeds;
2. To declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management;
3. To recommend to the Crested Butte Town Council that identified landowners

be required to manage noxious weeds on their property.

The Board and Staff may also:

- Provide education, information, and resources to the property owners and residents of Crested Butte to assist them in identifying and managing noxious weeds on their property;
- Monitor noxious weed levels on private and public property and notify owners who are not in compliance with the Colorado Noxious Weed Act.
- Develop a priority list of areas for weed management.
- Generate infestation maps to aid in noxious weed management.

1.04 Duties of Local Governing Bodies:

“A local governing body shall initiate and maintain communications with landowners who are affected by list A species and populations of list B species designated for eradication...”
Colorado Noxious Weed Act (§ 35-5.5-108.5 (2008))

- Provide affected landowners with technical assistance for the eradication of list A species and populations of list B species designated for eradication;
- Carry out sufficient measures, including project oversight and enforcement, as may be necessary to ensure the eradication of list A species and populations of list B species designated for eradication;
- Determine the cost of eradication to be borne by affected landowners.

The complete Colorado Noxious Weed Act is attached hereto as Appendix B.

SECTION II: JURISDICTIONAL OVERVIEW OF AREAS OF INFESTATION IN CRESTED BUTTE

“In enacting this article the general assembly finds and declares that there is a need to ensure that all the lands of the state of Colorado, whether in private or public ownership, are protected by and subject to the jurisdiction of a local government empowered to manage undesirable plants as designated by the state of Colorado and the local governing body. In making such determination the general assembly hereby finds and declares that certain undesirable plants constitute a present threat to the continued economic and environmental value of the lands of the state and if present in any area of the state must be managed.”
Colorado Noxious Weed Act (§ 35-5.5-102 (2008))

2.01 Town Land:

The Town should use integrated weed management strategies for the Town’s designated

noxious weeds as specified in this plan and in Appendix A of this plan for all Town owned property including parks, trails, open space, public areas, and town owned lots in accordance with Town code § 7-3-110 et seq. (2016). An integrated weed management approach including mechanical, chemical, cultural, and biological control methods should be implemented on all Town owned property.

A priority list of areas for management should be established each growing season based upon input from the Weed Advisory Board, the public, and recommendations of Town Staff.

Town Rights-of-Way

“It shall be the duty of each local governing body to confirm that all public roads, public highways, public rights-of-way, and any easements appurtenant thereto, under the jurisdiction of each such entity, are in compliance with this act...” Colorado Noxious Weed Act (§ 35-5.5-112 (2008))

Town rights-of-way will be generally sprayed for noxious weeds by a licensed applicator. The Town may also selectively spot spray rights-of-way that are deemed to be problematic. There will be no general herbicide applications to non-listed weeds unless specifically requested by The Town’s Parks and Recreation Director, Public Works Director, or the Town Council.

Right-of-way treatment will be performed during the growing season and each area on the priority list will be treated at least once. If time and workload allows, some of the heavily infested areas may be treated a second time.

The Public Works Department should dedicated staff time to actively manage weeds on all public rights-of-way including road sides and alleys.

Town Parks

The Town of Crested Butte owns 10 acres of park space in addition to Elk Avenue which is maintained as if it were a park. Town parks should be sprayed by a licensed chemical applicator at least once per growing season. Noxious weeds such as Scentless Chamomile and Oxeye Daisy that respond well to hand pulling should be mechanically controlled.

The Parks and Recreation Department should dedicated park staff and community service time to actively manage weeds in all park spaces and along Elk Avenue.

The Parks Supervisor for the Town of Crested Butte should hold a Public Applicators license and oversee all chemical control work within Town parks.

Town Owned Trails and Open Space

The Town should work with the Crested Butte Land Trust, Gunnison County, easement holders, and local land management agencies to identify priority areas for weed eradication on trails and

open space. An integrated management approach and the use of Youth Corp, staff, and volunteer time should be dedicated to manage weeds on all Town owned trails and open space areas.

Other Town Owned Property

The Town Planner, Public Works Director, Parks and Recreation Director, Chair of the Cemetery Committee, and the Noxious Weed Advisory Board should work collaboratively to develop a plan and employ integrated weed management practices at the Gravel Pit, the Cemetery, the Town Shop, empty lots, and other Town owned areas that fall outside of the parks, trails, open space, and right-of-way categories. All disturbed areas and empty lots should be properly revegetated and reclaimed to prevent noxious weed infestations.

The Town should post Public Service Announcements via e-alert, KBUT, and the Crested Butte News to alert citizens when large areas of Town owned property will be sprayed for noxious weeds.

2.02 Private Property:

It is the intent of the Town to work collaboratively with private land owners and provide resources and education on the state mandated weed law requiring eradication of some noxious weeds on their property. The management of all noxious weeds on private property will be in accordance with § 7-3-110 et seq. (2016).

SECTION III: INTEGRATED MANAGEMENT PLAN

The purpose of integrated management is to achieve healthy and productive natural ecosystems through a comprehensive, interdisciplinary, balanced program. An integrated approach to weed management includes choosing from a variety of available weed control strategies and predicting their long term effects.

Collaboration with other local entities, including but not limited to, Gunnison County, local USFS and BLM offices, CSU Extension Office, Town of Mt. Crested Butte, Crested Butte South, Crested Butte Land Trust, High Country Conservation Advocates, and the Crested Butte Wildflower Festival is vital to the success of this plan.

3.01 Goals:

Weed Management Goals of the Town of Crested Butte

- A. Develop and implement a comprehensive noxious weed management program on

- all Town owned property.
- B. Provide education about and promotion of town-wide public awareness on the detrimental effects of weeds.
 - C. Eliminate designated noxious weeds from Town parks, public rights-of-way, town owned property, and private property.
 - D. Control infestations of noxious weeds at disturbed sites such as new development or construction.
 - E. Foster a spirit of cooperation among federal, state and local government agencies, private landowners, and other organizations and businesses in and near the Town of Crested Butte.
 - F. Work with other government agencies and departments to institute “Best Management Practices” and/or policies that stress prevention as a weed management tool.
 - G. Promote and use integrated weed management techniques.
 - H. Establish and maintain healthy plant communities with native or beneficial vegetation.
 - I. Restore and maintain desirable plant communities and healthy ecosystems in Crested Butte.
 - J. Stop the spread of noxious weeds to uninfested lands.
 - K. Contain heavily weed-infested areas.
 - L. Uphold § 7-3-110 et seq. (2016).

3.02 Education and Awareness:

Education should play a major role in implementing this weed management plan. Groups targeted for public education include homeowners, private citizens, developers, construction contractors, excavation contractors, gardeners, landscapers, plant nurseries, public and private land management agencies, recreational users, youth groups, schools, and utility companies.

A partnership of the public and private sectors, along with awareness of what noxious weeds are and the problems they cause, is essential to maintain or create plant communities that are free of noxious weeds. Knowledge about how to identify weeds, how and where noxious weeds spread, and what it takes to manage these weeds is needed. Continuation and

expansion of current educational programs as well as the development of new programs should be a priority.

Opportunities for education include:

- Collaboration with local organizations, schools, and events to partner on educational opportunities.
- Weed tours, public information sessions, and community weed pull days.
- Resourceful weed management page on the Town's website.
- Contacting area nurseries, landscapers, and landscape architects, to emphasize the problems created by escaped ornamentals.
- Cooperation with local media to disseminate weed information.
- Widespread distribution of informative printed material.

The following should be emphasized in the public-information campaign to help people understand their role in noxious weed management:

1. Colorado law and Town code mandates weed eradication.
2. The spread of noxious weeds can result in monocultures of weeds rather than the rich variety of wild flowers currently found in our valley.
3. Proper plant identification and an understanding of the target weed and its reproductive nature.
4. Maintaining land that is free of noxious weeds is good stewardship. Landowners who do not manage their weeds place their neighbors' lands at risk.

3.03 Prevention and Detection:

The first priority is to prevent the introduction of any noxious weed to any area not previously infested. Prevention is the highest priority weed management technique on non-infested lands. Among government officials, land managers, farmers, ranchers, and the general public there is growing recognition that protecting weed-free plant communities is the most economical and efficient land management practice.

The spread of noxious weeds is most likely to occur where soil has been disturbed either by human activities (road and trail cuts, construction sites, the spread of gravel, road fill and topsoil contaminated with noxious weed seed, or overgrazing) or by natural events (fire, avalanches, mudslides, flooding). Disturbed land provides opportunity for noxious weeds.

Exotic plants and seeds such as Oxeye Daisy, Purple Loosestrife, and Toadflax can escape from our yards and gardens. Since they are attractive and establish themselves quickly, they

are popular with landscapers and gardeners for ornamental planting and may be purchased through nurseries. They have the same ability to dominate and spread as other better known noxious weeds.

Other known methods of weed introduction include:

- Contaminated seed, feed grain, hay, straw, and mulch.
- Movement of contaminated equipment, cars, bikes, etc. across uncontaminated lands.
- Animal fur, fleece, human clothing.
- Dried flower arrangements.

Prevention is best accomplished by ensuring that new weed species seed or vegetative reproductive plant parts of weeds are not introduced into new areas, and by early detection of any new weed species before they become widespread. Strategies to prevent the introduction or establishment of noxious weeds in areas not already infested include:

- Identification and eradication of small, new infestations.
- Continuous monitoring and evaluation to prevent recurrence.
- Identification of existing conditions, disturbances, and activities that represent a potential threat to native habitat.
- Identification of recently introduced weed species that represent a future threat.
- Timely revegetation and reclamation of disturbed sites using appropriate native plant species.
- The use of weed free seeds and mulch.
- Countywide promotion of the Colorado Weed-Free Hay and Forage program.
- Prioritization of weed management along areas of entry and dispersal.
- Discouraging the sale of weedy ornamental plants and seed packets that contain noxious weeds.
- Washing of contaminated vehicles and bikes prior to entering uncontaminated land.

3.04 Revegetation and Rehabilitation:

A crucial part of any weed management plan is the reintroduction of site appropriate vegetation. Establishing desirable plant communities after noxious weeds have been removed from a highly infested area require timely cultivation and reseeded. Since the seeds from noxious weeds may lay dormant for many years, removing all visible signs of the noxious weed does not ensure against its return.

Revegetation can help prevent the germination of weed seeds. It is important to inspect the land regularly to identify and treat small new infestations. For proper reclamation, irrigation, fertilization, and reseeded are essential to establishing desirable plant communities. Native plants are most appropriate when the goal is restoration (trying to restore native habitat).

Certified weed-free seeds of native Colorado grasses, wildflowers or plant species appropriate to the site may be purchased, but the best source for seeds is from native species that grow in the immediate vicinity of the infestation. They will be best adapted to local conditions and will help maintain local integrity and genetic viability. Using native plants or seeds to reclaim disturbed land reduces degradation of native ecosystems, reduces the need for herbicides and conserves water resources.

When the goal is reclamation (reseeding for quick ground cover establishment or erosion control), it may be appropriate to use introduced, non-aggressive grasses and forbs. Contact the Natural Resources Conservation Service or Colorado State University Cooperative Extension for seeding recommendations. The Native Plant Revegetation Guide for Colorado, published by the Colorado State Parks Natural Areas Program, is an excellent guide for native plant reseeded. See Appendix C: Resource Directory and Sources of Information for contact information and websites.

Strategies:

- Consider vegetation in and around the disturbed area and choose native plant species that are seen in the area for reintroduction.
- Try to retain and utilize as much on-site topsoil as possible.
- Select a predominant species that is appropriate to the site; then choose a few complimentary species to provide a balanced plant community.
- Choose plants that are healthy, vigorous, and pest-free.
- Use weed-free seeds. Use non-hybrid seeds. Avoid commercial seed packets containing exotic plant species.
- Choose plants that are horticulturally appropriate, i.e. plant species that are adaptable

to climate, soil and topographical conditions of the designated area.

- Consider the use of water, its availability and the vegetative requirements.
- To landscape for wildlife, choose native plants that provide cover, forage, seeds, and shade.
- Be site-specific; revegetation strategies may vary for small areas, empty lots, construction sites, etc.
- Establish a vegetative cover that is diverse, effective, long lasting, and capable of self-regeneration.
- Stabilize the surface.

3.05 Control Methods:

Biological Control

Biological control is the control of undesirable plants through the use of living organisms. Biological control uses organisms (insects, mites, diseases and grazing animals) which feed only on specific noxious weeds.

Several varieties of insects which can be used on various plants are commercially available. They may be purchased by individuals to be used as part of an integrated plan. This type of control is still in its infancy. It is being researched and directed by the Colorado Department of Agriculture Insectary in Palisade, Colorado. Ideally, insects will provide an economical and environmentally safe control method. However, there are certain problems associated with this type of control. There is a limited supply of all species and purchasing insects may require a large initial investment. The compatibility of herbicides and insects is not well known. Also, participation in this project may preclude the use of certain types of control, which would allow infestations to multiply and set seed. To prevent this, land operators must prepare an integrated plan to effectively control these infestations. Research indicates insects may be a valuable control method to be used in integrated pest management plans in the future.

Chemical Control

Chemical control is the control of undesirable plants through the use of herbicides. Only those chemicals that have been tested and authorized by the Environmental Protection Agency (EPA) and bear "Caution" labels should be used in the treatment of noxious weeds (more toxic chemicals bear "Danger" or "Warning" labels). Herbicides should be applied by spot treatment not broadcast over large areas with aerial or truck-mounted equipment.

The Town should notify the public prior to spraying rights-of-way, parks, trails, open space and other large areas. Such notification should include the chemical to be used, the location of

the spray area, and the date and time when the spraying will occur.

The following best practices should be applied when using chemical control methods:

- A. All chemical application must be done according to the label for each individual product.
- B. The choice of chemicals and application rates that are used should be the least environmentally damaging as determined by information currently available. This determination may come first from recommendations in the Colorado Pesticide Guide from Colorado State University Cooperative Extension. It may also be tempered by the wishes of land owners and the experience of trained personnel associated with the program.
- C. While chemicals are a powerful tool, it must be realized that they are just a tool and must be used only as part of an integrated management plan.

Cultural Control

Cultural control includes methods or management practices which favor the growth of desirable plants over noxious weeds, including maintaining optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to a particular area.

Mechanical Control

Mechanical control encompasses methods or management practices that physically disrupt plant growth including mowing, cutting, hand pulling, and burning. All of these measures, when correctly implemented over an appropriate length of time can eliminate seed production and have a positive long-term effect. It is important to have a good understanding of the reproductive nature of each plant prior to implementing a control method. Utilizing a method that is not recommended may have the opposite desired effect and cause the weed to spread more rapidly. Please refer to Appendix A for recommendations on best practices for treatment methods.

SECTION IV: ENFORCEMENT

4.01 Enforcement:

“...the governing body of a municipality may adopt and provide for the enforcement of such ordinances, resolutions, rules, and other regulations as may be necessary and proper to enforce said plan and otherwise provide for the management of noxious weeds within the municipality...” Colorado Noxious Weed Act (§ 35-5.5-106 (2008))

The enforcement of this plan on all public and private lands within the jurisdiction of the Town of Crested Butte shall be in accordance with Crested Butte Town Code § 7-3-110 et

seq. (2016). Ordinance No. 11 Series 2016 is attached hereto as Appendix D.

SECTION V: PLAN EVALUATION

5.01 Evaluation:

The Crested Butte Weed Management Plan should be reviewed by the Weed Advisory Board annually and a report given to Council. The Management Plan and any recommended amendments to the plan should be transmitted to the Crested Butte Town Council for approval, modification, or rejection once every three years per **insert Town Code here**.

SECTION VI: DEFINITIONS

6.01 Definitions:

1. Act – The Colorado Noxious Weed Act, Title 35 C.R.S., Article 5.5 as amended.
2. Biological Control – The use of organisms to disrupt the growth of noxious weeds.
3. Chemical Control – The use of agents or plant growth regulators to disrupt or inhibit the growth of noxious weeds.
4. Cultural Control – Methods or management practices which favor the growth of desirable plants over noxious weeds, including maintaining optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to a particular area.
5. Designated Noxious Weed – A non-native, invasive plant or plant parts that is identified as a threat to native plant communities and included on the Crested Butte Noxious Weed list.
6. Desirable Plants – Plants considered to be advantageous and beneficial to the environmental viability of the county.
7. Escaped Ornamental -A plant originally intended for horticultural or landscape situations that has escaped its intended boundaries.
8. Exotic Plant – A plant that is not a regular member of the native or natural community in which it is found.

9. Forb - A broad-leafed, non-woody plant other than grass that dies back to the ground after each growing season.
10. Forage - Food for animals, especially when taken by browsing or grazing.
11. Crested Butte Noxious Weed Advisory Board – A group of individuals appointed by the Crested Butte Town Council to advise on matters of management of noxious weeds.
12. Infestation – Growth of an undesirable plant which has become harmful or bothersome.
 - Heavy Infestation – Dense, 25-100 percent canopy cover.
 - Moderate Infestation – Widely scattered plants, 5-25 percent canopy cover.
 - Light Infestation – Occasional plant per acre, less than 5 percent canopy cover.
13. Integrated Management – The planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship and biological, cultural, herbicide and mechanical management.
14. Landowner – Any owner of record of state, municipal or private property including an owner of any easement, right-of-way, or estate within the county.
15. Local Noxious Weed – Any plant of local importance which has been declared an invasive or undesirable plant by the Crested Butte Weed Advisory Board.
16. Management – Any activity that prevents a plant from establishing, reproducing, or dispersing itself.
17. Management Plan – A plan developed by the local Weed Advisory Board and implemented by the Crested Butte Town Council in order to control the spread of noxious weeds.
18. Mechanical Control – Methods or management practices that physically disrupt plant growth including tilling, mowing, burning, flooding, mulching, hand-pulling, shoveling, hoeing and chopping.
19. Monoculture – A single homogeneous crop without diversity.
20. Native Plant – A plant species that is indigenous to a particular locale.
21. Noxious Weed – An alien plant or parts of an alien plant that has been designated as being invasive and undesirable and has been declared a noxious weed by the County Weed Advisory Board and meets one or more of the following criteria:

aggressively invades or is physically destructive to economic crops or native plant communities; is detrimental directly or indirectly to the environmentally sound management of natural or agricultural ecosystems; is poisonous to livestock; is a carrier of detrimental insects, diseases or parasites. Noxious Weed Management – The planning and implementation of an integrated program to manage undesirable or problematic plant species.

22. Ornamental - A decorative, aggressive, non-native plant often sold through nurseries or spread through seed collection; a threat to native plant species because it has no natural predators and thus competes against the plants of the natural ecosystem.
23. State Noxious Weed – Any weed identified by the commissioner of the State of Colorado Department of Agriculture after surveying the Local Weed Advisory Boards and prioritizing the top ten problematic plants. Said survey is to be conducted every three years.
24. Wildflower – The flower of a wild or uncultivated plant or the plant bearing it.

Appendix A:

Town of Crested Butte Designated Noxious Weed List Description and Treatment Methods

Contents

- I. Noxious Weed List**
- II. Noxious Weed Watch List**
- III. Description and Treatment Methods**
- IV. How to Distinguish Varieties of Thistle, Knapweed, and Toadflax**

I. Noxious Weed List

1. Absinthe Wormwood (*Artemisia absinthium*)
2. Black Henbane (*Hyoscyamus niger*)
3. Canada Thistle (*Cirsium arvense*)
4. Common Tansy (*Tanacetum vulgare*)
5. Dalmatian Toadflax (*Linaria dalmatICA*)
6. Dame's Rocket (*Hesperis matronalis*)
7. Diffuse Knapweed (*Centaurea diffusa*)
8. Hoary Cress (*Cardaria draba*)
9. Houndstongue (*Cynoglossum officinale*)
10. Leafy Spurge (*Euphorbia Esula*)
11. Musk Thistle (*Carduus nutans*)
12. Orange Hawkweed (*Hieracium aurantiacum*)
13. Oxeye Daisy (*Leucanthemum vulgare*)
14. Plumeless Thistle (*Carduus acanthoides*)
15. Russian Knapweed (*Acroptilon repens*)
16. Scentless Chamomile (*Matricaria perforata*)
17. Scotch Thistle (*Onopordum acanthium*)
18. Spotted Knapweed (*Centaurea maculosa*)
19. Yellow Sweet Clover (*Melilotus officinalis*)
20. Yellow Toadflax (*Linaria Vulgaris*)

The Crested Butte Noxious Weed Advisory Board has also compiled a Noxious Weed Watch list. These weeds are currently not seen as a problem in Crested Butte but they could be in the future. They may be added to the Town's Noxious Weed list if they become a problem. Citizens shall be encouraged to eradicate these weeds but there will be no penalty if they do not.

II. Noxious Weed Watch List

1. Prickly Lettuce (*Lactuca serriola*)
2. WinterCress (*Barbarea vulgaris*)
3. Western Salsify (*Tragopogan dubius*)

III. Description and Treatment Methods

1. **ABSINTHE WORMWOOD** (*Artemisia absinthium*)

Absinthe Wormwood is native to Eurasia, the Middle East, and North Africa. It is a long lived perennial that possesses a strong sage odor and bitter taste. Plants grow 2 to 4 feet in height and are prolific seed producers. Plants are woody at the base and regrow from the soil level each spring. The stems are numerous and are covered with fine, gray hairs, while the leaves are a blue-olive green, alternate and highly divided. Flowers are small, yellowish and arranged in large, spike-like panicles. Habitats include disturbed areas, moist soils, and are also shade tolerant. Reproduces primarily through seed production, but can also spread by short roots. The plant is a prolific seed producer with seedlings emerging anytime from late spring to early fall. Seeds may remain viable for 3 to 4 years.



Comments: The key to effective control of Absinthe Wormwood is a combination of control methods. It is fairly easy to control with chemicals in combination with mechanical control.

Biological Control: There are no biological controls for Absinthe Wormwood.

Chemical Control: Call Town of Crested Butte Parks and Recreation or a licensed applicator for specific recommendations.

Cultural Control: Complete removal of any seedlings or newly established plants by continual hand pulling is possible.

Mechanical Control: Hand pull or dig when soil is moist. Make certain to pull all the roots, including short horizontal roots. Bag specimens carefully so as to not scatter seeds after flowering. Multiple mowings prior to seed generation can cause stress and may provide a control option.

2. **BLACK HENBANE** (*Hyoscyamus niger*)

Black Henbane was introduced from Europe as an ornamental and medicinal herb. It is mostly found on the western slope. The plant blooms June through September and a mature plant reaches 1 to 3 feet in height. Its foliage is accompanied with a foul odor. Leaves are shallowly lobed to



coarsely toothed with sticky hairs. The outer part of the flower is brownish yellow with a purple center and veins. Black Henbane is poisonous to humans and livestock if ingested. This annual or biennial reproduces by seed. Seeds germinate easily and will remain viable in the soil for several years.

Comments: The key to effective control of Black Henbane is guarding against disturbance and overuse. Mechanical control and chemicals are the most commonly recommended method of control.

Biological Control: There are no biological controls for Black Henbane.

Chemical Control: Call Town of Crested Butte Parks and Recreation or a licensed applicator for specific recommendations.

Cultural Control: Complete removal of any seedlings or newly established plants by continual hand pulling is possible.

Mechanical Control: Hand pull or dig from moist soil, so the entire tap root system can be removed. Be sure to bag specimens carefully if removed during or after flowering.

3. CANADA THISTLE (*Cirsium arvense*)

Canada Thistle is a member of the Aster family and was introduced from Europe. It is a creeping perennial which reproduces by seeds and fleshy, horizontal roots. The erect stem is hollow, smooth and slightly hairy, 1 to 5 feet tall, simple, and branched at the top. The flower color is primarily lavender, pink, or purple. Canada Thistle emerges in May in most parts of our area. It is one of the most widespread and economically damaging noxious weeds in Colorado. Infestations are found in cultivated fields, riparian areas, pastures, rangeland, forests, lawns and gardens, roadsides, and in waste areas. Because of its seeding habits, vigorous growth, and extensive underground root system, control and eradication are difficult. This perennial reproduces from vegetative buds in root system and from seed.



Comments: Canada Thistle is best managed through an integrated management system that emphasizes competitive, desirable plants.

Biological Control: Three insects currently available. It is best to release a complex of insects (different insects that will stress different parts of the plant.) Ceutorhynchus litura – a weevil that stresses the crown of the plant. Urophora carduii – a stem and shoot gall fly. Cassidia rubiginosa – leaf beetle. Biological control is not encouraged due to the propensity for insects

to escape onto native Thistles, thus killing the desired native plants.

Chemical Control: Call Town of Crested Butte Parks and Recreation or a licensed applicator for specific recommendations.

Cultural Control: Maintain soil fertility and moisture at optimum levels to favor grass growth.

Mechanical Control: Research indicates that mowing of Canada Thistle may be effective when done repeatedly at two week intervals over a period of several years. Pulling and digging up Canada Thistle is ineffective as the plant has such an extensive root system.

4. COMMON TANSY (*Tanacetum vulgare*)

Common Tansy is native to Eurasia. It is an herbaceous plant, 3 feet tall, up to 5 feet in shaded areas, and erect. A single stem branches extensively to the top into short stems forming a flat-topped cluster of numerous button-like flower heads. The flowers are bright yellow Daisy-like discs up to .5" wide. It blooms from July through October. Tansy is distasteful and even toxic to some grazing animals. This perennial reproduces by numerous tufted seeds dispersed by wind and water. It also reproduces vegetatively by forming new plants from root fragments.



Comments: Common Tansy is best managed through an integrated management system that emphasizes competitive, desirable plants.

Biological Control: There are no biological controls for Common Tansy

Chemical Control: Call Town of Crested Butte Parks and Recreation or a licensed applicator for specific recommendations.

Cultural Control: Minimize soil disturbance and re-vegetate any disturbed areas promptly. Maintain a healthy native community.

Mechanical Control: Mow or cut infestations before flowering and seed-set occur to eliminate seed production. Multiple treatments will be required to exhaust the plant's resources.

5. DALMATIAN TOADFLAX (*Linaria genistifolia*)

Dalmatian Toadflax is a member of the Figwort family. It was introduced as an ornamental from Europe and is common in Glenwood Springs. It is a creeping perennial with stems from 2 to 4 feet tall. The flowers are Snapdragon-shaped, bright yellow, with orange centers; the leaves are waxy and heart-shaped. Dalmatian Toadflax is especially well adapted to arid sites and can spread rapidly once established. Because of its deep, extensive root system and heavy seed production, this plant is difficult to manage. This aggressive perennial reproduces by creeping rootstocks as well as by seed. A mature plant can produce up to 500,000 seeds.



Comments: Due to the high genetic variability of the Toadflax species, it is critical to integrate as many management strategies as possible into the control program.

Biological Control: The defoliating moth, *Calophasia lunula*, has been released on Dalmatian and Yellow Toadflax. It may defoliate up to 20% of the leaves of the plant. *Eteobalea intermediella*, a root boring moth, and *Mecinus janthinus*, a stem boring weevil, are also available.



Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Re-seed disturbed areas adjacent to Toadflax infestations with appropriate perennial grasses (Thickspike Wheatgrass and Streambank Wheatgrass). The combination of herbicide spraying and seeding competitive grasses controls Dalmatian Toadflax better than spraying alone.

Mechanical Control: Hand pulling small infestations can be effective. Pulling every year and repeated mowing 2-3 times per year will slow spread and reduce seed production.

Education: The key to Dalmatian Toadflax management is to create an awareness among homeowners, nurseries, landscapers, and landscape architects that Dalmatian Toadflax is a noxious weed and therefore should not be specified in plantings, sold in nurseries or planted in home gardens or large-scale landscape projects.

6. DAME'S ROCKET (*Hesperis matronalis*)

Dame's Rocket is a member of the Mustard family. It is a native of Eurasia and is a biennial or short-lived perennial forb. The flowers are white to purple with four petals and are clustered in loose terminal



stalks. Flowers appear from May to August and the plant can produce seeds and flowers on any flower cluster at the same time. It is most often found in gardens, partly shaded woodlands, ditches, roadsides, pastures, rangelands, thickets, open woods, disturbed sites, and other areas that have moist, well-drained soils and full sun to light shade. This biennial or short-lived perennial reproduces only by seed.

Comments: The key to effective control of Dame's Rocket is prevention. Locate and remove plants immediately before plants set seed.

Biological Control: There are no biological controls for Dame's Rocket.

Chemical Control: Call Town of Crested Butte Parks and Recreation or a licensed applicator for specific recommendations.

Cultural Control: Prevent the establishment of new infestations by minimizing disturbance and seed dispersal, eliminating seed production and maintaining healthy native communities.

Mechanical Control: Hand pull or dig while the soil is moist, making sure to get the roots to prevent resprouting. Removing flowers before the plant sets seed will also be effective. Be sure to bag the specimens carefully so the spread of seed does not occur.

7. *DIFFUSE KNAPWEED (Centaurea diffusa)*

Diffuse Knapweed is a member of the Aster family. Diffuse Knapweed was introduced from Europe and is a biennial or short-lived perennial forb, which reproduces only by seed. The plant usually produces a single main multi-branched stem that is 1 ½ to 2 feet tall. The flower is white or pink with bracts. This biennial reproduces primarily by seed but may also regenerate from the crown.



Comments: The key to effective control of Diffuse Knapweed is to prevent the plant from flowering and going to seed. An integrated weed management approach is recommended.

Biological Control: The Seedhead Weevil (*Iarinus minutus*) and Root Weevil Fly (*Cyphocleonus achates*) are available.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Reseeding of disturbed sites with fast-growing grasses help prevent Diffuse Knapweed establishment. Contact your local Natural Resources Conservation service for seed mix recommendations.

Mechanical Control: Any mechanical or physical method that severs the root below the soil surface will kill Diffuse Knapweed. Mowing or chopping is most effective when Diffuse Knapweed plants are at full bloom. Properly dispose of the flowering cut plants, since seeds can mature and become viable after the plant has been cut down.

8. HOARY CRESS (*Cardaria draba*)

Hoary Cress, also known as Whitetop, is a member of the Mustard family, and was probably introduced from Europe in alfalfa seed. It is a creeping perennial, which reproduces by seed and creeping roots. The extensive root system spreads horizontally and vertically with frequent shoots arising from the rootstock. It grows erect from 10 to 18 inches high and has a gray-white colored leaf. The flowers are white and numerous in compact flat-topped clusters which give the plant its name. Hoary Cress is one of the earliest perennial weeds to emerge in the spring, producing flowers in May or June. It grows in waste places, cultivated fields, and pastures, and is capable of vigorous growth. Hoary Cress is prevalent in Crested Butte. Hoary Cress is a highly competitive plant forming a monoculture, and once established it easily displaces native vegetation.



Comments: The key to effective control of Hoary Cress is prevention. Common in Crested Butte.

Biological Control: There is no biological control available for Hoary Cress

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Prevent the establishment of new infestations by minimizing disturbance and seed dispersal, eliminating seed production, and maintaining healthy native communities.

Mechanical Control: Mowing several times before the plants bolt stresses Hoary Cress and forces the plant to use nutrient reserves stored in the root system. Combining mowing with herbicide will further enhance control of this weed. Mow repeatedly through the summer and then apply herbicide in the fall.

9. **HOUNDSTONGUE** (*Cynoglossum officinale*)

Houndstongue is a toxic biennial plant introduced from Europe, likely as a contaminant in cereal seed. Houndstongue is rough in texture and produces flowers in long, coiled stalks. In addition to poisoning animals that ingest it, Houndstongue also produces prolific amounts of irritating bur-like seeds that cling to animals and clothing like Velcro. It is a biennial plant that can grow up to 4 feet tall. The plant has several dull reddish-purple flower clusters that are narrow and slightly coiled. The entire plant is covered with long soft hairs. It is commonly found in pastures, along roadsides, forest rangelands, abandoned fields, and disturbed habitats. This biennial is a prolific seed producer. It is toxic to livestock and can also cause dermatitis in humans.



Comments: Houndstongue reproduces by seed and is self-pollinating. Seed production varies from about 314 to 674 seeds per plant. Seeds remaining on the soil surface can remain viable up to two years.

Biological Control: There is no biological control available for Houndstongue.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Re-seed disturbed sites with fast-growing native grasses. Promote healthy grass growth through proper irrigation and fertilization.

Mechanical Control: Houndstongue is a prolific seed producer and the seeds are readily spread by their ability to stick to wildlife and domestic animals. Physical removal of the plant at flowering or in early seed formation, by pulling or digging, will break the cycle of the plant.

10. **LEAFY SPURGE** (*Euphorbia esula*)

Leafy Spurge, a member of the Spurge family, was introduced from Europe. It is a creeping perennial that reproduces by seed and extensive creeping roots. The roots can extend as deep as 30 feet from a plant that grows 1 to 3 feet tall, with pale green shoots and small yellow-green flowers. The plant, including the root, has milky latex that is damaging to eyes and sensitive skin. Leafy spurge is an extremely difficult plant to control because of its extensive sprouting root. It is adapted to a wide variety of Colorado habitats and is very competitive with other plant species. If it becomes established in rangeland, pasture, and riparian sites, it may exclude all other vegetation due to its competitive nature. This perennial grows up to three feet tall and



reproduces by vigorous root stalks and seed.

Comments: The most effective method of control is to prevent establishment through responsible land management. New infestations are much more easily controlled than established infestations.

Biological control: Sheep or goats will graze leafy spurge. The Flea Beetles (*Apthona nigriscutis*, *A. lacertosa*, and *A. cyprissiae*), are effective especially when combined with grazing and/or herbicide. For more information contact the Palisade Insectary. These insects are available upon request at no charge to the public.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Establishment of selected grasses can be an effective cultural control of Leafy Spurge. Any activity that encourages vigorous grass growth is very important.

Mechanical Control: Due to the extensive root system, hand pulling this plant is not a viable option. Mowing Leafy Spurge at 14 to 21 day intervals may cause higher susceptibility to fall applied herbicides.

11. MUSK THISTLE (*Carduus nutans*)

Musk Thistle is a member of the Aster family. Introduced from Eurasia, it is a winter annual or biennial which reproduces by seed. The first year's growth is a large, compact rosette from a large, fleshy, corky taproot. The second year stem is erect, spiny, 2 to 6 feet tall and branched at the top. The waxy leaves are dark green with a light green midrib and mostly white margins; flowers are purple or occasionally white. Musk Thistle is also known as "nodding Thistle" and is commonly found in pastures, roadsides, and waste places. It prefers moist bottomland soil, but also can be found on drier uplands. Musk Thistle is a biennial and the key to its successful management is to prevent seed formation.



Comments: The key to effective control of Musk Thistle is to prevent the plant's seed production. Planting desirable grasses and forbs will out-compete the Musk Thistle.

Biological Control: The Musk Thistle Seed Head Weevil, *Rhinocyllus conicus*, is wide-spread in Colorado. Larvae of this insect destroy developing seeds but are not 100 percent effective by themselves. The Weevil normally impacts seed production by about 50 percent. Herbicides can be combined with Weevils if the insects are allowed to complete their life cycles. Another Weevil, *Trichosiromus horridus*, attacks the crown area of Musk Thistle rosettes and weakens the plant before it bolts. This Weevil has reduced stand density in areas where it has become

well established. A leaf-feeding beetle, *Cassida rubiginosa*, causes considerable damage by skeletonizing leaves. It is recommended to release more than one type of insect on a weed since each type may work on different parts of the plant. Contact the Palisade Insectary for more information. Biological control is not encouraged due to the propensity for insects to escape onto native Thistles, thus killing the desired native plants.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Musk Thistle, like other biennial Thistles, thrives on disturbance. The best management is to minimize disturbance. If it does occur be certain to revegetate with competitive perennial grasses. Establishment of selected grasses can be an effective cultural control of Musk Thistle.

