

AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, November 18, 2019
Council Chambers, Crested Butte Town Hall



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

Town Council Values

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

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

6:00 WORK SESSION

1) Update from Valley Housing Fund.

6:30 2) Annual Report by the Chair of the Weed Advisory Board on Weed Management in the Town of Crested Butte.

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

7:02 RECOGNITION OF OUTGOING COUNCIL MEMBERS

7:08 SWEARING IN OF NEW COUNCIL MEMBERS

7:15 APPOINTMENT OF MAYOR PRO TEM

7:20 APPROVAL OF AGENDA

7:22 CONSENT AGENDA

1) November 4, 2019 Regular Town Council Meeting Minutes.

2) Approval of 2020 Council Meeting Schedule.

3) Award of Fall 2019 Community Grants.

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.

7:24 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.

7:35 STAFF UPDATES

7:45 NEW BUSINESS

1) Sidewalk Seating and Compliance with the American Disabilities Act.

8:05 2) Review of Lease Policy for Town-Owned Property.

8:25 3) Presentation of Timeline and Concepts for Affordable Housing in the Slate River Annexation.

8:45 4) Discussion of Joint RTA/Mountain Express Meeting on December 6th.

9:00 5) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts.

9:05 6) Ordinance No. 40, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Chapter 4 of the Crested Butte Municipal Code to Include New Provisions Establishing a Tax On Cigarettes, Tobacco and Other Nicotine Products.

9:25 7) Appointments to Boards and Committees.

9:35 LEGAL MATTERS

9:40 COUNCIL REPORTS AND COMMITTEE UPDATES

9:50 OTHER BUSINESS TO COME BEFORE THE COUNCIL

10:00 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, December 2, 2019 - 6:00PM Work Session - 7:00PM Regular Council

- Monday, December 16, 2019 - 5:00PM Work Session - 7:00PM Regular Council

- Monday, January 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council

10:05 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) regarding the Valley Housing Fund and Verzuh Open Space.

10:45 ADJOURNMENT



Staff Report November 18, 2019

To: Town Council

Thru: Dara MacDonald, Town Manager

From: Janna Hansen, Parks and Recreation Director

Subject: Annual Report by the Chair of the Weed Advisory Board on Weed Management in the Town of Crested Butte

Background:

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 wildflowers 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.

The Colorado Noxious Weed Act (“Act”) CRS 35-5.5-101 *et seq.* mandates that noxious weeds be managed on all public and private land throughout the state of Colorado. The Act also states that the governing body of each municipality shall appoint a local advisory board to manage weeds. Section 7-3-150 of the Crested Butte Municipal Code (“Code”) requires that the Weed Advisory Board (“Board”) for the Town of Crested Butte give an annual update on the Weed Management Plan (“Plan”). The Board meets triennially.

The intent of the Noxious Weed Management 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, the intent of the Plan is to provide a framework for controlling noxious weeds on both public and private property in the Town of Crested Butte.

Since 2017 the Town has partnered with Gunnison County and the Town of Mt. Crested Butte to fund a shared seasonal weed management position. Jason Evanko has filled this position the past three seasons. The BLM also contributed to this position in 2019. This partnership has allowed for the collaborative and successful management of weeds in the Upper East River Valley and has furthered the goal of reducing the migration of weeds from municipalities into other important ecological, agricultural, and recreational areas of the Gunnison Basin. Streets and Alleys, Trails and Open Space, and Parks and Recreation spent a combined \$17,000 on weed management in 2019, and has budgeted for the same amount in 2020.

Summary:

The following is a summary of locations in and around Town where weeds were managed during the 2019 season:

In Town:

- All athletic fields, parks, Academy Lot, Deli Trail, Cemetery, Town Hall area, alleys, rights of way, the Rec Path, Town Shop, Gravel Pit, Avalanche Park, Old Kebler Pass, Kapushion Trail
- Hand pulled in alleys near gardens and along Coal Creek
- All areas around Crested Butte Community School including the detention basin south of the school

Surrounding Town:

- All road sides in upper valley drainages including Brush Creek, Cement Creek, Slate River, Washington Gulch, Kebler Pass, and the Gothic corridor
- Saddle Ridge and the Lupine Trail area
- Rights of way along 135/Gothic Road between Gunnison and Gothic

Outreach/education/public relations

- Jason is our on the ground face of weed management
 - Supported the Building Dept. by talking with contractors about weed management during construction
 - Made numerous citizen contacts
 - Coordinated Big Mine weed pull day
- Donna Walker is our local expert and spearheads multiple outreach efforts including:
 - Weed table at events and the post office
 - 4th of July weed float
 - Educated Mt. Roots farmers throughout the summer
- Mel Yemma sent letters to homeowners in the Lupine Trail area
- Land Trust did 3 walking tours with the Wildflower Festival
- Rocky Mountain Biological Laboratory held their annual round table weed discussion

2020 Priorities

- Canada Thistle
- Houndstongue
- Weed education at bike events
- Keep cheat grass from moving up valley
- Continued personal contact with homeowners

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 4, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:05PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, and Town Clerk Lynelle Stanford

Parks and Recreation Director Janna Hansen (for part of the meeting)

Schmidt mentioned the work session that preceded the meeting.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1) October 21, 2019 Regular Town Council Meeting Minutes.

2) Resolution No. 28, Series 2019 - A Resolution of the Crested Butte Town Council Approving the Contract for Use of the Big Mine Ice Arena by Gunnison Valley Hockey Association for the 2019-2020 Winter Season.

3) Approval of the 2019 Arbor Day Proclamation and Tree City USA Application for Certification.

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

PUBLIC COMMENT

Rob Burnett

- He thought the Council could do something about this (illegal workers) and give working people a shot.
- The cartels were moving in.
- He saw the lawlessness.
- Merck told Burnett to call him. He suggested Burnett go to a project and find out who the contractor was.

- Burnett suggested a licensing process. He was informed the Town already licensed businesses.
- Working class people were being decimated.
- The Council decided to move the discussion to Other Business.

STAFF UPDATES

- Schmidt referred to the staff report from MacDonald.
- MacDonald mentioned the CAST survey and asked whether the Council wanted to discuss under Other Business. Schmidt outlined the Town's short-term rental (STR) policies at the CAST meeting. He explained what they were considering at CAST. Schmidt identified that Town would not gain money. Magner countered that it was not all about the money; it was about keeping Crested Butte occupied by people that live here. Bradley suggested they include in the survey that STRs should be energy efficient. The Council directed MacDonald to complete the survey.
- Schmidt questioned if there would be an update on the investment grade audit. MacDonald answered that the full report should be ready in early December.
- Haver wondered about the grant funding available to the hospital that would help bring broadband connectivity to Mt. Crested Butte. MacDonald reviewed funding mechanisms.
- Dujardin asked if there were any updates on the verification of commitments from the bartenders to the late night town taxi. Zillioux had reported to MacDonald that he had not heard back from Mountain Express and RTA.
- Haver confirmed the location of the pedestrian bridge mentioned in the staff report.

LEGAL MATTERS

Green updated that the Town was in a group of governments to participate in air quality control hearings. The pre-hearing statement would be filed tomorrow, and the rule making hearing would be in December.

They had a discussion with bond counsel about the vacancy or dark house tax. The safest approach would be a tax, implemented through an election that would be a flat fee. Enforcement would become challenging. Dujardin asked MacDonald to report on what had been approved in Oakland. Magner wanted to continue the conversation. Bradley and Dujardin agreed. Schmidt affirmed MacDonald should add the topic to an upcoming agenda.

COUNCIL REPORTS AND COMMITTEE UPDATES

Mallika Magner

- \$100M, per year, over the next three years, had been earmarked by the State for affordable housing. The Valley Housing Fund wanted to identify projects.

- Projects had to be identified in order to get the money. The Housing Authority did not want to develop affordable housing; they wanted to manage.
- Executive Director Ashley UpChurch would be leaving the Chamber in May.

Will Dujardin

- Went to an Upper Gunnison River Water Conservancy District meeting last week.
 - The reservoirs had gone back down. Drought was coming back into the state.
 - Sonia Chavez had been hired as the manager.
 - There was a presentation regarding the Dust-on-Snow program from Jeff Derry. Dust affected the rate of snow melt and stream flows.
 - Bill Trampe, from the Colorado River District, updated on the water plan implementation.
 - The Colorado River District was looking at reducing the grant program.
 - The Taylor Dam would be released at 100 cfs through the winter.
 - Phase 1 of the Upper Gunnison Watershed Management Plan was being finalized.
- Dujardin was on the phone for the CC4CA steering committee meeting.
 - They had structural changes.
 - They were not pursuing official non-profit status.
 - CC4CA was preparing statements for the Air Quality Control Commission.
 - Toyota and GM sided with the Trump administration in wanting to roll back regulations on the automotive industry.
 - CDPHE was finalizing the state-wide greenhouse gas inventory.
 - The 2020 legislative session would not be as climate active as the last one.
- The Climate Subcommittee of the OVLC met on Wednesday last week. On Thursday, they presented their ideas to the OVLC for the climate conference.

Chris Haver

- SBDC was still working in Gunnison County, and they offered more loans in Gunnison County than anywhere else.
- Haver went to the RTA meeting.
 - There would be \$4.5M from FFA funding that would be used for the first phase of terminal updates.
 - Flight ticket sales were rolling, but they had died out last week.
 - Bus ridership was up 52%.
 - Summer air service had the largest number of passengers, but the load factors were not great.
 - Haver listed upcoming meetings regarding RTA.
 - MacDonald asked whether the Council had provided feedback for the RTA and Mountain Express joint meeting. Then, she asked the Council if they wanted to discuss as an agenda item. Haver asked for the discussion to take place on November 18th.

Jim Schmidt

- Thanked those who attended the joint intergovernmental meeting at the Wooden Nickel.
- He attended the grand opening of the Garden Walk in Gunnison.
- Met with Joe Fitzpatrick and Mayor Farmer to discuss a comprehensive plan and to see if Mt. Crested Butte was interested in participating, which they were.
- MacDonald and he met with Tim Baker for lunch on the 23rd. They talked about Vail's emphasis on recycling and their desire to do composting.
- He attended the CAST meeting on the 24th and 25th. The presentation by Reeves Brown cleared up Gallagher, TABOR and the school district one (Amendment 23). Schmidt described Brown's method for interaction during the presentation.
- They met with Aspen's climate office. They talked about composting that started with a private individual walking around town with five gallon buckets.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt brought forth the topic of Brush Creek. He wanted the Town and Mt. Crested Butte to receive a formal statement from the County that the project was done. Secondly, he wanted the Council to bless that he meet with Mt. Crested Butte Mayor Farmer, Tim Baker from CBMR, and a representative from the County to start talking informally about what a process would look like. He mentioned topics they should discuss to clear up ahead of time. Magner identified questions to answer, including the number of units that could be accommodated by the East River Sanitation District, and water needed to be addressed sooner rather than later. Schmidt agreed. MacDonald recognized the Council needed to be strategic in prioritizing projects that Staff could manage. It was worth discussing with Mt. Crested Butte where they could focus on the near-term. Green acknowledged they needed to take another look at the MOU. Dujardin was not comfortable having Schmidt and Farmer as representatives of the councils. Schmidt voiced that he took offense. Dujardin thought they needed more than one person. Haver felt there could be a whole lot of movement on the in-town locations. He suggested they could talk with Mt. Crested Butte about projects they could move along quickly. Magner questioned the timeline of the Slate River Annexation. She thought it was an important piece of the puzzle. MacDonald asked whether the Council wanted to appoint a subcommittee to meet with a subcommittee from Mt. Crested Butte on Brush Creek. Magner preferred the Council talked first about what they wanted to see. MacDonald said Staff could put together a timeline. The discussion on housing would be added to a future agenda.

Rob Burnett, who spoke during Public Comment, suggested e-verification be a part of the licensing program for anyone who was working with the Town. Magner attempted to summarize the issue. Burnett stated the issue was that illegal workers were coming in and undercutting the local people. Magner asked what the Town Council could do to address the issue. Burnett thought the Town could enforce the e-verification law. MacDonald said the Town could, under a contract, ask the contractor to provide the e-verification paperwork. She stated the Town was not proactively trying to enforce. Burnett wanted to get the authorities involved. Magner asked for ideas in writing on what the Town could do. Merck appreciated Burnett's input. Merck asked for bullet

point ideas that would solve the issue. Merck told Burnett that it was his prerogative to do what he felt was best. Haver recommended he research tools that were in place in other locations.

Dujardin thanked Merck. Haver added his thanks and appreciation. Schmidt confirmed Merck would be attending the next meeting, where he intended to say a few words.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, November 11, 2019 - 2:00PM to 4:00PM New Council Orientation Session
- Monday, November 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 2, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 16, 2019 - 5:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 8:33PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

November 18, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: 2020 Council Regular Meeting Schedule
Date: November 6, 2019

Summary:

A regular meeting schedule for 2020 is included in the packet. The Town Charter states in part that “the Council shall meet regularly at least twice each month at a day and hour to be fixed by the Council.” Town Code dictates that the Council meetings are regularly scheduled on the first and third Mondays of each month, excluding holidays. In the case of a holiday falling on a Monday when a meeting would regularly be scheduled, the meeting is held the subsequent Tuesday.

Recommendation:

Staff recommends approval of the Town Council regular meeting schedule for 2020.

Recommended Motion:

To approve the Town Council regular meeting schedule for 2020 as part of the Consent Agenda.

2020 Regular Town Council Meeting Schedule

January

6 Town Council 7 p.m.

21 (TUESDAY) Town Council 7 p.m.

*Due to Martin Luther King Jr. Day

February

3 Town Council 7 p.m.

18 (TUESDAY) Town Council 7 p.m.

*Due to Presidents' Day

March

2 Town Council 7 p.m.

16 Town Council 7 p.m.

April

6 Town Council 7 p.m.

20 Town Council 7 p.m.

May

4 Town Council 7 p.m.

18 Town Council 7 p.m.

June

1 Town Council 7 p.m.

15 Town Council 7 p.m.

July

6 Town Council 7 p.m.

20 Town Council 7 p.m.

August

4 (TUESDAY) Town Council 7 p.m.

*Due to Colorado Day

17 Town Council 7 p.m.

September

8 (TUESDAY) Town Council 7 p.m.

*Due to Labor Day

21 Town Council 7 p.m.

October

5 Town Council 7 p.m.

19 Town Council 7 p.m.

November

2 Town Council 7 p.m.

16 Town Council 7 p.m.

December

7 Town Council 7 p.m.

21 Town Council 7 p.m.



Staff Report

November 18, 2019

To: Mayor and Town Council
From: Rob Zillioux, Finance & HR Director
Subject: Fall 2019 Community Grant Cycle

Councilmember Laura Mitchel and I reviewed, evaluated and made recommendations on fall community grant requests.

The total 2020 budget for Community Grants is \$55,000. Of this, 50% or \$27,500, was awarded during this fall cycle. That leaves \$27,500 for the spring awards.

Requests were evaluated through the lens of previously approved Council guiding principles for grants:

Guiding Principles

- We believe that creative and sustainable solutions come from people who work collaboratively to address common community needs and aspirations
- We give high priority to investments that create positive, substantive impact and long-term benefit to the Community
- We recognize and respect the need for advancing equity, diversity, creativity, and inclusion within our program
- Consideration is also given to the Town Council's stated values:
 - Support Crested Butte's quality of life
 - Promote resource efficiency and environmental stewardship
 - Encourage a sustainable and healthy business climate
 - Maintain an authentic and unique community
 - Remain fiscally responsible
 - Continue thoughtful management of our historic character
 - Seek collaborative solutions to regional and local issues

The total list of fall requests and recommended awards follows:

Town of Crested Butte

Community Grant Evaluation Matrix

Fall 2019

Fall 2019 Request Summary					
Requesting Organization	Project Name	Amount of Request	Total Project Cost	Portion of Total Project Cost	Recommended Award
GCSAPP	Education, messaging, CBYC	10,000	28,000	36%	\$5,000
Adaptive Sports	Accessibility Improvement - Town CB	5,000	6,050	83%	\$1,400
CB Arts Festival	Community Entertainment Stage	\$5,000	\$13,600	37%	\$500
CB Mountain Theater	Youtheatre Summer Camps	5,000	5,000	100%	\$1,500
CB Nordic	Customer Experience Improvements	\$2,394	\$2,394	100%	\$0
CBMBA	Fat Bike Worlds	5,000	42,000	12%	\$0
CBMBA	Winter Trails Grooming	4,000	19,575	20%	\$0
Center for Mental Health	Support for sliding fee scale services	\$3,000	\$415,000	1%	\$3,000
Center for the Arts	Alpenglow	4,000	67,950	6%	\$4,000
Chamber of Commerce	Mardi Gras	500	2,750	18%	\$0
Coal Creek Watershed Coalition	Water Quality Monitoring	5,000	12,900	39%	\$5,000
Gunnison County Food Pantry	Community Awareness	\$600	\$3,000	20%	\$600
Silent Tracks	Data Collection Initiative	2,500	7,256	34%	\$2,000
Sustainable CB	Zero Waste Toolkit	\$2,000	\$2,000	100%	\$2,000
Titans Booster Club	CBCS Scorers Table	\$2,854	\$3,284	87%	\$0
Vinotok	2019 Vinotok	\$5,144	\$5,144	100%	\$2,500
West Elk Soccer Association	Facilities Rental Assistance	\$3,000	\$12,200	25%	\$0
	Totals	\$64,992	\$648,103	10%	\$27,500

	Total 2020 Budget	Fall Awards	Spring Awards
	\$55,000	50%	50%
	Council Committee Recommendation	\$27,500	\$27,500
	Surplus (Deficit)		\$27,500
			\$0

Staff Recommendation: A Council member make a motion followed by a second to approve the grant awards as part of the consent agenda.



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: November 18, 2019

Town Manager

- Mayors and Managers update – Crested Butte hosted the Mayor's & Managers monthly meeting on November 7th. Notes from the meeting are attached.
- Youth Vaping and Behavioral Health – Chris Haver and I attended a meeting on November 13th concerning youth vaping and associate behavioral health issues and services. This was a follow-up to the meeting with middle and high school students hosted by GCSAPP on September 22nd. Following are programmatic themes from the students gathered on September 22nd:
 - Outside resources, especially mental health! Needs to be separate from parents or school...
 - i. At current, students do not feel comfortable approaching parents or school officials for help... They don't want punishment; they want legitimate help.
 - ii. Access to therapy that kids can utilize without their parents finding out?
 - Being more familiar with the laws regarding nicotine in schools would be a huge help.
 - Parents need to be educated.
 - Prevention messages from peers who are slightly older could be effective (i.e. high schools talking to middle schoolers).
 - Ultimately, they feel that they need a replacement from what vaping gives them (Stress relief, social opening) and they need support from trusted adults, which they currently feel they do not have.
 - Group therapy or professional help could also help, as it is much easier to quit with support.

There were representatives from CBCS (counselors and principal), GCSAPP, Center for Mental Health, Gunnison County and Mentors around the table on Nov 13th. It was determined that there is an interest and willingness from those around the table to do more to assist youth with substance abuse as well as providing support for the related behavioral health questions and concerns. The Youth subcommittee for the Health Coalition will meet to develop some program ideas and budget. They will likely want to engage the Town for some funding support. After some program ideas have been developed they will reach back out to the students who participated in the discussion on September 22nd as well as others to circle back and get their feedback. At this time there is not a request for the Town to take additional legislative action around vaping.

Public Works

- 1) Old Town Hall elevator project – Installation of the Elevator will occur on November 18th and be finished by the end of the week. Bathrooms will be open by the 27th of November, in time for Thanksgiving.
- 2) Kapushion project update – Work on the project is wrapping up for the season. The contractor is cleaning up ROWs and preparing the site for winter. The contractor is anticipating the installation of the flow measuring device on McCormick Ditch occurring during the week of the 18th of November.
- 3) Slate River project update – The contractor has been continuing to install the lift station at 10th and Teocalli. Installation of the wet well and pumps are complete and start up is anticipated on the 18th of November. The solid wall is complete, including the Mt Express Parking Area.
- 4) Pedestrian Bridge update – Town Staff have completed the installation of superstructure and decking. The rails are anticipated to be installed the week of November 18th. The bridge will reopen upon installation of the rails.
- 5) Snow Removal – Streets Staff are transitioning from dirt work to snow removal. Staff are chaining up equipment, painting truck beds, and preparing plows. Staff is also working with the Marshal's Office to clear rights-of-way.
- 6) Our annual Snow Summit occurred on October 30th. Approximately 18 snow plow and property management business turned out for the event. Staff went over rules and regulations regarding snow removal, the Town's snow removal routes, responsibilities and priorities, and answered questions.

Marshals

- 1) The Marshal's Office is working to get private items removed from the public rights-of-way. We ask that any bike racks, basketball hoops and other such items get pulled back onto private property as soon as possible.
- 2) On 11/13/19 Cynthia attended a day long Sex Assault Investigation training in Ouray.
- 3) James, our driving simulator instructor, has run all of the Marshal's Office and most of the Town staff through driving training on the simulator we have available through West Region POST.

Parks & Rec

- 1) Registration for winter basketball, gymnastics, and ice skating is open.
- 2) The Parks Crew is prepping the rink to start making ice. We anticipate that ice making will begin the first week of December.

Community Development

- 1) Investment Grade Audit: Town staff has received initial cost estimates and potential energy offsets for solar panels on Town owned property. Staff is meeting internally next week prior to responding to Johnson Controls. Once a short list is created, the Town will have solar contractors on site to derive hard numbers on costs. Selection of projects will come before the Council in late January or early February. The release of potential RFPs for moving forward with solar panels will occur after the Council has weighed in on the projects to move forward with in 2020.
- 2) Confirmed Jane Zelikova, PhD as main speaker for public event December 4th at the Center around the Town's Climate Action Plan. She will be speaking about climate change impacts and featuring her short film, The End of Snow, (<https://vimeo.com/184941494>) which includes discussion with Billy Barr. We will have

CBCS students and Sustainable CB speaking in addition to providing an overview of the Climate Action Plan. Protect Our Winters (POW) will also be in attendance for the event.

Town Clerk

- 1) Staff will be meeting with the organizers of the Fat Bike World Championships, with the goal of the event on the December 2nd agenda for the Council's consideration.
- 2) The last FCPA reporting deadline is Thursday, December 5th.

Finance

- 1) Audit Services RFP - Staff has launched an RFP for external audit services, soliciting proposals from four firms. Multiple municipalities provided suggestions and input to Staff, which led to selection of the four possible firms. Colorado requires municipalities to conduct an annual audit with an independent auditor, and file with the State. Crested Butte has utilized Chadwick, Steinkirchner, Davis & Co for several years. This firm is good and has performed well for Town.

It is good practice, although not explicitly required, to change external auditors periodically. At a minimum, it is common practice to rotate the lead auditor if the firm does not change.

The benefit of switching external auditors is to get a fresh set of eyes and perspective on the controls, accounts, accounting and presentation. This also ensures the municipality and audit firm do not become overly comfortable with each other. New auditors nearly always have questions and recommendations that prior auditors did not.

The challenges with new auditors include the time to get them familiar with the funds, account structure, controls and the like. Additionally, given the time required to get up the speed, new auditors typically cost more, especially the first year. There are a limited number of audit firms that have the expertise to perform a municipality audit, given the differences of accounting rules versus for profit organizations.

- 2) Late Night Taxi - Laura Mitchell, Karl Trujillo (Mt CB), Linda Nienhueser (Gunnison County), Lynn Moore and Mike Knoll (Bartenders Assoc), Dom Eymere (CB South POA), Chris Larsen (MTX) and I met November 13th to continue discussions about the Late Night Taxi service. The primary discussion was about how best to fund the subsidy requested by Telluride (Alpine) Express. The level of service was also discussed.

The following table displays what the group tentatively agreed to for subsidy:

**Late Night Taxi
Financials (as proposed)**

	Current	Tentative as of November 13	Telluride Express Subsidy Request
Subsidies:			
CB	\$7,700	\$14,000	
Mt CB	\$7,700	\$14,000	
Gunnison County	\$5,000	\$8,800	
Mountain Express	\$0	\$12,000	
RTA	\$0	\$0	
CB South	\$0	\$1,000	
Bartenders Assoc	\$0	\$2,000	
Total Subsidy	\$20,400	\$51,800	\$51,878
Riders	6,800	6,800	
Ride Fee:	\$5	\$5	
Total Ride Fees	\$34,000	\$34,000	
Total to Telluride Express	\$54,400	\$85,800	
Total Cost per Ride	\$8	\$13	

Some notes and discussion points:

- 3) **CB and Mt CB** - should be able to increase their subsidies to \$14k each. However, the respective Councils need to weigh in and formalize.
- 4) **Gunnison County** – the County has generously agreed to increase their subsidy to \$8,800. However, they cannot guarantee this amount in future years.
- 5) **MTX** – Board member Laura Mitchel will request they contribute \$12k.
- 6) **RTA** – Scott and his Board are not ready to contribute. Their concern relates to other entities possibly requesting grants, and RTA is not ready. The topic will be discussed at an upcoming Board meeting.
- 7) **CB South** – Dom (POA) and Board have concerns about service. Namely, folks waiting 1-2 hours for a ride from CB to CBS. However, in light of the geography the Late Night Taxi must cover and with only one van, it would be virtually impossible to have expedited service to any outlying area. Dom will discuss the subsidy with his Board. Tentatively, CBS may be able to contribute \$1,000.
- 8) **Bartenders Assoc** – They have agreed to contributing \$2k, and perhaps a bit more. They are considering fund raising within the restaurant and bar community.
- 9) **The Future** – the group would like to consider having the Towns of CB and Mt CB, through MTX, run this service in the future. Telluride Express has a monopoly at the moment, with leverage over rates and service. That said, the total cost proposed by Telluride Express is reasonable for the service provided. We will only sign a one year commitment (after finalizing contributions) with Telluride Express this go around. It is common for mountain resort towns to run their own late night shuttles.

Intergovernmental

The next meeting will be hosted by Mt. Crested Butte on Feb 12, 2020.

Upcoming Meetings or Events

Wednesday, Dec 4th, 6:00 – 8:00, public meeting for Climate Action Plan, Center for the Arts

Monday, January 13th 6:00 – 8:00, Gunnison Country Climate Conference Keynote speaker, Center for the Arts

Friday, January 17th 8:30 -4:30, Gunnison Country Climate Conference, Western CO Univ. Ballroom

Wednesday, Feb 12th 6:00 – 8:00, Intergovernmental dinner, Mountaineer Square

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

Mayors & Managers Notes
11.07.19

Tour of Block 76 units

Gunnison Valley Health –

- Level IV Trauma Facility recertification complete
- Have purchased 7 condo units to utilize for employee housing, also offering wage subsidies for housing and down payment assistance.
- Looking at wages to help with retention and recruitment. May be assigning a new minimum wage of up to \$15 per hour.

Gunnison Watershed School District –

- Appointed two new board members – Ann Brookhardt and Dave Taylor, aka “KOA Dave” - and swore in Tyler and LeeAnn who ran unopposed.
- In negotiations with an architecture firm to move forward with planning and design work for school campuses.
- Continuing the branding project with Springboard Communications to improve messaging and visual representation for the district and schools.
- Will be submitting a BEST grant for roof at school in Gunnison
- Annual October student census showed growth. CB secondary school showed largest growth. Marble is up from 40 to 48 students. Just under 4% growth at CBCS.

Gunnison County Libraries -

- Successful ballot question
- Will be issuing an RFQ asap to move forward with General Contractor selection and construction of new facility in Gunnison
- Plan to break ground in early 2021 on new facility in Gunnison

City of Gunnison –

- Two new Council members – Mallory Logan, Diego Plata, Beau Freeborn
- Highest voter turnout for a municipal election due to change to November date instead of Spring election
- Council will be seated Dec 11th.
- Working on 2020 budget
- Want to work on incentivizing improvement of mobile homes
- Gardenwalk LITC project is moving right along
- MOU for 55 units at Lazy K
- Draft of Comprehensive Plan is coming along. Thinking about growth and logical growth boundaries. Draft will be released in the next 3-5 weeks.

Gunnison County -

- Cottonwood is closed, Kebler still open. Hoping to keep Kebler open to the Irwin fork until after the Nordic Thanksgiving Camp (but will be weather dependent).

- Continuing to try and resolve conflicts at the Kebler winter trailhead. As trailers are getting larger it has become more problematic. Did expand parking lot. Will be limiting overnight parking more than in the past. In the past the County issued no more than 2 permits per dwelling. Will now issue one per habitable dwelling, then may consider more depending on how it goes.
- Broadband – Region 10 is applying for grant to fund construction in partnership with GCEA, Gunnison Valley Health and local governments.
- CORE Act – Passed through the U.S. House of Representatives (5 Republicans did vote for it). Next step will be U.S. Senate consideration. Roland will share an additional letter that the County will be considering
- Have cleaned up the deed restriction on Stallion Park units that are being sold.
- Lot 22 project in Gunnison is now planning to break ground in the Spring of 2020
- CDOT TPR meeting is 11.08.19. Collaboratively developed priorities will be presented. For roads Brush Creek and Cement Creek intersections with 135 are priorities for highway funding. Bus service between Montrose and Gunnison is first priority for transit funding.