Mechanical Control: The most effective type of mechanical control is to hand pull this plant prior to flowering. This can be unrealistic on large acreage or when the ground is very dry. Another option is to use a shovel to cut the root below the surface of the soil, taking care not to disturb the soil more than necessary. If this is done prior to flowering the plant can be left in place after it is cut. If it has already flowered the plant should be removed and placed in a bag and disposed of. Mowing is not effective on this species unless repeated numerous times throughout the growing season since Musk Thistle will flower and produce seed even after one or two mowings.

12. ORANGE HAWKWEED (*Hieracium aurantiacum*)

Orange Hawkweed is a perennial plant originating from Europe. It reproduces from runners, rhizomes, sporadic root buds, and seed. Leaves are basal with one or two small leaves occasionally occurring on the bristly stem. Rosette leaves are four to six inches in length, spatula shaped, and have finely toothed margins. The plant grows 10 to 20 inches in height. Flowers have 5 to 35 red-orange-yellow heads with petals that are strap shaped with notched tips. Orange Hawkweed is a rhizomatous perennial escaped ornamental and typically grows in clusters.



Comments: Orange Hawkweed is a Colorado Noxious Weed List A plant! Notify the Parks and Recreation Director immediately if you find this plant. The key to effective control of Orange Hawkweed is preventing the establishment of plant communities through sound land management practices. A combination of cultural and herbicide control can be effective.

Biological Control: No biological control for Orange Hawkweed is available.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: When native forbs and grasses are already present, assisting plant competitiveness by supplementing fertilizers can be an effective cultural control method.

Mechanical Control: Not recommended because of the weed's ability to reproduce by stolens, rhizomes and root fragments. This often renders mechanical control obsolete.

13. OXEYE DAISY (*Chrysanthemum leucanthemum*)

Oxeye Daisy, a member of the Aster family, is a native of Eurasia. It is an erect perennial plant with white ray and yellow disk flowers which bloom from June through August. Oxeye Daisy is commonly sold in wildflower seed mixes or transplanted as an ornamental despite its tendency to crowd out more desirable vegetation. Oxeye Daisy is prevalent in Crested Butte and is a rhizomatous perennial escaped ornamental.



Comments: It aggressively invades fields where it forms dense populations and decreases plant species diversity. It is a rapidly spreading weed in Crested Butte.

Biological Control: Goats or sheep can be effective in the control of Oxeye Daisy.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Prevent the establishment of new infestations by minimizing disturbance and seed dispersal and maintaining healthy native communities. It is easily killed by intensive cultivation.

Mechanical Control: Hand pull or dig when soil is moist and infestations are small. Oxeye Daisy is fairly shallow-rooted. Make sure to pull up all of the roots. Bag specimens carefully so as to not scatter seeds if removed during or after flowering.

Education: The key to Oxeye Daisy management is to create an awareness among homeowners, nurseries, landscapers, and landscape architects that Oxeye is a noxious weed and therefore should not be specified in plantings, sold in nurseries or planted in home gardens or large-scale landscape projects.

14. PLUMELESS THISTLE (*Carduus acanthoides*)

Plumeless Thistle is a member of the Aster family. Introduced from Eurasia, it is a winter annual or biennial which reproduces by seed. This plant can be distinguished from Musk Thistle by its smaller flowers from ½ to 1 inch in diameter. The leaves of Plumeless Thistle lack the prominent white margin present on Musk Thistle leaves. The plant may grow to a height of 5 feet or more. Flowers are reddish-purple and are either solitary or clustered. Taproots are large and fleshy. Plumeless Thistle is an extremely prolific seed producer. It is found in pastures, river valleys, and along roadsides. This biennial is a prolific seed producer.



Comments: Preventing Plumeless Thistle seed production and planting desirable grasses and forbs to out-compete Plumeless Thistle is effective.

Biological Control: The same Seed Head Weevil, *Rhinocyllus conicus*, that attacks Musk Thistle also feeds on Plumeless Thistle seeds. Biological control is not encouraged due to the propensity for insects to escape onto native Thistles, thus killing the desired native plants.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Plumeless Thistle, like other biennial Thistles, thrives on disturbance. The best management is to minimize disturbance and revegetate with competitive perennial species.

Mechanical Control: Mowing is generally not effective on Plumeless due to the plant's capacity for rapid re-growth. Hand cutting is not effective unless there are repeated follow-up treatments. Hand cutting should only be conducted if there is a commitment to follow-up efforts. Plumeless tends to branch out where it is cut and then it re-flowers. Pulling Plumeless can be very effective, especially if done after a light rain. Hand pulling, with a good set of gloves, is preferable to shoveling. Shoveling disturbs the ground thus creating a potential seedbed for future infestations.

15. RUSSIAN KNAPWEED (*Acroptilon repens*)

Russian Knapweed is a member of the Aster family introduced from Europe. It is a creeping perennial that reproduces by seed and creeping, horizontal roots. The ridged stems are stiff and 1 to 3 feet high with Thistle-like flowers that are lavender to white. It is very difficult to control or eradicate once it becomes established. It grows in cultivated fields, along ditch banks, fence rows, roadsides, and in waste places.



Russian Knapweed is toxic to horses. Russian Knapweed is a non-native deep rooted perennial that spreads by aggressive, creeping, horizontal roots (rhizomes) and seeds.

Comments: Like other creeping perennials, the key to Russian Knapweed control is to stress the weed and cause it to expend nutrient stores in its root system. An integrated management plan should be developed that places continual stress on the weed. Currently, the best management plan includes cultural control combined with mechanical and/or chemical control techniques. A single control strategy, such as mowing or an herbicide, usually is not sufficient. The plant is toxic to horses, however they must consume it over a period of time before poisoning will occur. Once poisoning occurs horses are unable to chew and advance food to the back of their mouths, swallowing is impaired and horses can drink only if they immerse their head in water far enough to get water to the back of their mouths. Poisoning is irreversible and death by starvation will occur.

Biological Control: A gall-forming Nematode, *Subanguina picridis*, is currently being monitored for effectiveness but is not yet available to the public.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Russian Knapweed tends to form monocultures by eliminating other plants. Therefore, sowing desirable plant species is necessary after the weed is controlled. Research indicates that the native grasses, Streambank Wheatgrass and Thickspike Wheatgrass will establish in an area after Russian Knapweed is suppressed with herbicides. If the Russian Knapweed stand is not too old and grasses are still present, stimulating grass growth by irrigation (where possible) should increase grass competition with Knapweed and keep it under continual stress.

Mechanical Controls: Repeated mowing combined with herbicide applications will gradually stress the plant.

16. SCENTLESS CHAMOMILE (*Matricaria perforata*)

Scentless Chamomile is a bushy annual plant. It grows from ½ to 2 feet tall and has showy, white flowers that appear from May to October. It is very similar in appearance to the strong scented species, but can be distinguished by its lack of odor. Scentless Chamomile was imported from Europe as an ornamental, but has escaped and now invades natural areas worldwide. It is prevalent in Crested Butte. This biennial reproduces via seed; seed is spread by wind, birds, and human activity.

Comments: It aggressively invades fields where it forms dense



populations and decreases plant species diversity. It is a rapidly spreading weed in Crested Butte.

Biological Control: Goats or sheep can be effective in the control of Scentless Chamomile.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Prevent the establishment of new infestations by minimizing disturbance and seed dispersal and maintaining healthy native communities. It is easily killed by intensive cultivation.

Mechanical Control: Hand pull or dig when soil is moist and infestations are small. Scentless Chamomile is fairly shallow rooted. Make sure to pull up all of the roots. Bag specimens carefully so as to not scatter seeds if removed during or after flowering.

Education: The key to Scentless Chamomile management is to create an awareness among homeowners, nurseries, landscapers, and landscape architects that Scentless Chamomile is a noxious weed and therefore should not be specified in plantings, sold in nurseries or planted in home gardens or large-scale landscape projects.

17. SCOTCH THISTLE (*Onopordum acanthium*)

Scotch Thistle is a member of the Aster family. It is a biennial that was introduced from Europe or eastern Asia and can reach a height of 8 feet. The rosette forms the first year and can have leaves up to 2 feet long and 1 foot wide. The second year the plant produces flowers that are reddish-purple to violet. It is found primarily along roadsides. This biennial reproduces solely by seed.

Comments: The key to effective control of Scotch Thistle is to guard against disturbance and to limit seed production.

Biological Control: Goats will graze Scotch Thistle, preventing seed production. *Urophora stylata*, a fly predator, is used to help control this Thistle. The female fly lays eggs in the seed head of the Thistle. The maggot then consumes the seed in the flower. Biological control is not encouraged due to the propensity for insects to escape onto native Thistles, thus killing the desired native plants.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.



Cultural Control: Establishment of selected grasses can be an effective cultural control of Scotch Thistle.

Mechanical Control: Any mechanical or physical method that severs the root below the soil surface will kill Scotch Thistle. Mowing or chopping is most effective when Scotch Thistle plants are at full-bloom. Be sure to properly dispose of the flowering cut plants since seed can mature and become viable after the plant has been cut down.

18. SPOTTED KNAPWEED (*Centaurea maculosa*)

Spotted Knapweed is a member of the Aster family. Native to Central Europe, it is a simple perennial that reproduces from seed and forms a new shoot each year from a taproot. The plant can have one or more shoots up to 4 feet tall. Flower color is usually lavender to purple. Spotted Knapweed occupies dry meadows, pastures, stony hills, roadsides, and the sandy or gravel flood plains of streams and rivers, where soils are light textured, well-drained, and receive summer precipitation. Spotted Knapweed tolerates dry conditions, similar to Diffuse Knapweed, but will survive in higher moisture areas as well. Spotted Knapweed is a short-lived, non-creeping perennial that reproduces from seed and forms a new shoot each year from a taproot.



Comments: The most effective method of control is to prevent seed production and its establishment through responsible land management.

Biological control: Many biological control agents are used on Spotted Knapweed. The Sulfur Knapweed Moth (*Agapeta zoegana*) larvae feed within the plant's roots. The Knapweed Peacock Fly (*Chaetorellia acrolophi*) larvae feed on the plant's seeds. The Green Clearwing Fly (*Terellia virens*) larvae feed on seeds within flower heads of Spotted Knapweed. The Knapweed Root Weevil (*Cyphocleonus achates*) larvae feed within Spotted Knapweed roots. *Larinus minutus*, a Seedhead Weevil, larvae destroy Spotted Knapweed seed in the seedheads. *Larinus obtusus*, Blunt Knapweed Flower Weevil, larvae feed on seeds within the seedheads and adults feed on leaves. *Urophora affinis* and *Urophora quadrifasciata* are seedhead gall flies that are also used as biocontrol agents for Spotted Knapweeds

Chemical Control: Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Establish select grasses as an effective cultural control of Spotted Knapweed.

Mechanical Control: Dig when the soil is moist, and remove the entire taproot as well as all lateral roots. Moving Spotted Knapweed at full-bloom will stress the plant, but not kill it. Be sure to bag the flowering cut plants, since the seeds remain viable even after cutting.

19. YELLOW SWEET CLOVER (*Melilotus officinalis*)

Yellow Sweet Clover is a sweet-smelling herb in the pea family. It is native to Asia and Europe. It is an erect annual or biennial that grows from strong taproots, often growing in colonies. The stems are freely branched above, hairless or with sparse, fine, flat, stiff, very short hairs. The leaves alternate on the stems and each leaf is comprised of 3 leaflets arising from a distinct petiole. The leaflets are .5 to 1.5 inches long, with small, sharp teeth, almost hairless to finely flat-short-hair. The numerous yellow flowers grow in clusters, flowering from May to October. The fruit is produced in pods, usually with 1 seed. Seeds are dispersed by water and wind. They are drought tolerant and winter hardy, but cannot withstand prolonged flooding. This biennial reproduces by seed with each plant capable of producing over 100,000 seeds.



Comment: Yellow Sweet Clover is currently being considered for listing as a noxious weed in Colorado. It is a rapidly spreading weed in Crested Butte.

Biological Control: There are no biological controls for Yellow Sweet Clover.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Attempt to maintain competitive communities of desirable species. Re-seed any open ground with perennial grasses to prevent invasion by other weed species.

Mechanical Control: Hand-pulling is effective if done when the ground is moist and most of the root can be removed. The best times to hand-pull Sweet Clover are in the late fall, after the first-year plant root-crown buds have developed, or anytime early in spring, before second-year plants develop flower buds. Cutting first and second year stems close to the ground with a hand-held scythe is effective if done after leaves on the lower stems have died (before flowering occurs) and up to early stages of flowering (before seeds form). Sweet Clover usually does not re-sprout when the stems are cut close to the ground during this time.

20. YELLOW TOADFLAX (*Linaria vulgaris*)

Yellow Toadflax is a member of the Figwort family and is sometimes called Common Toadflax or “Butter and Eggs.” It was introduced from Europe as an ornamental and has now become a serious problem to rangelands and mountain meadows. It is a perennial reproducing from seed, as well as from underground rootstalk. The flowers are bright yellow with deep orange centers that resemble the Snapdragon. Yellow Toadflax does well in all types of soils. Its displacement of desirable grasses not only reduces ecological diversity, but also reduces rangeland value and can lead to erosion problems. Because of its early vigorous growth, extensive underground root system, and effective seed dispersal methods; Yellow Toadflax is difficult to control. Yellow Toadflax is prevalent in Crested Butte.



Comment: The key to effective control of Yellow Toadflax is prevention and integrating as many management strategies as possible. It is a rapidly spreading weed in Crested Butte.

Biological Control: One insect species *Calophasia lunula* a defoliating moth has been released on Yellow Toadflax. It may defoliate up to 20 percent of the leaves. The Toadflax Flower-feeding Beetle, *Brachypterolus pulcarius*, larvae feed on the reproductive structures within the flowers, including the seeds, and adults feed on young plant stems. The Toadflax Seed Capsule Weevil, *Rhinusa antirrhini* (formerly *Gymnetron*), larvae feed on immature seeds and adults feed on flowers and young shoots. Research at the Rocky Mountain Biological Laboratory has shown that biological control agents may reduce seed production, but have no effect on the survival of plants. Biological control is not currently encouraged because it is ineffective at reducing population sizes and it is not known if the insect herbivores will jump to native plants.

Chemical Control: Contact Crested Butte Parks and Recreation Department or a licensed applicator for specific recommendations.

Cultural Control: Attempt to maintain competitive communities of desirable species. Re-seed any open ground with perennial grasses to prevent invasion by other weed species.

Education: The key to management of Yellow Toadflax and other escaped ornamentals is to create an awareness among homeowners, nurseries, landscapers, and landscape architects that Yellow Toadflax is a noxious weed and therefore should not be specified in plantings, sold in nurseries or planted in home gardens or large-scale landscape projects.

Mechanical Control: Digging and pulling where feasible, can provide effective control of Toadflax if conducted annually for 10 to 15 years.

IV. How to distinguish Varieties of Thistle, Knapweed, and Toadflax

THISTLES

Four types of Thistles are on the Crested Butte Noxious Weed List. Canada Thistle is a perennial and has an extensive root system. Plumeless Scotch and Musk Thistles are biennials; they are relatively shallow rooted and reproduce by seed only. Canada and Plumeless Thistle are often mistaken for each other; however it is very simple to tell them apart. Canada has a smooth stem; Plumeless has spiny stems and leaves. The bracts under the flower of Canada are spineless; the bracts under the flower of Plumeless appear as sharp spines. The flowers of Musk Thistle are about three times larger than those of Canada or Plumeless. Musk Thistle seedlings have a very prominent white midrib. Scotch Thistle leaves are larger than those of the other Thistles. They grow up to 2 feet in length and 1 foot wide. The leaves are covered with dense hairs, which give them a gray appearance. All of the biennial Thistles may grow to heights of greater than six feet. Canada Thistle may grow from 1 to 4 feet tall. Colorado has several species of Thistle which are native and do not cause the problems of the noxious species. Native Thistles have mostly white, sometimes very pale lavender flowers and are more succulent than the noxious species. The flowers may have a hairy or fuzzy appearance and stems of some species are reddish.

KNAPWEEDS

Russian Knapweed is a perennial with an extensive underground root system. Spotted Knapweed is a biennial, or occasionally a short-lived perennial with a short taproot. Generally the flowers of spotted and Russian Knapweed are pinkish-purple; Diffuse flowers are white, however there are exceptions. The best way to distinguish between the Knapweeds is by the bracts. The bracts of Russian Knapweed are white and papery-thin. Diffuse Knapweed has sharp-toothed bracts. Spotted Knapweed bracts are more like a fringe (not as spiny) with a black spot on each bract.

TOADFLAX

The best way to distinguish the different Toadflaxes is to look at the shape of the leaves. Yellow Toadflax has narrow leaves that are pointed at both ends; the leaves of Dalmatian Toadflax are heart-shaped, clasp the stem, and are waxy with a blue green color. Yellow Toadflax tends to be a smaller plant than Dalmatian Toadflax.

TITLE 35
AGRICULTURE

ARTICLE 5.5
Colorado Noxious Weed Act

- 35-5.5-101. Short title.
- 35-5.5-102. Legislative declaration - rule of construction.
- 35-5.5-103. Definitions.
- 35-5.5-104. Duty to manage noxious weeds.
- 35-5.5-104.5. Intentional introduction, cultivation, or sale of noxious weeds - costs.
- 35-5.5-105. Noxious weed management - powers of county commissioners.
- 35-5.5-106. Noxious weed management - municipal authority.
- 35-5.5-107. Local advisory board - formation - duties.
- 35-5.5-108. Designated noxious weeds - legislative declaration.
- 35-5.5-108.5. Responsibilities related to eradication of designated noxious weeds - commissioner - local governing bodies - affected landowners.
- 35-5.5-108.7. State noxious weed advisory committee - repeal.
- 35-5.5-109. Private lands - management of noxious weeds - charges.
- 35-5.5-110. Public lands - control of undesirable plants - charges.
- 35-5.5-111. Cooperation with federal and state agencies.
- 35-5.5-112. Public rights-of-way - management of noxious weeds - charges.
- 35-5.5-113. Public nuisance - abatement.
- 35-5.5-114.1. Survey of compliance on federal land.
- 35-5.5-115. Rules.
- 35-5.5-116. Noxious weed management fund - creation - allocation of funds.
- 35-5.5-117. The state weed coordinator.
- 35-5.5-118. Civil penalties.
- 35-5.5-119. County funding.

35-5.5-101. Short title. This article shall be known and may be cited as the "Colorado Noxious Weed Act".

35-5.5-102. Legislative declaration - rule of construction. (1) In enacting this article the general assembly finds and declares that there is a need to ensure that all the lands of the state of Colorado, whether in private or public ownership, are protected by and subject to the jurisdiction of a local government empowered to manage undesirable plants as designated by the state of Colorado and the local governing body. In making such determination the general assembly hereby finds and declares that certain undesirable plants constitute a present threat to the continued economic and environmental value of the lands of the state and if present in any area of the state must be managed. It is the intent of the general assembly that the advisory commissions appointed by counties and municipalities under this article, in developing undesirable plant management plans, consider the elements of integrated management as defined in this article, as well as all appropriate and available control and management methods, seeking those methods which are least environmentally damaging and which are practical and

economically reasonable.

(1.5) The general assembly hereby finds and declares that:

(a) Noxious weeds have become a threat to the natural resources of Colorado, as thousands of acres of crop, rangeland, and habitat for wildlife and native plant communities are being destroyed by noxious weeds each year;

(b) An organized and coordinated effort must be made to stop the spread of noxious weeds and that such an effort can best be facilitated by a state coordinator who will assist in building local coalitions and coordinate the efforts of state, federal, local, and private landowners in developing plans for the control of noxious weeds without unnecessarily disrupting the development of such lands;

(c) The designation and classification of noxious weeds into categories for immediate eradication, containment, and suppression will further assist the state in coordinating efforts to stop the spread of noxious weeds;

(d) Because the spread of noxious weeds can largely be attributed to the movement of seed and plant parts on motor vehicles, and because noxious weeds are becoming an increasing maintenance problem on highway right-of-ways in this state, additional resources are needed to fight the spread of noxious weeds; and

(e) The use of moneys in the noxious weed management fund to assist local governing bodies and affected landowners in the eradication, containment, or suppression of noxious weeds best serves the citizens of Colorado.

(2) This article is in addition to article 5 of this title and is intended to be an expansion of, not a substitution for, the provisions of said article 5.

35-5.5-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Alien plant" means a plant species that is not indigenous to the state of Colorado.

(4) "Commissioner" means the commissioner of the department of agriculture or his or her designee.

(4.5) "Department" means the department of agriculture.

(5) "District" means a local governing body's geographic description of a land area where noxious weeds are to be managed.

(7) "Federal agency" means each agency, bureau, or department of the federal government responsible for administering or managing federal land.

(8) "Federal land manager" means the federal agency having jurisdiction over any federal lands affected by the provisions of this article.

(9) "Integrated management" means the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve specified management objectives and promote desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques:

(a) "Biological management", which means the use of an organism to disrupt the growth of noxious weeds.

(b) "Chemical management", which means the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.

(c) "Cultural management", which means methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.

(d) "Mechanical management", which means methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.

(10) "Landowner" means any owner of record of federal, tribal, state, county, municipal, or private land.

(10.5) "Local advisory board" means those individuals appointed by the local governing body to advise on matters of noxious weed management.

(11) "Local governing body" means the board of county commissioners of a county, the city council of a city and county or statutory or home rule city, the board of trustees of a statutory town or home rule town, or the board of selectmen or city council of a territorial charter municipality, as the context so requires.

(11.4) "Local noxious weed" means any plant of local importance that has been declared a noxious weed by the local governing body.

(11.6) "Management" means any activity that prevents a plant from establishing, reproducing, or dispersing itself.

(11.7) "Management objective" means the specific, desired result of integrated management efforts and includes:

(a) "Eradication" which means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely uninfested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.

(b) "Containment" which means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely uninfested regions, where eradication activities prevail.

(c) "Suppression" which means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.

(d) "Restoration" which means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.

(12) "Management plan" means the noxious weed management plan developed by any person or the local advisory board using integrated management.

(14) "Municipality" has the meaning set forth in section 31-1-101 (6), C.R.S.

(15) "Native plant" means a plant species that is indigenous to the state of Colorado.

(16) "Noxious weed" means an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

(a) Aggressively invades or is detrimental to economic crops or native plant communities;

(b) Is poisonous to livestock;

(c) Is a carrier of detrimental insects, diseases, or parasites;

(d) The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

(16.2) "Noxious weed management" means the planning and implementation of an integrated program to manage noxious weed species.

(17) "Person" or "occupant" means an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

(18) "Plant growth regulator" means a substance used for controlling or modifying plant growth processes without appreciable phytotoxic effect at the dosage applied.

(18.5) "State noxious weed" means any noxious weed identified by the commissioner by rule after notifying and consulting with the state noxious weed advisory committee created in section 35-5.5-108.7.

(18.6) "State weed coordinator" means the state weed coordinator under contract with or appointed by the commissioner pursuant to section 35-5.5-117.

(21) "Weed" means any undesirable plant.

35-5.5-104. Duty to manage noxious weeds. It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners.

35-5.5-104.5. Intentional introduction, cultivation, or sale of noxious weeds - costs.

(1)(a) It shall be unlawful to intentionally introduce, cultivate, sell, offer for sale, or knowingly allow to grow in violation of this article or any rule promulgated hereunder in this state any noxious weed designated pursuant to section 35-5.5-108 (2)(a); except that this prohibition shall not apply to:

(I) Research sanctioned by a state or federal agency or an accredited university or college;

(II) Activities specifically permitted by the commissioner;

(III) Noxious weed management plans that are part of an approved reclamation plan pursuant to section 34-32-116 (7) or 34-32.5-116 (4), C.R.S.;

(IV) Noxious weed management activities that are conducted on disturbed lands as part of an approved reclamation plan pursuant to section 34-33-111 (1), C.R.S.; or

(V) Noxious weed management activities that are part of activities conducted on disturbed lands pursuant to section 34-60-106 (12), C.R.S.

(b) It shall not be a violation of this section for a person to knowingly allow to grow a state noxious weed that is being properly managed in accordance with the rules promulgated by the commissioner.

(2) Any entity or person that violates the provisions of this section shall be responsible for the costs associated with remediation of the noxious weeds. In assessing the cost of remediation, the commissioner may include both actual immediate and estimated future costs to achieve specified management objectives.

35-5.5-105. Noxious weed management - powers of county commissioners. (1) The board of county commissioners of each county in the state shall adopt a noxious weed management plan for all of the unincorporated lands within the county. Such plan shall include all of the requirements and duties imposed by this article. Guidelines may be included that address no pesticide noxious weed management plans. In addition to and not in limitation of the powers delegated to boards of county commissioners in section 30-11-107 and article 15 of title 30, C.R.S., article 5 of this title, and elsewhere as provided by law, the board of county commissioners may adopt and provide for the enforcement of such ordinances, resolutions, rules, and other regulations as may be necessary and proper to enforce said plan and otherwise provide for the management of noxious weeds within the county, subject to the following limitation: No county ordinance, rule, resolution, other regulation, or exercise of power pursuant to this article shall apply within the corporate limits of any incorporated municipality, nor to any municipal service, function, facility, or property, whether owned by or leased to the incorporated municipality outside the municipal boundaries unless the county and municipality agree otherwise pursuant to part 2 of article 1 of title 29, C.R.S., or article 20 of title 29, C.R.S.

(2) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.

(3) The board of county commissioners may cooperate with other counties and municipalities for the exercise of any or all of the powers and authorities granted by this article. Such cooperation shall take the form of an intergovernmental agreement pursuant to part 2 of article 1 of title 29, C.R.S., or article 20 of title 29, C.R.S.

35-5.5-106. Noxious weed management - municipal authority. (1) The governing body of each municipality in the state shall adopt a noxious weed management plan for all lands within the territorial limits of the municipality. In addition to and independent of the powers elsewhere delegated by law, the governing body of a municipality may adopt and provide for the enforcement of such ordinances, resolutions, rules, and other regulations as may be necessary and proper to enforce said plan and otherwise provide for the management of noxious weeds within the municipality, subject to the following limitation: No municipal ordinance, resolution, rule, other regulation, or exercise of power pursuant to this article shall apply to unincorporated lands or facilities outside the corporate limits of the municipality, except such lands or facilities which are owned by or leased to the municipality, unless the municipality and the county otherwise agree pursuant to part 2 of article 1 of title 29, C.R.S., or article 20 of title 29, C.R.S.

(2) The governing body of the municipality shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the noxious weed management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation.

(3) The governing body may cooperate with counties and other municipalities for the exercise of any or all of the powers and authorities granted by this article. Such cooperation shall take the form of an intergovernmental agreement pursuant to part 2 of article 1 of title 29, C.R.S., or article 20 of title 29, C.R.S.

(4) To the degree that a municipality has, upon enactment of this article, or subsequent to that date, adopted an ordinance or ordinances for the management of noxious weeds, the adoption of such an ordinance or ordinances shall be deemed to satisfy the requirement for the adoption of a noxious weed management plan imposed by this article.

35-5.5-107. Local advisory board - formation - duties. (1) The governing body of each county and municipality shall appoint a local advisory board. The local governing body, at its sole option, may appoint itself, or a commission of landowners, to act as the local advisory board for that jurisdiction. The members of each local advisory board shall be residents of the unincorporated portion of the county or residents of the municipality, as the case may be, and in the case of a county, at least a majority of the members of the local advisory board shall be landowners of over forty acres.

(2) In the event a county or municipality elects to cooperate with another county or municipality for any of the purposes set forth in this article, the membership of the local advisory board shall be determined by the governing bodies of such cooperating local governments.

(3) Each local advisory board shall annually elect a chairman and secretary. A majority of the members of the board shall constitute a quorum for the conduct of business.

(4) Local advisory boards shall have the power and duty to:

(a) Develop a recommended management plan for the integrated management of designated noxious weeds and recommended management criteria for noxious weeds within the area governed by the local government or governments appointing the local advisory board. The management plan shall be reviewed at regular intervals but not less often than once every three years by the local advisory board. The management plan and any amendments made thereto shall be transmitted to the local governing body for approval, modification, or rejection.

(b) Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management.

(c) Recommend to the local governing body that identified landowners be required to submit an individual integrated management plan to manage noxious weeds on their property.

(5) The local governing body shall have the sole and final authority to approve, modify, or reject the management plan, management criteria, management practice, and any other decision or recommendation of the local advisory board.

(6) The state weed coordinator shall review any recommendations of a local advisory board appointed pursuant to article 5 of this title and note any inconsistencies between the recommendations of the state weed coordinator or the commissioner and any such local advisory board.

35-5.5-108. Designated noxious weeds - legislative declaration. (1) The general assembly hereby finds and declares that the noxious weeds designated by rule are a present threat to the economic and environmental value of the lands of the state of Colorado and declare it to be a matter of statewide importance that the governing bodies of counties and municipalities include plans to manage such weeds as part of their duties pursuant to this article.

(2)(a) The state list of plant species that are designated as noxious weeds shall be designated by rule and shall be managed under the provisions of this article. On and after August 6, 2003, the commissioner shall classify noxious weeds into one of a minimum of three categories, including:

(I) "List A", which means rare noxious weed species that are subject to eradication wherever detected statewide in order to protect neighboring lands and the state as a whole;

(II) "List B", which means noxious weed species with discrete statewide distributions that are subject to eradication, containment, or suppression in portions of the state designated by the commissioner in order to stop the continued spread of these species;

(III) "List C", which means widespread and well-established noxious weed species for which control is recommended but not required by the state, although local governing bodies may require management.

(b) A local governing body may adopt eradication, containment, or suppression standards that are more stringent than the standards adopted by the commissioner.

(2.1) The commissioner shall review and revise, as necessary, the state noxious weed list at least once every three years.

(2.3) The commissioner shall develop and implement by rule state noxious weed management plans for noxious weed species classified as list A or list B species. For each noxious weed species, each management plan shall designate the management objectives for all lands of the state appropriate to achieve the stated purpose of the species classification.

(2.5) The commissioner shall prescribe integrated management techniques to achieve specified management objectives for each listed species after consulting with the state noxious weed advisory committee. The prescribed management techniques shall be mandatory techniques for list A species and populations of list B species designated for eradication. The commissioner shall develop management techniques pursuant to science-based methodologies, peer reviewed studies, or any other method that is based on credible research.

(2.6) The classifications made pursuant to paragraph (a) of subsection (2) of this section shall primarily reflect the known distribution of the designated species, the feasibility of current control technologies to achieve specified management objectives, and the costs of carrying out the prescribed state weed management plan.

(2.7)(a) The commissioner shall also adopt rules for granting compliance waivers to local governing bodies and landowners; except that a waiver may not be granted to the affected landowner when a landowner has wilfully or wantonly violated the provisions of this section or section 35-5.5-104.5 or 35-5.5-108.5 or attempts to delay eradication of a species without just cause.

(b) Such rules shall include:

(I) A process by which a local governing body or an affected landowner may petition the commissioner to change the management objectives specified in a state noxious weed management plan;

(II) The criteria used to evaluate such petitions; and

(III) Time frames in which the commissioner shall grant or deny such petitions.

(c) Actions sufficient to implement the management objective for a noxious weed species shall continue until the commissioner grants a waiver pursuant to this subsection (2.7).

(3) The board of county commissioners or governing body of a municipality may declare additional noxious weeds, within its jurisdictional boundaries, after a public hearing with thirty days prior notice to the public. Any declaration of additional noxious weeds pursuant to this subsection (3) shall include the management objectives for all affected landowners.

35-5.5-108.5. Responsibilities related to eradication of designated noxious weeds - commissioner - local governing bodies - affected landowners. (1) This section shall apply to noxious weeds that have been classified as list A species and to populations of list B species designated for eradication pursuant to section 35-5.5-108 (2)(a). This section shall govern the responsibilities of the commissioner, local governing bodies, and affected landowners.

(2) **Duties of commissioner.** (a) The commissioner may enforce the provisions of this section as necessary to ensure the cooperation of local governing bodies and affected landowners.

(b) The commissioner shall provide:

(I) Educational resources to local governing bodies and affected landowners regarding the eradication of list A species and populations of list B species designated for eradication. Such education shall include an explanation of why the species has been listed for eradication, the prescribed techniques for eradication in the most cost-effective manner, and the duties of the local governing body and affected landowner regarding such eradication.

(II) Financial or in-kind resources to local governing bodies or affected landowners to eradicate list A species and populations of list B species designated for eradication from the available moneys in the noxious weed management fund created in section 35-5.5-116. Such financial or in-kind resource allocation shall be determined by the commissioner according to the identified benefits to the citizens of Colorado, the surrounding community, and the affected landowners.

(III) The inventory and mapping infrastructure necessary to facilitate the classification of state noxious weeds and the development and implementation of state noxious weed management plans.

(3) **Duties of local governing bodies.** (a) In compliance with the rules promulgated by the commissioner, a local governing body shall initiate and maintain communications with landowners who are affected by list A species and populations of list B species designated for eradication by the commissioner.

(b) In addition to the existing powers and duties of a local governing body provided in this article a local governing body shall:

(I) Provide affected land owners with technical assistance for the eradication of list A species and populations of list B species designated for eradication by the commissioner;

(II) Carry out sufficient measures, including project oversight and enforcement, as may be necessary to ensure the eradication of list A species and populations of list B species designated for eradication by the commissioner;

(III) Provide the commissioner with assistance in disseminating financial resources to affected landowners and mapping data pursuant to rules promulgated by the commissioner; and

(IV) Determine the cost of eradication to be borne by affected landowners.

(c) Local governing bodies may apply to the commissioner for a waiver of compliance with an eradication designation pursuant to section 35-5.5-108 (2.7).

(d) If the commissioner determines, in consultation with the local governing body, that the most cost-effective manner to eradicate designated noxious weeds is for the commissioner to implement an eradication program, the commissioner may implement the eradication program directly.

(4) **Duties of affected landowners or occupants.** Except as provided pursuant to section 35-5.5-104.5 (1)(a), an affected landowner or occupant whose property may be affected by list A species or by populations of list B species designated for eradication shall allow the commissioner or local weed control officials access to such property for the purpose of immediate inspection and eradication when at least one of the following events has occurred:

(a) The affected landowner or occupant has requested the inspection;

(b) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or

(c) An authorized agent of the local government or commissioner has made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.

(5)(a) If verbal permission to inspect the land by the affected landowner is not obtained, no entry upon any premises, lands, or places shall be permitted until the local governing body has notified the affected landowner that such inspection is pending by certified mail if the landowner's mailing address is within the United States or mailed in a comparable manner to a landowner whose mailing address is outside of the United States. Where possible, inspections shall be scheduled and conducted with the concurrence of the affected landowner or occupant. A local governing body may notify an affected landowner in an electronic format, in addition to notice by certified mail.

(b)(I) If, after ten days with no response from the affected landowner or upon denial of access before the expiration of ten days, the inspector may seek an inspection warrant issued by a municipal, county, or district court having jurisdiction over the land. The court shall issue an inspection warrant upon presentation by the local governing body of an affidavit stating:

(A) The information that gives the inspector reasonable cause to believe that any provision of this section, section 35-5.5-104.5, or section 35-5.5-108, is being or has been violated;

(B) The affected landowner has failed to respond or the landowner or occupant has denied access to the inspector; and

(C) A general description of the location of the affected land.

(II) No affected landowner or occupant shall deny access to an authorized agent of the local governing body or the commissioner in possession of an inspection warrant.

(6) An affected landowner shall notify a lessee or occupant of affected lands of all notices of inspection and eradication efforts on such lands as soon as practicable.

(7) The local governing body of the county or municipality having jurisdiction over private and public lands on which list A species or populations of list B species designated for eradication are found shall notify the affected landowner or occupant of such lands by certified mail if the landowner's mailing address is within the United States or mailed in a comparable manner to a landowner whose mailing address is outside of the United States. The notice shall name the noxious weeds, identify eradication as the required management objective, advise the

affected landowner or occupant to commence eradication efforts within a specified period or condition, and state the integrated weed management techniques prescribed by the commissioner for eradication. Where possible, the local governing body shall consult with the affected landowner or occupant in the development of a plan for the eradication of noxious weeds on the premises or land.