Gunnison Valley Regional Housing Authority –

- 36 apartments at Garden Walk project in Gunnison are underway
- Received grant for home rehabilitation loans. This is taking over the program that previously was serviced out of Delta.
- Applying for a down payment assistance grant in December from Division of Housing – would be able to offer low interest down payment assistance loans
- Serviced 32 homes through GV-HEAT program in 2019
- DOLA is still working through what the new affordable housing grant program will look like. Grants are not currently open.

Mt. Crested Butte –

- Successful lodging tax question. Should generate about \$900,000 annually. Starting process to determine how to spend money.
- Approved ordinance to regulate short-term rentals, including inspection.
- North Village is moving forward. Have begun discussions on how to plan and develop the Town's Parcel F in collaboration with North Village developer.
- Nordic Inn planned unit development (PUD) plan changes are still being considered. Would take it from 28 rooms to 144 rooms
- Partnering with Town of Crested Butte to work together on updating comprehensive plans
- Going to restart "Mondays with the Mayor" in December. Council members will also rotate through
- September sales tax is down about 10%
- Thanks to DOLA the new maintenance facility should be completed in December!
- Homestead is still moving along. Developer is working on financing. GVRHA has about 57 people on the list as interested in the purchasing housing.
- The countywide subcommittee on Growing Water Smart received a \$10,000 grant to use for education about water and for hiring a consultant to help entities implement Regulation 85.

Upper Gunnison River Water Conservancy District -

- Dec 3rd, Sonja Chavez will start as new General Manager
- Finalizing Watershed Management Plans for 3 sub-basins
- Deep into evaluating a demand management program as mandated by the State.
- Conducting economic impact study for Gunnison basin to determine what the cost would be to an irrigator to participate in the demand management program. Also looking at impacts to neighbors, other irrigators and area as a whole.
- Have commissioned a Risk Study for the Upper Gunnison also looking at possible impacts of demand management
- Also looking at on the ground analysis of impacts of removing irrigation. Began in 2019 but didn't get a lot of data. Analysis will be ongoing.

CBMR –

- Deep in ramp-up. Plenty cold at night. Pretty much done with snowmaking for Lower Keystone to base. Confident in opening date.
- New Teocalli lift is completed.
- Pass sales are ongoing until around the 1st of December.
- Keystone Only pass that has 5 days at CBMR has been a strong seller
- Had a surprisingly strong October
- Supporting air service into Gunnison and working on marketing

Crested Butte –

- Review local election results
- Working on Climate Action – overview of draft agenda for climate conference in January



Staff Report

November 18, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Shea D Earley, Public Works Director
Subject: Sidewalk Seating and Its Compliance with ADA Requirements

Summary: This staff report is written to ascertain and convey the current level of compliance for sidewalk seating as it relates to the American Disabilities Act (ADA). There are currently seven businesses that hold Revocable License Agreements (RLA) for sidewalk seating with the Town.

Previous Council Action:

- July 19, 2010 – Approval of requirements for revocable license for the use of public property for bar and restaurant seating.
- August 3, 2010 – Approval of Revocable License for the use of public property for bar and restaurant seating.

Background: The ADA was signed into law in 1990. Subsequently, the Access Board, which is the government agency charged with enforcing and developing accessibility standards, published the American Disabilities Act Accessibility Guidelines (ADAAG) in 1991. In 2004 and 2010, the ADAAG standards were updated. In 2011, the Access Board proposed a new set of guidelines, the Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is intended to supplement the ADAAG, clarifying the standards as they relate to right-of-way. Although the PROWAG has not formally been adopted, the proposed guidelines are currently recommended as the “best practices” for local government facilities within right-of-ways. Generally speaking, PROWAG contains equal or more stringent standards when compared to ADAAG.

With respect to sidewalks, also called Pedestrian Access Routes (PAR), there are several key specifications outlined in PROWAG:

- The PAR is required to be at a 4 foot wide minimum.
- If the PAR is only 4 foot wide, a 5 foot wide passing lane needs to be provided every 200 feet.
- The cross slope of the PAR can be no more than 2%.
- Vertical surface discontinuities can be no more than .5 inches.

Discussion: When considering compliance with PROWAG, the four criteria that are listed above were applied to all seven businesses which hold RLAs for sidewalk seating. Below is a table summarizing the level of compliance that each business achieved based on Town Staff’s site

inspections. "X" indicates that a business is compliant with that specific requirement. In order to be ADA compliant, the business must achieve all four requirements.

Pedestrian Access Route (PAR) Requirements

Business	4' wide Access Route	5' wide passing lane	<2% cross slope	Vertical Surface Discontinuities <.5"
Teocalli Tamale	X	X		X
Secret Stash	X	X		
Brick Oven	X	X		
209 Elk Ave	X	X		
Public House	X	X	X	
Elk Ave Prime	X	X	X	
Talk of the Town	X	X	X	X

As indicated in the above table, all of the businesses achieve a 4' wide PAR. However, in order to achieve that, all of the businesses with the exception of the Talk of the Town utilize a portion of the brick pavers as part of their PAR. Per PROWAG, the brick pavers do not generally meet the requirements for vertical surface discontinuities and, in some instance, for cross slope. So, any establishments utilizing the brick pavers as part of their PAR are not achieving compliance with ADA. It should also be noted that bike racks, flower boxes, trash cans, benches, signs, etc. were not taken into consideration when determining the level of compliance at each business.

Legal Implications: Violation of the ADA and possible legal action.

Recommendation: Several courses of action can be taken to achieve compliance with the ADA.

1. Reduce the area in which a business can utilize the sidewalk, ensuring that all 4 feet of PAR is located on the concrete sidewalk.
2. Remove bricks and increase the width of the concrete sidewalk, ensuring that 4 feet of the PAR is located on the concrete sidewalk.
3. Eliminate sidewalk seating completely or eliminate sidewalk seating from individual businesses that do not achieve ADA compliance.

From: [m](#)
To: [Lynelle Stanford](#)
Subject: Re: Council Sidewalk Seating Discussion
Date: Thursday, November 14, 2019 8:06:43 AM

Lynelle

Thanks for your time, just a few more points. I want to be part of this change and understand it needs too. I'm not afraid of change like so many. November 18th is the worst week of the year for this discussion as we cant examine outdoor seating impacts and violations until next summer. Also I bet most of the biz owners that legally and illegally utilize outdoor seating are out of town until the season starts. This is the restaurant owners time to get out of town after paying the majority of our yearly taxes. Please forward this to town peps.

Burke from Teo Taco Empire Strikes Again. I look forward to sitting down with town planner when im back.

Sent from my LG Mobile

----- Original message-----

From: Lynelle Stanford

Date: Tue, Nov 12, 2019 10:59 AM

To:

dan@brickovencb.com;mbodd21@yahoo.com;curtis@elkaveprime.com;kyleenacb@gmail.com;carson.stash@gmail.com;m;Kyra Martin;Chris Ladoulis;kate@djangos.us;

Cc:

Subject:Council Sidewalk Seating Discussion

Good Morning,

The Council will be discussing sidewalk seating as it relates to ADA compliance at their meeting on Monday night. The meeting is on Monday night, November 18th. The discussion is slated for approximately 7:45PM, although the meeting could move faster. The discussion is first under New Business. Shea Earley, the Public Works Director, will be preparing a staff report that will be available in the Council's packet on the Town's website no later than Friday afternoon. You are all welcome to attend the meeting, or you may send me an email in advance that I could forward to the Council.

Thank you!

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

From: [m](#)
To: [Lynelle Stanford](#)
Subject: Re: Council Sidewalk Seating Discussion
Date: Thursday, November 14, 2019 7:42:49 AM

Lynelle

Hope you're settling into the winter. Unfortunately im out of the country, just got here yesterday and disappointed that this discussion is such incredibly short notice. I do not have cell service over here till the 20th. It very much effects Teo and again disappointed as we have followed the rules concerning everything on the side walk. Other businesses have illegal seating everywhere and do not have insurance for those seating areas. Also illegal signage on sidewalks everwhere in town no enforcement, ever. Again I hope for furture notices about sidewalk seating way earlier in advance. I would have canceled my trip to be present at the meeting. Also we have a new sidewalk seating setup being built currently that does meet current rules but I bet will not meet new ones. Disappointed again.

Thanks for your time
Burke

Sent from my LG Mobile

----- Original message-----

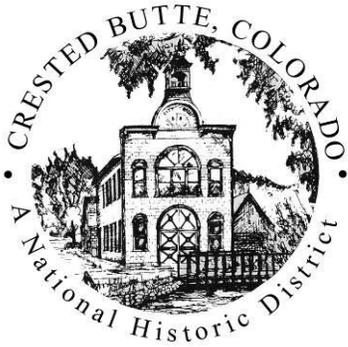
From: Lynelle Stanford
Date: Tue, Nov 12, 2019 10:59 AM
To:
dan@brickovencb.com;mbodd21@yahoo.com;curtis@elkaveprime.com;kyleenacb@gmail.com;carson.stash@gmail.com;m;Kyra Martin;Chris Ladoulis;kate@djangos.us;
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Thank you!

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



Staff Report

November 18, 2019

To: Mayor and Town Council
From: Rob Zillioux, Finance and HR Director
Subject: Review of Lease Policy for Town-Owned Properties

Summary:

The Town currently has 29 individual leases. Prior to 2018, most of these leases were significantly out of date. Many units were rented without an in-force lease. Except for the Center for the Arts building and Library, we have current leases for all properties / units.

Enclosed (page 3) is the lease policy (non-residential) that Council adopted in January 2017. Not for profit entities are the established priority for rentals. Per the Policy ... ***the Town also recognizes the importance of not for profit organizations and government organizations with a mission to serve the community. It is the intention of the Town to make its unused non-residential properties available first to community not for profit entities.*** Of the non-residential properties, there currently are four leases to for profit entities and/or individuals. For these, policy states ***the term of leases to individuals or for profit entities should be for no more than three years after which time the location should again be advertised to see if there are any not for profits who would like to lease the space.***

The Current employee rental rate schedule is as follows:

Employee Housing Schedule		
	minimum \$ per year	per month
one bedroom =	\$6,000	\$500
two bedrooms =	\$8,000	\$670
3 bedrooms =	\$12,000	\$1,000
2 bed + garage =	\$12,000	\$1,000
1 bed + garage =	\$8,000	\$670

Notes:
Starting at \$500 per bedroom, with \$200 for each additional bedroom
Nothing on top of rent if town only pays water, sewer, trash
\$25-\$100 on top of rent if Town pays any/all other utilities
One car garage valued at same as one bedroom

Also enclosed (page 5) is a listing of current leases.

Discussion:

As it relates to Policy, staff would like confirmation from Council as to the not-residential rental policy.

Specifically, we need direction and/or confirmation on:

- a) Not-Residential Municipal Property Policy, adopted by Resolution 2017-2.
- b) Confirm appropriate term for non-employee and non-residential properties. Not for profit entities have five year terms. For profit organizations and/or non-employee individuals have three year leases. Policy states that after three years, these units would be advertised so that not for profits have an opportunity, as is the priority set by Council. Should a not for profit not be interested in said property, then they would be allowed to renew for three years.
- c) Should the Not-Residential Municipal Property Policy be modified to address “residential” units within a building not expressly built or serving totally as a residential properties? For example, the Depot has office, event and residential space.
- d) Should Town remove any “caretaker” duties from the Depot apartment lease and adjust the rental rate accordingly? The Legal Implications section below speaks to this point in more detail.

As it relates to Employee Housing, we need direction and/or confirmation on:

- a) The related schedule displayed on page 1.

Legal Implications:

It is in the best interest of both the Town and its tenants to have a clear lease acknowledging the terms under which the tenant is permitted to use the property ensuring adequate insurance is in place and laying out the maintenance responsibilities. This past week, staff met with our Town Attorney and CIRSA’s employment lawyer to discuss the Depot Studio Apartment situation. Both attorneys advised that the current Depot lease, including “caretaker” duties, poses significant liability to both Town and the leasee. All contractors working for Town must have liability insurance and provide Town with a related insurance certificate. This is currently not the case of the Depot Studio Apartment. There are also other legal issues associated with inferring or characterizing any non-employee as an employee. In light of this, the legal recommendation is to remove “caretaker” duties from the Depot Studio Apartment lease and to charge a stand-alone lease rate.

Recommendations:

- a) Modify the Not-Residential Municipal Property Policy to clearly specify policy regarding non-employee housing in these properties. These would be three year leases, consistent with for profit entities.
- b) Upon expiration of the Depot Studio Apartment lease in February, remove “caretaker” duties from the lease and charge \$600 per month. The Lessee shall pay for electricity. The Town will pay for gas, water, sewer and weekly refuse collection. Lessee shall also pay all charges for telephone, internet, television and other such services. This proposal is significantly less expensive than the going market rate. Term would be three years, with mutual options to terminate with 60 days’ notice. Town, in turn, provides building maintenance akin to its other buildings.

LEASING OF NOT-RESIDENTIAL MUNICIPAL PROPERTY POLICY

Introduction or Purpose:

The Leasing of Not-Residential Municipal Property Policy (the “Policy”) of the Town Council of the Town of Crested Butte (the “Town”) is established to provide guidance to staff in negotiating leases with tenants who wish to occupy not-residential municipally owned property.

Municipally owned property is held in trust by the Town for the residents and voters that make up the citizenry of Crested Butte. The Town has an obligation to manage those properties not utilized for municipal purposes for the benefit of the citizens. This may be reflected through the preservation of important historic structures, through support of community not for profits, and through responsible financial management of the assets.

The Town incurs expenses annually to maintain and operate a variety of not-residential properties throughout the community. The broad objective of the Town’s lease rate structure is to adequately cover the costs of routine operations and maintenance and some portion of anticipated capital improvements on municipally owned not-residential rental properties.

The Town also recognizes the importance of not for profit organizations and government organizations with a mission to serve the community. It is the intention of the Town to make its unused not-residential properties available first to community not for profit entities. These organizations provide valuable services and enrichment to the community and are powered by volunteers and donors from the community. Accordingly, the Town desires to facilitate funding assistance to not for profits serving the Crested Butte community by providing rental space for these types of organizations at below market rental rates.

Scope:

The Policy applies to the leasing of municipally owned, not-residential property. The Policy provides guidance to staff in negotiating and proposing lease agreements. Lease agreements are subject to review and approval by the Town Council.

Policy:

The Town should execute and maintain current leases with all occupants of municipally owned property. The advantages of a written lease are to provide certainty and clarity for both parties. The lease sets the amount of rent and deposit as well as length of tenancy. A lease spells out the obligations of the tenant and landlord including expectations for insurance and maintenance.

Recognizing the value that not for profit entities bring to the community, the Town Council would like to make its unused not-residential spaces available first to those types of organizations. The Council welcomes the opportunity to continue some of the long-standing owner/tenant

relationships that exist between the Town and community not for profits that exist as of the adoption of this Policy.

Lease terms shall generally be offered to not for profits for five years with an automatic five year renewal. If, after adequate advertising, no not for profit entity expresses an interest in a location, such location may be leased to an individual or for profit entity. The term of leases to individuals or for profit entities should be for no more than three years after which time the location should again be advertised to see if there are any not for profits who would like to lease the space.

Lease rates for not for profit entities should be established at rates that, at a minimum, cover the expenses incurred by the Town to operate and perform annual maintenance for each location. The difference between the lease rate and market rate should be reflected in the lease agreement such that the tenant, Town and community are cognizant of the subsidy being provided by the Town. Lease rates for individuals or for profit entities should be set at an average of comparable market rates.

Tenants of municipally owned property shall not be permitted to sublet the properties. This will be explicitly stated in each lease.

Because, at the time of adoption of the Policy, so many tenants do not have current leases and are paying little or no rent, a 'ramp up' period should be provided for the first three years for current not for profit tenants. No rate increase should be expected for 2017, with modest increases in 2018 and 2019 until lease rates reach \$2 to \$6 per sq. ft. per year, depending on the location and whether or not utilities are paid by the Town.

Town staff shall periodically (not less than every 5 years) review comparable property lease rates in the community.

Attachments:

- Lease Agreement Checklist

Approvals:

Date	Name	Resolution #
01/17/17	Town Council	2017-02

Revision History:

Version	Date Revised	Reason for Change

Schedule of Leased Properties:

Tenant	Unit #	Current Rent Amt
308 THIRD STREET		
CB Fire Protection	ABC	\$600 per month / \$7200 per yr
West Elk Martial Arts	D	\$125 per month / \$1500 per yr
Rocky Mountain Biological Lab	E,F,H & North Upstairs	\$421 per month / \$5052 per yr
Locklear, Leslie	G	\$155 per month / \$1860 per yr
Windsor Refrigeration	K	\$360 per month / \$4320 per yr
Crested Butte Land Trust	S & E Office Upstairs	\$333.50 per month / \$4002 per yr
OLD TOWN HALL		
Crested Butte Mountain Theatre	403 2nd St.	\$100 per month / \$1200 per yr
Paragon Gallery	403 2nd St.	\$150 per month / \$1800 per yr
MISC		
Mountain Express	Bus Barn	\$314.50 per month / \$3774 per yr
Crested Butte School of Dance	Pump Room	\$125 per month / \$1496 per yr
KBUT	Marshals Building	\$287.50 per month / \$3450 per yr
Gunnison Valley Regional Housing Authority	Old Rock Jail	\$202 per month / \$2424 per yr
Crested Butte Nordic Council	Cat Barn	~\$28.38 per month / \$341.71 per yr
Stepping Stones	705 7th St	\$391 per month / \$4692 per yr
Nautilus Sailing LLC	Chamber Building	\$250 per month / \$3000 per yr

Tenant	Unit #	Current Rent Amt
809 NINTH STREET		
Ian Baird	Unit #2	\$700 per month
Kyle Thomas	Unit #3	\$560 per month (auto pay)
Chris Wiig	Unit #1	\$510 per month (auto pay)
James R. Talbot	Pasture Rent	"Varies"
THE DEPOT		
Steph White	Studio Apartment	\$300 per month
Crested Butte Wildflower Festival	Office	\$29.50 per month / \$354 per yr
High Country Conservation Advocates	Office	\$500 per month / \$6000 per yr
PARADISE PARK		
Betty Warren	19 Ninth Street	\$485 per month
Dylan Bova	812 Teocalli	\$1015 per month (auto pay)
Matthew Davis	814 Teocalli	\$515 per month (auto pay)
Michael Yerman	906 Butte	\$740 per month (auto pay)
RED LADY ESTATES		
Curt Graeber	Red Lady	\$200 per month / \$2400 per yr
La Donna Largo	Red Lady	\$200 per month / \$2400 per yr
Brian Fenerty	Red Lady	\$200 per month / \$2400 per yr



Staff Report

November 18, 2019

To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: **Development Concepts, Timelines, and Probable Costs for Affordable Housing at the Slate River Annexation**

Concept:

As part of the pre-annexation agreement with Cypress Equites, the Town is acquiring two adjacent 1-acre parcels, depicted in the attached site plan, known as Town Parcel 3 (TP3) and Town Parcel 5 (TP5) on the northeastern corner of Sixth Street and Butte Avenue across from the Gas Café. TP 3 has undergone the State's Voluntary Cleanup Program (VCUP) and is ready for housing. The size and future subdivision of TP 5 was renegotiated by the Council to run north along Sixth Street and to remove the future housing site from the largest portions of the old municipal land fill. However, there are portions of TP 5 that contain landfill debris. To make TP5 available for the development of housing, additional cleanup efforts and costs will be necessary.

The major reason for the creating TP5 was the realization of the need for a future higher density rental residential project. The configuration of TP5 pushes potential higher density along the Sixth Street corridor which is next to commercial development and the Mountain Express bus route. Also it's realigned location moves the potential higher density site west away from Poverty Gulch and the lower density housing behind the Gas Café along Butte Avenue.

Both Parcels are intended to be zoned either R4 or R2a. The R4 zone district is already adjacent to the south and east of the site along Butte Avenue. The R-4 zone district allows for duplexes and triplexes as a permitted use and multi-family dwellings as a conditional use. The R2a zone district is the Town's affordable housing zone and would permit medium density housing such as triplexes, duplexes, and micro lots. The R2a zone district is more suited for home ownership for locals.

This concept assumes that the development of TP 5 and TP 3 are completed in separate phases and staggered to reduce conflicts with the VCUP process that will occur on TP5 to help reduce other conflicts and costs. While the development of TP 5 and first may have cost savings associated with the VCUP process, either phase can be developed independently of each other.

Phase 1- The Development of TP5 Timeline:

This phase is envisioned as the higher density portion of the annexation parcel. This site would be targeted to provide long-term rental property for locals.

Year 1- The longest portion of the development of this site will be the public process to create the vision of this site. This public process will need to balance the need for affordable housing in the community while protecting the surrounding neighborhood from the impacts of development. Discussions around density should be balanced with meeting required parking and the space needs of future Town residents. Traditional apartment style rentals, shared living dormitories, or even live work spaces could be explored. Affordable for sale condominium units may be considered as a potential home ownership option. To achieve higher densities on this site, underground or tuck-under parking will likely need to be built. The VCUP cleanup process will lend itself to allowing the needed excavation to occur for a one-story underground parking area. Additional construction costs will be required for the foundation and for mitigation measures including ventilation and pumps that will be required regardless of constructing underground parking. Milestones to be achieved in year one include an approved community concept plan and a selected developer responsible for the project moving forward through BOZAR. A development contract will need to be negotiated by the Council.

Year 2- This year would require three important milestones to be achieved: 1) The selected developer would need to obtain BOZAR approval and have begun designing building permit plans; 2) an approved VCUP plan by the State so construction could begin in the spring of Year 3; and 3) the final milestone will be selection of the cleanup contractor to perform the VCUP work.

Year 3- This would be the year that the physical dig and haul process would be completed for the VCUP. The foundation and horizontal infrastructure would be completed this year and vertical construction would begin in the fall of this year.

Year 4- Construction completion and successful occupancy of the project in the fall of this year.

Phase 1 Probable Costs:

This cost estimate only includes costs associated with preparing the land to be ready for vertical construction. These costs include the VCUP, water and sewer system development fees, professional design costs, and sustainability costs. Since there are too many unknowns on the outcome of the design of the project, vertical costs of construction are not included.

VCUP- Total Cost \$800,000-\$1,200,000

The VCUP will be the most expensive portion of preparing the site for vertical construction. Grants are available but are highly competitive. Federal grants are unlikely due to the site characteristics and State funds of only \$70,000 are typically awarded. However, the project can be structured to take advantage of the State Income Tax Credit. This project could generate \$250,000-\$400,000 in Tax Credits to help fund the project. This estimate includes the completion of necessary permitting and testing required by the State for VCUP approval. This also includes the costs of the dig and haul as well as potential additional excavation costs to allow underground parking.

Water and Sewer Development Fees- \$600,000-\$800,000

This includes tap fees and potential infrastructure upgrades to facilitate the development.

Professional Design Costs- \$100,000

This would include the development of a facilitated community driven concept plan for the project and selection of the developer.

Sustainability Costs- \$600,000-\$800,000

Initial cost estimates by Johnson Controls the Town Energy Audit Contractor include a potential ground mounted solar array compatible of producing energy for up to 50 units. Grants could help fund this portion of the project.

Phase 2- The Development of TP3 Timeline:

The development of this Parcel would be targeted for homeownership and have similar densities to neighboring Poverty Gulch or Paradise Park. The development approach would be similar to recent builds in Paradise Park with the Town assisting with design, tap fees, and potential sustainability offsets. Vertical costs would be passed onto future homeowners at the time of sale of the unit.

Year 1- This would include the selection of the designer of the project and the selection of the builder. BOZAR approval would also be achieved.

Year 2- Ground breaking and vertical construction commences.

Year 3- Construction completion and successful closings on the sale of units.

Phase 2 Probable Costs:

This cost estimate includes Town investments in Tap Fees and suitability costs as well as design and assistance with closing costs for potential buyers.

Water and Sewer Development Fees- \$180,000-\$200,000

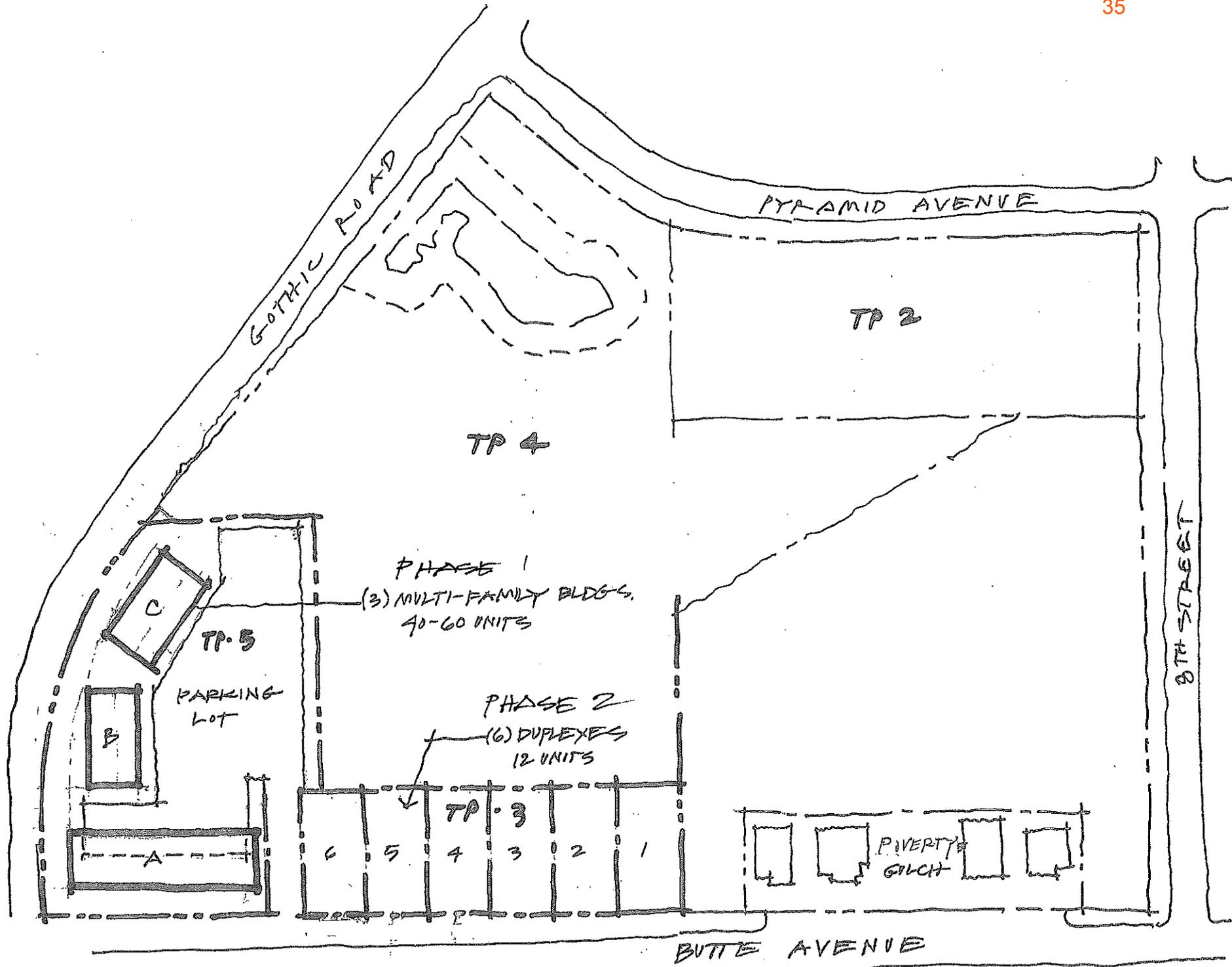
This includes tap fees and potential infrastructure upgrades to facilitate the development.

Professional Design Costs- \$100,000

This would include the development of plans for the project, survey, and selection of the contractor.

Sustainability Costs- \$15,000-\$20,000 per unit

Solar panels and building energy upgrades estimates to offset energy uses per unit are still very preliminary and will need to be vetted in Year 1 with the design.



1"=100' SCALE





Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Upcoming Mt. Express/RTA Joint meeting
Date: November 18, 2019

Mountain Express and Gunnison Valley RTA are holding a joint meeting on December 6th to discuss a variety of transportation related topics.

The Gunnison Valley RTA has an eight-member board made of from two representatives from Gunnison County and two from each of the three municipalities. The Mt. Express Board is a five-member group comprised of two members each from the Towns of Crested Butte and Mt. Crested Butte and one at-large member.

RTA Board membership:

John Messner
 Roland Mason
 Janet Farmer
 Steve Morris
 Leia Morrison (to be replaced)
 Jim Miles
 Chris Haver
 Laura Mitchell

Mt. Express Board membership:

Laura Mitchell
 Dwayne Lehnertz
 Will Dujardin
 Roman Kolodziej
 Gary Keiser

Agenda topics for the Dec 6th meeting are as follows:

- A. Winter CB South bus service
 - 1. Current arrangement
 - 2. Reports on ridership
- B. North Valley transportation planning / future route expansions
- C. Potential combining of entities / working together
- D. Alternative Fuels discussion
- E. Whetstone Industrial Park capital improvements

1. Fencing & lighting
2. Bus storage
3. Mt. Express maintenance facility
4. RTA / Bustang storage facility
5. Housing

F. Senior Transportation Services

The Council should discuss if they would like to take a position on any of these topics and should so direct Laura, Chris and Will.