(8) Within five days after the local governing body mails notification, the landowner shall comply with the terms of the notification or submit an acceptable plan and schedule for the completion of the management objective.

(9)(a) In the event the affected landowner or occupant fails to comply with the notice to eradicate the identified noxious weeds and implement an appropriate eradication program, the local governing body having authority over the public or private land shall:

(I) Provide for and complete the eradication of such noxious weeds at such time, upon such notice, and in such manner consistent with achieving the management objective as the local governing body deems appropriate; and

(II) Do one of the following:

(A) Assess the whole cost of the eradication, including up to one hundred percent of inspection, eradication, and other incidental costs in connection with eradication, upon the lot or tract of land where the noxious weeds are located; except that no local governing body shall levy a tax lien against land it administers as a part of a public right-of-way. Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. Such assessment may be certified to the county treasurer of the county in which the property is located and collected and paid over in the same manner as provided for the collection of taxes. Any funds collected pursuant to this section shall be utilized in furtherance of the local governing body's weed management efforts.

(B) In the event the state board, department, or agency fails to comply with the notice to eradicate the identified noxious weeds, the local governing body in whose jurisdiction the infestation is located may enter upon such lands and undertake the management of such noxious weeds or cause the same to be done. The expenses associated with inspection and eradication shall be paid by the state board, department, or agency that has jurisdiction over the lands. An agreement for reimbursement shall be reached within two weeks after the date such statement of expense for eradication is submitted by the local governing body. Such reimbursement agreement shall be in writing. If no reimbursement agreement has been reached or the amount reflected in the agreement is not paid upon presentation, the amount in the agreement shall be submitted to the state controller, who shall treat such amount as an encumbrance on the budget of the state board, department, or agency involved or such charge may be recovered in any court with jurisdiction over such lands. The expense associated with eradication may be recovered in any court with jurisdiction over such infested land.

(b) No local governing body shall provide for or compel the eradication of list A species and populations of list B species designated for eradication or list B noxious weeds on private or public property pursuant to this subsection (9) without first applying the same measures to any land or rights-of-way owned or administered by the local governing body that are adjacent to the property.

(10) The local governing body, through its delegates, agents, or employees, shall have the right to enter upon any premises, lands, or places during reasonable business hours for the purpose of ensuring compliance with the requirements of this section concerning noxious weed eradication.

(11) No agent, employee, or delegate of a local governing body shall have a cause of action against an affected landowner or occupant for personal injury or property damages while on private or public land for purposes of eradication of noxious weeds except when such damages were the result of gross negligence, recklessness, or intentional action by the landowner.

(12) If, in the opinion of the commissioner, any local governing body fails to adequately perform any of the duties set forth in this section, the commissioner is authorized to conduct any of the functions or duties of a local governing body pursuant to this section.

(13) The commissioner or the local governing body may require the affected landowner to pay a portion of the costs associated with eradication of the noxious weeds.

(14) An affected landowner may apply to the commissioner for a waiver of compliance with an eradication designation pursuant to section 35-5.5-108 (2.7).

(15) For the purposes of this section, an "occupant" shall not include the owner of an easement or right-of-way.

35-5.5-108.7. State noxious weed advisory committee - repeal. (1)(a) There is hereby created the state noxious weed advisory committee, referred to in this section as the "state advisory committee". The state advisory committee shall consist of fifteen members. Such members shall be appointed by the commissioner and shall serve without per diem compensation or expenses. Of the fifteen members, at least one member shall represent private and public landowners or land managers; at least two members shall represent weed management professionals from the federal, state, or local levels; at least one member shall represent public or private weed scientists; at least two members shall represent local governing bodies; four members shall be agricultural producers, as defined in section 35-1-102; and at least three members shall represent knowledgeable resource specialists or industries, including, but not limited to, environmental organizations. Representation on the state advisory committee shall reflect the different geographic areas of the state equally, to the greatest extent possible. Members of the state advisory committee that represent the various stakeholders and regions shall solicit input from similar stakeholders within each member's area of expertise and region of the state. Members of the state advisory committee shall communicate the committee's recommendations to the region and stakeholders represented by each member.

(b) Staggered appointments shall be made so that not more than eight members' terms expire in any one year, and thereafter appointments shall be for terms of two years each. Appointees shall be limited to two full terms each. Each state advisory committee member shall hold office until the expiration of the term for which such member is appointed or until a successor has been duly appointed.

(c) In the event of a vacancy on the state advisory committee, the commissioner shall fill such vacancy promptly to allow a quorum of the state advisory committee to function.

(d) The commissioner may remove any member of the state advisory committee for misconduct, incompetence, or neglect of duty.

(e) A quorum of the state advisory committee shall elect or appoint annually a chairman and a vice-chairman.

(f) A quorum of the state advisory committee shall be a majority of the members appointed to the state advisory committee.

(g) The state advisory committee shall meet at least quarterly.

(2) The state advisory committee shall make recommendations to the commissioner concerning the:

(a) Designation of state noxious weeds;

(b) Classification of state noxious weeds;

(c) Development and implementation of state weed management plans; and

(d) Prescribed techniques for eradication, containment, and suppression of state noxious weeds.

(3) Recommendations of the state advisory committee shall be made by a majority vote of the members of the state advisory committee.

(4) The state advisory committee shall periodically assess the progress made to implement the provisions of sections 35-5.5-104.5, 35-5.5-108.5, 35-5.5-108.7, and 35-5.5-108 (2)(a); measure the results and effectiveness of endeavors to eradicate, contain, and suppress noxious weeds within this state; and recommend to the commissioner ways to enhance statewide efforts to stop the spread of noxious weeds.

(5) This section is repealed, effective July 1, 2013.

35-5.5-109. Private lands - management of noxious weeds - charges. (1) The local governing body, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following circumstances has occurred:

(a) The landowner or occupant has requested an inspection;

(b) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or

(c) An authorized agent of the local government has made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.

(2)(a) No entry upon any premises, lands, or places shall be permitted until the landowner or occupant has been notified by certified mail that such inspection is pending. Where possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.

(b) If after receiving notice that an inspection is pending the landowner or occupant denies access to the inspector of the local governing body, the inspector may seek an inspection warrant issued by a municipal, county, or district court having jurisdiction over the land. The court shall issue an inspection warrant upon presentation by the local governing body, through its agent or employee, of an affidavit stating: The information which gives the inspector reasonable cause to believe that any provision of this article is being or has been violated; that the occupant or landowner has denied access to the inspector; and a general description of the location of the affected land. No landowner or occupant shall deny access to such land when presented with an inspection warrant.

(3) The local governing body of the county or municipality having jurisdiction over private lands upon which noxious weeds are found shall have the authority, acting directly or indirectly through its agent or staff, to notify the landowner or occupant of such lands, advising

the landowner or occupant of the presence of noxious weeds. Said notice shall name the noxious weeds, advise the landowner or occupant to manage the noxious weeds, and specify the best available control methods of integrated management. Where possible, the local governing body shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

(4)(a) Within a reasonable time after receipt of notification, which at no time shall exceed ten days, the landowner or occupant shall either:

(I) Comply with the terms of the notification;

(II) Acknowledge the terms of the notification and submit an acceptable plan and schedule for the completion of the plan for compliance; or

(III) Request an arbitration panel to determine the final management plan.

(b) The arbitration panel selected by the local governing body shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in the same county, and a third panel member chosen by agreement of the first two panel members. The landowner or occupant shall be entitled to challenge any one member of the panel, and the local governing body shall name a new panel member from the same category. The decision of the arbitration panel shall be final.

(5)(a) In the event the landowner or occupant fails to comply with the notice to manage the identified noxious weeds or implement the plan developed by the arbitration panel, the local governing body has the authority to:

(I) Provide for and compel the management of such noxious weeds at such time, upon such notice, and in such manner as the local governing body shall prescribe by ordinance or resolution; and

(II) Assess the whole cost thereof, including up to twenty percent for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located; except that no local governing body shall levy a tax lien against land it administers as part of a public right-of-way. Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. Such assessment may be certified to the county treasurer of the county in which the property is located and collected and paid over in the same manner as provided for the collection of taxes. Any funds collected pursuant to this section shall be deposited in the local governing body's weed fund or any similar fund.

(b) No local governing body shall provide for or compel the management of noxious weeds on private property pursuant to this subsection (5) without first applying the same or greater management measures to any land or rights-of-way owned or administered by the local governing body that are adjacent to the private property.

(c) No local governing body shall assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved.

(6) The local governing body, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of ensuring compliance with the requirements of this article concerning noxious weed management and any other local requirements.

(7) No agent, employee, or delegate of a local governing body shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with this article except when such damages were willfully or deliberately caused by the landowner.

35-5.5-110. Public lands - control of undesirable plants - charges. (1) It is the duty of each state board, department, or agency that administers or supervises state lands to manage noxious weeds on any lands under its jurisdiction using the methods prescribed by the local governing body in whose jurisdiction such state lands are located. The local governing body may give notice to any such state board, department, or agency advising of the presence of noxious weeds and naming them. Such notice shall specify the best available methods of integrated management that are not in conflict with federal law or contractual restrictions included in federal land conveyances to the state. Wherever possible, the local governing body shall consult with the affected state board, department, or agency in the development of a plan for the management of noxious weeds on the premises or lands.

(2)(a) Within a reasonable time after receipt of notification, which at no time shall exceed ten days, the state board, department, or agency shall do one of the following:

(I) Comply with the terms of the notification;

(II) Acknowledge the terms of the notification and submit an acceptable plan and schedule for the completion of the plan for compliance;

(III) Request an arbitration panel to determine the final management plan.

(b) The arbitration panel selected by the local governing body shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in the same county, and a third panel member chosen by agreement of the first two panel members. The state board, department, or agency shall be entitled to challenge any one member of the panel, and the local governing body shall name a new panel member from the same category. The decision of the arbitration panel shall be final.

(3) In the event the state board, department, or agency fails to comply with the notice to manage the identified noxious weeds or implement the plan developed by the arbitration panel, the local governing body in whose jurisdiction the infestation is located may enter upon such lands and undertake the management of such noxious weeds or cause the same to be done, the expense thereof to be a proper charge against said state board, department, or agency which has jurisdiction over the lands. An agreement for payment shall be reached within two weeks after the date such an expense is submitted, with respect to the amount of reimbursement to be paid. Such agreement shall be in writing. If no agreement has been reached and if the charge is not immediately paid, such charge shall be submitted to the controller, who shall treat such amount as an encumbrance on the budget of the state board, department, or agency involved, or such charge may be recovered in any court with jurisdiction over such lands. Any state board, department, or agency may enter into a contract with the local governing body to authorize the management of noxious weeds on state-administered land on terms and conditions satisfactory to both parties.

(4) In addition to the requirements of subsection (3) of this section, the division shall enter into agreements with local governing bodies for the control of weeds on any property the division owns in fee title or has effective surface control over pursuant to a long-term lease or easement agreement. For purposes of this subsection (4) and subsection (5) of this section,

"long-term lease or easement agreement" means any lease or easement agreement that exceeds ten years. Agreements between the division and local governing bodies for weed control shall describe the terms and conditions of weed control, provide an annual estimated budget for such weed control, and identify specific weed control responsibilities for the division and the property owner, if different than the division. Weed control agreements required pursuant to this subsection (4) shall be executed on or before July 1, 1997.

(5) Any weed control expense incurred by a local governing body pursuant to subsection (3) of this section on any lands held by the division in fee title or by long-term lease or easement agreement, as described in subsection (4) of this section, and for which a weed control agreement as described in subsection (4) of this section has been signed, and which costs are in accordance with that long-term agreement, shall be deemed correct and final and shall be paid by the division pursuant to section 33-1-110 (6.5), C.R.S.

35-5.5-111. Cooperation with federal and state agencies. The local governing bodies of all counties and municipalities in this state are hereby authorized to enter into cooperative agreements with federal and state agencies for the integrated management of noxious weeds within their respective territorial jurisdictions.

35-5.5-112. Public rights-of-way - management of noxious weeds - charges. It shall be the duty of each local governing body and each state board, department, or agency to confirm that all public roads, public highways, public rights-of-way, and any easements appurtenant thereto, under the jurisdiction of each such entity, are in compliance with this article, and any violations of this article shall be the financial responsibility of the appropriate local governing body or state board, department, or agency.

35-5.5-113. Public nuisance - abatement. All noxious weeds, at any and all stages, their carriers, and any and all premises, plants, and things infested or exposed to infestation therewith may be declared to be a public nuisance by the local governing body having jurisdiction over the lands upon which said noxious weeds are situated. Once declared, such nuisances are subject to all laws and remedies relating to the prevention and abatement of nuisances. The local governing body, in a summary manner or otherwise, may take such action, including removal and destruction, with reference to such nuisance as in its discretion appears necessary. The remedies of this section shall be in addition to all other remedies provided by law.

35-5.5-114.1. Survey of compliance on federal land. On or before January 1, 1998, the state weed coordinator shall survey those counties that include significant amounts of federal land to determine the level of cooperation and compliance by the federal government with this article.

35-5.5-115. Rules. The commissioner shall promulgate rules as necessary to carry out the purposes of this article, which rules shall include a designation of state noxious weeds.

35-5.5-116. Noxious weed management fund - creation - allocation of funds. (1) There is hereby created in the office of the state treasurer the noxious weed management fund. The fund shall consist of any civil penalties collected pursuant to section 35-5.5-118; any gifts, donations, and grants received pursuant to section 35-1-104 (1)(cc); and any moneys approved by the

general assembly for the purpose of funding noxious weed management projects. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. The general assembly shall annually appropriate moneys in the fund to the department of agriculture for the purposes specified in subsection (2) of this section.

(2) The interest earned on moneys in the noxious weed management fund and appropriated to the department of agriculture shall be expended for costs incurred by the department of agriculture in administering this article, and any moneys appropriated that exceed the amount needed for such costs may be expended for noxious weed management projects in accordance with this section.

(3) The department may expend moneys through grants or contracts to communities, weed control districts, or other entities it considers appropriate for noxious weed management projects.

(4) The department may expend moneys for the following purposes:

(a) Noxious weed management programs with local weed control districts, if expenses are shared with such districts;

(b) With the approval of the agricultural commission, the department may make special grants to local weed control districts to eradicate or contain state noxious weeds, which grants may be issued without matching funds from the district;

(c) Administrative expenses incurred by the department;

(d) Any project the agricultural commission determines will significantly contribute to the management of noxious weeds within the state;

(e) With the approval of the agricultural commission, grants to the Colorado state university cooperative extension service, the Colorado state university experiment station, and universities for weed management research, evaluation, and education;

(f) Employment of a new and innovative noxious weed management project or the development, implementation, or demonstration of any noxious weed management project that may be proposed, implemented, or established by local, state, or national organizations, whether public or private. Such expenditures shall be shared with such organizations.

(5) If a new and potentially harmful noxious weed is discovered growing in the state and its presence is verified by the department, the governor may declare a noxious weed emergency. In the absence of necessary funding from other sources, the department is authorized to allocate up to fifty thousand dollars of the principal in the noxious weed management fund to government agencies for emergency relief to manage or confine the new noxious weed species.

35-5.5-117. The state weed coordinator. (1) There shall be designated within the division of plant industry in the department of agriculture a state weed coordinator, who shall be under contract with or appointed by the commissioner.

(2) The state weed coordinator shall:

(a) Develop a recommended management plan for the integrated management of designated noxious weeds within state-owned lands;

(b) Facilitate cooperation between federal, state, and local land managers in the formation of a memorandum of understanding;

(c) Provide guidance and coordination for local governmental weed managers.

35-5.5-118. Civil penalties. (1)(a) Any person who violates this article or any rule adopted pursuant to this article is subject to a civil penalty, as determined by the commissioner. The penalty shall not exceed one thousand dollars per violation; except that such penalty may be doubled if it is determined that the person has violated the provision or rule more than once. No civil penalty shall be imposed unless and until the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(b) In addition to any civil penalties assessed pursuant to paragraph (a) of this subsection (1), any person who violates the provisions of section 35-5.5-104.5, 35-5.5-108, or 35-5.5-108.5, or any rule adopted to implement these sections, shall, upon an order of the commissioner, pay the cost of inspection and eradication of list A or list B noxious weed species, including, but not limited to, any immediate remediation costs, the estimated cost of future eradication, any administrative costs, and any court cost and attorney fees incurred by the commissioner in enforcing section 35-5.5-104.5, 35-5.5-108, or 35-5.5-108.5, or any rule adopted to implement these sections. The commissioner may not enforce such order unless and until the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S. All moneys due and owing pursuant to this paragraph (b) shall be payable to the department for the payment and reimbursement of enforcement and costs associated with such enforcement and are hereby continuously appropriated to the department for such purpose.

(2) If the commissioner is unable to collect a civil penalty, payment of costs imposed pursuant to subsection (1) of this section, or if the person fails to pay all or a specified portion of such penalty or payment, the department may bring suit in any court of competent jurisdiction to recover such amount plus costs and attorney fees.

(3) Before imposing any civil penalty or payment of costs, the commissioner may consider the effect of such penalty or payment of costs on the ability of the person charged to stay in business.

(4) All civil penalties and payment of costs collected pursuant to this section shall be deposited in the noxious weed management fund created in section 35-5.5-116.

35-5.5-119. County funding. The board of county commissioners is authorized to levy a special tax, subject to the approval of the voters, upon every dollar of valuation of assessment of taxable property within the county for the purpose of creating a county fund to control noxious weeds; except that the amount raised from such levy in any one year shall not exceed the amount raised by five mills.

Effective August 6, 2003

ORDINANCE NO. 11

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 7, ARTICLE 3 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW REGULATIONS FOR THE MANAGEMENT OF UNDESIRABLE PLANTS AND THE ENFORCEMENT THEREOF

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 has the authority pursuant to Article XX of the Colorado Constitution, the Town of Crested Butte Home Rule Charter and applicable State statute, including C.R.S. §31-15-401, to adopt ordinances, rules and regulations in furtherance of public health, safety and welfare, including the authority to declare nuisances and abate the same;

WHEREAS, pursuant Chapter 7, Article 3 of the Crested Butte Municipal Code (the “Code”) and C.R.S. §35-5.5-106, the Town Council possesses the authority to provide for and compel the removal of noxious weeds and brush from lots and tracts of land within Crested Butte;

WHEREAS, the Colorado General Assembly enacted the Colorado Noxious Weed Act (§35-5.5-101 et seq.) (the “Weed Act”) in recognition of the need to ensure that all lands in the State of Colorado, whether in public or private ownership, are subject to the jurisdiction of local government empowered to manage undesirable plants designated by State and local governing bodies;

WHEREAS, in adopting such legislation, the General Assembly determined that certain undesirable plants constitute a present threat to the continued economic and environmental value of the lands of the State, and if present in any area must be appropriately managed;

WHEREAS, the General Assembly’s intent in adopting the Weed Act was to cause local governing bodies to adopt and implement undesirable plant management plans with methods for appropriate and available management and control that are the least environmentally damaging as possible, practical and economically feasible;

WHEREAS, in 2009, by Resolution 11, Series 2009, the Town Council adopted the Weed Management Plan for the Town of Crested Butte (the “Weed Plan”) with the goal of managing undesirable plants in Crested Butte;

WHEREAS, the Town Staff has recommended to the Town Council that to further implement the Weed Plan, the Town Council adopt regulations to be included in the Code further addressing the management of undesirable plants;

WHEREAS, the Town Council finds that in order to mitigate the existence, and prevent the proliferation of undesirable plants that constitute a present threat to the continued economic and environmental value of the lands of the Town, and so that the Town is in the best position to cause the management of such undesirable plants as contemplated in the Weed Plan, the Town Council should amend the Code to include regulations addressing the management of undesirable plants; and

WHEREAS, the Town Council supports adoption of regulations addressing the management of undesirable plants as contemplated in the Weed Plan, such regulations being in the best interest of the health, safety and welfare of the residents and visitors of the Town.

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

Section 1. **Amending Chapter 7, Article 3.** Chapter 7, Article 3 of the Code is hereby deleted in its entirety and replaced with the following new Article 3 that shall read as follows:

“ARTICLE 3

Undesirable Plant Management and Enforcement

Division 1 – General

Sec. 7-3-110. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to such terms in this section, except where the context clearly indicates a different meaning:

Weed Advisory Board means the persons appointed by the Town Council to advise on matters of noxious weed program direction.

Town Council means the Town Council of the Town of Crested Butte, Colorado.

Colorado Noxious Weed Act or the *Act* means the provisions contained in C.R.S. §35-5.5-101 *et seq.*

Commissioner means the commissioner of the Colorado Department of Agriculture or his designee.

Department means the Colorado Department of Agriculture.

Federal agency means each agency, bureau or department of the federal government responsible for administering or managing federal lands.

Integrated management means the planning and implementation of a coordinated program utilizing a variety of methods for the management of noxious weeds, the purpose of which is to achieve specified management objectives and promote desirable plant communities. Such methods may include, but are not limited to, education, preventive measures, good stewardship and the following integrated management techniques as further described in the Management Plan.

Landowner means any owner of record of State, County, municipal or private land and includes an owner of any easement, right-of-way or estate in land.

Local noxious weed means any alien plant of local importance that has been declared a noxious weed by the Weed Advisory Board.

Management means any activity that prevents a plant from establishing, reproducing or dispersing itself.

Management objective means the specific, desired result of integrated management efforts as described in the Management Plan.

Management plan means the Weed Management Plan for the Town of Crested Butte as developed by the Weed Advisory Board and adopted by resolutions of the Town Council.

Native plant means a plant species that is indigenous to the State of Colorado.

Noxious weed means an alien plant or parts of an alien plant that have been designated by rule by the Commissioner or the Department as being noxious or any plant that has been declared a Local Noxious Weed by the Weed Advisory Board, and which meets one or more of the following criteria described in the Management Plan.

Person or occupant means an individual, partnership, corporation, association or federal, state or local government or agency thereof owning, occupying or controlling any land, easement or right-of-way, including any State, County, municipal or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas or oil pipeline, high voltage electrical transmission line or right-of-way for a canal or lateral.

State noxious weed means any noxious weed identified by the Commissioner or the Department by rule pursuant to the terms and provisions of the Colorado Noxious Weed Act. Such weeds may be referred to herein as A List Weeds, B List Weeds or C

List Weeds depending upon their designation as such by the Commissioner pursuant to the terms of C.R.S. §35-5.5-108.

Undesirable plant means a noxious plant species that is designated as undesirable by this article, the Commissioner or by the Weed Advisory Board.

A List Weeds shall mean all Noxious Weeds in Crested Butte that are designated for eradication, either by the Commissioner pursuant to the terms of C.R.S. §35-5.5-108 or by local designation by the Weed Advisory Board.

B List Weeds shall mean all Noxious Weeds in Crested Butte that are designated for required management, either by the Commissioner pursuant to the terms of C.R.S. §35-5.5-108 or by local designation by the Weed Advisory Board.

C List Weeds shall mean all Noxious Weeds in Crested Butte that are designated for recommended management, either by the Commissioner pursuant to the terms of C.R.S. §35-5.5-108 or by local designation by the Weed Advisory Board.

Undesirable plant management means the planning and implementation of an integrated program to manage undesirable plant species pursuant to the Management Plan.

Weed means any undesirable plant.

Town Manager means the Town Manager of the Town in title, as well as any designee, including any Town staff member or other employee of the Town, or any agent, delegate or contractor of the Town.

Sec. 7-3-120. Duty to Manage Undesirable Plants; Landowner Responsibility.

It is the duty of all persons to use integrated management pursuant to the Management Plan to manage and prevent the spread of all Noxious Weeds and Undesirable Plants if such plants are likely to be ecologically destructive or aesthetically or materially damaging to neighboring lands.

Sec. 7-3-130. Local Priority Weed List.

The Town Council, after consultation with the Weed Advisory Board, may elevate the status of any B List Weed or C List Weed that is located within Crested Butte from the B List Weed or C List Weed to that of an A List Weed or B List Weed, as applicable, if deemed necessary and appropriate. The Town Council, after consultation with the Weed Advisory Board, may also, at any time, apply to the Commissioner for a waiver of compliance with an eradication designation set forth by the Commissioner for any particular A List Weed or B List Weed designated for

eradication in Crested Butte, pursuant to C.R.S. §35-5.5-108.5(3)(c). If such a waiver is approved, the Noxious Weed in question shall be reclassified as either a B List Weed or C List Weed, as may be determined by the Town Council.

Sec. 7-3-140. Designation of Additional Undesirable Plants.

The Town Council may designate additional undesirable plants or weeds not otherwise designated as State Noxious Weeds for eradication or management within Crested Butte pursuant to the terms of C.R.S. §35-5.5-108(3) after a public hearing following 30 days prior public notice.

Sec. 7-3-150. Weed Management Plan; Adoption and Updates.

The Weed Advisory Board has, pursuant to the direction of the Town Council, developed the Management Plan, and will review such Management Plan on an annual basis for any desired changes or adjustments to such plan and shall report to the Town Council on such basis with any recommended changes or adjustments. As part of such review, the Weed Advisory Board will review the list of Noxious Weeds and Undesirable Plants to consider additional weeds and to prioritize control efforts. The Management Plan must be renewed and adopted by the Town Council not less than once every three years, but nothing shall prevent the Town Council from approving any changes or adjustments to the Management Plan more frequently. The Town Manager shall maintain the Management Plan and the priority weed list and make them available to the general public.

Sec. 7-3-160. Importation and Cultivation.

Persons are prohibited from importing seeds, propagative plant parts or live plants and cultivating any Noxious Weed within the Town of Crested Butte, and any such Person doing so shall be fully prosecutable pursuant to the terms of C.R.S. §35-5.5-104.5.

Division 2 – Administration and Enforcement

Sec. 7-3-170. Administering Agency.

The Town Council shall provide for the administration and enforcement of the Management Plan authorized by this article through the use of agents, delegates or employees, and may hire additional staff or provide for the performance of all or part of the Management Plan by contract. The primary duty and responsibility of administering the Management Plan is hereby delegated to the Town Manager, and the Town Manager shall be the Town Council's primary officer in enforcement and administration thereof. Any agent, delegate, employee, Town staff or contractor applying or recommending the use of chemical control methods shall be licensed by the Department for such application or recommendation.

Sec. 7-3-180 Weed Advisory Board.

The Town Council shall appoint a Weed Advisory Board consisting of Town staff, local land management partners, weed experts, general community members and other interested community members. The Weed Advisory Board shall have all of the authority and powers set forth herein as well as all of the authority and powers set forth in C.R.S. §35-5.5-107. The Town Council shall be entitled to appoint ex-officio members, as they may determine in their sole discretion.

Sec. 7-3-190. Identification and Inspection of Noxious Weeds - Methods of Identification.

(1) The Town Manager shall have the right to enter upon any premises, lands or places whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following has occurred:

- (a) The landowner or occupant has requested an inspection;
- (b) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection;
- (c) The Town Manager has made a visual inspection from a public right-of-way or other area and has reason to believe that a noxious weed infestation exists; or
- (d) The Town Manager has inspected a current aerial satellite map of the property and determined there is reason to believe that a noxious weed infestation exists.

(2) Where entry onto private premises is required to investigate the existence of noxious weeds, on-site inspections may be scheduled at any reasonable time upon the landowner or occupant's consent. No entry onto such lands shall be permitted unless one of the following occurs: (a) verbal permission to inspect the property is granted by the landowner or occupant of said property, or (b) such landowner or occupant is notified of such pending inspection by certified mail at least 10 days prior to such inspection. If after notification landowner or occupant fails to respond within 10 days to the request to inspect the premises or otherwise denies access to the Town Manager, the Town Manager may seek an inspection warrant issued by the Town of Crested Butte Municipal Court having jurisdiction over the land pursuant to the provisions of C.R.S. §35-5.5-109(2)(b) or 35-5.5-108.5 (5)(b)(I).

Sec. 7-3-200. Notice of Presence of Noxious Weeds - Notice Letter.

(1) Private Lands. Upon a discovery of the presence of noxious weeds on private premises, the Town Manager has the authority to notify the landowner or

occupant of the presence of noxious weeds. The Notice from the Town Manager shall include the following:

- (a) The property inspection date;
 - (b) The landowner and/or occupant of record;
 - (c) The property tax ID number or legal description of the property, and/or aerial map;
 - (d) The noxious weeds to be managed;
 - (e) If the noxious weeds are weeds designated for eradication pursuant to designation as A List Weeds, identification of eradication as the required management objective;
 - (f) Advisement to the landowner or occupant to commence either eradication of the noxious weeds within five days or management of the noxious weeds within 10 days after receipt of notice or submit an acceptable plan and schedule for the completion of the plan for compliance.
 - (g) Identification of the integrated weed management techniques presented by the Commissioner for eradication or the best available control methods of integrated management;
 - (h) The options of notice compliance;
 - (i) The consequences for non-compliance with the notice, an offer of Town consultation in management plan development, and notice of landowner and/or occupant's right to request a hearing before an arbitration panel.
 - (j) Statement that Town Manager will seek an inspection warrant (right of entry) from the Town of Crested Butte Municipal Court, to enter property and manage identified noxious weeds unless the landowner and/or occupant complies with notice, submits an acceptable plan and schedule for completion of the plan or submits a written request for a hearing before the arbitration panel within 10 days.
- (2) Public Lands.
- (a) The Town Manager may give notice to any State or federal department, or agency that administers or supervises lands under

such governmental control within Crested Butte, to manage noxious weeds on its land.

- (b) Such notice shall specify the best available methods of integrated management.

Sec. 7-3-210. Duty to Consult.

Where possible the Town Manager shall consult with the affected landowner, occupant, State or federal department, or agency that administers or supervises lands under such governmental control within Crested Butte in the development of a plan for the management of noxious weeds on the premises or lands.

Sec. 7-3-220. Eradication and Management of Weeds - Landowner; Occupant or Public Agency Response.

(1) A Landowner, occupant, State or federal department, or agency that administers or supervises lands under such government's control within Crested Butte receiving notification of the presence of noxious weeds pursuant to Section 7-3-220 above shall respond within a reasonable time after receipt thereof, but in no event to exceed five days if eradication is ordered and 10 days if management is ordered, by any of the following:

- (a) Complying with the terms of the notification.
- (b) Acknowledging the terms of the notification and submitting an acceptable plan and schedule for the completion of the plan for compliance.
- (c) If only management is ordered, requesting an arbitration panel to determine the final management plan. The panel shall be selected by the Town Manager, and shall include:
 - (i) A weed management specialist or weed scientist;
 - (ii) A landowner owning similar lands in Crested Butte; and
 - (iii) A third member chosen by agreement of the first two panel members.
- (d) The landowner or occupant is entitled to challenge any one member of the panel, and the Town Manager shall name a new panel member from the same category.

(2) Costs for the arbitration panel shall be paid by the requesting landowner or occupant. The decision of the arbitration panel shall be final.

Sec. 7-3-230. Enforcement - Direct Action by Town to Manage Weeds.

In the event that the landowner, occupant State or federal department, or agency that administers or supervises lands under such government's control within Crested Butte fails to comply with any notice to eradicate or manage the identified weeds or implement the plan developed by the arbitration panel, the Town Manager shall provide for and compel the eradication or management of such weeds in any manner deemed necessary by the Town Manager and in compliance with the provisions of C.R.S. §35-5-108.5, 35-5.5-109(5) or 35- 5-110(3).

Sec. 7-3-240. Equal Application.

No eradication or management of noxious weeds on private property shall occur without applying the same or greater management measures to any land or rights-of-way owned, administered or controlled by the Town that are adjacent to the private property.

Sec. 7-3-250 Assessment of Costs for Treatment and Eradication of Noxious Weeds - Private Lands.

If the Town Manager provides for and/or compels the management or eradication of noxious weeds on private lands, the Town shall be entitled to recover certain costs.

Sec. 7-3-260. Recoverable Costs/Method of Collection - Management.

(1) If the Town Manager compels and provides for the management of noxious weeds pursuant to the provisions of C.R.S. §35-5-109, the Town is entitled to assess the whole cost thereof, including up to 20% for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located.

(2) Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

(3) Such assessment may be certified to the Gunnison County Treasurer for the collection of taxes.

(4) Any funds collected shall be deposited in the Town Council's weed fund or any similar fund.

Sec. 7-3-270. Recoverable Costs/Method of Collection - Eradication of A List Weeds.

(1) If the Town Manager compels and provides for the eradication of noxious weeds pursuant to their classification as A List Weeds, the Town Council is entitled to assess the whole cost of eradicating such weeds, including up to 100% of inspection, eradication and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located.

(2) Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

(3) Such assessment may be certified to the Gunnison County Treasurer for the collection of taxes.

(4) Any funds collected shall be deposited in the Town Council's weed fund or any similar fund.

Sec. 7-3-280. Landowner or Occupant Protest.

(1) The Town Manager shall send a "Payment Notice/Potential Lien Assessment" letter by certified and regular mail to the landowner or occupant prior to any assessment on landowner or occupant's property.

(2) Landowner or occupant shall be given 30 days from the date on the Payment Notice/Potential Lien Assessment Letter to respond.

(a) In the event landowner or occupant fails to respond to the letter within the prescribed 30 days, the Town Manager shall assess a lien on landowner or occupant's property and may certify such lien to the Gunnison County Treasurer.

(b) If the landowner or occupant responds within the prescribed 30 days and disputes the amount of the assessment, he or she is entitled to be heard before the Weed Advisory Board as to his or her concerns.

Sec. 7-3-290. Assessment of Costs - Hearing.

(1) The landowner or occupant, or an attorney on his or her behalf, will be allowed to present testimony to the Weed Advisory Board as to why they should not assess a lien on landowner or occupant's property for the costs outlined in the Payment Notice/Potential Lien Assessment letter.

(2) The Town Manager will need to be present at the hearing to provide evidence favoring the imposition of a lien on landowner or occupant's property.

(3) The Town Manager must show that prior to compelling the management of noxious weeds on landowner and/or occupant's property the Town Manager applied the same or greater management measures to any land or rights-of-way owned or administered by the Town that are adjacent to the private property.

(4) The Town Manager must show that the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved pursuant to Section 7-3-300 hereof.

(5) The Weed Advisory Board may either grant or deny the lien assessment or continue the matter to a subsequent date certain.

(6) If the Weed Advisory Board grants the lien assessment, the Certification of Assessed Costs shall be filed with the County Treasurer's Office.

Sec. 7-3-300. Limitations.

The Weed Advisory Board shall not assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been completed.

Sec. 7-3-310. Recoverable Costs/Method of Collection - Public Lands.

(1) Any expenses incurred by the Town Council in the undertaking of the eradication or management of noxious weeds on public lands shall be a proper charge against such State board, department, or agency that has jurisdiction over the lands.

(2) An agreement for the reimbursement of such expenses shall be reached within two weeks after the date such an expense is submitted to such State board, department or agency, such agreement to be set forth in writing.

(3) If an agreement is not reached or the charge is not immediately paid, such charge shall be submitted to the controller, who shall treat such amount as an encumbrance on the budget of the State board, department or agency involved or such charge may be recovered in any court with jurisdiction over such lands.

Sec. 7-3-320. Scheduling and Hearing.

The State or federal department, or agency that administers or supervises lands under such government's control within Crested Butte is afforded the same scheduling and hearing protections as provided to landowners or occupants of private lands hereunder.

Sec. 7-3-330. Miscellaneous - Additional provisions.

(1) The Town Manager, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purposes of ensuring compliance with any of the above requirements concerning noxious weed management and any other local requirements.

(2) No agent, employee, or delegate of the Town shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with the above requirements except when the landowner or occupant willfully or deliberately caused such damages.

(3) It shall be the duty of the Town Council to confirm that all public roads, public highways, public rights-of-way and any easements appurtenant thereto, under its jurisdiction are in compliance with C.R.S. § 35- 5.5-101, *et seq.*, and any violations thereof shall be the financial responsibility of the appropriate the landowner, occupant State or federal department, or agency that administers or supervises lands under such government's control within Crested Butte.