The mission of the Gunnison Valley Transportation Authority (RTA) is to provide and improve air transportation to and from the Gunnison-Crested Butte Regional Airport on a year-round basis, to provide a long term and energy efficient public transit system between the north and south ends of the Highway 135 corridor, and to provide senior and human services transportation in Gunnison County.

The mission of the Mt. Express is to provide safe, free and courteous public ground transportation services for residents of and visitors to the Mt. Crested Butte, Crested Butte, and surrounding north valley communities and to provide a safe, fair, and honest working environment for Mountain Express employees.

AGENDA – DECEMBER 6, 2019

JOINT MEETING

MOUNTAIN EXPRESS & GUNNISON VALLEY RTA

CRESTED BUTTE TOWN OFFICES

COUNCIL CHAMBERS – 10:00 A.M.

10:00 INTRODUCTION

- A. Winter CB South bus service
 - 1. Current arrangement
 - 2. Reports on ridership
- B. North Valley transportation planning / future route expansions
- C. Potential combining of entities / working together
- D. Alternative Fuels discussion
- E. Whetstone Industrial Park capital improvements
 - 1. Fencing & lighting
 - 2. Bus storage
 - 3. Mt. Express maintenance facility
 - 4. RTA / Bustang storage facility
 - 5. Housing
- F. Senior Transportation Services

12:00 ADJOURNEMENT



Staff Report

November 18, 2019

To: Mayor and Town Council

From: Dara MacDonald, Town Manager

Subject: Ordinance 2019-39, An ordinance of the Crested Butte Town Council approving the lease of a portion of the property at 606 6th Street to The Center for the Arts

Summary: The Center for the Arts (“Center”) has been a long-term tenant of the Town. Their most recent lease was executed in 2010 with a fifty-year term. The Center is nearing completion on Phase 1 of their expansion project and a new lease is required to address the new building and associated responsibilities.

Previous Council Action: In May of 2017, with Ordinances 2017-13 and 2017-14, the Council approved an Amendment to the 2010 Lease and Tenant Improvement Agreement providing for the Center to proceed with construction of certain improvements known as Phase 1 at the property. Amendment to the 2010 Lease requires that “Upon completion of construction of Phase 1 pursuant to the Tenant Improvements Agreement, the Town and the Center shall enter into a new lease (the “New Lease”) addressing the Center’s going forward tenancy of the Premises following construction. The New Lease shall include, without limitation, (a) facility management terms addressing the Center’s ongoing maintenance and management responsibilities of the Premises; (b) funding terms addressing the Center’s financing and fiscal responsibilities for the ongoing maintenance and operation of the Premises”

Background and Discussion: The Center has operated for a number of years without direct financial support from the Town, aside from use of the facility. The Center has been and will remain responsible for all costs of operation and maintenance of the building(s) associated directly with their enterprise. The Town will continue to provide support largely through snow removal and grounds maintenance. Each party’s maintenance responsibilities are explained in Sections 5 and 6 of the attached Lease.

Use of the Premises is described in Section 7. This section is largely consistent with the previous lease with a few notable changes. Due to parking constraints, total occupancy at the Center is limited to no more than 400 people.

Staff from the Town and the Center have met on multiple occasions to review and discuss the details of responsibilities set forth in this Lease and Town staff recommends adoption. The Lease may need to be revisited if/when the Center proceeds with future remodels or expansion depending on what form those may take.

Legal Implications: The Lease has been reviewed by the Town Attorney.

Recommendation: Staff recommends the Town enter into a lease with Center.

Proposed Motion: Motion and a second to set Ordinance No. 39, Series 2019 to public hearing at the December 2nd Council meeting.

ORDINANCE NO. 39**SERIES NO. 2019****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE LEASE OF A PORTION OF THE PROPERTY AT 606 SIXTH STREET TO THE CENTER FOR THE ARTS**

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; and

WHEREAS, the Town is the owner of Lots One through Sixteen (1-16), Block 50, Town of Crested Butte, County of Gunnison, and State of Colorado, together with certain buildings and improvements located there on, also known as 606 6th Street; and

WHEREAS, on December 23, 2010, the Town entered into a fifty-year lease ("2010 Lease") with The Center for the Arts ("the **Center**"), a Colorado non-profit corporation, for a portion of the property known as 606 6th Street ("Property"); and

WHEREAS, on May 19, 2017, the Town entered into an Amendment to the 2010 Lease and a Tenant Improvements Agreement providing for the Center to proceed with construction of certain improvements on the Property; and

WHEREAS, the Amendment to the 2010 Lease requires that "Upon completion of construction of Phase 1 pursuant to the Tenant Improvements Agreement, the Town and the Center shall enter into a new lease (the "New Lease") addressing the Center's going forward tenancy of the Premises following construction. The New Lease shall include, without limitation, (a) facility management terms addressing the Center's ongoing maintenance and management responsibilities of the Premises; (b) funding terms addressing the Center's financing and fiscal responsibilities for the ongoing maintenance and operation of the Premises"; and

WHEREAS, construction of Phase 1 improvements is nearing completion; and

WHEREAS, the Town Council and Center wish to enter into a long-term Lease Agreement attached hereto as Exhibit A; and

WHEREAS the Town Council finds hereby that approving this Lease Agreement is in the best interest of the Town.

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

1. **Findings.** The foregoing recitals are hereby fully incorporated herein as findings.

2. **Authorization of Town Manager.** Based on the foregoing, the Town Council hereby authorizes the Mayor to execute a lease in substantially the same form as attached hereto as **Exhibit "A"**.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS ___ DAY OF _____, 2019.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS _____ DAY OF ____, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

EXHIBIT "A"

Business Lease Agreement

[attach form lease agreement here]

LEASE AGREEMENT

THIS LEASE AGREEMENT (“Lease”), made and entered into this ___ day of _____, 2019, is by and between the Town of Crested Butte, Colorado, a Colorado home-rule municipal corporation, 507 Maroon Street, P.O. Box 39, Crested Butte, Colorado 81224 (hereinafter referred to as “Town”), and The Center for the Arts, a Colorado non-profit corporation, 606 6th Street, P.O. Box 1819, Crested Butte, Colorado 81224 (hereafter referred to as “Center”). The Town and the Center are referred to collectively herein as the “Parties.”

RECITALS

WHEREAS, the Town is the owner of certain real property, located at 606 6th Street, Crested Butte Colorado 81224. Town of Crested Butte, County of Gunnison, State of Colorado, and the improvements located thereon, which improvements are further depicted on the attached Exhibit A (collectively the “Premises”);

WHEREAS, the Center incorporated in 1986 for the purposes of enriching and expanding community participation in the arts in the Town and in Gunnison County, and the Center is currently operating as a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code and the laws of the state of Colorado;

WHEREAS, the Town and the Center are currently parties to a lease dated December 23, 2010, and the Town and the Center desire to replace their 2010 lease with this Lease;

WHEREAS, the Center wishes to continue using the Premises for artistic, educational, scientific and cultural activities; and

WHEREAS, the Town, by and through its Town Council finds that such use of the Premises will benefit and promote the general welfare of the Town of Crested Butte and its citizens.

AGREEMENT

IN CONSIDERATION of the foregoing recitals and the mutual covenants, conditions, and promises set forth herein, the Town and Center agree as follows:

1. Lease of Premises. The Town hereby leases the Premises to the Center. The Premises comprise the real property, buildings and other improvements that are the subject of this Lease, which improvements are further depicted on the attached Exhibit A.
2. Lease Term, Renewal, Rent, and Review. The initial term of this Lease shall commence on the date set forth above and continue for a period of thirty (30) years thereafter. This Lease shall thereafter be renewed automatically for three succeeding terms of ten (10) years unless either party gives written notice to the other at least one year prior to the expiration of any term of

its intention not to renew. The initial and renewal terms of this Lease are referred to collectively herein as the Terms.

During the initial thirty-year term and any renewal term, the Town, every five years, shall have the right to review the Center's management of the Premises to ensure that the public interest and community needs are being addressed in a reasonable manner. The Town may review the following aspects of the Center's operations during the term of the lease:

- a) The extent to which the members of the Center's Board of Directors represent different interests and constituencies in the East River Valley;
- b) The Board's management of the Center's financial affairs with particular reference to the need to minimize operating deficits. In regards hereto, the Town shall have access to the Center's financial records through its ex officio member;
- c) Whether the amount of Center use allocated to the Town under paragraph 6, below, is sufficient to meet the needs of the Town;
- d) The extent to which the Board is responding to a fair cross-section of community needs; and
- e) The extent to which the Center's use of the Premises conflicts with or complements the use of adjacent or nearby Town property.

If the Town determines that the Center's management of the Premises is deficient in one or more of the areas listed above, the Town shall, on or before any fifth anniversary of this Lease, so notify the Center in writing. Within three months of the notice, the Parties shall confer to identify mutually agreed to steps to remedy the deficiencies. If the Parties cannot agree, they will select a neutral third party mediator who would seek an acceptable voluntary solution to the dispute. If the dispute cannot be resolved through the efforts of the mediator, then the Parties may pursue any available legal or administrative recourse.

3. Rent. The Center shall pay to the Town, as rent for the Premises, the sum of one dollar (\$1.00) for each year during the Terms hereof. Such payments shall commence on the date this Lease is executed by the Parties and be paid thereafter on the anniversary of such date.

4. Maintenance and Repairs of Buildings. The Center shall be responsible for all maintenance and repairs of all of the Buildings on the Premises unless otherwise set forth in this Lease, provided, however, that once exterior accessed bathrooms are completed on the east side of the Premises, the Town shall be responsible for all maintenance, repair, stocking and cleaning of these bathrooms.

5. Center Responsibilities for Grounds Maintenance, Snow Removal, and Landscaping. The Center is responsible for the following tasks:

- a) Maintenance of the grounds included in the Premises, except for snow removal and landscaping performed by the Town as set forth in Section 6 and elsewhere in this Lease.

- b) Maintenance and repairs of improvements constructed by the Center within the CDOT right of way between the Town's property and 6th Street.
- c) Hand shoveling of snow and ice removal necessary for Center operations on the Premises, and for the hauling of snow from snow storage areas shown on Exhibit B.
- d) Removal of any ice dams or ice build-up, particularly on areas where walkways or drives abut areas with snowmelt systems.
- e) Plantings, courtyard areas, and other outdoor spaces within the Center's area of responsibility, as shown on Exhibit C.
- f) During the summer season, approximately May – October, the Center shall place planters or other decorative barriers within the snow storage area on the east side of the intersection of 6th Street and Whiterock Street, as such location is depicted on Exhibit B, to limit vehicles inadvertently entering the Center's driveway at that location.
- g) Installing, decommissioning, repairing and maintaining any art, sculptures, benches, bike racks, or similar outdoor installations owned by or given to the Center.
- h) Bollards in the fire lane on the south side of the building shall be maintained in good working condition.
- i) Snow poles delineating areas to be plowed or blown by the Town and obstacles to avoid shall be installed by October 1st of each year in advance of the winter season.
- j) Providing and emptying trash and recycling receptacles for all outdoor events.

6. Town Responsibilities for Grounds Maintenance, Snow Removal and Landscaping.

The Town is responsible for the following tasks:

- a) Removal of snow from certain pedestrian paths, fire lanes, and drop off zones, as shown on Exhibit B.
- b) Snow plowing when there is 3 inches or more of accumulation on driveways shown on Exhibit B which will occur between the hours of 12:00 am and 10:00 am, consistent with plowing operations throughout Town and the Town's snow management plan. Center is responsible for any plowing outside of those times.
- c) Snow removal when there is 1 inch or more from walkways shown on Exhibit B, which will occur between 7:00 am and 5:00 pm, consistent with walkway snow removal operations throughout Town and the Town's snow management plan. The Center is responsible for any walkway snow removal outside of those times.

- d) Landscaping maintenance and repair including the maintenance of trees, shrubs, sod and other plantings, except for those plantings shown within the Center's area of responsibility, as shown on Exhibit C.
 - e) Installation and maintenance of Public Art in accordance with the Town's Public Art Policy, provided that the Town shall first obtain the written consent of the Center.
 - f) Maintenance of the irrigation system necessary for the preservation of the landscaping on the Premises including the irrigation pump and associated plumbing and electrical components.
7. Use of Premises and Character of Occupancy.
- a) The Center shall use the Premises only as a public non-profit center for such artistic, cultural, scientific and educational activities as are permitted by its articles of incorporation, bylaws, and applicable laws. The Center shall have control over the day-to-day management of the Premises, and shall allow use of the Premises by such groups and entities as it sees fit, provided that such character of use does not further any discrimination or preference based upon race, sex, creed, age, religion, or national origin.
 - b) The Town shall have the right to use the Premises at no cost for up to 10 days in any calendar year on an "as available" basis. In addition, the Town shall have the right to use the Premises for two (2) additional days per year at no cost for training for the Town Marshals' personnel and for training fire department personnel. The Town shall reserve the Premises in accordance with the Center's standard facility reservation process and procedures. In the event that the Town requests use of the Premises beyond the 12 free days allowed per year, the Town shall be allowed to use the Premises so long as the Town reserves the Center's facilities in accordance with the Center's standard facility reservation process and procedures and pays the Center its standard rates and fees for the use of the Center's facilities, provided however that the Town also shall receive a 20% discount on rental rates for use of the Premises for Town parks and recreation programs paid for by user fees.
 - c) As required in the BOZAR approvals of the structure and site plan, the Center shall make every effort to mitigate the impacts of parking and traffic related to the Center's activities on an ongoing basis. This shall include the implementation of shuttle/valet parking to and from parking areas noted or future sites that may become available, the coordination of transit access to the site, and the devotion of Center personnel to traffic control when events exceed 275 people. The Center shall coordinate with other Town and RE1J school events in scheduling Center events, and place limitations on concurrent Center events, capping total Center occupancy at 400 people.

- d) East Courtyard - Hours for outdoor events are limited to not later than 8:00 p.m. unless approved through a special event permit approved by the Town. Amplified sound shall not be permitted in the East Courtyard unless approved through a special event permit approved by the Town.
- e) Terrace and Gallery Patio - Hours for use of these spaces are limited to not later than 10:00 p.m. unless approved through a special event permit approved by the Town.
- f) Except as otherwise provided in this Lease, all exterior sound shall comply with the noise ordinances of the Town applicable to private events.

8. Improvements and Alterations. If, at any time during the term of this Lease, or any extension hereof, the Center desires to make additions, alterations or modifications to the Premises, and if such additions, alterations, or modifications exceed a cost of Twenty-five Thousand Dollars (\$25,000.00), as modified upward or downward by the U.S. Department of Commerce Consumer Price Index, such additions, alterations, or modifications shall be approved in advance and in writing by the Town. The Center further agrees to implement and maintain the conditions for the structure and site plan for the Premises included in the attached Exhibit D, which were part of the BOZAR approvals of the structure and site plan.

9. Use of Fire Lane and Pedestrian Walkways. The Center may allow parking of tour buses as shown on Exhibit B. Bollards removed to allow access shall be removed for only as long as it takes a tour bus or other equipment vehicle to drive past them and then the bollards will be put back in place. Bollards shall not be left out of place during the loading/unloading period for any vehicle. The fire lane and pedestrian walkway on the south side of the building (as shown on Exhibit C) will only be used for loading and unloading of equipment for use in the theater, and will not be used for any other purpose. Day-to-day deliveries shall be made off of the 6th Street access.

10. Utilities. The Center shall be responsible for arranging and paying for all utilities used on the Premises, including but not limited to electricity, gas, water, sewer, trash collection and telecommunications services. The Center will also be responsible for annual testing of the backflow prevention device providing domestic water service to the Premises. The Town shall be responsible for annual testing of the backflow prevention device for park irrigation on grounds adjacent to the Center's facilities.

11. Insurance, Indemnification, and Use of Improvements as Collateral.

- a) The Center agrees to maintain in effect during the term of the Lease general public liability insurance, naming the Town as an additional insured, in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence, single limit, as modified upward or downward every five (5) years during the term hereof, or of any extension, by the U.S. Department of Commerce Consumer Price Index. The Center shall also maintain in effect such fire, casualty, and extended coverage insurance on the Premises during the term of the Lease as will guarantee the replacement

value of the improvements and structures on the Premises. The Center will provide the Town with copies of appropriate insurance policies, as described above, within 10 days after the execution of this Agreement. The Center agrees to indemnify, hold harmless, and defend the Town, its officers, agents, and employees, against any claim for injury or damage caused by the act or omission of the Center or any other person for whose acts the Center is responsible arising from the Center's use of the Premises, but only to the extent of the Center's negligence.

- b) The Town may at its discretion, and, in accordance with Colorado law, agree in writing to allow the Center to use the improvements on the Premises to secure indebtedness related to the construction by the Center of additional improvements. The Center shall not otherwise allow the placement of any lien or other claim against the Premises by reason of any improvements placed upon the Premises, and the Center shall indemnify and defend the Town against any claim upon the property, whatsoever.

12. Town Representation on the Center's Board of Directors. The Town Council may appoint from time to time one of its members or another designated Town officer or employee, to represent the Town as an ex-officio non-voting member of the Center's Board of Directors. As such, said member or designated person shall be allowed to attend and speak at the Board's meetings, except meetings which are held as executive sessions to consider personnel, litigation, or other confidential matters, or meetings to discuss this Lease and matters directly related hereto.

13. Assignment. Neither the Town nor the Center shall assign this Lease to any third party.

14. Access to Premises. The Town shall have access to the Premises at any reasonable time for purposes of inspection or responding to emergencies which threaten injury to any person or harm the Premises and/or property thereon.

15. Crested Butte Community School Reunification. In an emergency necessitating evacuation of the Crested Butte Community School, the Center shall be made available for reunification of students and staff of the Crested Butte Community School.

16. Quiet Enjoyment. The Town represents that it has full right and power to execute this lease and to grant the estate demised herein and subject to other provisions of this Lease. The Town covenants with the Center that so long as this Lease remains in effect, the Center shall peaceably and quietly enjoy the Premises during the Terms of this Lease, subject and subordinate to all of the terms, covenants, and conditions of the Lease.

17. Default. Neither party shall have the right to terminate this Lease Agreement upon default by the other party in any covenant or condition unless such default remains uncured for a period of sixty (60) days following written notice to the defaulting party of such default. In the event that any cure is prevented by weather or other circumstances beyond control of the Parties the deadline for curing such default shall be extended until sixty (60) days after the weather or other such circumstance has ceased to exist. If this Lease Agreement is so terminated, the Town

may retake possession of the Premises upon sixty (60) days' written notice to the Center, and the Center shall surrender and return the Premises to the Town, together with all permanent improvements and fixtures belonging to the Town, in good condition, normal wear and tear excepted. In addition, the Center shall provide all necessary books, contracts, and other records and shall work with the Town or its designated representative to insure a smooth transfer of management without interruption of scheduled activity on the Premises. Nothing in this paragraph shall be deemed to limit the availability of specific performance or other causes of action as remedies for breach.

18. Execution and Ratification. This Agreement shall be ratified by resolution of the Board of Directors of the Center and subscribed and sealed by the President and Secretary of the Center no later than fifteen days after the effective date of the Ordinance of the Town approving this Agreement.

19. Notices and Addresses. Any notice required hereunder shall be delivered by certified mail to the Parties at the following addresses:

TOWN: P.O. Box 39
Crested Butte, CO 81224

CENTER: P.O. Box 1819
Crested Butte, CO 81224

20. Applicable Law, Choice of Venue. The Parties agree that Colorado law will be applicable to determine any dispute under this Lease and that the proper jurisdiction and venue of any legal action regarding the interpretation and/or enforcement of this Lease, or any document related hereto, shall be the County or District Court of the County of Gunnison.

21. Attorney's Fees. It is agreed that if any action is brought in a court of law by either party as to the interpretation, enforcement, or construction of this Lease, or any document related hereto, the prevailing party in such action shall be entitled to judgment for reasonable attorney's fees and costs incurred in the prosecution or defense of such action.

22. Waiver. The failure of either party to insist in any one or more instances upon compliance with any of the terms, conditions, covenants, or agreements herein contained, or the failure of either party to exercise any option, privilege, or right here in contained shall not be construed as constituting a waiver of such right, option or the right to demand compliance with such term, condition, covenant or agreement.

23. Captions. Captions used herein are for convenience only, and shall not be used to define, limit, or modify the intent or language of this Lease.

24. Severability. If any provision of this Lease, or the application thereof shall be found invalid, such invalidity shall not affect the validity of the remaining provisions or this Lease as a whole.

25. Entire Agreement, Amendment, Benefit. This Agreement represents the entire agreement between the Parties, and any amendment or modification hereto shall be in writing, executed by the Parties. Upon execution hereof, this Lease Agreement shall benefit and bind the Parties, as well as their successors, assigns and representatives.

IN WITNESS WHEREOF, the Parties hereby execute this Lease as of the day and year set forth above.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

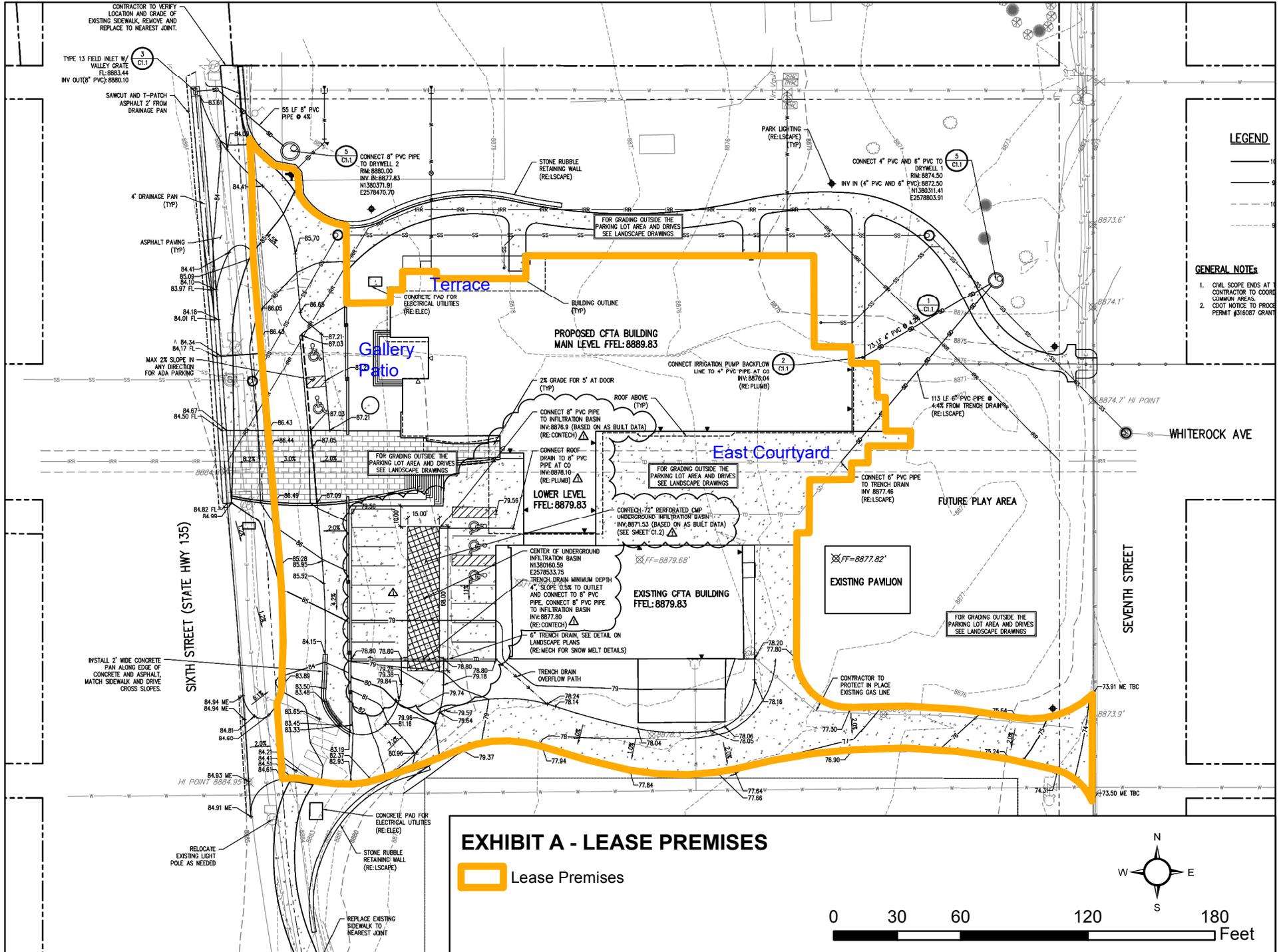
Lynelle Stanford, Town Clerk

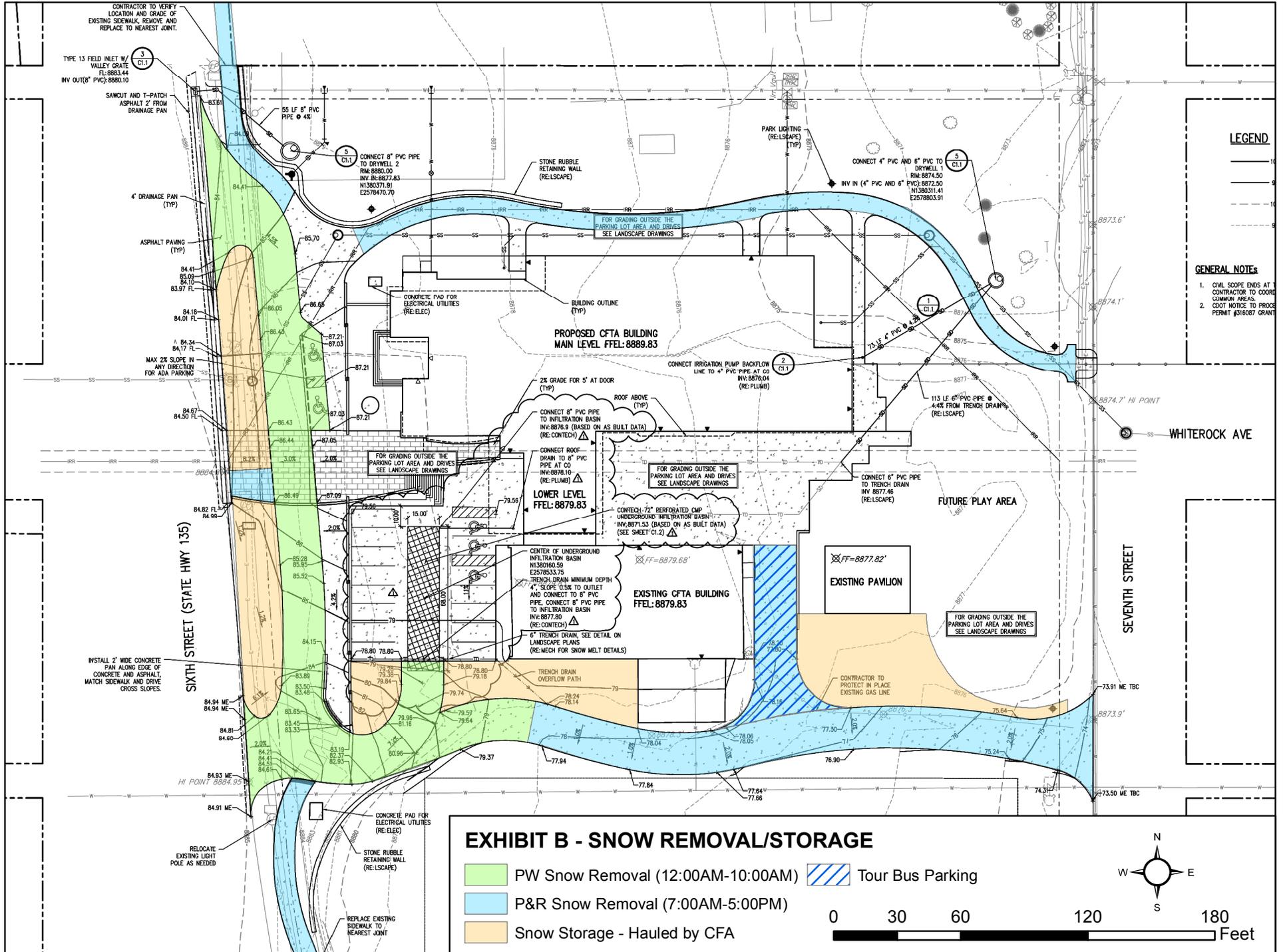
THE CENTER FOR THE ARTS

By: _____
Its: President

ATTEST:

Secretary





LEGEND

- GENERAL NOTES:**
1. CIVIL SCOPE ENDS AT CONTRACTOR TO COORD COMMON AREAS
 2. CDOT NOTICE TO PROCEED PERMIT #316087 GRANT

EXHIBIT D

BOZAR 8-31-2016 – Center for the Arts

Conditions of Architectural Approval

1. The Center shall provide the following changes to the structure/site plan which will be reviewed and approved if needed by the Board as denoted below.
 - a. The windows, doors, and associated trim shall be finished in “classic copper” paint and the material list change to reflect this.
 - b. The theater window on the north elevation shall reflect that shown on the rendering. The elevation shall be changed to reflect the correct distance from the top of the wall.
 - c. The concrete on the west retaining wall where the Center for the Arts sign is shown shall be board-formed.
 - d. All the areas where windows are more expansive (north side of courtyard, above north deck, adjacent to Herschel’s garden, etc.) shall be grouped in pairs of two with a minimum of 3.5 inches between the pairs.
 - e. The rain chain element shall be developed and approved by the full Board.
 - f. The exterior staircase from the front door area to the lower parking lot must be deemed safe by the Town and added to the snow management plan.
 - g. The lower parking lot area shall be lit by recessed step lights in the concrete wall as opposed to the lamps and poles proposed.
 - h. The hard surface materials for the west entry and east court shall be reviewed by the full Board.
 - i. Any changeable copy marquee feature shall be reviewed by the DRC or if needed the full Board shall construct the structure and site in conformance with the
 - f. The exterior staircase from the front door area to the lower parking lot must be deemed safe by the Town and added to the snow management plan.
 - g. The lower parking lot area shall be lit by recessed step lights in the concrete wall as opposed to the lamps and poles proposed.
 - h. The hard surface materials for the west entry and east court shall be reviewed by the full Board.