Sec. 7-3-340. Cooperation with Federal and State Agencies.

The Town Council may enter into cooperative agreements with State, federal, and County departments and agencies for the integrated management of undesirable plants within their respective territorial jurisdictions.

Sec. 7-3-350. Public nuisance - Abatement.

All undesirable plants at any and all stages thereof, their carriers, and any and all premises, plants and things infested or exposed to infestation may be declared to be a public nuisance by the Town Manager. Once declared, such nuisances shall be subject to all laws and remedies relating to the prevention and abatement of nuisances. The Town Manager, in a summary manner or otherwise, may take such action, including removal and destruction, with reference to such nuisance as in its discretion appears necessary. The remedies of this section shall be in addition to all other remedies provided by law.”

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2016.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

Appendix C

Resource Directory and Sources of Information

Offices and Websites:

Bookcliff, South Side, and Mount Sopris Soil Conservation Districts

(970) 945-5494

<http://www.mountsopriscd.org/>

Bureau of Land Management

Colorado River Valley Field Office

2300 River Frontage Road

Silt, CO 81652

(970) 876-9000

http://www.blm.gov/co/st/en/BLM_Programs/botany/weedhome.html

Chemical Label Information

<http://www.greenbook.net/>

Colorado Department of Agriculture

Noxious Weed Program

305 Interlocken Parkway

Broomfield, CO 80021

(303)869-9000

<https://www.colorado.gov/pacific/agconservation/noxiousweeds>

Colorado Department of Agriculture

Insectary

P.O. Box 400

750 37.8 Rd.

Palisade, CO 81526

(970) 464-7916

<https://www.colorado.gov/pacific/agconservation/biocontrol>

Colorado Natural Heritage Program

<http://www.cnhp.colostate.edu/>

Colorado Parks & Wildlife
Resource Stewardship
(303)291-7152

<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>

Colorado State University
Weed Science Information
307 University Ave.
Ft. Collins CO 80523-1177
(970) 491-5261

<http://bspm.agsci.colostate.edu/outreach-button/weed-science-information/>

Colorado State University Cooperative Extension
Colorado Pesticide Guides

<http://www.csuextstore.com/store/pc/viewContent.asp?idpage=1>

Colorado State University Extension of Gunnison County
275 S. Spruce St.
Gunnison, CO 81230
(970)641-1260

<http://www.gunnison.colostate.edu/agri/weeds/weedsfront.shtml>

Colorado Weed Management Association
P.O. Box 419
Hotchkiss, CO 81419
(970) 361-8262

<http://www.cwma.org/>

Eagle County Weed Department
PO Box 250
Eagle, CO 81631
(970) 328-3553

http://www.eaglecounty.us/Weeds/Weed_Information/

Gunnison County Weed Management Program
PO Box 915
Gunnison, CO 81230
(970)641-4393
<http://www.gunnisoncounty.org/171/Weed-Management>

National Park Service
Native Plant Conservation Initiative
<http://www.nature.nps.gov/biology/invasivespecies/index.cfm>

National Pesticide Information Center
Weed Control and Herbicides
<http://npic.orst.edu/pest/weeds.html>

Natural Resources Conservation Service
Colorado State Office
Denver Federal Center
Building 56, Room 2604
PO Box 25426
Denver, CO 80225-0426
(720) 544-2810
<http://www.nrcs.usda.gov/wps/portal/nrcs/site/co/home/>

Pitkin County Land Management
76 Service Center Road
Aspen, CO 81611
(970) 920-5214
<http://pitkincounty.com/430/Noxious-Weed-Information>

Rocky Mountain Biological Laboratory
PO Box 519
Crested Butte, CO 81224
(970) 349-7231
<http://www.rmbl.org/>

USDA Introduced, Invasive, and Noxious Plants

<http://plants.usda.gov/java/noxiousDriver>

USDA Natural Resource Conservation Service

<http://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>

Weed Science Society of America

<http://wssa.net/>

Books:

Biology and Management of Noxious Rangeland Weeds

Roger L. Sheley and Janet K. Petroff

Colorado Flora, Western Slope

William A. Weber and Ronald C. Wittman

Native Plant Revegetation Guide for Colorado

Colorado Natural Areas Program

Noxious Weeds of Colorado

Colorado Weed Management Association

Trees and Shrubs of Colorado

Jack L. Carter

Troublesome Weeds of the Rocky Mountain West

Colorado Weed Management Association

Weed Control in Natural Areas in the Western United States

University of California Weed Research and Information Center

Weeds of the West

Western Society of Weed Science

MINUTES
Town of Crested Butte
Special Town Council Meeting
Friday, August 12, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 9:48AM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, and Roland Mason

Laura Mitchell arrived after the meeting was called to order.

Paul Merck and Consultant, Chuck Rohre, from Waters and Company were connected to the meeting via conference call.

Staff Present: Interim Town Manager Bill Crank

Town Clerk Lynelle Stanford (beginning of the meeting)

APPROVAL OF AGENDA

Mason moved and Schmidt seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.** Mitchell was not yet present, and Merck did not vote.

EXECUTIVE SESSION

Vohman moved and Mason seconded a motion to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official for the purpose of narrowing the field for the Town Manager position from semi-finalists to finalists. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.** Mitchell was not yet present, and Merck did not vote.

The Council went into Executive Session at 9:50AM. Council returned to open meeting at 11:08AM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 11:10AM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, August 15, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:03PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, and Laura Mitchell

Staff Present: Interim Town Manager Bill Crank, Town Attorney John Belkin, Town Planner Michael Yerman, and Public Works Director Rodney Due

Building and Zoning Director Bob Gillie, Town Clerk Lynelle Stanford, Parks and Recreation Director Janna Hansen, Assistant Chief Marshal Mike Reily, and Finance Director Lois Rozman (all for part of the meeting)

APPROVAL OF THE AGENDA

Mitchell moved Schmidt seconded a motion to approve the agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

Michel explained how voting would work for the meeting related to the number of Council members present.

CONSENT AGENDA

- 1) August 2, 2016 Regular Town Council Meeting Minutes.**
- 2) August 4, 2016 Special Town Council Meeting Minutes.**
- 3) Resolution No. 17, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Improvements Construction and Revocable License Agreement with Banx LLC for 115 Elk Avenue.**
- 4) Resolution No. 23, Series 2016 - Resolutions of the Crested Butte Town Council Authorizing the Town of Crested Butte to Apply for a State of Colorado, Department of Local Affairs (DOLA) Energy Impact Program Grant for the Funding for the Construction of the Town’s Wastewater Treatment Plant Improvements.**
- 5) Letter in Support of Adaptive Sports Capital Campaign.**

Stanford stated that item #3 needed to be moved to New Business because the resolution number had changed from the time the agenda was published. Belkin suggested it be moved to #1 under New Business. Item #5 was struck from the Consent Agenda.

Schmidt moved and Vohman seconded a motion to approve the Consent Agenda with moving item #3 to New Business on the regular agenda and dropping item #5. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The changes to the Consent Agenda resulted in changes to the agenda.

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

PUBLIC COMMENT

Margaret Levy

- Thought there was a conflict of interest that affected the ability of the Council to regulate short-term rentals.
- Stated that five Council members had permits (to short-term rent), which gave the appearance of a conflict of interest. Also, two Council members pulled permits before the moratorium.
- She understood that if all five recused themselves, then the Town could not enact legislation. She was sorry they put themselves in an ethical bind.

Harvey Castro - 712½ Maroon

- Had concerns regarding the decision of the County Planning Commission to approve the preliminary plan for the Foothills development and annexation.
- Specifically, he heard at the meeting, they were putting 8th Street into play for access to the development.
- He asked what the Council would do to protect the interests of Town.
- He told the Council to take into consideration the impacts of 60 new vehicles going through Town on 8th Street.
- Said they needed to protect the health and safety interests of Town.

STAFF UPDATES

Janna Hansen

- Thanked Kyle Thomas and the Villanueva family for their work on the 15th annual Ball Bash softball tournament. There were 14 teams and a lot of positive feedback.
- The Big Mine utility upgrade was progressing. Almost all materials were on-site. They asked neighbors to remove items from the alley right of way beginning on August 29.
- The bike park was looking good. They hoped to have a workday in partnership with CBMBA on Wednesday from 4 to 6PM.

Lois Rozman

- The second quarter financial update was in the packets.
- Reminded the Council of their onsite schedule for the Town Manager search process.
- She announced the three finalists for the Town Manager position.
- Mentioned that Tina Curvin, the sales tax specialist, no longer worked for Town.

Rodney Due

- There would be bank stabilization work on Kebler Pass Road starting in September, which would cause delays.
- They would be applying for \$1M from DOLA for wastewater treatment plant improvements. The executive and regional directors were in Town, and they had tours. Michel asked Due what \$1M meant for residents. Due explained it equated to \$2.68 a month for 20 years.
- Schmidt further questioned the Kebler Pass closures, and he was concerned.

Lynelle Stanford

- Mentioned upcoming special events.
- Called the Council's attention to the special meeting notifications for the meeting on Thursday at 12:30PM.

Bill Crank

- Stated that Reily would report on the Vinotok test fire.
- The complaints regarding the commercial use of property on Red Lady Avenue had been resolved. Commercial vehicles would still be legally parked on the right of way.
- The Kapushion development improvement and reimbursement agreements were in place.
- On Friday, Town was notified of a minor spill, estimated to be 50 to 100 gallons, at Standard Mine. Town was not notified until 25 hours after the fact. The Town's intake gate was closed during most of the timeframe. They were meeting with the EPA tomorrow to review the protocol again. Michel was shocked the EPA would not report. Crank said there was a disagreement as to what was required for reporting. He agreed Town was entitled to immediate notice anytime water reached Elk Creek.

PUBLIC HEARING

1) Ordinance No. 5, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 7 of the Crested Butte Municipal Code to Add a New Article 6 Prohibiting the Use of Disposable Plastic Bags and Mandating Certain Standards for the Use of Paper Bags.

Michel confirmed with Stanford that proper public notice was given, and he confirmed with Crank there were no changes from Staff. Michel opened the public hearing.

Elaine Weston - Reported to live at the corner of 3rd and Sopris.

- She was firmly opposed to the ban on plastic bags.
- She thought that Crested Butte was a responsible community in reusing bags.
- Suggested net bags that could be used for veggies, and she learned of an edible 6-pack ring.

Richard Moody - 15 Par Lane

- He lived in France for the past year, and they did not have plastic bags at all.
- He brought an example of a bag that he used.
- He saw no reason for plastic bags.

Michel closed public comment, and it was opened to board discussion.

Vohman brought an example of a Boomerang Bag that they would distribute around Town. She wished the ordinance had a fee, but she thought they could revisit later. Schmidt thought it would work and it was effective. He supported the ordinance, and he didn't think there had to be a fee for it to be effective in Town. Ladoulis would support the ban, but he did not want to get into the complexities of paper bags and signs. He wanted to strike the requirement that bags contained no old growth fiber and the sign requirement. Vohman countered that preventing old growth fiber was important to the success and environmental initiative. She volunteered to help retailers find bags that did not contain old growth fiber. Mitchell supported the bag ban, and she either wanted the sign verbiage struck or to have signs be optional. Ladoulis did not want retailers subjected to provisions. Belkin suggested they strike the sign requirement, rather than make it optional. Schmidt said they should also strike "B" under permitted paper bags.

Schmidt moved and Mitchell seconded a motion to approve Ordinance No. 5, Series 2016 with striking B under the definition of permitted paper bags and striking 7-6-60 in its entirety. A roll call vote was taken with all voting, "Yes," except Vohman voted, "No."
Motion passed.

2) Ordinance No. 6, Series 2016 - An Ordinance of the Crested Butte Town Council Imposing a Temporary Moratorium on the Issuance of a Business Occupation Tax License to any Business Renting or Leasing Residential Units for a Term of 30 Days or Less.

Michel confirmed proper public notice had been given.

Yerman reminded the Council that they appointed a committee to review possible regulations for short-term rentals in Crested Butte. It was apparent that new regulations affected several chapters of the Code. Town had been tracking short-term rentals since 2000, and the percentage had grown drastically. He mentioned issues with short-term rentals such as traffic, noise, and parking. He explained that a fee could not be used, but a tax passed by the voters could be used for affordable housing. However, a lot of data needed to be collected. The recommendations from the committee would be forthcoming.

Yerman reviewed what a moratorium was and why it was used. Michel asked Yerman questions he had heard from the public. He confirmed that those who had existing licenses could retain them. Yerman stated that August 25 would be the last day someone could come and apply for a license. Michel asked if a moratorium would solve the affordable housing crises, and Yerman confirmed it would not. Once they had data and researched the impacts, they could put an educated ballot measure in front of the community. The moratorium would allow for discussions, and it would allow Staff the time to implement successfully

Alex Fenlon, chair of the committee, was present at the meeting. He echoed what Yerman said. He explained the moratorium gave a pressure free zone to work out and give Staff time to implement.

Michel opened the meeting to public comment. He explained they were debating the moratorium and not actions.

Steve Ryan - 75 Escalante

- He was on the committee, and he was not in favor of a moratorium because it created false panic.
- The moratorium created a false boom.
- He thought short-term rentals were not as rampant as the figures made them out to be.

Stan Weil - 19 Beckwith Ave

- He had a license to short-term rent his property.
- Followed the regulations of the Town.
- Never had any problems or comments from neighbors.
- Questioned if a license was transferable if a property sold.

Shay Wyckoff - Reported to live in CB South and owner of a property management company

- She was perplexed on what issue they were trying to solve with the moratorium.
- Crested Butte was a tourism-based economy.
- They had to look at every aspect of where these people were coming from and where they would stay.
- Moratorium was affecting workers, and it would affect people who were relying on them for income.
- Properties would fall out of contract, and real estate people would be hurting.

Michel asked if anyone in the room was present to support the moratorium. No one said they were.

Kimberly Barefield - 301 3rd Street

- She supported Wyckoff's comments.
- Moratorium would put a damper on all of business.

- It had a negative connotation for the business community and visitors.
- Stated that it was a misconception the houses stayed dark all of the time. All of her homeowners used their homes. Short-term renting also allowed people to live here.
- There was a new profile of homeowner.
- She thought they could implement regulations at a gradual pace.

Martha Keen - 316 Butte Ave

- Said they created a panic.
- She lived on a street that was completely dark.
- Stated that they were overloading Town.
- A moratorium did allow Council time and space to think out a balanced argument.

Jeff Hollings - 802 Belleview

- Told the Council that some people who rented short-term ended up living here.
- It was a pipeline for people who wanted to live here.
- Long-term there could be unintended consequences.

Public comment was closed, and it was moved to board discussion.

Michel identified short-term rentals as the biggest question facing the Town moving forward. He said that Council wanted to take a time out, ask questions, and communicate to work on potential solutions, if they did anything. He asked where the Council was. Mitchell was on the committee. She thought there was a big can of worms related to real estate and property managers. In order for Ladoulis to support, he needed to believe there was an imminent need to take action. He was not completely convinced that something in the next six months would tip them past the tipping point. Michel wondered how they remedied the preponderance of short-term rentals and how it affected the sense of place. Ladoulis also wondered how they preserved the community and maintained the sense of place. Michel said it was balancing individual rights with the greater good. The question was if they reached the tolerance level of where too much was too much. Vohman recognized it was hard to develop regulations around a moving target, but she had a hard time getting behind the moratorium. Schmidt said that every letter that was sent was brought forth in (committee) meetings. No one on the committee suggested that short-term rentals be banned. He thought they needed to go after low hanging fruit, which was monitoring, safety issues, impacts on neighbors, and having someone to contact. They needed to start meeting as soon as possible.

The item died for the lack of motion.

NEW BUSINESS

1) Resolution No. 25, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Improvements Construction and Revocable License Agreement with Banx LLC for 115 Elk Avenue.

Schmidt moved and Mitchell seconded a motion to approve Resolution No. 25, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 7, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale Lot 4, Block 80, Paradise Park Subdivision, Town of Crested Butte to Trevor Main for \$75,000.00.

Michel explained the following ordinances were for the Town to sell affordable housing lots.

Ladoulis moved and Schmidt seconded a motion to set Ordinance No. 7, Series 2016 for public hearing at the next regular Town Council meeting. **Motion passed.**

3) Ordinance No. 8, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale Lot 3, Block 79, Paradise Park Subdivision, Town of Crested Butte to Warren Seekatz and Heather Allyn for \$30,000.00.

Ladoulis moved and Schmidt seconded a motion to set Ordinance No. 8, Series 2016 for public hearing at the next regular Town Council meeting. **Motion passed.**

4) Ordinance No. 9, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale Lot 12, Block 79, Paradise Park Subdivision, Town of Crested Butte to Kent Cowherd for \$30,000.00.

Vohman moved and Mitchell seconded a motion to set Ordinance No. 9, Series 2016 for public hearing at the next regular Town Council meeting. **Motion passed.**

5) Ordinance No. 10, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale Lot 15, Block 79, Paradise Park Subdivision, Town of Crested Butte to Beth Goldstone for \$60,000.00.

Mitchell moved and Vohman seconded a motion to set Ordinance No. 10, Series 2016 for public hearing at the next regular Town Council meeting. **Motion passed.**

6) Ordinance No. 11, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 7, Article 3 of the Crested Butte Municipal Code to Include New Regulations for the Abatement of Noxious Weeds.

Hansen explained that in 2009 the Council adopted an ordinance and plan to regulate noxious weeds. Currently, any noxious weed was considered a nuisance. The plan needed to be reviewed every 3 years in an effort to uphold the state mandate. She had been working since February to update the plan. She reviewed a sequence of events to include a work session and setting the ordinance set for public hearing on September 19. Vohman stated Hansen had done a great job.

Schmidt moved and Vohman seconded a motion to set Ordinance No. 11, Series 2016 for public hearing on September 19. **Motion passed.**

7) Update and Discussion on the Proposed Vinotok Application.

Kat Harrington, event organizer, was present at the meeting. She read a statement on behalf of the Vinotok Council. They felt their application worked to solve concerns. After much thought and deliberation they thought the 4-Way was the best location. Harrington stated that liquid fuel was cost prohibitive, and she cited the complexity of plumbing. She countered the assertion that Vinotok had not evolved over the years, and she listed ways it had evolved. She also mentioned safety measures that had been incorporated. If too many traditional aspects were changed, it could result in negative reactions.

Michel asked Reily to report on the test fire that was done to determine if the proposal reduced embers floating over residential structures. Reily explained the fire vortex that was created inside a column of fire. He thought the plan, when it went to full scale, was relatively safe, much improved, and more controllable. It didn't have the vortex that threw firebrands (embers) a distance away. He explained that the plan included four smaller columns that connected and enclosed the group. The main change was changing the placement of members to make them horizontal instead of vertical. The fires would then burn lower, slower, and longer. The firebrands expelled were very small, under an inch, and their travel was limited to 15 feet from the base of the structure. Anything that travelled beyond 15 feet was just ash. He didn't think the design should be changed from what they tested. They talked about controlled dust explosions, in which he was not comfortable. He also listed additional safety measure such as cutting the grass on the east side of the parking lot.

Michel confirmed that Harrington and Bob Wojtalik accepted the plan. Schmidt reminded them that with cremora, a little went a long way. He also reminded them the Council had a work session and agenda items on Vinotok, and there seemed to be misinformation that they did not have adequate time to talk about it. He thought the plan seemed like a good solution, and it was something they could approve.

Michel asked about the cut off time if it was too windy to light the fire, and Harrington confirmed the fire would be out by 10:30PM. She confirmed for Ladoulis the fire would still provide a spectacle. She told Michel that the insurance would not be of issue. Michel asked if those present were in support, and no one voiced opposition.

Jesse Rochette

- Reviewed his experience relevant to fire and life safety.
- Stated that the economics of events were near and dear.
- Described an event centered on a large fire in Iceland, and the way it drew the community together was inspiring. He wanted his children to grow up in a community with a rich, cultural heritage.
- Thought the economic vitality of a region was based on creativeness.

- He explained the science behind firebrands.

Ladoulis thought the process was great to see. He liked the outcome, and it exceeded his expectations. Michel told them the Council was looking favorably at the application, but it was not a done deal until they voted.

Martha Keen

- Vinotok was really important.
- The event culminated with the fire, where they showed off their work, knowledge, and dedication.
- There was negativity around Vinotok. They were not just throwing it together. People were dedicated and educated.

Chris Sullivan - 21 Elk Ave

- They addressed the fire and changes to make it safer.
- The fire had old tradition.
- He reviewed the tradition and history.
- The spirit was rebellious.
- The community was approaching a time when working people had less empowerment. Vinotok was a case study of what was happening to the community in a broader sense. Many working people were unable to have their voices spoken.
- Must honor the soul of this place.

8) Resolution No. 24, Series 2016 - Resolutions of the Crested Butte Town Council Approving a Consulting Services Agreement with Mundus Bishop for the Preparation and Planning of a Great Outdoors Colorado Local Park and Outdoor Recreation Grant for the Town Park Playground Renovation Project.

Hansen explained that the Town pledged \$1M of in-kind services to support the Center for the Arts expansion into Town Park. The surrounding parks and playground would be impacted by the expansion. Part of the agreement was that anything removed or impacted would be replaced. In 2010, the Parks and Rec Master Plan established that parks needed to be intentionally planned.

The project required support from Great Outdoors Colorado (GOCO). It was a highly competitive grant application. In order to prepare to apply for the grant, Mundus Bishop would design the playground and facilitate the public process. The funding would come from the \$1M match to the Center. Hansen reviewed what Mundus would do as part of the project.

Ladoulis, recalling that Mundus suggested they put a softball field in Rainbow Park, wondered if Hansen expected a good result. Yerman thought Mundus Bishop's work product was outstanding. He stated that a GOCO grant was the most competitive grant, and it involved a public process. Ladoulis asked if so many people reacted negatively to their opinion if they were the right consultants. Yerman said they changed the plans after

listening to the community. Schmidt thought there would be issues if they eliminated all aspects of Yelenick Park. He recalled debate of a wood park versus a plastic park.

Ladoulis moved and Mitchell seconded a motion to approve Resolution No. 24, Series 2016. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

LEGAL MATTERS

None

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Jim Schmidt

- The Housing Committee meeting was cancelled because of last minute work to get Anthracite Place opened.
- He missed the Creative District Meeting because of commitments related to the Town Manager hiring.

Erika Vohman

- Attended a Housing Foundation Board meeting. The looked at land for land banking. One piece was next to either the high school or middle school in Gunnison.

Chris Ladoulis

- Attended a memorial bus parade. He thanked Mountain Express for allowing the idea to manifest.

Glenn Michel

- Attended a meeting at the County on broadband. He reminded the Council they approved a MOU that provided matching funds. They would not get redundancy at first, but it would provide more bandwidth and cheaper rates.
- The County was working on improving broadband and accessibility.
- 911 and the importance of redundancy were getting attention at the state level.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt congratulated Emma Coburn on her Olympic medal.

Schmidt brought forth concerns on the Kebler Pass closure. He asked who was doing it. Due said the Forest Service and Marlene Crosby were in charge. Schmidt saw a need to communicate. Michel asked if he wanted more information or more outreach to the public. Due explained the work they were doing, and he stated he wasn't involved in the conversations. Schmidt wanted better information on dates and times. Crank agreed to follow up with Crosby at the County.

Schmidt thought it was important to start talking about short-term rentals. He suggested they have a special meeting on August 29 to discuss.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, September 6, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- *Monday*, September 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- *Monday*, October 3, 2016 - 6:00PM Work Session - 7:00PM Regular Council

Ladoulis wanted a work session between now and November, open to the public, where the Council would be advised on conflicts of interest. Belkin questioned the scope. Michel said they had the chance for someone from DOLA to present. Belkin said it was the responsibility of the new manager.

Michel asked the Council if they were agreeable to Schmidt, Rozman, and himself meeting to work on the list of questions for the Town Manager candidates. No one on Council voiced any opposition. Michel said to email any questions they wanted to ask the candidates to Belkin.

EXECUTIVE SESSION

Michel read that they were going into Executive Session for the purposes 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 Memorandum of Understanding for Mt. Emmons and Discussions with Cypress Foothills, LP regarding certain property related matters.

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

Attorney Scott Miller participated via Skype.

The Council went into Executive Session at 9:54PM. Council returned to open meeting at 11:16PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 11:17PM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Thursday, August 18, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 12:32PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, Laura Mitchell, and Paul Merck

Roland Mason was connected to part of the meeting via conference call.

Staff Present: Interim Town Manager Bill Crank

Also present were members of the Town Manager peer review panel: Bob McLaurin (Jackson, WY), Virginia Egger (Avon, CO), and Mark Achen (Interim Gunnison, CO)

EXECUTIVE SESSION

The Council went into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official for the purpose of the Council meeting with the peer review panel for the Town Manager position.

The Council went into Executive Session at 12:33PM. Council returned to open meeting at 3:38PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 3:39PM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Saturday, August 27, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 9:02AM.

Council Members Present: Jim Schmidt, Erika Vohman, and Roland Mason

Paul Merck was present at the beginning of the meeting. He voted on both motions, but he left the meeting before it concluded. Chris Ladoulis arrived after the meeting started, and he did not vote.

Staff Present: Interim Town Manager Bill Crank

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

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

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

The Council went into Executive Session at 9:05AM. Council returned to open meeting at 10:20AM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:21AM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Monday, August 29, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 6:03PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, and Laura Mitchell

Staff Present: Interim Town Manager Bill Crank

Town Clerk Lynelle Stanford and Finance Director Lois Rozman (for part of the meeting)

APPROVAL OF AGENDA

Schmidt added a comment on the closure of Kebler (Pass) as #3 to New Business.

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

EXECUTIVE SESSION

Michel stated the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

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

The Council went into Executive Session at 6:05PM. Council returned to open meeting at 6:19PM. Mayor Michel made the required announcement before returning to open meeting.

NEW BUSINESS

1) Resolution No. 26, Series 2016 - Resolutions of the Crested Butte Town Council Adopting the Applicable Provisions of the Uniform Election Code of 1992 for the General Election to be Held on September 8, 2016 and Authorizing the Town Manager to Execute the Intergovernmental Agreement with the Gunnison County Clerk and Recorder For the Town's Participation in the General Election for Purposes of the Town Pursuing a Tax Bond Issue Respecting the Town's Land Transfer Excise Tax (RETT) and Not Involving a Tax Increase.

Belkin identified a typo on the agenda. The date for the general election was meant to be November 8, 2016, instead of September 8, 2016.

Belkin explained that as a part of the previously approved MOU with Freeport-Mc-Mo-Ran it was stated the Town would work with Freeport and Mt. Emmons Mining Company on permanent divestment of mill site mining claims. They had been talking with attorneys and business people to divest them of claims. The IGA was required to bring an issue to voters, and it was an incremental step in the direction of divesting them of claims. If the Council didn't approve of the resolution and IGA, Town couldn't take anything to the voters in the fall. It was a bookmark if it was necessary. Michel confirmed they were preserving the right to move ahead. Schmidt questioned when they would need the ballot language, and Belkin said they would need to approve language at the meeting on September 6. If no agreement was reached, then there would be no discussion, and it would become irrelevant.

Schmidt moved and Vohman seconded a motion to approve Resolution No. 26, Series 2016 with the correction of pointing out the general election will be held on November 8, 2016 instead of September 8, 2016. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

2) Discussion and Possible Recommendation to Start Negotiations with Possible New Town Manager.

Michel thanked the Council, Consultant Chuck Rohre, the 55 candidates, and the three finalists in the search for Town Manager. He added that Rohre was a calming force, and the consultant was money well spent.

Vohman moved and Ladoulis seconded a motion to direct Waters and Company to commence negotiations with Dara MacDonald for the position of Crested Butte Town Manager. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Kebler Pass Closure

Schmidt brought forth his concerns that the Kebler Pass closures posed a significant impact on the Town, especially going into September, the third busiest month of the year. He was disappointed that neither the Forest Service nor the County talked to Town before planning it out. He wanted to ask the Forest Service and County if they would end construction on Friday afternoons around Noon or 12:30PM. He suggested they write a letter or have Crank contact them. Michel said they needed to communicate that they understood the road needed repairs, but he agreed communication could have been much better. Michel asked the Council if they supported directing the Town Manager to contact the Forest Service and County. Mitchell supported, and Ladoulis was supportive of the direction, too.

ADJOURNMENT

Mayor Michel adjourned the meeting at 6:30PM.

Glenn Michel, Mayor

Lynelle Stanford, Town Clerk (SEAL)



To: Mayor Michel and Town Council
From: Michael Yerman, Director of Planning
Thru: Bill Crank, Town Manager
Subject: Carbondale to Crested Butte Trail Letter of Support
Date: September 6, 2016

Background:

Pitkin County is applying for a Great Outdoors Colorado Connect Innovative Trail Planning grant for the Carbondale to Crested Butte Trail. Pitkin County is providing the entire match of \$200,000 for the grant application. They have requested a letter of support from the Town for their application. Attached to this memo is a letter of support for their application.

Recommendation:

Staff recommends the Town Council authorize the Mayor to sign the letter of support for the Carbondale to Crested Butte Trail.

Town of Crested Butte

P.O. Box 39 Crested Butte, Colorado 81224

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

-A National Historic District-

Phone: (970) 349-5338

FAX: (970) 349-6626

www.townofcrestedbutte.com

September 6, 2016

RE: Carbondale to Crested Butte Trail Letter of Support

Dear GOCO Selection Committee,

The Town of Crested Butte enthusiastically supports Pitkin County's "Carbondale to Crested Butte Trail" Great Outdoors Colorado Connect Innovative Trail Planning grant application. The Carbondale to Crested Butte Trail has long been a dream for locals, as well as visitors to Western Colorado. This connection was first studied in 1994 and has been identified as a priority project by various agencies since that time as both a recreational amenity and critical safety improvement for bicyclists and motorists. The "West Elk Loop Scenic and Historic Byway Crested Butte to Carbondale Trail Feasibility Study" produced in 2004 was a joint effort that built regional collaboration for the creation of this trail. The Town was honored this year when Governor John Hickenlooper designated the Carbondale to Crested Butte Trail in the "Colorado the Beautiful" initiative and placed the on its 16 in 16 list of priority trail connections from across the state.

The joint planning of this project, across jurisdictional boundaries, will create a more cohesive trail and savings for both sides by working together through the NEPA process. Working together on the final planning for the trail will also help both sides move forward to the construction phase where further partnerships could be formed for construction. Once the NEPA process has been completed, the Town in collaboration with Pitkin County, Gunnison County, the Gunnison County Trails Commission, and the Crested Butte Mountain Bike Association will be ready to implement the construction of the trail.

Substantial progress has been made on the implementation of this project. In Gunnison County, through regional partnerships including working with the US Forest Service and local volunteer groups approximately 6 miles of single-track has been completed. This includes the construction of the Anthracite Bridge that provides a critical connection for the trail. Pitkin County has also made significant improvements including Phase I which was completed in 2010 with the construction of the paved Crystal Trail extending south from Carbondale for 5.2 miles. A GOCO Crystal River Legacy Grant included \$1 million for this project, with additional funding from the Town of Carbondale, and Pitkin and Garfield counties.

We look forward to the next ribbon cutting on the Carbondale to Crested Butte Trail!

Sincerely,

Glenn Michel
Mayor Town of Crested Butte



To: Mayor Michel and Town Council
From: Michael Yerman, Director of Planning
Subject: Ordinance 7-10, Series 2016 Lot Sales
Date: September 6, 2016

Background:

On June 23, 2016, the Town in conjunction with the Gunnison Valley Regional Housing Authority conducted a lottery for the sale of 8 single-family lots located in Block 79 and 80. Each new owner is responsible for finding construction financing, preparing plans and construction budgets, and construction of their home.

At this time, half of the lottery winners are ready to close on the lot purchase with the Town. The other half of the lottery winners are working with local banks to secure loans to close this coming spring. The sale of Town owned property requires an ordinance of the Town Council.

Once the Council adopts each ordinance to sell these lots, these property owners can begin the BOZAR approval process. The following four lot owners are ready to close on their lots in September:

- Lot 4, Block 80 Trevor Main \$75,000
- Lot 3, Block 79 Warren Seekatz and Heather Allyn \$30,000
- Lot 12, Block 79 Kent Cowherd \$30,000
- Lot 15, Block 79 Beth Goldstone \$60,000

Recommendation:

A Council person make a motion followed by second to approve Ordinance 7, Series 2016.

A Council person make a motion followed by second to approve Ordinance 8, Series 2016.

A Council person make a motion followed by second to approve Ordinance 9, Series 2016.

A Council person make a motion followed by second to approve Ordinance 10, Series 2016.

ORDINANCE NO. 7

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 4, BLOCK 80, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO TREVOR MAIN FOR THE SALE PRICE OF \$75,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Trevor Main for \$75,000.00; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described property be sold as set forth hereinbelow.

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

Section 1. **Authorization to Sell Town-owned Property.** The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$75,000.00 plus customary closing costs and fees, the real property legally described as Lot 4, Block 80, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Trevor Main, for the construction of and use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

Section 2. **Appropriation of Funds.** The Town Council hereby appropriates all customary closing costs and fees for the sale and transfer of the above-described real property out of the Town’s affordable housing fund, and authorizes the expenditure of said sum for such purpose.

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

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2016.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

ORDINANCE NO. 8

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 3, BLOCK 79, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO WARREN SEEKATZ AND HEATHER ALLYN FOR THE SALE PRICE OF \$30,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Warren Seekatz and Heather Allyn for \$30,000.00; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described property be sold as set forth hereinbelow.

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$30,000.00 plus customary closing costs and fees, the real property legally described as Lot 3, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Warren Seekatz and Heather Allyn, for the construction of and use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

Section 2. Appropriation of Funds. The Town Council hereby appropriates all customary closing costs and fees for the sale and transfer of the above-described real property out of the Town’s affordable housing fund, and authorizes the expenditure of said sum for such purpose.

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

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2016.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

ORDINANCE NO. 9

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 12, BLOCK 79, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO KENT COWHERD FOR THE SALE PRICE OF \$30,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Kent Cowherd for \$30,000.00; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described property be sold as set forth hereinbelow.

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$30,000.00 plus customary closing costs and fees, the real property legally described as Lot 12, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Kent Cowherd, for the construction of and use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

Section 2. Appropriation of Funds. The Town Council hereby appropriates all customary closing costs and fees for the sale and transfer of the above-described real property out of the Town's affordable housing fund, and authorizes the expenditure of said sum for such purpose.

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

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2016.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

ORDINANCE NO. 10

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 15, BLOCK 79, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO BETH GOLDSTONE FOR THE SALE PRICE OF \$60,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Heather Goldstone for \$60,000.00; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described property be sold as set forth hereinbelow.

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$60,000.00 plus customary closing costs and fees, the real property legally described as Lot 15, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Beth Goldstone, for the construction of and use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

Section 2. Appropriation of Funds. The Town Council hereby appropriates all customary closing costs and fees for the sale and transfer of the above-described real property out of the Town's affordable housing fund, and authorizes the expenditure of said sum for such purpose.

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

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2016.