- i. Any changeable copy marquee feature shall be reviewed by the DRC or if needed the full Board.
2. The Center shall construct the structure and site in conformance with the approved plans or subsequently approved plans including the structure, sidewalks around the site and to the school, lighting as designated, improvements to the 6th and 7th Street right of ways including access, parking, drainage and landscaping as represented in the approved plans.
3. The Center shall enter into a management agreement with the Town of Crested Butte to address the responsibilities for maintenance of the building and site which shall include the plowing and removal of snow in line with the submittal.
4. The Center shall enter into a management agreement with the Town of Crested Butte to define the responsibilities and coordination of the development activities related to the construction of the Center and site amenities.
5. The Center will enter into a funding agreement with the Town of Crested Butte to define the financing and fiscal responsibilities for the construction and on-going maintenance of the facilities.
6. The Center will coordinate with the Town of Crested Butte with regard to the planning and implementation of the Town Park playground and confirmation by the staff that all community facilities displaced by the expansion have been appropriately replaced.
7. The Center shall make every effort to mitigate the impacts of parking and traffic related to the Center's activities on an ongoing basis. This shall include the implementation of shuttle/valet parking to and from parking areas noted or future sites that may become available, the coordination of transit access to the site, and the devotion of Center personnel to traffic control when events exceed 275 people. The Center shall coordinate with other Town and RE1J school events in scheduling Center events, and place a limitations on concurrent Center events, capping total Center occupancy at 400 people.
8. The Center shall comply with the conditions in Resolution #4, series 2015 as adopted or subsequently amended by the Crested Butte Town Council.



Staff Report

November 18, 2019

To: Mayor and Town Council

From: Rob Zillioux, Director of Finance and HR

Subject: ORDINANCE NO. 40 SERIES 2019. AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 4 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW PROVISIONS ESTABLISHING A TAX ON CIGARETTES, TOBACCO AND OTHER NICOTINE PRODUCTS

Summary: HB 19-1033 was approved by the Colorado legislature during the past session and signed by Governor Polis. The bill gives authority to local governments to regulate sale to and possession of nicotine products by minors. It further allows counties and municipalities to impose a special sales tax on cigarettes, tobacco and nicotine products following voter approval to be administered by the county or municipality. Revenue generated by the new tax may be allocated to a special fund or general fund.

At the election held on November 5, 2019, a majority of those voting approved the following ballot question approving the levy of a tax of fifteen cents per cigarette or three dollars per pack of twenty cigarettes sold and 40% on the sales price of all other tobacco products for purposes of funding health, safety and other needs as deemed necessary:

SHALL TOWN TAXES BE INCREASED BY UP TO \$200,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW TAX OF FIFTEEN CENTS PER CIGARETTE OR THREE DOLLARS PER PACK OF TWENTY CIGARETTES SOLD;

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO PRODUCTS; THE TERMS "CIGARETTES" AND "TOBACCO PRODUCTS" SHALL MEAN "A PRODUCT THAT CONTAINS NICOTINE OR TOBACCO OR IS DERIVED FROM TOBACCO AND IS INTENDED TO BE INGESTED OR INHALED BY OR APPLIED TO THE SKIN OF AN INDIVIDUAL."

THE TAX REVENUES SHALL BE USED FOR THE PURPOSES OF FINANCING HEALTH SERVICES, PUBLIC SAFETY AND OTHER NEEDS AS

DEEMED NECESSARY;

AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNINGS THEREON, NOTWITHSTANDING THE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Previous Council Action: At the July 15, 2019 meeting, Council approved Resolution No. 13 Series 2019, submitting to the electorate of the Town of Crested Butte a question seeking authority to increase taxes on the sale of cigarettes and other tobacco and nicotine products.

Discussion:

In addition to implementing the tax, the Council may want to consider whether they should raise the minimum purchase age to 21 for tobacco products. This decision did not have to be made in advance of the ballot question but may be approved by ordinance at any time. The minimum age question does not have to be addressed with Ordinance 40, Series 2019. It can be approved by separate ordinance.

Also, the attached Ordinance 40 Series 2019 includes an exception for FDA-approved cigarette and nicotine cessation products, such as gums, patches and lozenges.

Financial Implications:

Revenue generated by this type of new tax may be allocated to a special fund or general fund. As per the ballot initiative, revenue collected from this tax will be utilized toward health services, safety initiatives and other priorities as deemed necessary. Staff estimates related tax collections could be approaching \$200,000 per year.

Recommendation: Staff recommends approving Ordinance 40, Series 2019.

Proposed Action: For a Council member to make a motion, followed by a second, to set Ordinance 40, Series 2019 at the December 2nd Council meeting.

ORDINANCE NO. 40

Series 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING CHAPTER 4 OF THE CRESTED BUTTE MUNICIPAL CODE
TO INCLUDE NEW PROVISIONS ESTABLISHING A TAX ON
CIGARETTES, TOBACCO AND OTHER NICOTINE PRODUCTS**

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

WHEREAS, at an election held on November 5, 2019, a majority of those voting approved the following ballot question approving the levy of a tax of fifteen cents per cigarette or three dollars per pack of twenty cigarettes sold and 40% on the sales price of all other tobacco products for purposes of funding health, safety and other needs as deemed necessary:

SHALL TOWN TAXES BE INCREASED BY UP TO \$200,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW TAX OF FIFTEEN CENTS PER CIGARETTE OR THREE DOLLARS PER PACK OF TWENTY CIGARETTES SOLD;

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO PRODUCTS; THE TERMS "CIGARETTES" AND "TOBACCO PRODUCTS" SHALL MEAN "A PRODUCT THAT CONTAINS NICOTINE OR TOBACCO OR IS DERIVED FROM TOBACCO AND IS INTENDED TO BE INGESTED OR INHALED BY OR APPLIED TO THE SKIN OF AN INDIVIDUAL."

THE TAX REVENUES SHALL BE USED FOR THE PURPOSES OF FINANCING HEALTH SERVICES, PUBLIC SAFETY AND OTHER NEEDS AS DEEMED NECESSARY;

AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNINGS THEREON, NOTWITHSTANDING THE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?;
and

WHEREAS, it is necessary to amend the Town Code to implement the cigarette, tobacco and nicotine tax; and

WHEREAS, for the foregoing reasons, the Town Council hereby finds that the

amendments to the Town of Crested Butte Municipal Code ("Code") set forth herein below are in the best interest of the Town of Crested Butte.

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

Section 1. Section 4-2-70 Exemptions from sales tax shall be amended as follows:

Section (4) Cigarettes shall be removed and the numbering of subsequent sections be amended to reflect the change.

Section 2. Adding a New Article 10 to Chapter 4 of the Code. A new Article 10 is added to Chapter 4 of the Code to read as follows:

"Cigarette, Tobacco and Nicotine Products Tax"

Sec. 4-10-10. Purpose.

The purpose of this Article shall be to impose a sales tax known as a cigarette, tobacco and nicotine tax on any and all tobacco and nicotine containing products the proceeds of which will be recorded in the *General Fund* for the purposes of supporting health, safety and other needs deemed necessary.

Sec. 4-10-20. Effective Date.

This Article shall be effective commencing on January 1, 2020, and shall apply to all cigarette, tobacco and nicotine product sales.

Sec. 4-10-30. Definitions.

Cigarettes, tobacco and nicotine products shall mean a product that contains nicotine or tobacco or is derived from tobacco and in intended to be ingested or inhaled by or applied to the skin of an individual.

Sec. 4-10-40. Rate, imposition, collection, and distribution of vacation rental tax.

(a) There is hereby levied by the Town a tax of \$0.15 per cigarette or \$3.00 per pack of twenty cigarettes.

(b) All other tobacco (not cigarettes) and nicotine products shall be taxed at 40% of retail price.

Sec. 4-10-50. Cigarette, tobacco and nicotine products tax schedule.

The cigarette, tobacco and nicotine products tax imposed under this Article shall be computed and collected in accordance with applicable schedules, systems and regulations approved by the Finance Director.

Sec. 4-10-60. Transactions, items and services subject to cigarette, tobacco and nicotine product tax.

The cigarette, tobacco and nicotine product tax shall apply to the retail price charged to any person(s) purchasing said product(s).

Sec. 4-10-70. Exemptions from cigarette, tobacco and nicotine product tax.

The tax levied by Section 4-10-60 shall not apply to FDA-approved nicotine cessation products, such as patches, gum and lozenges.

Sec. 4-10-80. Vendor responsible for collection and payment of tax.

Every vendor engaged in the selling of cigarette, tobacco and nicotine products in the Town shall be liable and responsible for collecting and paying to the Town an amount equivalent to the amount charged to any person for cigarettes, tobacco and nicotine products multiplied by the cigarette, tobacco and nicotine product tax rates established by Section 4-10-40 of this Code.

Sec. 4-10-90. Trust status of tax in possession of vendor.

All cigarette, tobacco and nicotine products tax collected by any vendor shall be the property of the Town and remain public money in the hands of such vendor, who shall hold the same in trust for the sole use and benefit of the Town until paid to the Town.

Sec. 4-10-100. Filing returns; due date.

(a) Every vendor shall file a return, whether or not a tax is due, and remit any tax due to the Town in accordance with 4-2-140

Sec. 4-10-110. Duty to keep books and records.

(a) Every vendor shall keep and preserve for at least three (3) years after the date of the taxable transaction suitable records which allow the accurate determination of the tax due.

Sec. 4-10-120. - Authority of Finance Director.

The administration of this Article is hereby vested in the Finance Director, except where otherwise noted.

- (1) The Finance Director shall prescribe forms and administrative procedures for the ascertainment, assessment and collection of tax.
- (2) The Finance Director may formulate and promulgate, after hearing, appropriate and additional regulations to effectuate the purpose of this Article.
- (3) The Finance Director may require any person to make additional returns, render statements, furnish records or make informational reports to determine whether or not such person is liable for payment or collection of the tax.
- (4) The Finance Director may designate agents to assist in the performance of the duties and responsibilities set forth in this Article.
- (5) The Finance Director may accept any partial payment made and apply such payment toward the tax due. Deposit of such payment shall not in any way imply that the remaining balance is or has been abated.
- (6) Notices required by this Article shall be in writing and delivered in person by the Finance Director or an agent, sent postage paid by certified mail to the last known address of the vendor, or served in person by an officer of the Town Marshal's office.

Sec. 4-10-130. Audit of record.

(a) For the purpose of ascertaining the correct amount of tax due from any vendor in the Town, the Finance Director may authorize an agent to conduct an audit by examining any relevant books, records and accounts of such person.

(b) All books, accounts and records shall be available at any time during regular business hours for examination by an authorized agent of the Finance Director. If any vendor refuses to voluntarily furnish any of the foregoing information when requested by the Finance Director or an authorized agent, the Finance Director may issue a subpoena to require that the vendor or his or her representative attend a hearing or produce any such books, accounts or records for examination.

(c) Any tax deficiency or overpayment ascertained through audit shall be computed by one or more of the following methods as the Finance Director deems appropriate:

- (1) By comparing the tax reported and paid on returns to the actual tax due.
- (2) By identifying transactions on which the tax was not properly or accurately collected or paid.
- (3) By identifying other irregularities in the calculation of tax due.

Sec. 4-10-140. Tax information confidential.

(a) All specific information gained under the provisions of this Article which is used to determine the tax due from a vendor, whether furnished by the vendor or obtained through an audit, shall be treated by the Town and its officers, employees or legal representatives as confidential.

(b) Except as directed by judicial order or as provided in this Section, no Town officer, employee or legal representative shall divulge any confidential information. Nothing contained in this Section shall be construed to prohibit the delivery to a vendor or his or her duly authorized representative of a copy of such confidential information relating to such vendor, the publication of statistics so classified as to prevent the identification of particular vendors, or the inspection of such confidential information by an officer, employee or legal representative of the Town.

(c) If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information that is directly involved in the action or proceeding.

Sec. 4-9-150. Overpayment from returns.

(a) If the amount remitted with the return is more than the tax due as computed from information in such return, the vendor shall be notified.

(b) If the overpayment is at least fifteen dollars (\$15.00), a notice of overpayment will be issued. After examining such notice, the vendor may either submit a claim for a refund or report the correct tax due by filing an amended return. No refund of such overpayment shall be paid unless a signed claim for a refund is submitted on or before the thirtieth day after the date of notice of overpayment.

(c) If the overpayment is less than fifteen dollars (\$15.00), it shall be credited to the tax due for the next reporting period.

Sec. 4-10-160. Tax overpayment determined through audit.

If the Town ascertains through audit of a vendor's records that the tax due is less than

the full amount paid, a notice of overpayment shall be issued. Such notice will serve as documentation for a claim of refund if such claim is signed and submitted by the vendor within thirty (30) days of the date of the notice of overpayment.

Sec. 4-9-240. Underpayments from returns.

(a) If the amount remitted with a return is less than the tax computed from information in such return, the vendor shall be notified.

(b) If the underpayment is at least fifteen dollars (\$15.00), a notice of assessment shall be issued.

(c) If the underpayment is less than fifteen dollars (\$15.00), it shall be added to the tax due for the next reporting period.

Sec. 4-9-260. Tax deficiencies determined through audit.

If the Town determines through an audit of the vendor's records that the tax due has not been fully reported or paid by the applicable due date, a notice of assessment shall be issued.

Sec. 4-9-270. Penalties.

A penalty shall be levied for any tax deficiency as outlined in 4-2-320

Sec. 4-9-280. Interest.

Interest shall be levied on any tax deficiency as outlined in 4-2-330

Sec. 4-9-290. Notice of assessment.

(a) The Finance Director or specifically authorized agent shall issue a notice of assessment for any tax deficiency, penalties or interest due.

(b) Notices of assessment shall be in writing and delivered in person or sent postage paid by first class mail, to the last known address of the vendor.

(c) The payment due date for the tax due pursuant to a notice of assessment shall be twenty-one (21) days after the date of the notice of assessment.

(d) The Finance Director, with the consent of the Town Manager, may abate a portion of any tax deficiency if good cause therefor exists.