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

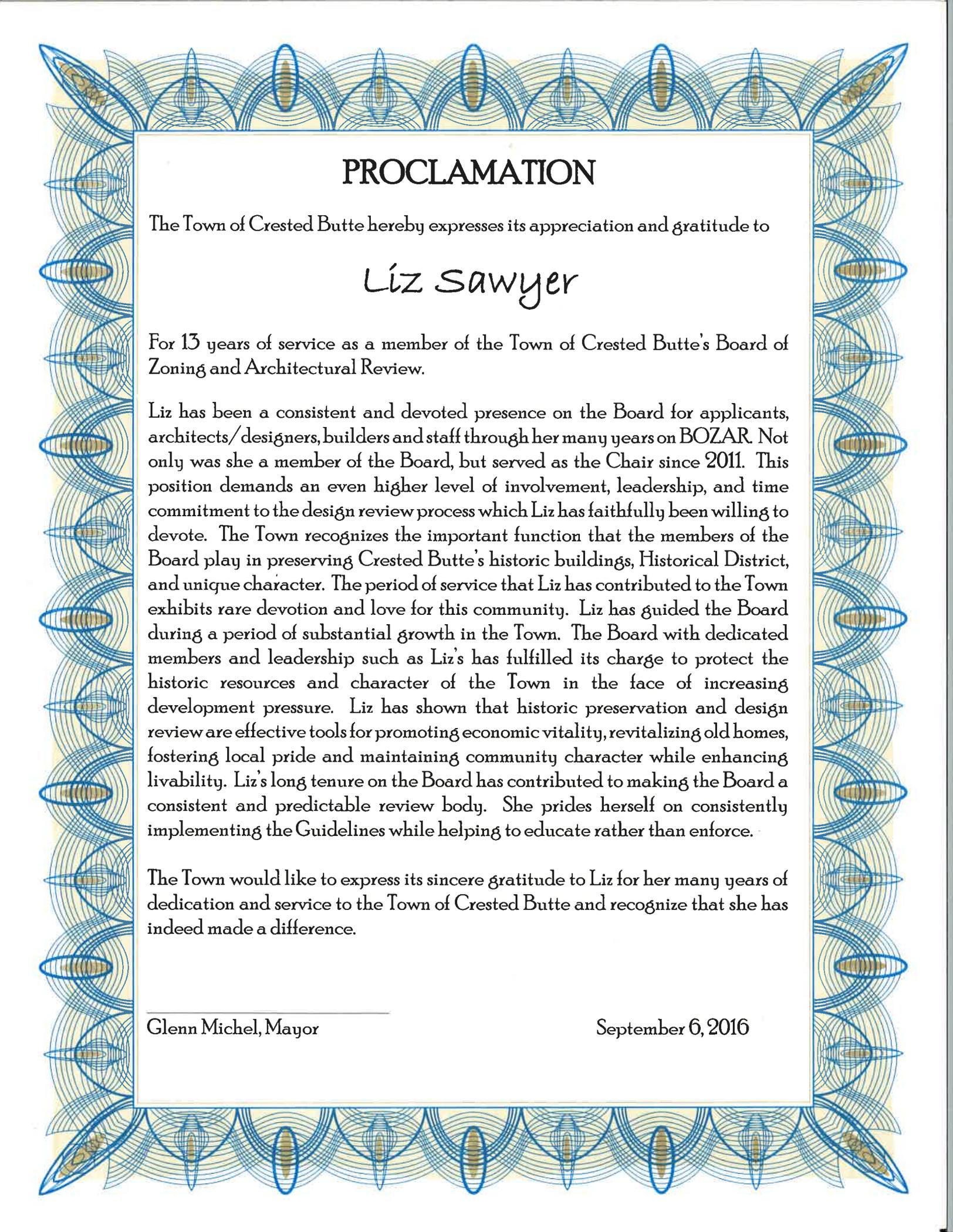
TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



PROCLAMATION

The Town of Crested Butte hereby expresses its appreciation and gratitude to

Liz Sawyer

For 13 years of service as a member of the Town of Crested Butte's Board of Zoning and Architectural Review.

Liz has been a consistent and devoted presence on the Board for applicants, architects/designers, builders and staff through her many years on BOZAR. Not only was she a member of the Board, but served as the Chair since 2011. This position demands an even higher level of involvement, leadership, and time commitment to the design review process which Liz has faithfully been willing to devote. The Town recognizes the important function that the members of the Board play in preserving Crested Butte's historic buildings, Historical District, and unique character. The period of service that Liz has contributed to the Town exhibits rare devotion and love for this community. Liz has guided the Board during a period of substantial growth in the Town. The Board with dedicated members and leadership such as Liz's has fulfilled its charge to protect the historic resources and character of the Town in the face of increasing development pressure. Liz has shown that historic preservation and design review are effective tools for promoting economic vitality, revitalizing old homes, fostering local pride and maintaining community character while enhancing livability. Liz's long tenure on the Board has contributed to making the Board a consistent and predictable review body. She prides herself on consistently implementing the Guidelines while helping to educate rather than enforce.

The Town would like to express its sincere gratitude to Liz for her many years of dedication and service to the Town of Crested Butte and recognize that she has indeed made a difference.

Glenn Michel, Mayor

September 6, 2016



Staff Report

September 6, 2016

To: Mayor and Town Council
Thru: William V. Crank, Acting Town Manager
From: Molly Minneman
Subject: Appointment of a new BOZAR Member

SUMMARY

The building department received an application for a position on the Board of Zoning and Architectural Review from **Mary Cooper Ellis**, resident of the Town of Crested Butte for 1 and three quarter years, and part-time resident for 18 years prior. Ellis' application is enclosed for your review. She has Master of Arts Degree in Landscape Architecture, and a Master of Arts degree in Urban and Regional Planning that included a year-long course in Historic Preservation. She performed consulting for the previous Town Planner during the development of Town's Comprehensive Plan. Ellis has extensive knowledge urban planning, is an excellent communicator through her work as a staff writer for Congressional Quarterly, and has a true passion for historic preservation.

DISCUSSION

The BOZAR is comprised of a seven-member Board. Liz Sawyer, the BOZAR Chair stepped down on August 31 after 13 years of service. Prior to her departure, staff solicited applications in the classified section of the Crested Butte News in July and August, and listed the position on the Town's website. Qualifications require that applicants must live in Town for 12 consecutive months and make the commitment to serve on the Board for a three-year period. Board members are also required to sit on the Design Review Committee for at least three months in a calendar year. Applicants are encouraged to have experience in the areas of design, architecture, construction, or historic preservation.

Ellis brings professional skills in planning, zoning and land use to the BOZAR. She understands the development pressures that accompany a small resort community together with the importance of a healthy historic district that preserve the Town's sense of place and its economic vitality presently and for generations to come. She identifies that development pressures that have negatively impacted other mountain resort towns, are tempered in Crested Butte in part through decades-long work by the BOZAR. She endeavors to bring her interest in architectural design,

passion historic preservation, and planning skills to the table. Ellis plans to attend the annual state-wide historic preservation conference next February in Denver.

In her application, Ellis identifies the most effective project in the past several years as the single family residence located at 11 Teocalli that was constructed in 2011. She describes the ‘Not so Big House’ exemplifies how small can be beautiful by adhering to human scale through good design. The home relates with historic resources in town while applying current architectural styles supported by the Design Guidelines. In addition, she applauds the energy conservative construction that is important in minimizing impacts of new construction on the issue of global warming.

In regards to least effective projects, Ellis identifies a home in the 900 Block of Belleview that exemplifies the trends of larger and massive homes that longer relate with the Town’s humble origins, nor residences across the alley. Her concerns that homes next to open space appear massive rather than stepping down to the rear as encouraged in the design guidelines, and that preserve view corridors from Town to the open space.

BOZAR members take on the role as a member of a quasi-judicial body that guides and shapes the built environment together with fostering the National Historic District and Crested Butte’s unique character. Their role is to make decisions regarding land uses, zoning, historic preservation, and architectural appropriateness based upon the application of the zoning code and design guidelines as set forth by the Town Council. Mary Ellis has excellent skills to fill the role as advisor, communicator and decision maker together with sufficient knowledge in Crested Butte’s zoning and architectural review process to be an effective member on the BOZAR.

RECOMMENDATION:

Staff recommends that the Town Council make a motion to appoint Mary Cooper Ellis to the Board of Zoning and Architectural Review for a three-year term.

APPLICATION
BOARD OF ZONING AND ARCHITECTURAL REVIEW
(BOZAR)
Town of Crested Butte, Colorado

Name: Mary H. Cooper Ellis

Address: 122B Sopris Ave, CB
Physical

1281
PO Box

Phone: 349-5479
Home Work

571-212-3301
Cell

E-mail: coopermh@gmail.com

For Office use only

Length of Term _____

Date Appointed _____

Date completed _____

How long have you been a resident of the Town of Crested Butte? November 2014

What kind of experience do you have in reading building plans? As a graduate student in landscape architecture and as a practicing landscape designer, I have read and drawn up site plans and construction documents for my own designs in AutoCAD and by hand drafting.

What kind of experiences do you have that relating to the design or construction fields that will help you in fulfilling the duties as a BOZAR member? My graduate studies in urban and regional planning (MA, 2007) and landscape architecture (MA, 2007) included a year-long course in historic preservation. Other courses included materials, site analysis, studio, urban development patterns, land-use law (zoning), and construction documents. I completed my degrees at Virginia Tech's Graduate School of Architecture in Old Town Alexandria, VA, a national historic district, and many student projects were focused on that community and the need to preserve its historic elements in designing new projects.

Why are you interested in being on BOZAR? As a part-time resident for 18 years and a full-timer for the last two, I have come to know and love this town and would be honored to serve on BOZAR. I have a broad interest in planning, architectural design and historic preservation, as well as a keen desire to help ensure that Crested Butte continue to manifest its history and identity as a coherent small community, while retaining its sense of place in an evolving economy.

What do you feel are important issues facing the Town of Crested Butte that can be addressed through the BOZAR process?

Crested Butte faces the same development pressure that has marred many other mountain resort towns. Thanks in large part to BOZAR, Crested Butte has resisted the destruction of its historic landscape by adhering to controversial but essential design guidelines. With limited opportunities for new construction, imposed by our valley's sweeping open space, that pressure will continue to build. BOZAR has the unique mandate to preserve and protect the historic core while promoting compatible design in the newer neighborhoods.

Identify one to two of the most effective projects of the last several years, and why:

11Teocalli exemplifies the goals of Sarah Susanka's "Not So Big House," which shows how small can be beautiful by adhering to human scale in house design. These goals are compatible with Crested Butte's historic houses and neighborhoods and with current concerns about climate change and the need to conserve energy. This house, set back from the street, is low enough to protect mountain views from

the street and from neighbors' windows. The materials and color are rich but subdued, and the garage is set away from the main structure but close enough to form an integral part of the overall design. The house is welcoming, and it honors the substance of traditional Crested Butte culture.

Identify one or two of the least effective building projects of the last several years, and why:
Block 75, near Belleview and 9th St. This house exemplifies the mantra of recent decades that bigger is better. Not only is this three-story behemoth visually divorced from the town's humble origins, it flies in the face of guideline principles of preserving view corridors as it stands in the way of the iconic view of Mt. CB. This three-story structure at the edge of open space (like the new house at the end of Ruth's Rd.) is visually jarring, especially compared with the one- and two-story structures that line the adjacent alley. (Other three-story structures in this neighborhood that do blend in are located mid-block.) The guidelines' encouragement of stepping down roof lines and mass of buildings near alleys "to reduce the visual impact to adjacent residential zones" would well apply at the edge of open space as well. The materials used on this house provide a cursory nod to its context, but look gaudy and faux antique (striped, multi-hued vertical siding, rusted metal garage façade), compared with the simple materials used traditionally in town. If the goal of the guidelines is to preserve the sense of town history, even in the new neighborhoods outside the historic core, this house falls short.



Signature

7/31/16

Date

Mary H. Cooper Ellis

PO Box 1281 – Crested Butte, Colorado 80302

coopermh@gmail.com

(571) 212-3301

Creative landscape designer and planner, possessing a M.A. degree in Landscape Architecture, a M.A. degree in Urban & Regional Planning and a passion for quality design and product. In-depth knowledge of the principles and procedures required of a landscape architect, with an ability to make and implement elaborate plans. Multilingual (English/Italian/French) with strong written and verbal communication skills, able to interpret and explain laws and codes to stakeholders at all levels. Proficient in the use of various computer software related to landscape design, e.g., MS Office suite, GIS applications, AutoCAD, SketchUP, and LandF/X. Areas of strength include:

- Land Use Code Interpretation
- Land Use/Site Reviews
- Safety Policies & Procedures
- Zoning/Urban Design Principles
- Landscape Regulations
- Landscape Architect Methods
- Project Visualization Graphics
- Colorado Native Plants
- Customer Service Excellence

EDUCATION & CERTIFICATES

Master of Arts in Landscape Architecture

Virginia Polytechnic Institute & State University

Master of Arts in Urban and Regional Planning

Virginia Polytechnic Institute & State University

Certifications: Colorado Master Gardner Certification | Graduate Certificate in Landscape Design

PROFESSIONAL EXPERIENCE

Freelance Landscape Designer | March 2007 to Present

- Collaborate with clients, utilizing consultative methods to design and sell enhancements and present features that address needs. Establish and adhere to budgets, which include the labor, materials and equipment needed to produce an acceptable profitability rate.
- Utilize creativity and the beauty of nature to create a harmonious, aesthetically pleasing and functional area. Merge new features with current ones by sketching features to scale.
- Perform site analysis that includes assessments of current plants, soil conditions, lighting, and views in order to create detailed site, landscape, irrigation, and grading plans.

Freelance Planner | March 2007 to Present

- Provide freelance services utilizing land use codes and landscape regulations to prepare site plans, specifications and cost estimates for land development, as well as coordinating the arrangement of existing and proposed land features and structures.
- Performed development work for the town of Crested Butte, CO, consulting with the town planner on a comprehensive plan and helping draw up the town's noxious weed plan. Served on a Town committee to recommend regulations on short-term rentals.

Staff Writer – Congressional Quarterly | February 1983 to February 2005

- Interviewed subject matter experts and legislators, and researched and wrote 30,000-word articles on current events focusing on economic, environmental and defense policy.

PROFESSIONAL AFFILIATIONS

American Society of Landscape Architects (2006–Present) | American Planning Association (2006–Present) | Professional journalists' guild – Rome, Italy (1983)

CRESTED BUTTE DEPOT OPENING AND CELEBRATION

YOU ARE INVITED TO JOIN US ON

FRIDAY SEPTEMBER 9th FROM 4:00 – 6:00 P.M.



Cut the RIBBON – Open the DOORS – Celebrate the BUILDING

Toast the ARCHITECTS - CONTRACTORS

A special thanks goes to Jessica Reske and Geoffry Lee of Hord Coplan Macht Architects, Kevin Donovan- MB Builders, Ridgeway Valley Construction, and all of the subcontractors who worked on the stabilization and rehabilitation of the Crested Butte & Denver Rio Grande Railroad Depot.

All phases of work were funded in part by History Colorado State Historic Fund grants.

Request for inclusion

Gunnison County Substance Abuse Prevention Project (GCSAPP) is requesting to be included in Crested Butte Town council's budget. These funds will be used to implement the Positive Youth Development framework in the coalition, with emphasis on the Choice Pass Program and activities; to implement the Sources of Strength program for Crested Butte high school and middle school; and to continue to offer wilderness leadership opportunities for Crested Butte youth between 6th and 12th grade.

What is positive youth development?

Colorado defines PYD uniquely as a universal approach with a practical lens that cuts across multiple risk factors and across all levels of prevention. PYD in Colorado is an evidence-based approach that guides communities and organizations in the way that they organize services, opportunities and supports so that all *youth can be engaged and reach their full potential*. (*Colorado Department of Health and Education, 2016*)

- Positive Youth Development – Choice Pass program – 51% of participants are CB youth = \$8,500 in alternative programming

What is Sources of Strength?

Sources of Strength is a best practice youth suicide prevention project designed to harnesses the power of peer social networks to change unhealthy norms and culture, ultimately preventing suicide, bullying, and substance abuse. The mission of Sources of Strength is to prevent suicide by increasing help seeking behaviors and promoting connections between peers and caring adults. The program helps to strengthen multiple sources of support (protective factors) around young individuals so that when times get hard they have strengths to rely on.

www.sourcesofstrength.org

Sources of Strength has been implemented in the Gunnison High School at the request of youth. After the 2014-2015 school year and the loss of three peers, many youth were frustrated and felt hopeless. They voiced the need for a peer-based program that could help increase their power in situations such as bullying, suicide prevention and violence prevention. GCSAPP has received funding to implement the Sources of Strength program in all of our community schools – Gunnison high school, middle school, Crested Butte high school, Crested Butte middle school and Western State Colorado University. Although we have funding for the implementation of the program we do not funding for the team/leadership building component.

- Sources of Strength AEI leadership camp for 48 CBCS youth = \$12,000

Crested Butte Youth Council

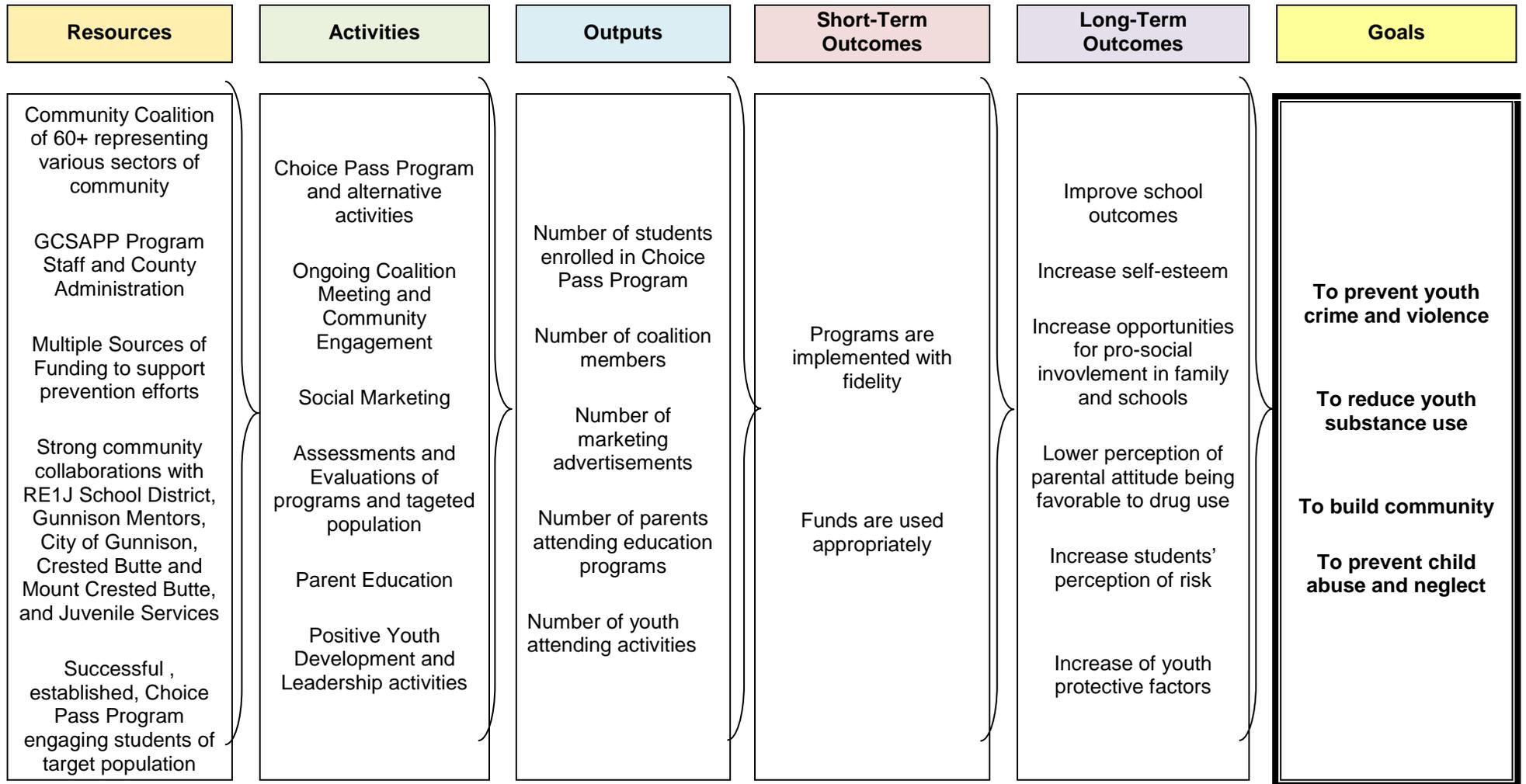
The Crested Butte Youth Council has been in existence for the past four years. Currently there are 15 active members of the coalition. This youth coalition meets bi-monthly to discuss and create youth programming. The programming that the youth create is for all Crested Butte high school students. This past year they organized movie nights, late night events, created youth messaging. GCSAPP has a very minimal budget (\$1,000) for the youth council. In order to help align with the Positive Youth Development framework we would like to boost up the funds and opportunities for the Crested Butte Youth council. This year we would like to make products with youth messaging, help to create a community supported late night space for youth, and help them organize and hold youth events.

Crested Butte Youth Council (15 members) = \$4,500

TOTAL REQUEST = \$25,000

Attachment 1: Logic Model

GCSAPP Choice Pass and Parent Education Program Logic Model



July 27, 2016

Dear Crested Butte Town Council,

I am writing to you to tell you about one of the successful programs that Gunnison County Substance Abuse Prevention Project has in our valley. Choice Pass is for middle schools and high schools youth; it is an incentive program that is supported by many businesses in our community. Choice Pass kids get free popcorn at the Majestic Theater and a dollar off ice cream at Third Bowl ice cream. They can also get a CBMR season ski pass for \$110. The program started with just a handful of students a few years ago and now has over 650 participants. What is important to know is that Choice Pass is a partnership between the parents and the kids. Choice Pass is about making healthy choices. For some, those choices are to not use drugs and alcohol, for other kids it's also to get good grades or to eat health. At the beginning of each year parents and kids get to sign a pledge and have a conversation about the coming year. Parents attend educational dinners where they can learn about subjects like Teen Brain Development, Technology & Teens and Sexting.

The GCSAPP staff is an incredibly skilled, with Kari Commerford heading up a team of highly educated, young dynamic staff. I got a chance to see them at a regional conference where all the other people at the conference were seeking out Kari and her staff because of their cutting edge programming. Kari knows about the importance of community by-in and is invested in helping our community and helping our kids.

Thank you for your consideration,

Jennifer Oberling

Choice Pass Holder Parent

**Office of the
Chief Judge**

Gunnison Combined Courts
Gunnison County Courthouse
200 East Virginia Avenue
Gunnison, Colorado 81230



Telephone - (970) 642-8300, ext. 0
FAX - (970) 642-8350
e-mail—steven.patrick@judicial.state.co.us

**Seventh Judicial District
State of Colorado**

*J. Steven Patrick
Chief Judge*

July 27, 2016

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

Re:GCSAPP

Dear Members of the Crested Butte Town Council:

This letter is to express my support of this organization in Gunnison County. It has been instrumental in educating children and families with respect to substance abuse and alcohol related issues. The Choice Pass Program, established in conjunction with the ski area, has truly motivated any number of young people to abstain from alcohol and drugs.

I would encourage your careful consideration of financially supporting this worthy organization. If I can be of any further assistance in answering questions concerning this organization, I would be happy to do so.

Sincerely,

J. Steven Patrick

To the Crested Butte town council,

I am writing this letter to express my strong support to GCSAPP.

This prevention program has been in the last few years a major input in keeping our kids aware about the consequences of using drugs and alcohol, and also helping in educating the parents in how to relate to our teenagers these days where drugs are more powerful and easily accessible.

Drug prevention is a critical component to ensuring the success of our youth.

The GCSAPP program is the backbone of youth drug prevention and intervention efforts and is clearly making a difference.

Thank you for your consideration,

Monica Bilow



7/26/16

To: Crested Butte Town Council
RE: GCSAPP Letter of Support

Greetings Crested Butte Town Council Members:

Gunnison Valley Mentors is so very pleased and excited to stand with GCSAPP as prevention partners in Gunnison County. We encourage you to support GCSAPP's request for support to implement Positive Youth Development and youth leadership activities for the deserving young people of Crested Butte.

GCSAPP's list of accomplishments as a leader in addressing local substance use issues is impressive. The Choice Pass, combined with parent education workshops and classes, informative advertising campaigns, involvement with the prescription drug "take back" program, and management of the GCSAPP coalition have led to reduced youth substance use rates county wide. In this time of marijuana legalization, GCSAPP's efforts have led to a 30% decrease in youth marijuana use. This is remarkable when considering most communities with legalized marijuana are recording skyrocketing youth use rates.

The implementation of Positive Youth Development and youth leadership activities will augment current GCSAPP programming. The Crested Butte Town Council's consideration of this request reinforces our collective county-wide values around keeping our young people safe and healthy.

Graciously,

Tina McGuinness

Tina McGuinness, Executive Director



Staff Report

September 6, 2016

To: Mayor and Town Council
Thru: Bill Crank, Interim Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Vinotok Special Event Application and Special Event Liquor Permit**
Date: August 22, 2016

Summary:

Vinotok is planned for September 23 and 24, 2016. The festivities are scheduled to begin on Friday, September 23 with the Community Feast, which would be held in the 100 Block of Elk Avenue, beginning at 5:30PM. The 100 Block of Elk Avenue would close on September 23 at 8AM to allow for set up of the Community Feast. Event organizers have applied for a special event liquor permit. They would delineate the Community Feast with “thematic boundaries.” Feast attendees would be carded at the ticket booth and given a stamp or wristband for age designation. No alcohol is to leave the perimeter of the Community Feast. The 100 Block of Elk Avenue would reopen at 6AM on September 24.

On Saturday, September 24, beginning at 5AM, the 200 Block of Elk Avenue would be closed, along with the Chamber Parking Lot for fire construction to begin. “Mumming” would begin at 4:30PM on Elk Avenue. From 7:00PM to 8:30PM, Elk Avenue would be closed from 2nd Street to 6th Street for the trial and processional. Elk Avenue would reopen at 8:30PM when the processional moves to the Chamber Parking Lot. The Chamber Parking Lot would remain closed on Sunday, September 25 and would reopen after clean up is completed.

The event organizers agreed to provide 12 portapotties. They would be situated in such a way that access to the Chamber bathrooms is blocked. The event organizers would provide a bathroom monitor for the bathrooms at the 2nd and Elk bus stop to ensure the bathrooms remain in satisfactory condition during the Community Feast.

The event organizers stated they were reducing the fuel load by 75%. An alternative diagram for the fire has been incorporated, and it is in the packet. The grump would be situated in the middle of eight, relatively smaller fires. The diameter of the entire set up is the same as the diameter of the fire from previous years. Assistant Chief Marshal Mike Reily suggested a fundamental change

in how the fires are constructed. The fuel loads would be set up in a horizontal, rather than vertical manner, similar to how logs would be burned in a fire place. Staff had a test fire with event organizers on Monday, August 15 to determine the outcome of Reily's idea, specifically if it reduced the number of embers. At the previous regular council meeting, Reily reported that he thought the plan, when it went to full scale, was relatively safe, much improved, and more controllable. It didn't have the vortex that would throw firebrands (embers) a distance away. He explained that the plan included four smaller columns that connected and enclosed the group. The main change was changing the placement of members to make them horizontal instead of vertical. The fires would then burn lower, slower, and longer. The firebrands expelled were very small, under an inch, and their travel was limited to 15 feet from the base of the structure. Anything that travelled beyond 15 feet was just ash. He didn't think the design should be changed from what they tested. Reily's written report from the test fire is included in the packet.

Recommendation:

To approve the Vinotok special event application and special event liquor permit as presented.

Suggested Motion:

Motion to approve the Vinotok special event application and special event liquor permit.

VINOTOK (SEPT 23-24, 2016)

DEPARTMENT APPROVALS (For Official Use Only)

Note: Please clearly state in your comment area what requested services your department will/will not provide for the event.

Marshal's Department :

Signature: Tom Martin Date: 8-24-16
Name (Printed): TOM MARTIN

Conditions/Restrictions/Comments:
OK with the design and plan for 2016. 2017 must be re-evaluated based on results of 2016

Public Works:

Signature: Rodney E. Dine Date: 8/17/2016
Name (Printed): Rodney E Dine

Conditions/Restrictions/Comments:
OK Will work with organizers of Marshal's Dept. AS needed

Parks and Recreation:

Signature: Anna Hansen Date: 8/25/16
Name (Printed): Anna Hansen

Conditions/Restrictions/Comments:
OK w/ P+R special requests

From: Lynelle Stanford
Sent: Tuesday, August 30, 2016 8:14 PM
To: Betty Warren
Subject: Vinotok

Good Morning Betty,

I approve of the Vinotok application, contingent upon a certificate of insurance in the name of the special event permittee naming the Town of Crested Butte as additionally insured.

Lynelle Stanford
Town Clerk
Town of Crested Butte

Town Manager: William V. Crank
Signature: W.M.V. Crank Date: 8-31-16
Printed Name (Printed): William V. Crank

Conditions/Restrictions/Comments:

VINOTOK (SEPT 23-24, 2016)

Crested Butte Fire Protection District:

[Signature]
Signature 8/30/16
Date
Ric Ems
Printed Name (Printed)

Conditions/Restrictions/Comments:
See attached letter dated
8/29/16

Mt. Express Bus Service:

[Signature]
Signature 8/30/16
Date
Chris Larsen
Printed Name (Printed)

Conditions/Restrictions/Comments:
See attached letter

Official Use Only:

Application Received 7-23-16 Date Distributed 8-17-16

Council Date (if applicable) SEPT 6, 2016

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$ 25 Check # 1051 Date Paid 7-26-16

Permit Fee \$ 200 Check # 1051 Date Paid 7-26-16

Local Liquor License Fee \$ 25 Check # 1053 Date Paid 7-26-16

State Liquor License Fee _____ Check # _____ Date Paid _____ Date Liq. Application Sent _____

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$ 200 Check # 1052 Date Paid 7-26-16 Date Returned: _____



CRESTED BUTTE FIRE PROTECTION DISTRICT

306 MAROON AVENUE
P.O. BOX 1009
CRESTED BUTTE, CO 81224
(970) 349-5333 FAX: (970) 349-3420
WEBSITE: WWW.CBFPD.ORG

Date: 8/29/16

RE: Review of the Town of Crested Butte Special Event Application for Vinotok
September 23- 24th, 2016.

Dear Crested Butte Town Council,

After reviewing the application the CBFPD Fire Division has the following comments. We acknowledge that The Vinotok committee has put a lot of time and effort into planning and designing the two days of events for this proposed Town of Crested Butte Special Event Permit. With the past history of Vinotok, the Fire Division has always recommended moving the location of the Vinotok fire to a safer location. For this year's application the Vinotok committee does not want to move the location but has proposed to decrease the fuel load and reoriented the fuel load hoping to produce less embers. If this Special Event is approved to be held in the same location it is a real trial and error period to see if the plan does indeed "reduce/reorient" the fuel load and reduce the "life safety and property" concerns expressed by the Town, Fire District and citizens of Crested Butte.

If the Vinotok Special Event Permit is approved the Fire District will provide the following for the Burning of the Grump:

-One Fire Crew and one engine dedicated to the Vinotok Fire event at no charge. The Fire Crew will be available from 20:00 to 24:00.

The Fire Crew will consist of one Fire Officer, One Engineer and two Firefighters

It is our understanding that the Town will mow the berm east of the Chamber lot.

The Fire Crew will pre-soak the berm prior to the Vinotok personnel lighting the fire.

The Fire Crew will extinguish the fire at 22:30.

Other requirements as previously discussed:

Vinotok committee must provide Crowd control and Fire Extinguisher personnel as required.

Please feel free to contact this office if I can be of further assistance.

Respectfully,

Ric Ems, Chief

Crested Butte Fire Protection District

803 Butte Avenue
P.O. Box 3482
Crested Butte, CO 81224
Ph. (970)349-5616
Fax (970)349-7214

Mountain Express

Vinotok September 24, 2016

Listed below are the route changes for Mountain Express during the Vinotok Festival.

Saturday, September 24th the route changes as follows:

- When Elk Avenue is closed between 2nd & 3rd street, Mountain Express will use Maroon Avenue to access the Old Town Hall.
- At 4:30 pm when the mumming begins, Mountain Express will stop using the Old Town Hall bus stop and will use the Teocalli stops, 4 way stop and 6th & Belleview. Even though 2nd street is still open, it is too congested with participants and spectators to safely proceed through the intersection.
- At 7:30 pm when the procession moves towards the 4 way stop, Mountain Express will use only the Teocalli stops.
- Once Elk Avenue is open, Mountain Express will resume the regular town route.

Mountain Express will run late on Saturday, September 24th, with the last bus leaving Old Town Hall at 2:10 am.

Mountain Express also requests that a Crested Butte Marshal be present (if possible) at the Old Town Hall bus stop for the 2:10 am departure.



Chris Larsen
Transit Manager

TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION



- A **complete** application must be submitted a **minimum** of forty-five (45) days prior to your event. A **complete** application includes all **fees** and **deposits**.
- Incomplete applications will not be accepted.
- A \$100 late fee will be charged for late applications and no applications will be accepted less than ten (10) business days prior to an event.
- In addition to the application fee and a special event permit fee, a clean-up deposit may be charged depending on the size and scale of the event (see special event fee schedule for details).
- All special events require a minimum of \$1,000,000 in general commercial liability insurance naming the Town of Crested Butte as an additional insured. If you have reserved the Big Mine Ice Arena for more than 299 people you will also need to add the Crested Butte Fire Protection District as an additional insured.
- Additional application fees are required for a Special Event Liquor License.
- Please print clearly and **legibly**
- Block parties must comply with the Block Party Policies and are not Special Events. Contact the Clerk's Office for more information.

Name of Event: Vinotok

Date(s) of Event: Sept 23rd & 24th 2016

Name of Organization Holding the Event ("Permittee"): Vinotok

Note: The permittee of an event must be the same as the named insured on the insurance binder.

Name of Event Organizer: Kath Harrington

Phone: 970.319.5112 Cell Phone: ☞

E-Mail: kathharrington@gmail.com Fax Number: _____

Name of Assistant or Co-Organizer (if applicable): Molly Murfee

Phone: 349.0947 Cell Phone: _____ E-Mail: mmurfee.ae@usa.net

Mailing Address of Organization Holding the Event: PO Box 4195

Email Address of Organization: kathharrington@gmail.com Phone Number: 970.319.5112

Detailed Event Description: Please attach an event schedule if applicable Event Schedule Attached

Event Location: (Attach map showing location of event; Also attach 8 ½" X 11" diagram detailing the event showing tents, vendors, security, toilets, tables, signage, fencing, booths, ingress and egress, stage, etc):

Map Attached Showing Location of Event

Diagram Attached Detailing Event

Event Time (start time of scheduled event to end time of scheduled event): see attached
Total Time (including set-up, scheduled event, break-down & clean-up): see attached
Expected Numbers: Participants: See attached Spectators: see attached

Do You Intend to Sell or Serve Alcohol? Yes / No

If Yes, a Special Event Liquor License is Required, You must Submit a Separate Application for a Special Event Liquor License to the Town Clerk at least 30 days prior to the event to ensure adequate time to comply with state regulations.

Special Event Liquor License Application is Attached with Appropriate Fees and Diagram

Proof of General Commercial Liability Insurance Naming the Town of Crested Butte as Additional Insured, with Coverage of No Less than \$1,000,000 is Required for All Special Events. If your event is in the Big Mine Ice Arena and over 299 people you will also need to add the Crested Butte Fire Protection District as Additional Insured. Events Selling Alcohol also Require Liquor Liability Insurance (Note your application cannot be approved until we receive Proof of Insurance). *Contact the Clerk's Office if you would like to receive an insurance quote through the Town's Insurance Provider.*

Is Proof of Insurance is Attached? Yes / No

If No, Why Not: In process

Will There Be Amplified Sound at This Event? Yes / No

If Yes, Describe: see attached

Note: If there will be amplified sound during your event then the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Upon completion and submission of this application the Town will provide you with additional information, including details on how to comply with the neighborhood notification process that you will be required to follow.

Are you requesting Town Manager approval for a 1-day banner at the event location for the hours of the event. Yes / No Town Manager Approval: _____

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence Yes / No
If yes, you must apply for a banner permit separately through Diane at the Front Desk of Town Hall.

How much trash do you anticipate generating at the event? see attached

What recyclable products will be generated at the event? see attached

Describe Your DETAILED Plan for Trash, Recycling and Clean-Up (all events are required to have a plan for handling recycling and garbage during the event and the removal of recycling and garbage after the event). Please note that any plan should emphasize increased recycling and decreased waste production. If you feel that your event will require assistance from a waste company contact the Clerk's Office at 349-5338 or look on the special event section of the Town's website at www.townofcrestedbutte.com for details on the two different waste companies that serve Crested Butte and the scope of their services. Be creative and detailed in you plan. Please note that any event application without a detailed recycling and refuse plan will not be accepted as a complete application:

see attached

Describe Plan for Security (All major impact events, as well as events that receive a special event liquor license, are required to have a security plan):

see attached

Describe Plan for Parking: see attached

Describe Plan for Portable Toilets and/or Restrooms: see attached

Is Your Event Requesting Any Additional Services from the Town of Crested Butte (such as barricades, utility irrigation locates, traffic control, snow removal, electrical power, trash removal, additional police etc.)? Yes / No

If Yes, explain request for services in detail (attach additional page if necessary): see attached

Will Your Event Require Any Road Closures Yes / No

If Yes, Explain in Detail Streets Closures and Times of Closures: see attached

Will Your Event Impact Mt. Express Bus Service and/or Routes? Yes / No

If Yes, Explain Impact: see attached

Will Your Event Affect Any Handicap Parking Spaces Yes / No

If yes then you must work with the Marshal's Department to create a temporary handicap parking space/s for the duration of your event.

Describe Plan for Notifying Businesses and Neighbors Impacted by Your Event:

see attached

Does Your Event Include a Parade Yes / No Foot Parade

If yes you must read and sign the following: I understand that if items are to be distributed during the parade (i.e. candy, beads, etceteras) individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float.

Kathleen Harrington
Signature of Event Coordinator

Will You Be Selling Products (food, drink or merchandise) At Your Event? Yes / No All By Donation

If Yes, You must Collect Sales Tax and Attach a Completed Town of Crested Butte Sales Tax License Application. Town of Crested Butte Sales Tax Application is Attached.

If Approved Would You Like Town Staff To Post The Event On The Gunnison-Crested Butte Online Community Calendar (this service is free of charge): es / No

If yes, please write two sentences below describing the event in the exact wording it will appear on the calendar: _____

Contact Name & Phone Number for the Calendar: _____

Event Fee for the Calendar: _____ Website for More Info: _____

Additional Applicant Comments: _____

Please Review Carefully:

In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively, the "Releasor/Idemnitor") hereby acknowledge and agree to the following: (i) Releasor/Idemnitor assume all risk of injury, loss or damage to Releasor/Idemnitor, any of them, arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (ii) Releasor/Idemnitor waive and release the Town from any and all claims, demands and actions for injury, loss or damage arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (iii) Releasor/Idemnitor agree to defend, indemnify and hold harmless the Town from and against any and all liability, claims, damages and demands, including any third party claim asserted against the Town, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any way related to the permitted use, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause. For purposes hereof, the term "Town" shall include, individually and collectively, its officers, employees, agents, insurers, insurance pools, contractors and subcontractors. By signing this Special Event Application, the Permittee acknowledges and agrees that this assumption of risk, waiver and indemnity extends to all acts, omissions, negligence or other fault of the Town and that said assumption of risk, waiver and indemnity is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. In any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding such invalidity, continue in full legal force and effect.

The undersigned Permittee certifies that all the statements and answers to the above questions are true without any reservations or evasions. The undersigned also understands that the Town of Crested Butte reserves the right to require payment for additional services for major impact events

Kathleen Harrington Kathleen Harrington
Print Name Clearly Signature of Applicant (Permittee)

23 July 2016
Date

Application is Approved: _____ Date: _____



VINOCOUCO-01

KRISTINET

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/1/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mountain West In & Fin Serv LLC 100 E. Victory Way Craig, CO 81625	CONTACT NAME: PHONE (A/C, No, Ext): (970) 824-8185 FAX (A/C, No): (970) 824-8188 E-MAIL ADDRESS: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; border: none;">INSURER(S) AFFORDING COVERAGE</td> <td style="text-align: center; border: none;">NAIC #</td> </tr> <tr> <td style="border: none;">INSURER A: Risk Placement Services, Inc</td> <td style="border: none;">28053</td> </tr> <tr> <td style="border: none;">INSURER B:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER C:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER D:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER E:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER F:</td> <td style="border: none;"></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Risk Placement Services, Inc	28053	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Risk Placement Services, Inc	28053														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
INSURED Vinotok PO Box 1067 Crested Butte, CO 81224															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR	LTR	TYPE OF INSURANCE	ADDE	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		011B012154	09/22/2016	09/25/2016	EACH OCCURRENCE	\$ 1,000,000
								DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
								MED EXP (Any one person)	\$ 5,000
								PERSONAL & ADV INJURY	\$ 1,000,000
								GENERAL AGGREGATE	\$ 2,000,000
								PRODUCTS - COMP/OP AGG	\$ 2,000,000
								Liquor Liabilit	\$ 1,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
								BODILY INJURY (Per person)	\$
								BODILY INJURY (Per accident)	\$
								PROPERTY DAMAGE (Per accident)	\$
									\$
		UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
								AGGREGATE	\$
									\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
								E.L. EACH ACCIDENT	\$
								E.L. DISEASE - EA EMPLOYEE	\$
								E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 certificate holder is listed as additional insured. Liquor Liability is included in the policy for \$1,000,000

CERTIFICATE HOLDER

Town of Crested Butte
 PO BOX 39
 Crested Butte, CO 81224

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Kristine Jook

© 1988-2014 ACORD CORPORATION. All rights reserved.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

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

Vinotok

is a **Nonprofit Corporation** formed or registered on 08/25/2015 under the law of Colorado, 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 20151552998.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/24/2015 that have been posted, and by documents delivered to this office electronically through 08/25/2015 @ 17:04:58.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 08/25/2015 @ 17:04:58 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9287940.



A handwritten signature in blue ink that reads "Wayne W. Williams".

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 Certificate Confirmation 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 Business Center and select "Frequently Asked Questions."

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Vinotok	State Sales Tax Number (Required)
----------------------------------------------------------------------------	-----------------------------------

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) PO Box 4195 Crested Butte, CO 81224	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Eik Avenue, 100 Block Crested Butte, CO 81224
----------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Kat Harrington	03/22/83	PO Box 508 Horseshoe ⁸¹²²⁵ Mt. Crested Butte	970.319.5112
5. EVENT MANAGER Kat Harrington	03/22/83	508 Horseshoe ⁸¹²²⁵ Mt. Crested Butte, CO	970.319.5112

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? <u> </u>	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? <u> </u>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
Fri Sept 23 2016				
From 500 p.m.				
To 1000 p.m.				

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE Kathleen Harrington	TITLE Vinotok Permitter / Pres	DATE 23 July 2016
-----------------------------------------	------------------------------------------	-----------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

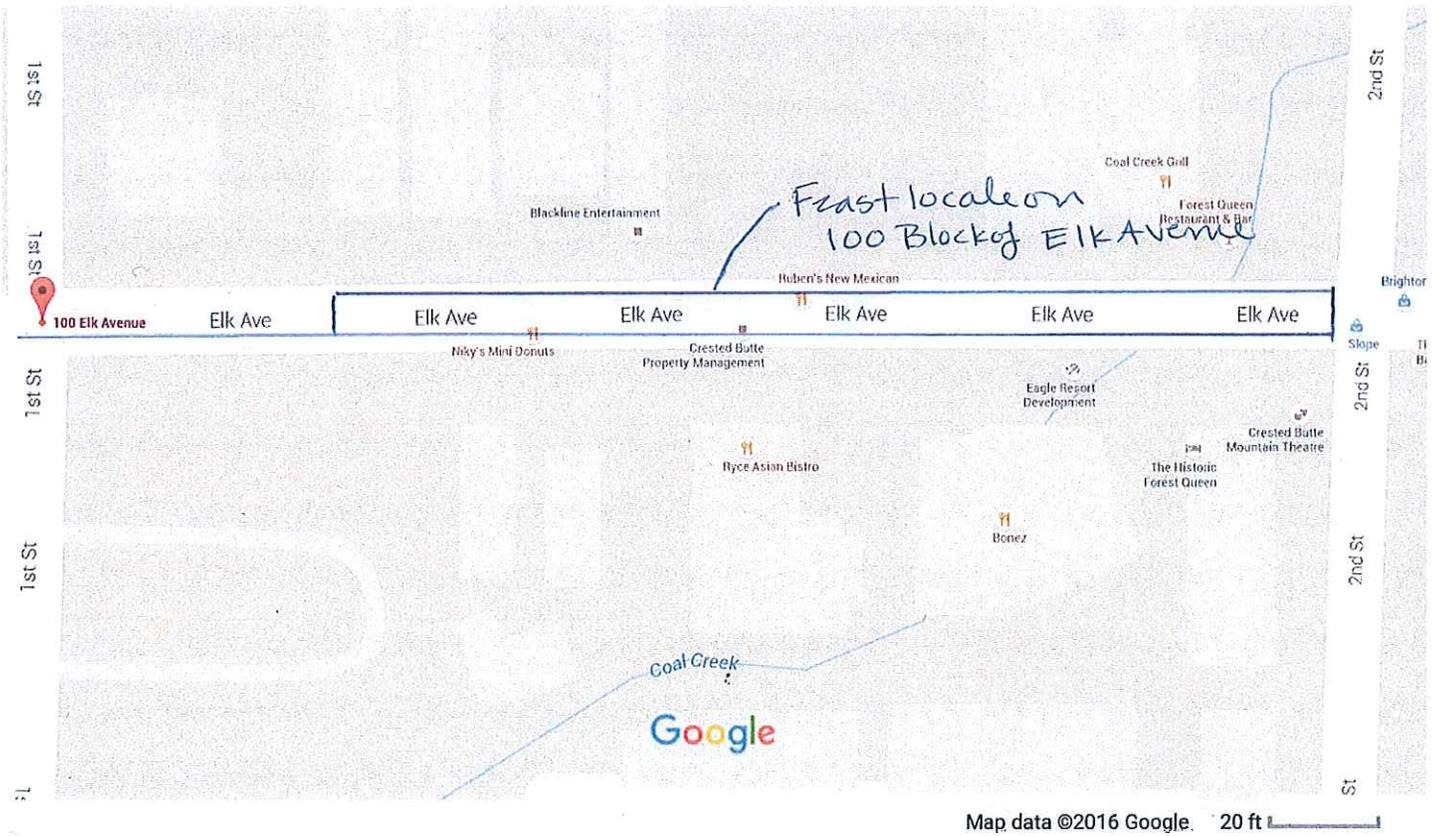
THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

Google Maps 100 Elk Ave



To the Town Employees and Town Council,

We the Vinotok Council, have listened carefully to the comments and concerns from the Town Council and several community members and we present to you a Special Events Permit Application that works towards addressing these concerns and considers the interests and satisfaction of the greater community of Crested Butte. We heard loud and clear the concerns about the 4-way being “not a good location” for the fire. Yet, after much thought and deliberation, we continue to feel that the 4-way is the best for the event.

In the Application we outline activities for the Bonfire day/night of Vinotok as the Permit questions require but we do not cover how we eliminated other locations. We intend this brief cover letter to do that and we look forward to an open dialogue between all involved parties. Please send any questions and/or comments to Kat Harrington, katnharrington@gmail.com.

Alternate proposed locations and thoughts for not having it at those locales:

-It takes 6 minutes to walk from the Eldo to the 4-way according to Google Maps while it takes a minimum of 20 minutes to process there with the Grump; approximately 3.3 times longer and the times below reflect that.

Gravel Pits behind the Community School on the Southeast side of town

- Future plans for development: bike park or school expansion
- Events at Town Ranch
- Travel time for procession from the Eldo to the fire approximately 60 minutes
- Further from Business/Tax District
- Deeper into neighborhoods, impacting significantly greater number of homes
- Getting crowd out of neighborhoods and back to Business/Tax District
- Grass Fields as a fire hazard

Peanut Lake on the road or Island

- Tailings pond and safety of children, dogs, and potentially intoxicated or otherwise impaired individuals
- Old coal piles igniting
- Site for fire would potentially block the road (one way in and one way out for emergency and private vehicles)
- Travel time for procession from the Eldo to the fire approximately 85 minutes
- Further from Business/Tax District
- Deeper into neighborhoods, impacting significantly greater number of homes
- Getting crowd out of neighborhoods and back to Business/Tax District
- Grass Fields as a fire hazard

Dirt Lot North of Rainbow Park

- Future plans for development: homes
- Travel time for procession from the Eldo to the fire approximately 53 minutes

- Further from Business District and deeper into neighborhoods
- Small lot size
- Deeper into neighborhoods, impacting significantly greater number of homes

Canceling the event this year/Encouraging Private Event by word of Mouth

- Lack of Community involvement in all aspects
- Counter to the history of inclusion of the event
- Potential for people to have their own unprotected and dangerous fires in the National Forest or on private property
- Potential for locals and visitors to become disappointed in losing the community's "Favorite Local Festival" (CB News-all-community vote) and to respond with disrespectful and destructive behaviors.

It is also our belief that if too many traditional aspects and expectations of the event are changed in one year, it may lead to community discontent, reprisals, negative behavior and actions.

In conclusion, we present a Special Events Permit Application with the same Procession route and Burning of the Grump location. However, in order to respect the safety concerns presented we are coming to you with a fire with a reduction of the fuel load by 75%. We heard The Town Council and the community members and we believe that this proposal best addresses the desires and safety of the community as a whole (rather than the small percentage who are vocal). Again, please send any questions and/or comments to Kat Harrington, katnharrington@gmail.com.

VINOTOK PERMIT INFORMATION

2016

COMMUNITY FEAST

Friday, September 23

Event Description:

The Vinotok Community Feast is a family-friendly event where community members may come together to share a regionally produced and seasonal meal. The evening is complimented with poetry readings, community members bringing their acoustic instruments to play around the fire pits, and demonstrations of fire art.

Event Location: The 100 block of Elk Avenue

Event Time: 5:30 – 10 p.m. Friday, September 23

Total Time: 8 a.m. Friday, September 23 – 6 a.m. Saturday, September 24

Expected number of participants: 50 (volunteers)

Expected number of spectators: 250 - 300 (diners)

Schedule of Events:

Thursday, Sept. 22	4 p.m.	Marshalls place cones placed on street to advise of no parking for the following day; barricades staged
Friday, Sept. 23	8 a.m.	Road closed for Community Feast Preparation; barricades up
	8 a.m.	Feast preparation begins
	5:30 p.m.	Feast begins
	8 – 10 p.m.	Poetry readings, impromptu acoustic music around the fire pits
	10 p.m.	Feast ends, clean-up begins; Vinotok crew moves barricades to side of the Slope building for next day
Saturday, Sept. 24	6 a.m.	Roads re-opened

Alcohol:

Vinotok is obtaining their Special Events Liquor License for the feast in a designated tent. Feast attendees will be carded at the ticket booth and given a wristband or stamp if they are over 21. A thematic boundary will be established for the designated feast area where people may consume their purchased alcoholic beverages.

Amplified Sound:

A small speaker and microphone will be used for announcements, awards and music during the feast

Trash:

Vinotok aims to be a zero waste festival. No eating or drinking utensils will be provided and community members must bring their own. Beverages will be served in “bring your own” glasses. Any trash generated will be handled in partnership with the Vinotok Green Team Coordinator and the Crested Butte Farmer's Market. The minimal trash will be collected in a bear proof bin and taken care of by the Crested Butte Farmer's Market office trash service. Recycling will be handled the same. Food waste will be stored in secure buckets and taken by Nancy Wicks to her farm for composting.

Security:

Vinotok volunteers and principle organizers will be maintaining the boundary of the feast, which will be clearly marked. Tickets and over 21 wristbands or stamps will be taken and given at the designated ticket booth.

Parking:

No parking needed for this event

Toilets:**Toilets:**

Community Feast guests will be able to use the public restrooms at the Old Town Hall and Vinotok will supply three port-o-potties . The town will have the bathrooms stocked and cleaned prior to event and a Vinotok volunteer will check in on the facilities at the start of the event, in the middle, and at the end of the event to evaluate their condition. In addition, this Vinotok volunteer will restock the toilet paper supply as needed during the course of the evening.

Additional Services:

~~4 10' tables and 60 chairs from town to be picked up the morning of the Friday, Sept. 23~~

Town does not provide. Stated in meeting on 8-2-2016 WJ

Road Closures:

Cones will be placed by the Marshall's office on the 100 block of Elk to advise the community of upcoming parking restrictions beginning on Thursday, Sept. 22 at 4 p.m. The road will be closed from Friday, Sept. 23 at 8 a.m. until Saturday, Sept. 24 at 6 a.m. whereupon the cones will be removed by the same.

Mountain Express:

The Mountain Express bus route will not be impacted by this event

Handicap Parking:

Handicap Parking will not be impacted by this event

Notification Plan:

Vinotok schedule of events is announced through psa's on KBUT, on the KBUT online calendar, the gcbcalendar.com, facebook, and press releases in the *Crested Butte News*.

Fire Plan:

Please note: Vinotok has secured insurance that covers fire art

Fire Art:

Fire art will be demonstrated by the Crested Butte Fire Spinners after the feast between 8 and 10 p.m. The following practices will be employed during this time:

- There will be a fire trained and certified person (on the list provided by the Town Hall of Crested Butte) watching the fire spinning crew.
- The Crested Butte Fire Spinners follow the NFPA 160 – the Standard for the Use of Flame Effects Before an Audience by the National Fire Protection Association.
- Fire-spinning will only be demonstrated in the designated areas.
- Only official members of the fire-spinning group will be allowed to spin.
- Only official and professional fire tools in excellent condition will be used for spinning.
- Kerosene is used as fuel for its low burn temperature.
- Fuel is kept in a designated dipping space away from performance space. Lighting occurs away from the dipping space.
- A safety person from the Crested Butte Fire Spinners is always on hand ready with fire blanket and extinguisher.
- 2 UC certified fire extinguishers are on site for demonstrations.
- Artists use a Duvetyn fire retardant material as a fire blanket.
- A fire retardant spray is used for artist clothes.
- All fire art tools and fuels in their original containers are kept in a metal box.
- Vinotok Fire Artist Coordinator Calvin West is available for demonstration of fire art and fire art equipment if desired.

Fire Pits:

- Elevated backyard fire pits are used during the feast to set the ambiance and to provide a place for community members to read poetry and play acoustic music.
- Non combustible fire pans will be placed underneath the backyard fire pits for ground / street protection.
- Fire extinguishers and fire retardant fire blankets from the Crested Butte Fire Spinners are on hand at all times.
- Fire logs are of standard wood burning stove size (i.e. no bigger than what you can purchase at the grocery store). Fires are intentionally kept small and cozy – no more than 2-3 logs burning at a time.
- Fire in fire pits will be completely extinguished and removed from the premises at the end of the feast (10 p.m.).

Branding:

- A small forge will be set up on a non combustible surface.
- Fire extinguishers and fire retardant blankets from the Crested Butte Fire Spinners are on hand at all times.
- Forge will be completely out and removed from the premises at the end of the feast (10 p.m.).

VINOTOK DAY
Saturday, September 24

Event Description:

On Vinotok Day the Vinotok Theatre Troupe performs short “mumming” plays in the local bars and restaurants in an informal procession up Elk Avenue. A play of seasonal characters then takes place on an outdoor stage in front of the Eldo. The play ends in a final procession of escorting the “Grump” back down Elk to the 4-way where he is ceremoniously burned in a fire in order to assure good luck and good snow for the winter.

Event Location: Elk Avenue, between 6th St. and 2nd St., culminating at the parking lot at the 4-way

Event Time: 4:30 – 10:30 p.m. Saturday, September 24

Total Time: 5 a.m. Saturday, September 24 –12 p.m. Sunday, September 25

Expected number of participants: 75

Expected number of spectators: 1500 +

Schedule of Events:

Saturday, Sept. 24	5 a.m. - 8:30 p.m.	Block between 2 nd & 3 rd as well as the 600 block will be coned for no parking
	5 a.m.	Chamber parking lot blocked off (through Sunday, September 25)
	5 a.m. – 8:30 p.m.	Block between 2 nd & 3 rd blocked off Mtn Express avoids Elk Ave
	4:00 p.m.	Fire construction inspection
	4:30 - 7 p.m.	Mumming & moving barricades begin
	7 p.m.	Trial of the Grump in front of Eldo
	7 – 8 p.m.	Elk from 2 nd to 4-way completely closed for play & procession
	8:15 – 10:30 p.m.	Block between 6 th & 7 th blocked off
	8p.m.	Elk re-opens (when procession arrives at 4-way)
	10:30 p.m.	Fire out
Sunday, Sept. 25	9:30 a.m.	Tweezers, buckets, garbage bags dropped off at Chamber by Parks and Rec
	9:30 a.m.	Bobcat at 4-way by Parks and Rec
	9:30 a.m.	Volunteer clean up begins

Alcohol:

No alcohol is served during Vinotok

Amplified Sound:

A sound and lights system is established on the temporary stage in front of the Eldo for community members to hear the theatre performance.

Trash:

Vinotok aims to be a zero waste festival. No food or drink of any sort is served by the Vinotok Theatre Troupe. However, Vinotok recognizes that many of the spectators create trash of their own volition. For these purposes we have a firmly established trash and recycling plan.

- Vinotok has a Green Team Coordinator dedicated especially to trash and recycling.
- Pre-existing trash receptacles already present at the 4-way will be moved closer to the fire circle to be better accessible to the public.
- Waste Management is providing Vinotok with an additional four event boxes for the site.
- Eight large plastic bins will be delivered by Parks & Rec to the 4-way Friday afternoon or Saturday morning. Four of these will be placed at the fire site and “manned” by volunteers to avoid contamination. Vinotok volunteers will be responsible for dumping trash from these.
- The remaining four large plastic bins will be brought by Vinotok to the 200 block of Elk Avenue on Friday afternoon or Saturday morning. Vinotok volunteers will be responsible for dumping trash from these.
- Vinotok volunteers will pick up major grievances on the 200 block of Elk as the procession leaves the stage. When the block is clean, Vinotok volunteers will move barricades from the 200 block to the side of the Grubstake and Slope buildings.
- After the fire is extinguished, Vinotok volunteers will pick up major grievances at the 4-way .
- On Sunday, September 25 at 9:30 a.m. the entire Vinotok Theatre Troupe convenes and cleans Elk Avenue to Sopris and Maroon including adjacent alleys.
- A 10-yard dumpster will be reserved through Waste Management and will be placed at the 4-way for remaining fire debris to be deposited on Sunday, it is not bear proof.
- Volunteers will assure no contamination of recycling and return the containers to their proper park.
- A magnet is used at the 4-way to remove any nails released in the fire.

Parks & Rec Special Requests

- Parks and Rec should assure that trash cans in the 4-way vicinity and designated recycling bins to be moved to the 4-way will be emptied on Friday, before pickup for the event.
- Eight large plastic bins will be delivered by Parks & Rec to the 4-way Friday afternoon or Saturday morning. These will be placed at the fire site and “manned” by volunteers to avoid contamination.
- Four of these large plastic bins will be placed by Vinotok along the 200 block of Elk Avenue on Saturday morning. Vinotok volunteers will be responsible for dumping trash from these.

- To deposit tongs, buckets and trash bags on the backside of the Chamber building the morning of Sunday, September 25 by 9:30 a.m.
- A bobcat on Sunday, September 25 by 9:30 a.m. to scoop and deposit fire debris in dumpster.

Security:

All Vinotok Theatre Troupe volunteers are charged with maintaining the boundary of the fire ring for the safety of the public. Police and fire department volunteers are also present.

Parking:

No parking needed for this event.

Toilets:

12 port-o-potties for the 4-way will be dropped off by Gunnison Septic on Friday, September 23 during the day. Placement is to be around the Chamber of Commerce, blocking the Chamber's bathrooms.

Additional Services:

- The CB Marshalls have agreed to place cones to prevent parking on Elk Avenue between 2nd and 3rd so that Vinotok volunteers may safely establish and decorate the stage and the sound system can be installed. These will be placed out by 7:00 a.m. and remain until 8 p.m.
- Barricades will be left by the marshals at The Slope and the old Grubstake building to block off this section of Elk when construction of the stage begins. This should be around 11:00 a.m. At this point, Mtn. Express will need to reroute around this block.

Road Closures:

Parking lot behind the Chamber

- The parking lot behind the Chamber should be closed for the entire day of Vinotok so that trailers and flatbeds may be moved in, dumpster drop off, and fire crew begin to construct fire.
- Marshalls will place "no parking" cones on the 600 block of Elk for the day so fire preparations may take place from 5 a.m. – 8:30 p.m.
- During the fire (8 p.m. – 10:30 p.m. and after) the block of Elk from 6th and 7th should also be closed to assure public safety (ie clueless people wandering around after the fire).
- The parking lot will be closed through Sunday, Sept 25, until all trash has been cleared of the area. The barricades will then be removed.

Elk Avenue

- Mumming begins at 4:30 p.m. Marshalls will work with temporary closures on Elk as the Mummies move up Elk Avenue to allow parking and restaurant visitation. In other words, a moving barricade will precede and follow the mummies as they move from restaurant to restaurant so they and the community

may have a block to dance and move. The block between 2nd and 3rd remains closed the entire time.

- Mummies agree to pause for drumming/dance performances/parties at 2 – 3 designated spots. These spots will not interfere with intersections. Two confirmed designated spots will be in front of the Community Store and the Brick Oven.
- During this time, it would be within the best interest of Mountain Express to completely avoid Elk Avenue. Second Street will be open at the Old Town Hall for that stop, however.
- Elk Avenue from 2nd to the 4-way will be completely closed from 7 p.m. until 8:30 p.m. so that the street theatre can occur and the community procession can begin towards the 4-way.
- Vinotok agrees to create the Grump in such a manner that it can be expediently moved down Elk Avenue to avoid delays. Grump pullers will begin staging the Grump before the end of mumming behind Kochevar's to expedite initiation of the play and procession.
- By 8:30 p.m. everyone should be at the 4-way and Elk avenue can completely reopen.

Mountain Express:

- Mountain Express will need to avoid Elk Avenue entirely from 12 p.m. - 8:30 p.m. until the procession has arrived at the 4-way.
- Mountain Express has agreed to avoid Elk Avenue once mumming has began and through the duration of the Stage Performance.
- Mountain Express has agreed to only utilize the Teocalli bus stop once the procession to the bonfire has begun and until they deem it safe to proceed through the 4-way.
- It is requested by the Marshalls department that Mountain Express run buses until 2:30 a.m. on Saturday.
- Mountain Express has agreed to run the buses every 20 minutes until midnight and then every 40 minutes with the last bus leaving Old Town Hall at 2:15am.

Handicap Parking:

Handicap Parking will not be impacted by this event.

Notification Plan:

Vinotok schedule of events is announced through psa's on KBUT, on the KBUT online calendar, the gcbcalendar.com, facebook, and press releases in the *Crested Butte News*. Vinotok intentionally does not publicize or market any further.

Fire Plan:

Please note: Vinotok has secured insurance that covers fire art, simple pyrotechnics including but not limited to electric starts, smoke bombs and flares.

Fire Art:

Fire art will be demonstrated by the Crested Butte Fire Spinners on the Vinotok Stage in front of the Eldo to occupy the crowd while the Vinotok Theatre Troupe is retrieving the Grump.

Additionally, fire spinners are used to entertain the crowd at the four way as well as inside the fire ring while the Grump is being situated and the Vinotok Theatre Troupe is taking its place. There will be a fire trained and certified person (on the list provided by the Town Hall of Crested Butte) watching the fire spinning crew.

- The Crested Butte Fire Spinners follow the NFPA 160 – the Standard for the Use of Flame Effects Before an Audience by the National Fire Protection Association.
- Fire-spinning will only be demonstrated outside of the fire ring at the 4-way and at the 600 block before the Grump arrives to lessen the intensity of the crowd pushing against the barricades. Each artist will have a safety watching their circle. Once the Grump arrives, fire spinners will resume their spinning inside the fire ring.
- Only official members of the fire-spinning group will be allowed to spin.
- Only official and professional fire tools in excellent condition will be used for spinning.
- Kerosene is used as fuel for its low burn temperature.
- Fuel is kept in a designated dipping space away from performance space. Lighting occurs away from the dipping space. One safety person is always present at this dipping station at both locations.
- A safety person from the Crested Butte Fire Spinners will be on the stage and on hand at the fire ring with fire blanket and extinguisher.
- Several safety persons from the Crested Butte Fire Spinners will line the front of the stage on the street during that performance.
- 2 UC certified fire extinguishers are on site for demonstrations.
- Artists use a Duvetyn fire retardant material as a fire blanket.
- A fire retardant spray is used for artist clothes.
- All fire art tools and fuels in their original containers are kept in a metal box.
- Vinotok Fire Artist Coordinator Calvin West is available for demonstration of fire art and fire art equipment if desired.

Bonfire Safety Plan:

Goal:

- To create a safe and enjoyable fire to protect crowds and property while maintaining the persona and excitement of the burning of the Grump at Vinotok. The proposed fire for 2016 has a decreased fuel load of 75% while working with the same footprint as 2015.

Objectives:

- To create a fire that burns in stages:
 - An initial intense fire period at take off;
 - A second fire period burning less intense;
 - A final phase of burn out and putting out of the fire.
- To have a quick lighting, quick burning fire to alleviate unnecessary unburned materials and to assure the fire is ready to be put out at the appropriate time.
- Clean up.

Communication:

- The public will be informed on a weekly basis through press releases run in the local paper that inappropriate materials and behavior surrounding the fire will not be tolerated.
- Bob Wojtalik has agreed, as a public citizen, to oversee the fire creation to assure that the

Vinotok fire is constructed as safely as possible while still maintaining the persona of the Vinotok festival. Bob will also serve as the liaison between Vinotok and the Crested Butte Fire Department.

- Communication will be kept open between the Vinotok committee, the fire department, and the police department to assure all safety needs are being met while still constructing an exciting fire for the community.
- Bob will be available for conversations with Tommy Martin and Rick Ems to refine strategies of fire building to assure safety and address concerns.

Construction

Please Note: Fire diagrams are attached.

- Fire will be constructed by a special Vinotok Fire Committee.
- Kat Harrington, Vinotok Organizer, will hold a special meeting with the Vinotok Fire Committee with Vinotok Fire Marshall Bob Wojtalik to discuss safety requirements of the fire
- Wood materials will be gathered and stored at a private residence.
- Special attention will be made to assure only proper and safe materials are used in construction. It should be noted that it has been several years since inappropriate and toxic items have made it into the fire as this is something the Vinotok Fire Committee takes extremely seriously.
- Height and diameter of the fire will be overseen by Bob to assure safety.
- The fire ring will have a 20' outside diameter and a 12' inside diameter. See fire diagram / site plan and drawings for details.
- Within the fire ring, there will be 4 conical spires that will be 10' high with a base that is 5' in diameter round and 4 prisms that will be 5' high with a 4' square base. See fire diagram / site plan and drawings for details.
- The fire ring of conical spires and prisms will be constructed using wood pallets, pine lumber, aspen rounds and limbs.
- Palettes are used to help hold up loose downed wood. This provides an area for the "Grump" to be wheeled into.
- Palettes will be used as a "grate" system underneath the Grump to provide air circulation.
- We will rely heavily on a 50/50 mix of diesel and gasoline accelerant to start the fire and also create a larger fire. The accelerant will be contained in double plastic bags to reduce vapor hazard. The use of an accelerant will create a larger crowd pleasing fire without creating additional embers.
- We will use an electrical ignition system to light the main fire and any other effects. The fire will be initially lit by event staff as an effect.
- The use of theatrical pyrotechnics (see pages at the end of this document for specifics) will be used for additional crowd pleasing effects. These pyrotechnics will not explode or send projectiles vertically or laterally into the crowd. We can provide a list of effects one week prior to the event for review.
- Bob will provide complete supervision of the fire building, after completion of the fire structure building and during the burn. This will prevent unauthorized fireworks, flammables, or other items to be placed in the fire.
- When the procession reaches the fire area, Torchbearers "light" the fire with small

preplaced diesel soaked rags and then back away from the fire to give the illusion they started the fire.

- Ignition will be remotely controlled through pre-wired electrical system to help ensure safety.
- Barricades will be placed around the fire so that the crowd is maintained at a safe distance from the fire.
- An inspection of fire will be held on Saturday, Sept. 24 at 4 p.m. Bob Wojtalik will be present for the inspection for representatives of the Police and Fire departments.
- After fire inspection, area will be secured, no community member will be allowed in fire area. No further fuel will be added. Vinotok will arrange for the fire to be manned by only approved volunteers at all times before and after inspection.
- Bob will be in tight coordination with Vinotok organizers to assure proper lighting and safety until the fire is extinguished.
- The fire department will soak the burn on the east side of the parking lot before the bonfire is lit.

During the Fire

- Vinotok cast and crew (maidens, torchbearers, flagbearers and Fire Committee) will be coordinated so as to serve as additional safety barriers during the fire. They will actively keep the crowd outside of the fire barricade.
- Marshals from the Crested Butte Marshal's Office will be on hand to maintain the peace and respond to any citizen that is being disorderly and disobedient in regards to the fire.
- Fire Committee will be clearly designated with uniforms that alert the crowd as to their "fire role" while also maintaining the mood of Vinotok.
- Vinotok will construct an inner barricade around the fire and an outer barricade further out until the fire has been lit and become smaller. The outer barricade will be opened when it becomes safe to get closer to the fire.
- Andrew Winogradow will be the "go-to man" for coordination of the Vinotok volunteers in opening the barricades.
- Bob Wojtalik will be the point person for any safety concerns made by the fire and police departments.
- A guaranteed fire truck with firefighters will be close by for fire emergencies during the fire as well as to put out the fire at the end of the burning period.
- The police department will assist in dispersing the crowd when it is time to put out the fire. This is also well done by the fire engine turning on its search lights which acts as a natural crowd dispersant.

Contingency Plan for the Fire (Partial Burn or No Burn)

The following points lay out the plan for if there is a need for a partial burn or no burn and a dismantling of the fire completely.

- The Vinotok Organizing Committee understands that if the concern for wind is deemed too great at the time the fire is to be ignited it will not be lit. In the event that it occurs, the Vinotok Organizing Committee will require assistance in safely dispersing the crowd and safely dismantling the burnable bonfire materials.
- If the wind is too great to light the full bonfire, there may still be a possibility to burn the Grump itself without the fire load of the bonfire. In this case, the outer and inner ring will be dismantled along with the main fire load created by pallets. This will also necessitate

the removal of the accelerant bags. The electrical ignition system will be utilized to light and burn the Grump.

- If wind is a concern, all avenue available for weather prediction will be utilized to assist in determining when the wind may die down. It is understood that wind is often a temporary condition that can change over the course of a few hours in an evening or from one locale to another.
- The Marshall's Department will be paying special attention to wind the evening of the bonfire. The Marshall's point person will alert Molly Murfee, the Procession Leader, of any wind concerns when the Cast goes to inspect the bonfire site between 4 p.m. and 4:30 p.m. on Saturday, September 24.
- The Marshall's point person will also alert Molly Murfee of any wind concern as the Cast is processing down Elk Avenue to the 4-way to the bonfire site for the burning of the Grump after the Trial.
- At this point, Molly can slow down the procession in order to delay the start of the bonfire to allow the wind to subside so the crowd doesn't end up at the bonfire site too early, especially if the lighting of the fire is to be delayed.
- The Marshall's point person can keep Molly Murfee updated as to wind concern throughout the procession from the Trial to the 4-way to notify her if the wind concerns has been terminated.
- Fire art can be used as a time delay in the instance the procession and cast reach the bonfire site and the wind is still a concern.

Other Safety Notes:

- The Eldo has identified their fire extinguishers to be located by the front door and by the bar. Eldo personnel will be on hand to watch for fire from cigarettes and decorations meeting, and ready with fire extinguishers. They are aware of this combination of fire potential.

PROPOSED THEATRICAL PYROTECHNICS

VINOTOK BONFIRE 2016

PRELIMINARY

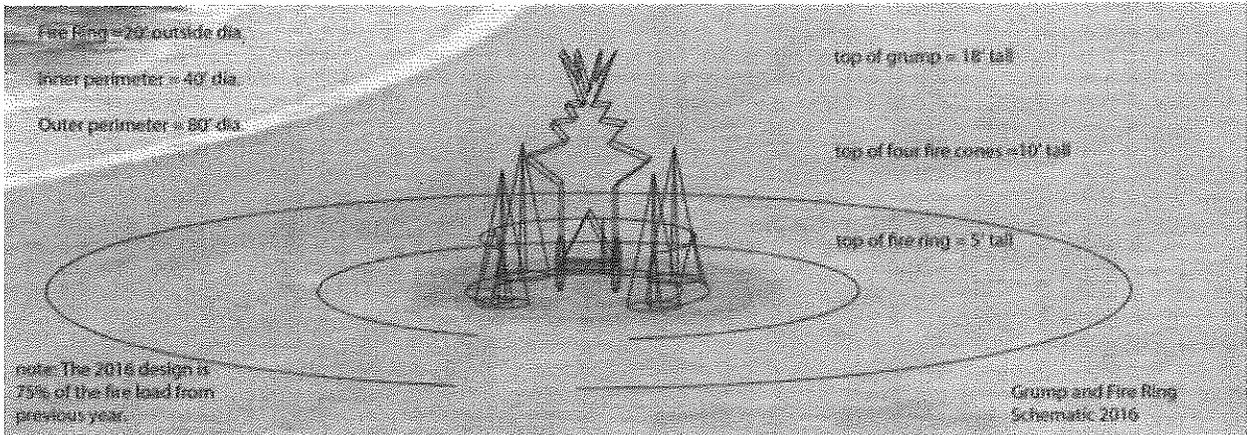
Bob Wojtaliki is in the preliminary planning stage of the pyrotechnics for the 2016 "burning of the Grump". He has had limited discussion with the Grump builder. Here are his ideas and may change but the composition and devices will remain the same.

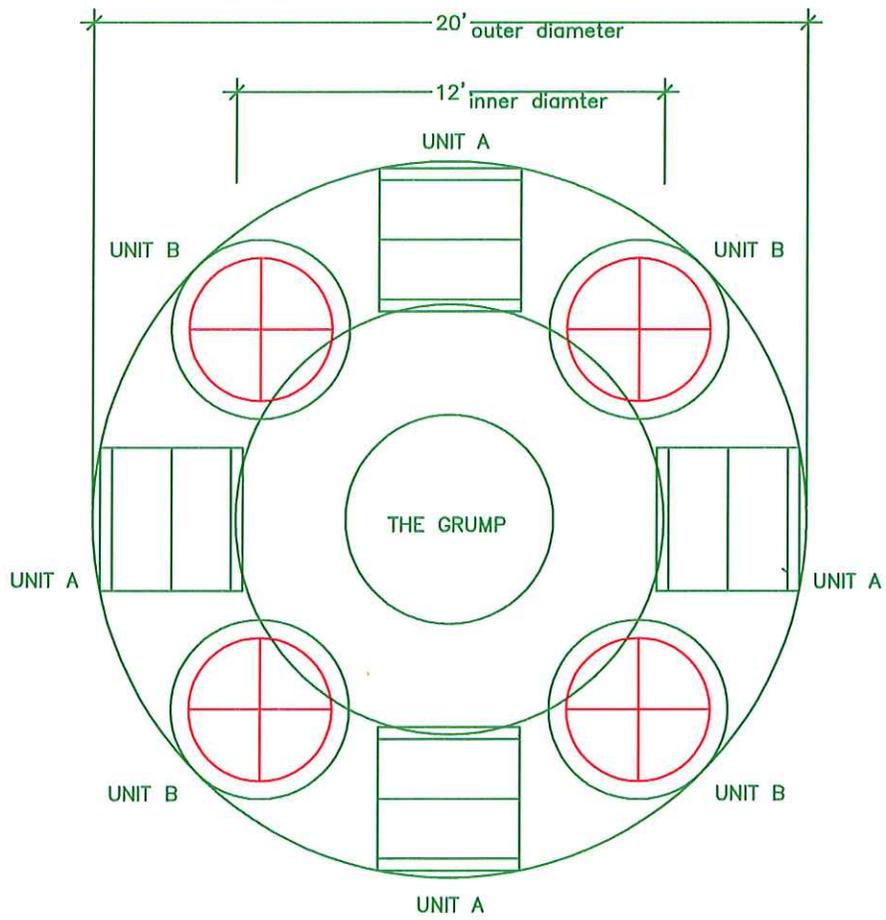
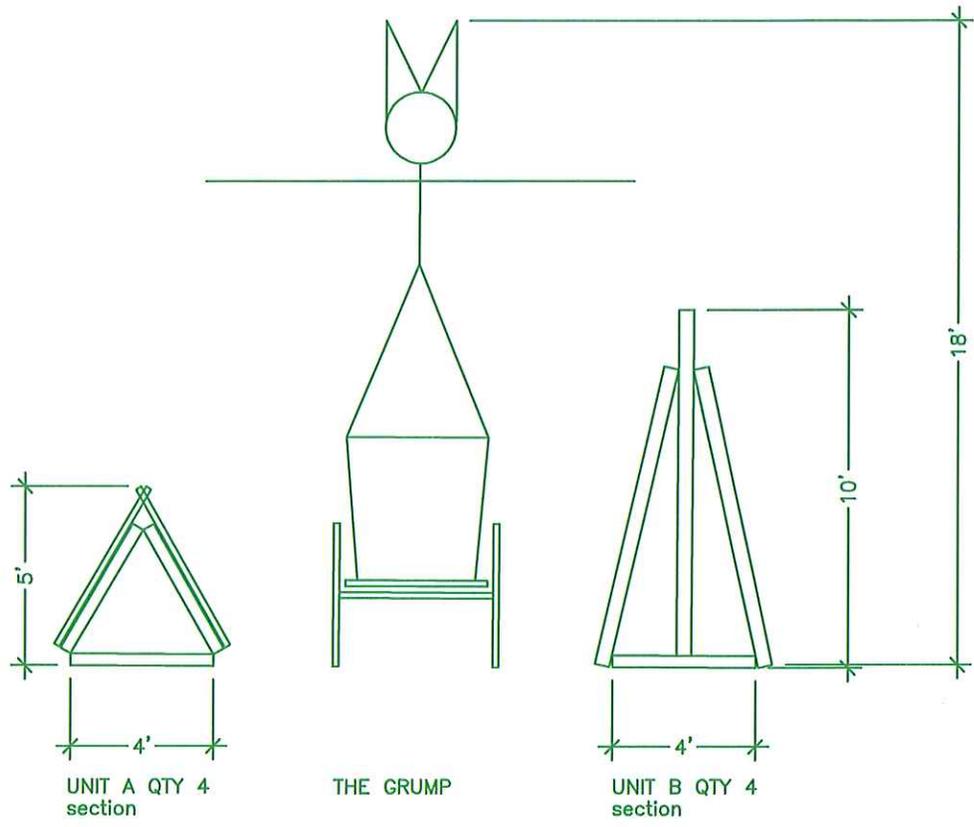
- 1) The torchbearers light diesel fuel soaked rags around the perimeter as a theatrical display. The actual startup of the fire will be by an electric match remotely triggered. Bob Wojtalik will have control over the triggering device.

- 2) Before Bob Wojtalik lights the main fire there will be an evaluation of wind speed. If we determine the wind speed is too great for a safe burn we have three options; a) dismantle the fire ring to prevent accidental ignition-cons. Large crown expecting a fire-crowd control may be an issue; b) ignite the Grump and let the smaller fuel load burn-fire department may have to wet down the perimeter fire ring; c) delay starting the fire until the wind dies down. In all of the above scenarios Bob Wojtalik will have a discussion with the Marshall's point person.
- 3) Bob Wojtalik intends to use the following techniques during the fire;
 - a. Small aluminum foil packets of theatrical flash powder for sparkling effect, these will be placed in the Grump, the packets will ignite spontaneously as the flames hit them.
 - b. Sealed plastic containers of a 50/50 mix of diesel fuel and gasoline. This will be the accelerant to promote a fast start to the fire
 - c. Possibly he will use fountains for a cascading light effect, showers of yellow and silver sparks
 - d. Highway flares-high intensity red light
 - e. Slow and fast burning fuse-to delay ignition of parts and to connect the devices

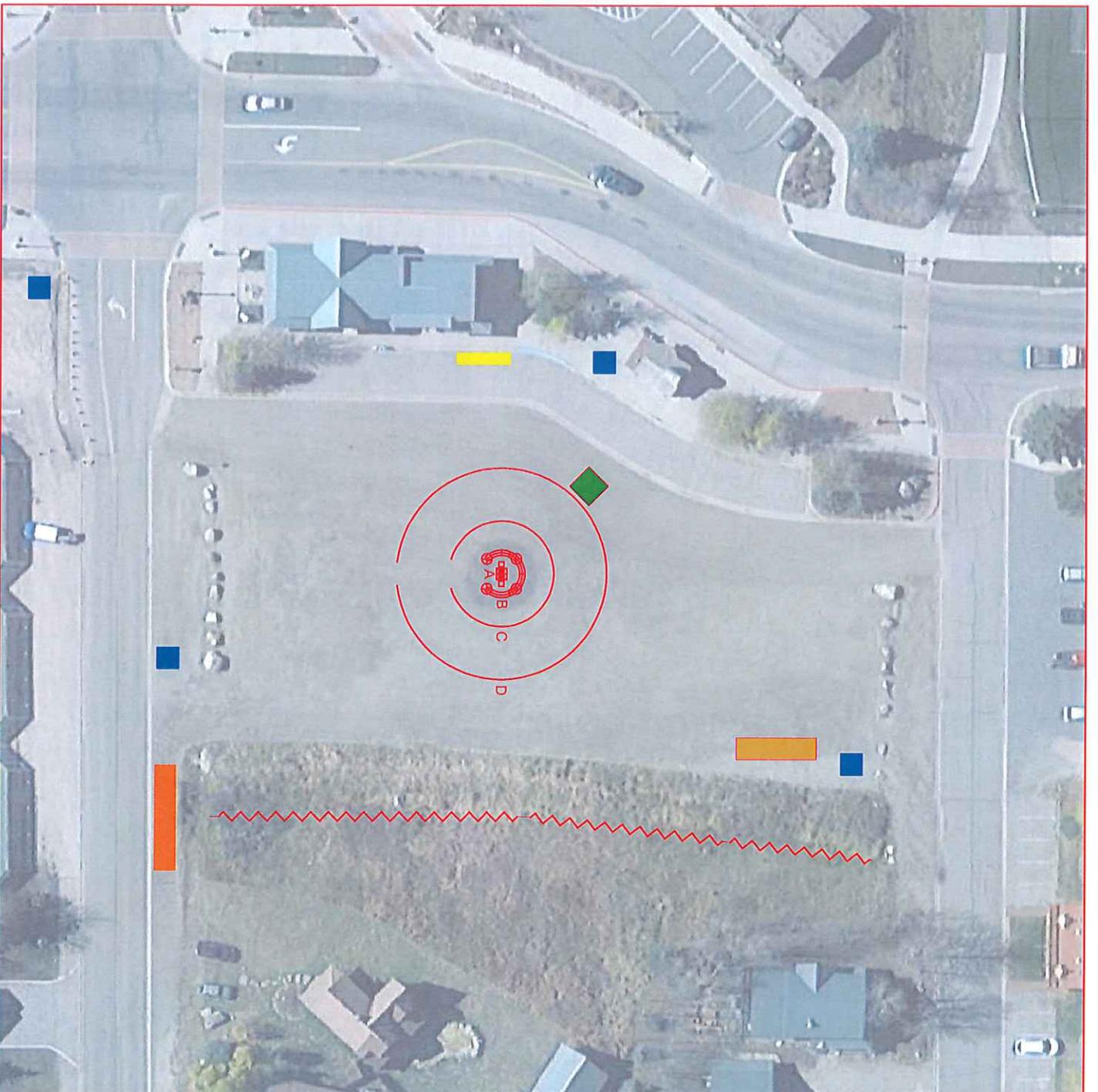
All the pyrotechnics will be contained within the fire ring and the control fence. All the pyrotechnics will be consumed in the fire and no spectators will be allowed within the control fence until the fire is deemed safe.

Bob Wojtalik will supervise the building of the fire rings and limit the fuel load and make every attempt to prevent the addition of accelerants and unauthorized fireworks.





VINOTOK FIRE 2016 SITE PLAN



■ PEACE OFFICERS

■ FIRE TRUCK

■ EVENT TOILETS

◆ STAGE / SEATING

⚡ EVENT FENCE
THE SHALL BE AN ORANGE CONSTRUCTION FENCE WITH WHITE STRIPES. IT SHALL PREVENT UNAUTHORIZED FROM ACCESSING NEIGHBORING PROPERTIES.

■ WASTE / DUMPSTER

A THE GROUP
10 HIGH STEEL, BOOM, AND METAL BRIDGE
BOMB AND SPARKING PROTECTING DEVICES
FOR THE VINOTOK FIRE CHIEF. NO PROHIBITIVE
PROHIBITIONS SHALL BE ENFORCED

B THE FIRE

5' HIGH WOOD FIRE BARR WITH A 20' OUTSIDE
DIAMETER AND 12' INSIDE DIAMETER, WITH FOUR
10' HIGH WOOD CONICAL TOWERS.
PREVIOUS VINOTOK FIRES HAVE BEEN 10' HIGH
WOOD FIRE BARR WITH A 20' OUTSIDE DIAMETER
AND 12' INSIDE DIAMETER WITH SPACES UP TO
20' IN HEIGHT.
THE 2016 VINOTOK FIRE PERSON IS A THE
REDUCTION IN PUL. LOAD RELATIVE TO ALL
PREVIOUSLY APPROVED THE DESIGN.
THE LIGHTING WILL BE BY REMOTE CONTROL AS
PER THE VINOTOK FIRE CHIEF.

C INNER PERIMETER BOUNDARY
40' DIAMETER SAFETY BARRERS

D OUTER PERIMETER BOUNDARY
60' DIAMETER SAFETY BARRERS

Lynelle Stanford

From: Kathleen Harrington <katnharrington@gmail.com>
Sent: Wednesday, August 24, 2016 4:41 PM
To: Lynelle Stanford
Subject: A couple of things

Good morning Lynelle,

I have a couple of questions or updates on the CB Hat and Vinotok.

Frisbee first. I would like to know if we will be receiving our deposit back for Saturday the 20th event at the Center for the Arts field/Pavilion and Pitsker. If we are, when would that refund be able to be processed?

Vinotok next. Insurance is just about complete. I will ask Mountain West to send you and I a digital copy of the policy when it is ready.

I would like to add the following as an Addendum to the Special Event Application Permit at the request of Scott-O:

We shall not decorate the stairwell of the Eldo for Liar's Night.

We shall have a fire extinguisher (5lbs ABC) for the cauldrons at the Feast on Friday night.

We shall have a fire extinguisher (5lbs ABC) under the stage readily available on Saturday night in case of emergency.

We shall have fire watchers separate from those involved in the fire spinners group.

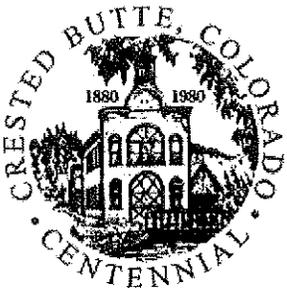
All fire extinguishers shall be new or have current inspection tags.

All fire watch personnel shall be approved and complete appropriate paperwork.

Thank you and have a great day.

--

Kat Harrington
PO Box 4195
Crested Butte, CO
katnharrington@gmail.com
tel: 970.319.5112



Staff Report

August 15, 2016

To: William Crank, Town Manager
From: Michael Reily, Assistant Chief
Subject: Vinotok Fire design test burn

SUMMARY:

Strong concerns have been expressed from residents, visitors, Town Staff, CB Fire and the Marshal's office regarding the designs of past Vinotok bonfires which have been described as too large, unpredictable and potentially unsafe for the proposed Chamber lot location. The most recent designs have created a fire vortex which launched firebrands hundreds of feet away from the center of the bonfire. In response to these concerns, it became clear that changes in location, bonfire design and fuel load would need to be made if the bonfire is to continue in Town.

The Vinotok organizers showed interest in continuing to use the Chamber lot and proposed a bonfire design with a reported 75% reduction in fuel load. Potential improvements were made to that design and it was suggested that a scale exemplar of one section be built and a test burn conducted to see if safety concerns could be addressed.

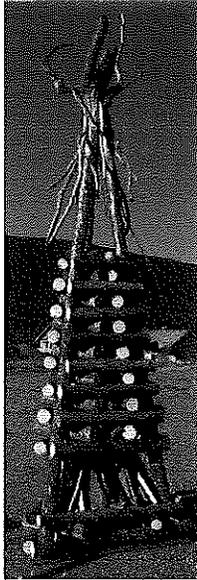
On Monday 15 August 2016 at about 8:45am a test burn of an exemplar section of the proposed Vinotok bonfire design was conducted at the town impound lot. The proposed design consists of four (4) triangular towers connected on three sides with a circular ring of two, one (1) foot tall "tented" logs. The exemplar utilized 3" timbers throughout. Three 10' vertical frames were arranged in a pyramid with a 4' base. Horizontal timbers connected the frame to a point about 7' above the ground with a gap at the base where a small kindling/fuel load was inserted. Three ½ gallon bags of gas/diesel were utilized to accelerate the fire spread and to ensure ignition. Test weather conditions:

Temperature: 68F

Humidity: 40%

Relative humidity: 54.5%

Wind: 0-3mph from the east



RECOMMENDATION:

The exemplar fire seemed to address the exceptional fire vortex created by the vertical orientation and fuel load of past designs which expelled substantial firebrands. The predominately horizontal orientation of the fuel restricted the height of the fire column to about 15-20'. Small (under 1") firebrands were contained within 15' of the base of the fire. Ash was expelled from the fire, as expected, and carried by the wind but was not caught in a column of fire-created wind and driven upwards as was the case with previous bonfire designs.

The Vinotok organizers sought the input of firefighter/educator Jesse A Rochette who completed a written analysis which is attached to this memo. Members and former members of Crested Butte Fire; Chief Ric Ems, retired Assistant Chief Bob Wojtalik and myself (FF, S130/S190, Fire Investigator) were also present and collectively observed the burn and made the following recommendations.

- 1) No more than three (3) gallons of gas/diesel should be utilized in each tower, and under the Grump for a total of 15 gallons of gas/diesel. The exemplar fire utilized 1.5 gallons which was very controlled and contained. However, ignition was not complete using that amount of liquid fuel.
- 2) One leg of the tower should be cut completely through at the base of the structure on (at least) a 45 degree angle and wrapped securely in place with natural fiber twine. This leg should face the inside of the fire ring (Grump side) to promote the tower's collapse into the fire and away from spectators.
- 3) The controlled dust explosion devices "Cremora devices" proposed by Bob Wojtalik were not tested so Chief Ems and I do not feel comfortable with their inclusion at this time.
- 4) The overall design of the Vinotok bonfire should not exceed the tested dimensions and fuel type. No light fuels such as sticks, leaves, grasses or paper should be added to the towers.

5) The design of the Grump should not exceed the fire load and orientation of the tested towers. It is recommended that the predominant orientation of the Grump's fuels be horizontal to restrict concurrent flame spread and to promote counterflow flame spread like the tested tower design does.

6) Grasses on the lots adjoining the Chamber Lot should be mowed prior to the event so they can be wetted/foamed by CB Fire.

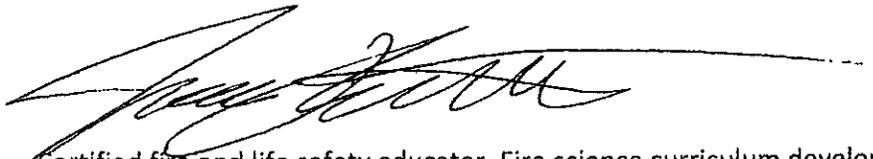


If the Vinotok bonfire is constructed as currently proposed and tested, Chief Martin and I feel comfortable allowing the event to proceed in the Chamber lot. Additionally, CB Fire crews must be present with wind and weather conditions meeting their approval. The crowds and fire must be managed by cast members and fencing as they have been in the past. While the new

design looks promising, its performance must be reviewed to ensure the safety of the community and neighborhood.

One of the primary concerns that has been addressed over the Vinotok fire in the past has been the potential of fire spread due to embers, scientifically referred to as "fire brands." In fire brand science, fire brands take the form of two different shapes, disc and cylindrical. Disc shaped fire brands have significantly less fuel and heat potential and, therefore, cool off and burn out quickly and are less capable of transporting fire over long distances. Cylindrical firebrands on the other hand have more fuel mass and therefore burn hotter and longer than the smaller disk shaped brands. Because of their mass, cylindrical brands need significantly larger convective columns to transport them. The design of the 2016 Vinotok fire takes into account the science of firebrand transport based on conversations with Dr. Koo, a leading fire science researcher at Las Alamos National Laboratories. The design breaks up the single large fuel source of previous years into a dispersed fuel model. This fire design achieves multiple advantages over previous designs. The design reduces the overall fuel load significantly while also changing the dominant fuel orientation from vertical to horizontal to slow the combustion process. The fire design also breaks up the largest concentrations of fuels into multiple smaller towers around the perimeter which is designed to reduce and break up the convective column into smaller convective columns, significantly reducing the potential of large firebrand transport. The design also appears to reduce the radiant heat created by the fire over designs of previous years. In the test conducted on the morning of Monday August 15, 2016, the largest firebrands measured were 25mm x 15mm and were transported ~13 feet from the tower, well within the collapse distance of the tower itself. The design appears to be a well thought out design and addresses the concerns presented.

Jesse A. Rochette

A handwritten signature in black ink, appearing to read 'Jesse A. Rochette', with a long horizontal flourish extending to the right.

Certified fire and life safety educator, Fire science curriculum developer, Science Educator and expired Firefighter 1, Hazmat ops., S-130-190 wildland firefighter and EMT-B. (Cell)719-357-5762
jesse.rochette@gmail.com

Community Grant Program 2016 Funding Application

Organization Name: Vinotok

Address 1: PO Box 4195

Address 2:

City: Crested Butte

State: CO

Zip: 81224

Telephone #: 970 319 5112

Fax:

Email: katnharrington@gmail.com

Contact Person: Kat Harrington

1) Is the organization a nonprofit as defined by the Internal Revenue Service under Section 501(c)?

No. Vinotok is a Nonprofit Corporation with the State of Colorado. With expenses hovering around \$10,000 it is not financially viable, nor recommended, by our attorney, Jackson Petito, to become a 501c3 with the IRS. The expenses and time expenditures of such designation are cost prohibitive for an organization of our size. However, we are governed by a board we call the Vinotok Council and all decisions, including financial ones, are consensus based.

2) When was the organization first formed?

Vinotok was created in 1984 by Marcie Telander with deep influence from centuries-old European traditions.

3) Please provide some brief information regarding the purpose of the organization and primary services provided.

Vinotok in its simplest definition is a nine-day local, grassroots fall harvest festival centered around the Autumn Equinox. Its core rests on three pillars: honoring this wild place we call home; coalescing our community through gathering for events, volunteerism, stories, shared history, and inspiring ideology; and thriving on the value of the balance of all things as called through the natural attributes of the Autumn Equinox. The festival has served the community for 31 years, with 2016 being the 32nd year.

The cultural roots of Vinotok reach back to Slavic and old European traditions that are centuries old. Elders and old-timers in Crested Butte with Scotch-Irish, Austro-Hungarian, Italian, Welsh, Scandinavian, and Germanic-Slavic ancestry co-created this event with Founder Marcie Telander based on their memories of the Old Country Harvest Festivals, combined with 19th and 20th century Crested Butte versions of these traditions practiced during the mining days. A large part of Vinotok is keeping alive the histories, stories, local legends, and culinary traditions of both the European founders as well as modern day heroes of the historic community.

The primary services of Vinotok are: sharing the storied history and lore of the Founders of our community through the Vinotok Festival traditions and celebration theatre; highlighting the unique culture of Crested Butte; celebrating the power of ancient wisdom and the wisdom of modern sustainable practices; expressing the multicultural and intergenerational nature of the event; deepening the sense of shared mission in the communities of Crested Butte and the residents of the Valley; celebrating the balance of the equinox and the cycles of life, death, and rebirth; and celebrating the natural world.

We organize ourselves to serve our community members with cathartic experiences that allow us to say goodbye to summer, move into autumn, and welcome winter as a unified community. Through individuals writing down their “Grumps” (aspects of their lives they would like to be rid of), putting them in Grump Boxes, and then burning the Grumps in the Bonfire, we provide a means through which we may all release that which no longer serves us and move into the future with a proverbial “clean slate,” openness, and positivity. We believe this is an important, and necessary, aspect of being a small community. This is no place to hold onto Grumps.

The characters of Vinotok are central to the event’s multicultural background and ethnic mythologies and imagination. The Harvest Mother represents the feminine and the deep recognition of the cycle of life and death along with her masculine counterpart, the Green Man, who represents virility and fertility of man and Earth. These two balance each other at the time of the Autumnal Equinox. Also balancing each other are the Dragon, representing the deep profound parts of the Earth, and the Knight, representing technology and the ways of civilized man, who do battle and become aligned with the purpose of preserving the natural world. Then of course there is the Grump, who is built as an effigy and put on trial during the Passion Play. The Grump is filled with little pieces of paper filled out by individuals identifying what they wish to release from the passing year. All of these are consumed at the culmination of the event at the conflagration of the Bonfire at the 4-way.

With all of these above philosophies, histories, and characters in mind, we strive to provide an inclusive cornucopia of experiences that appeal to all ages, interests, and sectors of individual members of this community. As we say, *everyone* can be a part of Vinotok, and indeed we encourage this.

By these creative efforts, through the last 31 years Vinotok has developed into the quintessential cultural icon of the unique, resilient, wild, and expressive spirit of the residents of Crested Butte in particular and the Valley as a whole. This Spring Marcie Telander was invited to give an internationally-broadcasted TedxTalk (**TEDxTALK: Vinotok--TRANSFORMING COMMUNITY: Celebrating Our Stories & Spirit of Place**) in Paonia, CO to identify the history, community animation, and eco-psychology, environmental arts process which is the foundation for the 9-day Autumn Equinox Festival (<https://www.youtube.com/watch?v=zO-U8bf3lhc>).

This is not an advertisement for the events. Rather, it includes the history, the creation of the early local and Old Country events through the oral narratives of the founders and Elders of Crested Butte and the Gunnison Valley. This presentation follows the bringing together of generations, and formerly disparate groups--the Miners and the New Folk--who were in profound disagreement and cultural separation over the Amax molybdenum mine on Mt. Emmons. This documentary shows the deep and meaningful roots of Vinotok, and identifies the Elders' requests that their stories and lives be carried forward through this celebration as an inheritance, message and blessing for future generations. TRANSFORMING COMMUNITY shows how people come together in harmony when our personal stories and experiences are honored by true listening as they are shared with the entire community. We would be honored if you would each personally view this presentation (<https://www.youtube.com/watch?v=zO-U8bf3lhc>) and refresh your understanding of the long and meaningful history of Vinotok's many gifts and services. The presentation describes the development of a powerful tradition of shared communal ethics which conserve, preserve and honor our relationship with each other and with our natural environment to protect and promote the fragile balance of our wilderness areas.

4) What is the amount of Community Grant funds requested? (Historically grants have been less than \$5,000.)

\$4,257

5) Provide specific information regarding what the Community Grant funds will be used for.

We believe our request warrants some explanation of our history.

Seven years ago we ran Vinotok for under \$500 and now the mandatory costs alone are over \$3,500. Every year up until now we have ended with roughly enough money to get the festival started for the next year and have never had any "flexible" money for use in emergencies, unanticipated expenses, or coverage in case one of our events totally flops (for example, if the Community Feast were to be rained out we would lose substantial income). Our most popular event - the bonfire and burning of the Grump is both our most expensive event to produce and it is entirely free for everyone. We do not ever want to be put into a position to have to charge entry to the bonfire.

As part of our inclusive philosophy, the cost of participation is intentionally kept low for all of the events over the nine days to allow access for the workers, families, full-time residents, young adults, elders of Crested Butte, and the residents of the Gunnison Valley. For example, our locally and regionally harvested organic feast (what others describe as "Farm to Table") is only \$25; both local and statewide events routinely cost \$50 and above. We want to offer a price point that is achievable for everyone. Our events are the only way we raise money and as

attendance to our paying events can fluctuate dramatically from year to year our income is somewhat unreliable.

Vinotok intentionally does not market events outside of Crested Butte and we have a very limited social media presence. Entities such as the Tourism Association and Chamber of Commerce are consistently reaching out nationwide to market and promote Vinotok as a unique attribute of Crested Butte to potential visitors. This outreach has increased participation in our events, predominantly the bonfire, thereby causing us additional expenses which we need help covering.

As for expenses, for years we have depended on the kindness and generosity of our volunteers for the donation of materials. A perfect example of this is the Grump Master, who for many years has purchased materials for creation of the Grump out of his own pocket. The same is true of our Costume Designer, Pyrotechnician, and many others. We do not want to overburden and burn out these artists that make the festival not only dynamic, but possible. While all the work to put on Vinotok is volunteer, we would like to move into a position to not cause any of our volunteers expenses. We would like to reimburse the Grump Master for the materials for a sculpture that is inevitably destroyed for the community.

It is our hope that in receiving funds for the base cost of the festival, we might gradually achieve other monetary goals, such as: improve the effectiveness and efficiency our trash/recycling/compost system (we aim to be a zero waste festival); pay for all expenses (rather than relying donated materials); ability to update and maintain our costumes (which create the dramatic spectacle of the street theatre); streamline the efficiency of use of tables and chairs for the Community Feast (rather than hobbling together enough from assorted entities in town); be able to offer discounts to the Cast who cumulatively volunteer thousands of hours of time (currently they pay full price to all events); begin to build an honorarium for those who each spend approximately 100 hours of donated volunteer time to the festival (often taking off unpaid time from their jobs to do so); give artists at least partial compensation for pieces they create for the festival; and build flexible funds in case of future unanticipated expenses.

Below are specifics of our request (also attached in our budgetary document):

Town of Crested Butte	Permit	\$225.00	\$200 permit, \$25 application fee
			with Farmer's Market & Town of Crested
Mountain West	Insurance	\$516.00	Butte additionally insured
	Waste		Dumpster for the fire, recycling bins, event
Waste Management	Dumpage	\$471.00	boxes
Blackline			
Entertainment	Sound System	\$350.00	Street performance of Passion Play

Bubble Wrap	Printing	\$180.00	posters, feast tickets, cast print outs (19 regular portalets @ \$160 each=\$3040) + (1 ADA portalet @ \$200)=\$3240 -\$540 discount from Gunnison Septic= \$2700 total;
Gunnison Septic	Portalets	\$700.00	received \$2000 from Fall Grant Cycle
Jackson Petito	Legal Consultation	\$500.00	
Town of Crested Butte	Liquor License	\$25.00	
Secura	Liquor Liability	\$250.00	
Vinotok	Grump Materials	\$550.00	
Vinotok	Pyrotechnic Materials	\$150.00	
Vinotok	Bonfire Fuel	\$100.00	
Vinotok	Costumes	\$500.00	
Total request*		\$4,517.00	

** In the email containing this document and the budgetary documents is the estimate from Gunnison Septic for 15 toilets (which was the number the town recommended at our debriefing meeting in October of 2015). In their opinion last year's event was in need of more toilets, so we are upping the amount to 20 total. We are awaiting their new estimate and the budget provided is working with the assumption they will apply the discount in their current estimate to the new one.

We would like town to codify the number of toilets required for events, allowing organizers to more accurately budget and provide their attendees with a better experience.

6) Provide information about what results you will provide for the amount requested, and how you will measure those results.

Our monetary request will help cover mostly mandatory costs allowing for the clean, safe, and smooth operation of Vinotok while allowing our pricing philosophy to remain intact. Vinotok will use the money to: pay for permitting fees; purchase required event insurance; purchase required liquor liability insurance for the feast; rent required number of port-a-potties; purchase of printable materials used during the event; rent required various waste management

tools; help offset attorney fees required to maintain our Colorado nonprofit status; purchase materials to build the grump which is the center figure of the bonfire (a free event); purchase fire ignition materials for the burning of the grump (again, a free event); and help offset cost of creating the vibrant and dynamic costumes and props.

7) List the benefits and/or services provided to Town of Crested Butte residents. Include total # of people served and # of Town of Crested Butte residents served.

Benefits & Services of Vinotok:

Vinotok is a multi-generational cultural phenomenon that purposefully reaches out to all age groups and sectors of the local community:

- Pre-school children create the Grump Boxes while being entertained by harvest stories told by the Earth Dragon at the local pre-schools.
- A Band of Squires, consisting of selected high school seniors, volunteers at all Vinotok events, representing the promise of our upcoming generations.
- The Harvest Mother Celebration honors our families and children with special attention to expectant mothers.
- With the Red Tent event we provide an opportunity for women to gather together to share stories and experiences.
- Our workshop, Vinotok: Myth, Meaning and Legend, educates participants on the symbology, tradition and metaphors present in the Vinotok events providing a meaningful backbone for the rest of the week.
- The Frank Orazem Storytelling Evening works to keep our local stories alive by inviting old and mid-timers to share their tales of "back when Crested Butte." This event is further enhanced with servings of traditional potica bread, a family recipe from old-timer Pete Spritzer himself.
- Adult entertainment and release is provided through the raucous Botsie Spritzer Memorial Liar's Contest.
- The Community Feast pays homage to our edible harvest with a significant nod to sustainable agricultural practices through serving 300 community members of all ages at a communal, locally, and regionally harvested organic meal that consists of traditional recipes from old world Eastern Europe.
- The culmination of our week is Vinotok Day with mumming, the Trial of the Grump, and the Andy Bamberg Memorial bonfire, again a free event for all ages.

The importance and emotional resonance of Vinotok to the residents of Crested Butte is in one way expressed through the voluminous body of volunteers. Vinotok is entirely run by nearly 200 community member volunteers that form not only the Vinotok Theatre Troupe (which creates the atmosphere and feeling of the town-wide performance), but additionally they prepare the feast food, build the bonfire, decorate the town, design the costumes, lend materials such as flatbeds for the outdoor theatre production, and much, much more. From the time the organizing

begins in July to the town clean up the day after the Trail and Bonfire, thousands of hours are put in by members of the community to make this great local tradition possible. According to the most recent U.S. census approximately 1,500 people are full-time residents of the incorporated town of Crested Butte, which means that about 10% of the full-time community are involved in the creation, support, and management of this unique festival.

Vinotok additionally serves as an artistic expression of the community. The Grump is an architectural and sculptural effigy created by a local artist. Local fabric artists create costumes. Community members create head wreaths. Local painters turn into body artists to transform cast members into creatures. The Vinotok Theatre Troupe is formed to provide the mumming in the restaurants, on the streets, and for the Trial of the Grump. Stilt walkers, fire artists, and other performance arts join the spectacle. This year we helped create the ambiance for the First Annual Community Collaborative Iron Pour in partnership with the Art Studio of the Center for the Arts. With them we also helped conceptualize community art classes in costume making, mask making, and henna design. The Creative District initiative used Vinotok as one of the ways Crested Butte uniquely expresses itself to thereby justify the designation.

While our primary focus is to provide experiences for our community, Vinotok has additionally grown into an event that is a great attractor of visitors from around the country- providing a boon of economic prosperity for local businesses during the beginning of Crested Butte's "shoulder season" between the summer and the winter seasons. Through purposeful interactions with the restaurant and pub owners of Elk Avenue we encourage people to eat dinner and visit the pubs during the Mumming Procession. Through the performances inside these 22 establishments we know that they are absolutely packed with people anticipating the play. Numerous of these establishments report that Vinotok Day is their busiest and most profitable of the entire year - more so than the 4th of July, Christmas, or New Year's. Lodges additionally report they are full for the week of festivities. Property Managers begin contacting us as soon as the festival is over to find out next year's dates so their homeowners can be sure to be in town. All of these actions serve in generating revenue through direct sales and tax revenues for the Town of Crested Butte and its community members.

Numbers Served

It is difficult to delineate between visitors and residents served for this event other than the known 200 local volunteers that help to put the festival on. Over the course of the nine days we believe over 3,000 total people could be *directly* served. As many of our events are simply "open," the below estimates are approximate to the best of our ability. This does not include other benefits such as increased visitation to town resulting in increased purchases at retail outlets; or increased visitation to Crested Butte at other times of the year based on positive Vinotok experiences. We also know that those that love Vinotok are "repeat customers." As soon as the festival is over they are making reservations to visit next year. We also know that while some go to every event, others pick and choose where they will participate. In this light, not all

restaurant patrons or those on the street during the mumming go to the bonfire. Likewise, not all feast participants go to the bonfire the next night. There are also those that attend every event, and might therefore appear as duplicates in these estimates.

Red Tent at the Pump Room:	40
Harvest Mother's Celebration at the Farmer's Market:	200
Myth, Meaning, Ritual & Lore of Rune at the Mallardi Theatre:	50
Frank Orazem Memorial Storytelling Evening at the Museum:	50
Botsie Spritzer Memorial Liar's Contest at the Eldo:	230
Community Feast on Elk Avenue:	300
Vinotok Day:	
Mumming Patrons in restaurants and observers of the street performance; Street observers (i.e. people just walking by); Stage observers (those who intentionally watch the Passion Play)	2,000
Bonfire observers (Overlap with participants from earlier in the day)	1,500
TOTAL	4,370

8) What are the other governmental or funding entities have you either made requests to or have applications pending? How much was requested from each entity for what use?

We are not requested funding from any governmental or other funding entities. However, the following governmental entities make in kind donations to the festival:

Town of Crested Butte	Use of 100 block for Community Feast Use of eight recycle bins for Community Feast and Bonfire Use of "tweezers," buckets & trash bags for town clean up Bobcat + staff for bonfire clean up Barricades for Community Feast, bonfire and mumming Extra police force for crowd control
Crested Butte Fire Department	Fire truck, two ambulances and volunteer crew for bonfire

Local businesses also regularly donate in kind for the following:

Crested Butte Farmer's Market	Use of Farmer's Market for Harvest Mother Celebration
Crested Butte Mountain Theatre	Use of Mallardi Theatre for mythology workshop
Mountain Heritage Museum	Use of Museum for storytelling workshop
The Eldo	Use of The Eldo and doorman for Liar's Night.
Brick / Stash / Mikey's	Donate a portion of pizzas for Cast on Vinotok Day
Mountain Spirits	Donates a portion of wine for Cast on Vinotok Day

Center for the Arts	Outdoor Stage for rehearsal and costuming Vinotok Day
Dance Collective	Harvest Mother Celebration performances
Blackline Entertainment	Reduced fee for lights + mics for street performance
Bubble Wrap	Reduced fee for copies of posters, tickets & cast materials
CBMR	Donate tables and chairs for Community Feast
Elk Avenue Pubs & Restaurants	22 establishments donate mumming drinks to the performance cast
Mountain Oven	Prepares the Community Feast for free Reduced price debrief dinner for Vinotok Council
Free the Honey	Sound system for Community Feast
Lydia Stern	Has donated photos for the past three years
Montanya Distillers	Donates rum for the Spirits Tent at the Community Feast
Ginger / Eldo / Acme	Donate prizes for Liar's Night (this list changes each year but typically 3 - 4 businesses donate prizes)
Bonez	Reduced price breakfast for Cast on Sunday

For 2016 we will be asking local businesses for small donations as well. What that garners, however, is yet to be determined. This request has been met with mixed response in the past and typically only a few establishments give us a few hundred dollars total at most.

9) Please attach the following documents to this application:

A. Names and Addresses of all board members including designation of officers:

Kat Harrington (Sorceress's Left Hand)
PO Box 4194
Crested Butte, CO 81224

Molly Murfee (Sorceress)
PO Box 1067
Crested Butte, CO 81224

Marcie Telander (Godmother)
PO Box 1101
Crested Butte, CO 81224

Mark Schweisow (Godfather)
PO Box 1101
Crested Butte, CO 81224

Rain Hastings (Merchant Mistress)
PO Box 2212
Crested Butte, CO 81224

Cassidy Tawse (Green Team Goddess)
PO Box 374
Crested Butte, CO 81224

Bob Wojtalik (Vinotok Fire Marshall)
PO Box 1999
Crested Butte, CO 81224

Joe Bob Merritt (Grump Master)
513 S. Main St. Unit D
Gunnison, CO 81230

Margie Black (Feast Mistress)
PO Box 2985
Crested Butte, CO 81224

Chris Sullivan (Feast Maser)
PO Box 2470
Crested Butte, CO 81224

Terri Klatt (Mood Maker Wrangler)
Po Box 123
Crested Butte, CO 81224

Tricia Seeberg (Passion Play Director)
PO Box 1207
Crested Butte, CO 81224

Amanda Bowie (Maiden Wrangler)
PO Box 3861
Crested Butte, CO 81224

Jo Corban (Decoration Diva)
314 S. 11th Street #6
Gunnison, CO 81230

Mikahla Claussen (Flagbearer Wrangler)
PO Box 1157
Crested Butte, CO 81224

Eva Paul (Grump Mistress)
366 Haverly St.
Crested Butte, Co 81224

Audrey Anderson (Queen of the Sacred Regalia)
PO Box 2895
Crested Butte, CO 81224

Denise Reinert (Sacred Regalia Designer)
PO Box 3121
Crested Butte, CO 81224

Adge Marz Lindsey (Harvest Mother Director)
PO Box 2331
Crested Butte, CO 81224

Dawne Belloise (Town Crier)
PO Box 2582
Crested Butte, CO 81224

Andrew Winogradow (Torchbearer Wrangler)
PO Box 4295
Crested Butte, CO 81224

Zack Gustafson (Feastivarian)
877 County Rd. 744
Almont, CO 81210

B. Budget detail for 2015 and 2016 with reasonable detail for revenue and expenses for the agency as a whole (if you are requesting funding for a specific project or event, please provide the event or project budget as well).

See attached spreadsheets for the 2015 and 2016 budgets as well as the amount of the Community Grant Fund request for the fall of 2015 and the spring of 2016.

Completed application should be submitted to:

Town of Crested Butte
Attn: Lois Rozman
PO Box 39
Crested Butte, CO 81224

OR Electronically to: loisr@crestedbutte-co.gov

SUBMISSION DEADLINE IN MAY 27, 2016

NOTIFICATION OF AMPLIFIED SOUND

Pursuant to Crested Butte Ordinance No. 19, Series 2007 (a.k.a. The Noise Ordinance) please be advised that there will be amplified sound in your neighborhood on the date(s) and time(s) described below during a Town approved Special Event.

Event Name: Vinotok

Event Date(s): Friday, Sept. 23rd and Saturday, Sept. 24th

Event Location: 100 Block of Elk and 200 Block of Elk (respectively)

Scheduled Start Time & End Time of Amplified Sound: 5:30-10pm and 7-8:30pm
(respectively)

Type of Amplified Sound: Microphone and Speakers for both

Event Holder Contact Name: Kat Harrington Phone: 970 319 6112

Town Council Approval Date & Time if Applicable: _____

Special Event Application Check List
(MUST be completed with every event)

Is the map of the event location attached? <i>google.doc</i>	Yes No
Is the insurance listing the Town of Crested Butte as a Certificate holder and an Additionally Insured attached? <i>RECEIVED 7-1-16</i>	Yes No <i>Due Aug 10</i>
Is the Event Map attached? <i>google.docs</i>	Yes No
Is the Amplified Sound Form attached? <i>attachment</i>	Yes No N/A
Is the completed Sales Tax Form attached?	Yes No N/A
Is the Special Event Liquor License application attached? <i>attachment</i>	Yes No N/A
Is the Nonprofit Certificate of good standing attached? <i>attachment</i>	Yes No N/A
Is the Diagram of liquor licensed area attached?	Yes No N/A
Is the Application and Permit fee made payable To the Town of Crested Butte attached?	Yes No
Application Fee \$ <u>25</u> Permit Fee \$ <u>200</u> Check Number: <u>1051</u>	
Is the Refundable Deposit Fee made payable To the Town of Crested Butte Attached?	Yes No N/A
Deposit Fee \$ <u>200</u> Check Number: <u>1052</u>	
Is the Liquor License fee made payable To the town of Crested Butte attached?	Yes No N/A
Liquor License Fee \$ <u>25</u> Check Number: <u>1053</u>	
Is the Event in Big Mine Ice Arena?	Yes No
Are the Crowd Control and Fire Watch Personnel listed? (Big Mine only)	Yes No N/A

Event Organizer: Kat Harrington 970.319.5112

Clerk/Deputy Clerk: _____



August 15th, 2016

To the Crested Butte Town Council:

Please accept this letter as my support for the Vinotok Special Event application.

During my tenure as a citizen and business owner in Crested Butte, I've developed an understanding of the importance of Vinotok. Initially, I observed the event from a distance but over the years I became a participant and have grown to appreciate it for much more than it is to the casual observer.

Vinotok enriches the soul of Crested Butte. It brings people together during the fall equinox in traditional ways which include storytelling, feasting, and celebrating. The community gathers in ways not seen during any other event of the year. When we gather in such a way, we are given the opportunity to honor the history and traditions of Crested Butte, individual community members and their contributions, as well as ranchers and farmers, people who have historically been the backbone of every community. The week of events brings together the entire composition of town, providing citizens a reason to congregate, interact, and build community bonds. Recognizing this important seasonal change strengthens the community as a whole.

Benefits of the event can be measured financially as well. This free event draws people from all over the world who contribute our tax base. Businesses report that Vinotok is one of their top, if not their top, revenue generating business days of the year. Although Black Tie does not benefit directly from the event, I understand its importance for other businesses and feel there is reoccurring visitation which in turn benefits me financially.

The event has grown for many reasons: the imaginations of the event organizers; increased popularity of specific lead-up events; and because of feedback from spectators and other community members. This is evident in the Feast. Something that was once a small community gathering consisting of contributions from individuals has grown to require a large outdoor venue, tables, chairs, decorations, and the organization of Mountain Oven to manage it. In short, people want to participate in Vinotok not because of what it may change to be, but because of what it is.

However, with growth comes growing pains. Both from the growing size of the event as well as the growing and changing composition of the community. The vocal minority

have raised concerns and the organizers of Vinotok have once again been asked to further alter this free event at their own expense. I've seen first-hand how event organizers have analyzed every aspect of their plans to explore event changes in order to accommodate concerns and complaints while at the same time honoring Vinotok's history and those within the community that wish to prevent further changes to an event that's already been regulated.

Vinotok is not for everyone. There are people who dislike its spiritual meaning or don't understand it, people who feel the personal freedom it grants is immoral, people who feel that it's not safe because they can't control it, and people who don't like it because it would never be permitted where they came from.

I support the Vinotok organizers on the following issues:

1. **Keeping vs. moving the event from the 4 way.** By maintaining the event's location at the 4 way, the crowd is centralized which reduces further imposition into the residential areas. This also prevents stretching the event timeline even further for the procession, which itself is a logistical masterpiece. Furthermore, maintaining the footprint of the event prevents additional strain on Town Marshals, EMS, and the Fire Department.
2. **Altering the fuel of the fire.** Changing the fuel of the fire from wood to gas is impractical because of the required infrastructure and cost of such an act would destroy one of the tenets of the event. In short, the proponents of the idea either have no understanding of Vinotok or have lost their way.
3. **Maintaining the history of the event.** With each change to Vinotok, part of its personality is lost. Some changes I've seen first-hand and some I've heard about from before my arrival. Keeping as many of the traditions intact is paramount. Rather than further restrict Vinotok, I encourage more effort to manage its impact as is.

I urge Town Council to approve the Vinotok Special Event Permit in its entirety rather than try to soften and compartmentalize it into a package palatable for every taste. Doing so would destroy the event and further erode the soul of Crested Butte.

Thank you for your consideration.

Sincerely,



Roman Kolodziej

Owner

Black Tie Ski Rentals of Crested Butte



Staff Report

September 6, 2016

To: Mayor Michel and Town Council
Thru: Bill Crank, Interim Town Manager
From: Michael Yerman, Planning Director
Subject: **Resolution No. 27, Series 2016**
Date: September 6, 2016

Summary:

Resolution 27, Series 2016, is being proposed to raise funds for the retirement of unpatented mining claims in association with Mt Emmons. The bond will borrow against future collections on the RETT. There will be no increase in taxes associated with this ballot measure. The ballot language has been built to allow some flexibility on the repayment length and interest rates dependent on when the bonds would need to be issued. The maximum total repayment on the \$2,110,000 bond at a 3.75% interest rate would be \$2,785,000 over a 15 year period. The maximum yearly repayment would not exceed \$250,000.

The added flexibility in the bond allows the Town Council to seek the best possible repayment and interest rates once the Town is ready to issue the bonds. For instance, the Town could shorten the repayment length to 10 years and lower the total repayment to under \$2,500,000 over 10 years. Dependent on when the repayment comes due, the Town could also have saved enough RETT funds that bonds may not have to be issued.

If the bonds are executed for the retirement of unpatented mining claims, the bond ballot measure allows the Town future flexibility to financially participate in future open space projects. Over the past 10 years 2006-2015, the RETT portion of the open space fund has an average annual collection of \$528,000. This will leave additional funding available for future open space projects after the yearly \$250,000 repayment.

Staff Recommendation:

Staff recommends a motion for approval of Resolution 27, Series 2016 for a special election on November 8, 2016 for the purposes of submitting to the registered electors the question of whether the Town may incur a debt of not more than \$2,110,000 for the purpose of preventing mining activity on Mt. Emmons; setting forth the ballot title; and providing for the conduct of the election.

RESOLUTION NO. 27

SERIES 2016

RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL CALLING FOR A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR PURPOSES OF SUBMITTING TO THE REGISTERED ELECTORS THE QUESTION OF WHETHER THE TOWN MAY INCUR A DEBT OF NOT MORE THAN \$2,110,000 FOR THE PURPOSE OF PREVENTING MINING ACTIVITY ON MT. EMMONS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION.

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the Home Rule Charter of the Town of Crested Butte, Colorado (the "**Charter**") on November 5, 1974;

WHEREAS, the members of the Town Council of the Town of Crested Butte (the "**Council**") have been duly elected and qualified;

WHEREAS, Article X, Section 20 of the Colorado Constitution ("**TABOR**") requires voter approval for any increase in debt and for the spending of certain moneys above limits established by TABOR;

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electors on limited election days before action can be taken on such ballot issues;

WHEREAS, Section 2.2 of the Charter requires that special elections may be called by resolution or ordinance of the Council at least thirty (30) days in advance of such election;

WHEREAS, November 8, 2016, is one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is necessary to conduct a special election to be held on November 8, 2016, and to submit to the electors of the Town, at the election, the question of increasing debt for the purpose of preventing mining activity on Mt. Emmons;

WHEREAS, the Gunnison County Clerk and Recorder (the "**County Clerk**") is conducting a coordinated election pursuant to the Uniform Election Code of 1992, being Articles 1 to 13 of Title 1, C.R.S. (the "**Uniform Election Code**") on November 8, 2016;

WHEREAS, pursuant to C.R.S. §1-1-102 and C.R.S. §31-10-102.7, the Council may elect to utilize the provisions of the Uniform Election Code in order to participate in the coordinated election on November 8, 2016;

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, RESOLVES:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code.

Section 3. The Council hereby calls a special election on November 8, 2016. Pursuant to C.R.S. §31-10-102.7, the Council elects to utilize certain provisions of the Uniform Election Code with regard to the conduct of the special election. The Council hereby determines that the special election shall be conducted by the County Clerk as part of the coordinated election. The Council further determines that at the election there shall be submitted to the eligible electors of the Town the question set forth in Section 4 hereof.

Section 4. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot title which is set pursuant to C.R.S. §31-11-111:

SHALL TOWN OF CRESTED BUTTE DEBT BE INCREASED \$2,110,000, WITH A TOTAL REPAYMENT COST OF \$2,785,000 AND MAXIMUM ANNUAL REPAYMENT COST OF \$250,000, SUBJECT TO THE FOLLOWING:

THE DEBT SHALL BE ISSUED FOR THE PURPOSE OF PREVENTING MINING ON MT. EMMONS;

THE DEBT MAY BE EVIDENCED BY THE ISSUANCE OF BONDS OR OTHER FINANCIAL OBLIGATIONS PAYABLE FROM ANY LEGALLY AVAILABLE TOWN REVENUES AS DETERMINED BY THE TOWN COUNCIL TO BE IN THE BEST FINANCIAL INTEREST OF THE TOWN AND MAY BE SOLD IN ONE SERIES OR MORE ON SUCH TERMS AND CONDITIONS AS THE TOWN COUNCIL MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

THE REVENUES FROM THE TOWN'S REAL ESTATE TRANSFER TAX MAY BE SPENT FOR THE PURPOSES OF PREVENTING MINING ON MT. EMMONS, INCLUDING, BUT NOT LIMITED TO, PAYING DEBT SERVICE ON ANY DEBT ISSUED PURSUANT TO THIS QUESTION, NOTWITHSTANDING ANY LIMITATIONS ON THE USE OF SUCH REVENUES IN ORDINANCE NO. 12, SERIES 1991 APPROVED BY THE VOTERS IN 1991;

THE PROCEEDS OF SUCH DEBT AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS MAY BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 5. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 6. If a majority of the votes cast on the question to incur debt submitted at the election shall be in favor of incurring debt as provided in such question, the Town, acting through the Council, shall be authorized to proceed with the necessary action to incur debt in accordance with such question.

Such authority shall be deemed and considered a continuing authority to incur the debt so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. Pursuant to C.R.S. §1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 8. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 9. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 10. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 11. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on September 6, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford, Town Clerk (SEAL)

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

I, Lynelle Stanford, the Town Clerk of the Town of Crested Butte, Colorado (the “**Town**”), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the “**Resolution**”) passed and adopted by the Town Council (the “**Council**”) of the Town at a regular meeting of the Council held on September 6, 2016.

2. The Resolution was duly introduced, moved, seconded and passed on at the regular meeting of September 6, 2016, by an affirmative vote of a majority of the members of the Council as follows:

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

3. The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the regular meeting of September 6, 2016, in the form attached hereto as Exhibit A was posted at the Town Hall not less than twenty-four hours prior to the meeting in accordance with law.

Lynelle Stanford, Town Clerk

(SEAL)

EXHIBIT I

(Attach Notice of Meeting)

32566375v3

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (this “Agreement”) is made and entered into effective this 6th day of September, 2016, by and between the **TOWN OF CRESTED BUTTE**, a Colorado home rule municipality (the “Town”) and **DARA MACDONALD** (“MacDonald”).

WITNESSETH:

WHEREAS, the Town Council desires to employ the services of MacDonald as the Town Manager pursuant to Article 6 of the Crested Butte Home Rule Town Charter (the “Town Charter”); and

WHEREAS, MacDonald is willing to accept such employment subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT:

1. **Duties.** The Town agrees to employ MacDonald as Town Manager commencing on or about September 20, 2016, to perform the functions of the Town Manager as described in Article 6 of the Town Charter and other applicable law, and to perform such other duties and functions as the Town Council may from time to time assign in its sole discretion. The Town Manager position is a full time position. MacDonald shall at all times reside in Crested Butte during the tenure of this agreement and any amendments hereto.

2. **Term; At Will.** The term of MacDonald’s employment shall be at the will and pleasure of the Town Council, and nothing in this Agreement shall in any way prevent, limit or otherwise interfere with the right of the Town Council to terminate the services of MacDonald at any time, with or without cause, subject to the terms set forth herein. Similarly, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of MacDonald to resign at any time. **MACDONALD SHALL BE DEEMED AT ALL TIMES TO BE AN APPOINTED AT WILL EMPLOYEE**, subject to Section 6 of the Town Charter.

3. **Compensation.**

3.1 ***Salary.*** MacDonald’s initial annual base salary shall be One Hundred Ten Thousand and No/100 Dollars (\$110,000.00), which shall be paid periodically in the same manner as other employees of the Town are paid. Such salary may be adjusted by appropriate action of the Town Council at any time, subject to terms hereof.

3.2 ***Benefits.*** MacDonald shall receive benefits during her employment as follows:

3.2.1. Five (5) days of paid vacation shall be credited to MacDonald's leave account for her immediate use upon the first day of employment; provided, however, that if MacDonald no longer works for the Town as of December 31, 2016, she must repay the Town for any paid vacation time that she has used. Commencing January 1, 2017 until December 31, 2019, MacDonald's vacation benefits shall commence accruing at the rate of ten (10) hours per month. Commencing January 1, 2020 and thereafter, MacDonald will accrue vacation benefits at the rate of 160 hours per year. Vacation shall be taken in a manner that reasonably minimizes impact on the ongoing conduct of Town business and will provide reasonable notice to the Council prior to taking vacation.

3.2.2. Five (5) days of sick leave shall be credited to MacDonald's sick leave account for her immediate use upon the first day of employment; provided, however, that there shall be no payment for un-used sick leave on MacDonald's termination. Commencing January 1, 2017 and continuing thereafter, MacDonald's sick leave benefits shall commence accruing in accordance general policies applicable to other Town employees.

3.2.3. The Town agrees to waive the five (5) year waiting period for payment for dependent health insurance. The Town will pay premiums for MacDonald and any legal minor dependents for such coverage.

3.2.4. Paid vacation and sick leave amounts may be increased solely at the discretion of Town Council notwithstanding any general policies applicable to other Town employees. MacDonald and the Council will review this contract, including the subject of vacation leave, on or about six months after start of work.

3.2.5. MacDonald shall receive housing as provided by the Town. Such housing shall include the use of a two (2)-car garage located on the property, but shall exclude the apartment above the two (2)-car garage. Said housing property shall be located at 17 Ninth Street, Crested Butte. The Town and MacDonald agree that the annual benefit assigned to such housing shall be \$18,000.00. Said housing shall be provided pursuant to customary Colorado residential lease terms.

3.2.6. MacDonald shall be provided the use of an automobile to be selected by the Town at the Town's expense (i.e., a vehicle out of the Town's "fleet" of vehicles). MacDonald shall be permitted to use such vehicle for Town business and professional development only, such as, for example, attending Town required functions and the like, as may be determined and approved by the Town Council. Said vehicle shall be used in accordance with the terms contained within the Town's Employee Manual. The Town shall pay all reasonable costs associated with insurance, operation and reasonable maintenance expense of such vehicle in accordance with the Town's polices and programs.

3.2.7. MacDonald shall have the use of a computer of the Town's choice for official business use only. Such computer and the contents thereof shall all times be and remain the property of the Town.

3.2.8. MacDonald shall be given an allowance for voice and data on a cellular phone or personal digital assistant (PDA). The contents thereon relating to Town business shall at all times be and remain the property of the Town.

3.2.9. Unless otherwise set forth herein, the Town shall provide MacDonald with only such employment benefits as are offered to other full-time employees of the Town based upon uniformly-applied policies as such policies may be enacted, repealed or modified by the Town Council in its discretion from time to time.

3.2.10.. MacDonald shall be reimbursed, or the Town may elect to pay directly, for the expense of packing and moving MacDonald and her family and their personal property from their current residence located in Salida, Colorado, to Crested Butte, Colorado. The cost and expense of said payment or reimbursement shall not exceed \$4,000.00, which shall include, without limitation, unpacking, transport, storage and insurance costs and charges.

3.2.11. The Town shall provide MacDonald with a new or used cruiser bike for MacDonald's use. The price of such cruiser bike shall not exceed \$400.00.

4. **Severance.**

4.1. The Town agrees to pay MacDonald a severance payable upon MacDonald's termination by the Town equal to three (3) months of MacDonald's salary and benefits (including health insurance, retirement plan, vacation, and vehicle allowance), as of her termination date; provided, however, that if the Town terminates MacDonald's employment for cause due to, without limitation, her being charged with or convicted of a crime, malfeasance, misconduct, failure to satisfy the essential functions of her job as Town Manager, or if MacDonald voluntarily resigns, then the severance bonus described herein shall be forfeited by MacDonald and shall not be paid by the Town.

4.2. In the event that the Town (a) fails to appropriate any amounts committed to MacDonald under this Agreement, (b) at any time reduces the salary or other financial benefits of MacDonald in a greater percentage than an applicable across the board reduction for all Town employees, (c) refuses, following written notice, to comply with any other provision benefitting MacDonald herein, or (d) the Employee resigns following a formal suggestion from the Town Council that she resign, then, in that event, MacDonald may deem herself to have been "terminated" at the date of such failure, reduction, refusal or formal request, and the Town shall comply forthwith within the severance payment terms contained herein.

5. **Resignation.** If MacDonald voluntarily resigns she shall provide the Town Council thirty (30) days advance written notice thereof, or such lesser amount of advance notice as may be otherwise agreed to by the Town. MacDonald shall not be entitled to, nor shall she receive, severance bonus in the event of a voluntary resignation.

6. **Termination.** Subject to the provisions of Section 4. Herein, MacDonald may be terminated at any time with or without cause. Unless otherwise mutually agreed, no compensation shall be owed or paid to MacDonald except for compensation that was earned prior to termination prorated to the date of termination and as otherwise set forth herein.

7. **Hours of Work.** MacDonald is expected to be at work or available during the normal hours of the Town and during public meetings of the Town Council, Town boards and commissions (as applicable). MacDonald acknowledges and agrees that the Town Manager must devote a substantial amount of time to the business of the Town outside normal office hours. MacDonald is a salaried employee and is required to manage her work hours and duties in such manner so as to fulfill the duties of the position.

8. **Other Employment.** MacDonald agrees to remain in the exclusive employ of the Town and neither to accept nor to become employed by any other employer during her employment with the Town; provided, however, that nothing hereof shall preclude MacDonald from occasional teaching, writing or consulting performed during MacDonald's personal time. Notwithstanding the foregoing, in no event shall any such activities in any way represent a potential or actual conflict of interest to the Town.

9. **Dues and Subscriptions.** Subject to such amounts as may be budgeted and appropriated by the Town Council in its sole discretion, the Town agrees to pay professional dues and subscriptions of MacDonald necessary for her continuation and full participation in national, regional, State and local associations and organizations necessary and desirable for the performance of her duties as Town Manager and her reasonable professional advancement.

10. **Professional Development.** Subject to such amounts as may be budgeted and appropriated by the Town Council in its sole discretion, the Town agrees to pay the registration fees, reasonable travel and subsistence expenses of MacDonald for professional and official travel, maintenance of professional certifications, meetings and occasions adequate to continue the participation by MacDonald in professional organizations to improve the operations of the Town through education and other available resources and to pursue such necessary official and other functions for the Town as may be determined and approved by the Town Council.

11. Mentoring. MacDonald agrees to actively and diligently participate in mentoring activities as identified by the Town Council and further agrees that the mentor(s) may share information developed with the Town Council.

12. **Town Charter.** The parties agree and acknowledge that MacDonald's employment is controlled by Article 6 of the Town Charter and other applicable law. Should any provision of this Agreement conflict with the Town Charter, the Town Charter shall govern and control. Should any provision of this Agreement conflict with any other applicable law that has an effective date following the date of this Agreement, then said applicable law shall control, and the conflicting provision hereof shall be of no force and effect.

13. **Performance Evaluation.** The Town Council shall conduct a performance evaluation of MacDonald during the month of September, 2017, and each September of MacDonald's employment. Such performance review shall be for the purpose of evaluating, without limitation, MacDonald's performance, compensation and benefits to be addressed in the upcoming year's annual budget.

14. **Annual Appropriation.** It is the intent of the parties to comply with the provisions of Article X, Section 20 of the Constitution of the State of Colorado, including in particular subsection 4(b), as approved by the voters on November 3, 1992. Therefore, the parties agree that this Agreement is subject to an annual appropriation by the Town Council and that the failure to make such appropriation, unless such action is the result of a prior termination for cause or improper action, will be deemed a termination allowing the payment of the severance bonus as described herein. The parties further agree and acknowledge that the Town has established and shall maintain an adequate present cash reserve held for future payments, if required, in an amount sufficient to pay any severance compensation required by this Agreement. It is the intent hereof that the Town shall be entitled to reasonable notice and a reasonable opportunity to cure any failure to appropriate sufficient funds prior to any determination that MacDonald's employment is terminated.

15. **Severability.** Should any portion of this Agreement be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be deemed severable, shall not be affected and shall remain in force and effect.

16. **Entire Agreement.** This Agreement contains the entire agreement of the parties, neither party has relied on any promises or representations except as expressly described herein, and this Agreement may not be changed orally, but only by written agreement signed by the party against whom enforcement of any waiver, change, modification, extension or discharge is sought. All oral and written understandings between the parties have been fully integrated herein and are merged into this Agreement. No action by one or more Town Council members may amend, modify, alter or change this Agreement unless approved by majority vote of the entire Town Council.

17. **Governing Law.** This Agreement shall be construed and interpreted according to the laws of the State of Colorado, and any action necessary to enforce, construe, or interpret the within shall be maintained in the District Court in and for Gunnison County, Colorado. Nothing

in this Agreement shall prevent or preclude the parties' mutual agreement to submit any dispute arising from this Agreement to mediation or arbitration.

18. **Counterparts; Telecopy.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which, when taken together as one, shall constitute one and the same instrument. For purposes of enforcement of the terms hereof, telecopy versions shall be deemed to be originals.

IN WITNESS WHEREOF, the Town and MacDonald have entered into this Agreement effective as of the date first written above.

TOWN:

TOWN OF CRESTED BUTTE

By: _____
Glenn Michel, Mayor

Attest: _____ (SEAL)
Lynelle Stanford, Town Clerk

MACDONALD:

Dara MacDonald

From: [Glenn Michel](#)
To: [Lynelle Stanford](#)
Subject: Fwd: Dara McDonald
Date: Wednesday, August 24, 2016 8:12:21 AM

Public record?

Sent from my iPad

Begin forwarded message:

From: Walt Harder <walt@waltharder.com>
Date: August 23, 2016 at 9:11:13 PM MDT
To: glenmmichel@crestedbutte-co.gov, rmason@crestedbutte-co.gov,
jschmidt@crestedbutte-co.gov, cladoulis@crestedbutte-co.gov,
pmerck@crestedbutte-co.gov, evohman@crestedbutte-co.gov,
lmitchell@crestedbutte-co.gov
Subject: Dara McDonald

Mr. Mayor and Council of Crested Butte,

Salida's city administration has been blessed with some extraordinary talent over the years but we've managed to run them all off in due course. [Julie Feier](#), Vice President and Chief Financial Officer of Western State University is a prime example. Dara MacDonald is sadly the latest casualty of a city in transition with a new council and mayor who, in order to affect change, have made examples of all our top administrative personnel to leave us without leadership in any department.

I have known and worked with Dara extensively over the roughly 11 years she has been in planning and management with the City of Salida. She has been a tireless champion of our city, a highly skilled negotiator and always the most prepared and knowledgeable person in the room. As a developer I have frequently been on the opposite side of the table from her. I have never left negotiations over development plans with Dara feeling like I 'got my way' but always like I was treated fairly. She is *solutions oriented* and her depth of knowledge and creativity made her an extraordinary asset to our city.

I write this letter because I have great respect for Dara and truly like her on a personal level and I therefore wish the very best for her. I know she has multiple opportunities available to her but I also know that Crested Butte is her first choice as a home.

If you select Dara as your new Town Manager you will enjoy a tremendous asset to your community who will put down roots, be engaged and involved, continue to raise her family in a place she loves and bring her creative, intelligent and tenacious self to your service. You could do no better, I assure you.

Our loss is your gain.

Sincerely,

Walt Harder.

Harder-Diesslin Development Group
Re/Max Mountain River, Broker/Owner
112 F Street, Salida, CO 81201
(719) 221.5000 cell (719) 539.6060 office



From: [Glenn Michel](#)
To: [Sam Harper](#); [Lynelle Stanford](#)
Cc: [R Mason](#); [J Schmidt](#); [Chris Ladoulis](#); [Paul Merck](#); [Erika Vohman](#); [Laura Mitchell](#)
Subject: Re: Crested Butte Town Manager
Date: Friday, August 19, 2016 4:02:42 PM

Thanks Sam,

I am submitting your letter to the Town Clerk to be included into the town record.

Glenn

Sent from my iPhone

> On Aug 19, 2016, at 12:49 PM, Sam Harper <sjharp@gmail.com> wrote:

>

> I would like to urge you to strongly consider Dara MacDonald for your position. I'm a relatively new resident to Salida (3 years) and I never met Dara nor am I affiliated with either faction in Salida. I feel, as evidently many other people including business owners, that Dara did an excellent job and that even in the short time she has been gone municipal services have suffered. My opinion is that a faction of our city council evaluated Dara not on the merits of her performance but on a purely political basis. One reason given was that she could not work with the mayor and council. Evidently neither could the City Attorney, the City Audit firm, the City Finance Director, the City Planning Director, the Chairman and most member of the board of the NR CDC and probably a few others I've overlooked. This raises the question which parties were the ones unable to get along the others. In my opinion Dara was treated unfairly and it will be Salida's loss and Crested Butte's gain if she is selected.

>

>

> Sam Harper

>

> 224 D Street

>

> Salida

>

From: [Benjamin Swift](#)
To: [Erika Vohman](#); [Paul Merck](#); [Chris Ladoulis](#); [Glenn Michel](#); [Laura Mitchell](#); [R Mason](#); [J Schmidt](#)
Cc: [Lynelle Stanford](#); [William Crank](#)
Subject: Thank you
Date: Friday, August 26, 2016 4:51:14 PM

Dear Town Council,

Thank you for all of your work in the past several months on the bag ordinance. I appreciate your time spent on the ordinance, and feel that it is a positive first step in the right direction.

Sincerely,

Benjamin Swift | [facebook.com/BagFreeCB](https://www.facebook.com/BagFreeCB) | Benjamin@EatSmallFish.org



September 19, 2016

Work Session

Possible Budget Work Session

Update from JVA on Avalanche Campground

Request for State-Wide Transportation Improvement Program for Red Lady Roundabout

Letter of Support for Museum Grant App

October 3, 2016

Public Notice for SRF Funding

October 17, 2016

Public Hearing – BOZAR Appeal

Future Work Session Items:

- Camping @ Town Ranch (allow? Not allow? Allow camping in other places?)
- BLM and OBJ Campground/Seasonal Housing Shortage (this could be combined with others – especially the Affordable Housing item at the bottom of this list)
- Perimeter Trail – Update, timelines, costs, what does this look like when finished
- Land Trust and Town Preservation Priorities – basically a joint planning/discussion with the CBLT (maybe in Exec Session if they would like) to confer on the priority parcels identified by the CBLT and the priorities of the Town (for planning future open space acquisitions). Maybe even a discussion about purchasing trail easements.
- Elk Avenue Rule Set re: Private Clubs – the whole “private clubs on Elk Avenue” concern that was raised when Irwin obtained a private liquor license for the Scarp Ridge Lodge.
- Affordable Housing/Density/Workforce – Blk 79/80
- Double Basements & Condo Combines
- Drones
- Special Events
- Budget Work Sessions – October and November