Sec. 4-9-300. - Protest of notice of assessment or denial of refund.

(a) Any notice of assessment may be protested by the vendor to whom it is issued.

(1) A protest of a notice of assessment issued to a vendor or vendor for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the notice of assessment. Any such protest shall identify the amount of tax disputed and the basis for the protest.

(2) When a timely protest is made, no further enforcement action will be instituted by the Town for the portion of the assessment being protested unless the vendor fails to pursue the protest in a timely manner.

(b) Any denial of a claim for a refund may be protested by the vendor who submitted the claim. A protest of a denial of a refund shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the denial of the refund, and shall identify the amount of the refund requested and the basis for the protest.

(c) Any timely protest entitles a vendor to a hearing under the provision of this Article.

(1) If, in the opinion of the Finance Director, the issues involved in such protest are not a matter of interpretation or may be resolved administratively, the Finance Director may recommend an informal meeting with the vendor to resolve the issues.

(2) Participation in such an informal meeting does not prevent either the vendor or the Town from holding a formal hearing if the dispute cannot be resolved by such meeting.

Sec. 4-9-390. Status of tax due in bankruptcy and receivership.

Whenever the business or property of any vendor is subject to receivership, bankruptcy or assignment for the benefit of creditors, or distrained for property taxes, all tax due shall be a prior and preferred lien against all the property of the vendor. No sheriff, receiver, assignee or other officer shall sell the property of any such vendor under process or order of the Finance Director for less than the amount of the tax due. The officer shall pay any tax due before making payment to any judgment, creditor or other claimant.

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

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code 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 _____, 2019.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS ___ DAY OF _____, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

Staff estimates Crested Butte could collect upwards of \$200,000 per annum with the proposed \$3 per pack tax and 40% on other tobacco products.

Recommendation:

Staff recommends approving Ordinance 40. Series 2019.

Proposed Action:

Motion and a second to set Ordinance No 40, Series 2019 to public hearing at the December 2nd Council Meeting.



Staff Report

November 18, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Council Member Appointments to Boards and Committees
Date: November 12, 2019

Summary:

Included in the packet are lists of boards and committees. One list contains background information, meeting schedules, and contact information for organizations. The other list is meant to be an at-a-glance reference.

Recommendation:

The Council should discuss and decide whom they would like to appoint to each board and committee.

Recommended Motion:

Motion to approve the appointments to boards and committees as discussed.

BOARDS, COMMITTEES AND TEMPORARY COMMITTEE APPOINTMENTS
Revised November 2019

Rural Transportation Authority Board (RTA)

1. Chris Haver
2. Laura Mitchell

Mountain Express Board

1. Laura Mitchell
2. Will Dujardin

Tourism and Prosperity Project (TAPP)

- 1.

Crested Butte/Mt. Crested Butte Chamber of Commerce

1. Mallika Magner
2. Will Dujardin (alternate)

Coldharbour Institute

- 1.
2. (alternate)

Gunnison Valley Regional Housing Authority (GVRHA)

1. Jim Schmidt
2. Chris Haver
3. Michael Yerman (Staff Liaison)

Valley Housing Fund

1. Mallika Magner

The Center for the Arts

1. Candice Bradley

Gunnison Valley Land Preservation Board

1. Sue Navy
2. Jim Schmidt
3. (alternate)

West Elk Loop Scenic Byway Committee

1. Laura Mitchell

Colorado Association of Ski Towns

1. Jim Schmidt (Typically the Mayor)
2. Dara MacDonald

Region 10

1. Jim Schmidt

Upper Gunnison River Water Conservancy District

1. Will Dujardin

Water Quality/Quantity Committee

1. Will Dujardin

Gunnison County Sustainable Tourism & Outdoor Recreation Committee

- 1.

Downtown Crested Butte Lodging Association

1. Chris Haver

Cemetery Committee

1. Jim Schmidt

One Valley Leadership Council (Formerly Community Builders Taskforce)

1. Chris Haver
2. Will Dujardin
3. Dara MacDonald

One Valley Leadership Council - Climate Action Subcommittee

1. Dara MacDonald
2. Will Dujardin

CDOT Region 3

1. Jim Schmidt

Creative District Commission

1. Candice Bradley

Grant Review Committee

1. Laura Mitchell
- 2.

Proclamation Committee

1. Jim Schmidt
2. Mallika Magner

Colorado Communities for Climate Action

1. Jim Schmidt – Steering Committee
2. Will Dujardin – Steering Committee
3. Mel Yemma – Policy Committee

CML Policy Committee

1. Dara MacDonald

Region 10 Broadband Subcommittee

1. Dara MacDonald
- 2.

Boards and Committees List Revised November 2019

Rural Transportation Authority Board (RTA)

The mission of the Gunnison Valley Rural Transportation Authority is to provide and improve air transportation to and from the Gunnison-Crested Butte Regional Airport on a year round basis, and to develop a long term and energy efficient public ground transportation system within Gunnison County.

- Bylaws mandate two elected officials from each municipality serve on the board. Council members are voting members of the Board.

Current Members:

1. Chris Haver
2. Laura Mitchell

Meeting Schedule: Meetings start at 8 a.m. The location alternates between the Gunnison County Courthouse and the Crested Butte Town Hall.

Director: Scott Truex

Phone: 970-275-0111

E-mail: struex@gunnisonvalleyrta.org

Website: Gunnisonvalleyrta.org

Mountain Express Board

Mission Statement - To provide safe, free and courteous public ground transportation services for residents of and visitors to Mt. Crested Butte, Crested Butte, and surrounding north valley communities and to provide a safe, fair, and honest working environment for Mountain Express employees.

- Bylaws state that two board members are nominated by the Town of Crested Butte, two board members nominated by the Town of Mt. Crested Butte, and one member nominated by a majority vote of the Board. Council members are voting members of the Board.

Current Members:

1. Laura Mitchell
2. Will Dujardin

Meeting Schedule: Meets the 3rd Thursday of every month, at 9 a.m., alternating between Mt. Crested Butte Town Hall and Crested Butte Town Hall.

Director: Chris Larsen

Phone: 970-275-5175

E-Mail: Clarsen@crestedbutte-co.gov

Website: www.mtexp.org

Tourism and Prosperity Project (TAPP)

The Gunnison-Crested Butte Tourism Association was officially formed in September 2002 in anticipation and support of the November 2002 ballot initiatives to create a Local Marketing District for Gunnison County and to serve as the marketing arm of the Gunnison Valley Rural Transportation Authority, also on the ballot at that time.

Mission: Pending

- One Council member.

Current Member:

- 1.

Meeting Schedule: Every second Thursday, once a month at 7:30 a.m., alternating between the Crested Butte/Mt. Crested Butte Chamber of Commerce and the Gunnison County Courthouse. Please RSVP for meetings, and they will provide food.

Director: John Norton

Phone: 970-379-5498

E-Mail: john@nortonglobal.com

Website: www.gunnisoncrestedbutte.com

Crested Butte/Mt. Crested Butte Chamber of Commerce

The Chamber provides information for visitors to the community, as well as residents, and business owners (both current and prospective).

As the leading business organization in the community, the Chamber seeks to:

- Promote the Community
- Create a Strong Local Economy
- Provide Networking Opportunities
- Represent the Interests of Business with Government
- Provide Value and Benefit to our Members

- One council member and one alternate. Nonvoting member.

Current Members:

1. Mallika Magner
2. Will Dujardin (alternate)

Meeting Schedule: Meets the 3rd Tuesday of every month at 8:00 a.m. at the Visitors Center in Crested Butte.

Director: Ashley Upchurch

E-Mail: director@cbchamber.com

Phone: 970-349-6438
Website: www.cbchamber.com

Coldharbour Institute

Current Members:

- 1.
2. (alternate)

Meeting Schedule: Every two months

Director: Suzanne Ewy

Phone: 719-530-1103

E-Mail: sewy@western.edu

Website: www.coldharbourinstitute.org

Gunnison Valley Regional Housing Authority (GVRHA)

The mission of the GVRHA is to assist in providing suitable housing and an acceptable environment for the elderly, the handicapped, and the disadvantaged; and to encourage private investment in housing to help meet the housing needs of all citizens.

Rental Assistance Programs: Section 8 Rental Assistance; Mountain View Senior Apartments.

Homebuyer Programs: Homebuyer Counselor; Mutual Self-Help Build (Owner/Builder Program).

- The Council appoints two members and one alternate. One of the regular appointees must be a Town councilmember, the other two appointees do not need to be on the Town Council. Board members are voting members of the Board. The Board serves in an advisory capacity to the Board of County Commissioners.

Current Members:

1. Jim Schmidt
2. Chris Haver
3. Michael Yerman (Staff Liaison)

Meeting Schedule: The 2nd Wednesday of every month. Alternating between Crested Butte (at the Chamber of Commerce) and Gunnison (at the Housing Authority Offices).

Director: Jennifer Kermode

Phone: 970-641-7901

E-Mail: jkermode@gvrha.org

Website: www.gunnisoncounty.org

Valley Housing Fund

Mission: The Valley Housing Fund cooperatively creates and supports affordable, energy efficient housing using renewable and locally available resources as much as possible. The Fund

will contribute to more sustainable, resilient and healthy communities within the Gunnison Valley.

Current Members:

1. Mallika Magner

Meeting Schedule: The 2nd or 3rd Thursday of every month usually at 4 p.m. prior to Gunnison County Housing Authority Advisory Board meetings.

The Center for the Arts

Mission - The Center for the Arts, a home for arts and culture, offers engaging opportunities and educational experiences to enrich and expand the life of our community.

- One council member; Non-voting member.

Current Member:

1. Candice Bradley

Director: Jenny Bernie

Phone: 970-349-7487 x 707

E-Mail: jenny@crestedbuttearts.org

Website: www.crestedbuttearts.org

Gunnison Valley Land Preservation Board

Meets on an as-needed basis, usually a few times a year, generally at 6 p.m., alternating between Blackstock Building and Crested Butte Town Hall.

- Two members and one alternate are appointed by the Town of Crested Butte

Current Members:

1. Sue Navy
2. Jim Schmidt
3. (Alternate)

Meeting Schedule: Meets on an as-needed basis, usually a few times a year, typically Monday evening at 6 p.m.

Contact person: Mike Pelletier

Phone: 970-641-7645

E-Mail: mpelletier@gunnisoncounty.org

Website: www.gunnisoncounty.org

West Elk Loop Scenic Byway Committee

The Colorado Scenic and Historic Byways program is a statewide partnership intended to provide recreational, educational, and economic benefits to Coloradans and visitors. This system of outstanding touring routes in Colorado affords the traveler interpretation and identification of key points of interest and services while providing for the protection of significant resources.

Scenic and Historic Byways are nominated by local partnership groups and designated by the Colorado Scenic and Historic Byways Commission for their exceptional scenic, historic, cultural, recreational, and natural features.

- One council member, one alternate.

Current Member:

1. Laura Mitchell

Meeting Schedule: Quarterly 10 a.m. to approximately 2 p.m. Meeting locations vary and are rotated among different towns along the byway.

Contact Person: John Hoffman

Phone:

E-Mail: jhof@rof.net

Website:

Colorado Association of Ski Towns

The Colorado Association of Ski Towns is an organization of 25 municipalities whose economies are largely dependent upon tourism. Members include the mayors and managers of the resort towns. The Association was formed in part to recognize that resort communities face unique challenges in providing municipal services to residents and visitors. Member municipalities share the benefits of our diverse knowledge, experience and leadership through meetings, conferences, surveys and other informational venues, as decided by the members.

CAST members use the power of the coalition to seek support for legislation that will benefit and sustain the mountain communities. We support actions that keep our communities livable, protect our pristine environment, and promote community-based land use, mass transit, affordable housing, and sustainable tourism. Our goal is to foster growth that will ensure an exceptional quality of life for citizens and a positive experience for visitors.

- One council member (typically the mayor) and the Town Manager

Current Members:

1. Jim Schmidt
2. Dara MacDonald
3. If Mayor cannot attend an alternate will be sought on an as-needed basis.

Contact person: Margaret Bowes, Executive Director

Phone: 970-485-2737

E-Mail: mbowes@coskitowns.com

Website: www.coloradoskitowns.org

Region 10

Region 10 League for Economic Assistance and Planning serves as the economic, community and senior programs leader for six, western Colorado counties. The Region 10 staff, together with its membership, assists local governments, businesses and residents in facilitating and implementing programs that will benefit our economy, community and quality of life.

One council member

Current Member:

1. Jim Schmidt

Meeting Schedule: 4th Thursday of February, May, and August and the third Thursday of November. All meetings are at Noon in the Enterprise Center, 300 N Cascade Avenue in Montrose.

Contact person: Michelle Haynes, Executive Director

Phone: 970-249-2436 ext. 202

E-Mail: mhaynes@region10.net

Website: www.region10.net

Upper Gunnison River Water Conservancy District

UGRWCD's mission is to be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin.

An elected official could attend meetings, but it is not a voting position.

Current Member:

1. Will Dujardin

Meeting Schedule: The 4th Monday of the month, at 5:30 p.m., at 210 West Spencer.

Next meeting will be January 29, 2018

Contact person: Frank Kugel

Phone: 970-641-6065

E-mail: fkugel@ugrwcd.org

Water Quality/Quantity Committee

The Water Quality/ Quantity Committee (QQ) comprises municipalities, counties, water and sanitation districts, and conservancy districts in the headwaters region of Colorado located in Grand, Summit, Eagle, Pitkin, Park and Gunnison counties. The Colorado River Water Conservation District is also a QQ member. The Board is made up of elected and appointed officials from member jurisdictions. QQ's purpose is to facilitate and augment the efforts of member jurisdictions to protect and enhance the region's water quality while encouraging its

responsible use for the good of Colorado citizens and the environment. QQ's contract team provides members with legislative monitoring, water quality information, litigation and rulemaking support, trans-mountain diversion oversight, and related technical assistance to further intergovernmental cooperation, and increase political clout with state and federal agencies.

Current Member:

1. Will Dujardin

Meeting Schedule: Quarterly as determined by members' schedules.

Contact Person: Torrie Jarvis

Phone: 970-596-5039

E-mail: qqwater@nwccog.org

Gunnison County Sustainable Tourism & Outdoor Recreation Committee

The Gunnison Valley contains stunning vistas, varied recreational opportunities. These landscapes and recreation amenities contribute significantly to the Valley's tourism economy and high quality of life. Public lands provide the backbone of our tourism industry and residents highly value their access to public lands which is why many of our residents call Gunnison County home.

A collaborative and action-oriented approach is required to manage tourism and outdoor recreation. The Sustainable Tourism and Outdoor Recreation (STOR) Committee is intended and structured to be a wide-ranging group that acts thoughtfully, efficiently and proactively to address negative impacts and develops unique approaches to create a sustainable tourism economy and outdoor recreation experience while preserving the natural resources of our County. It will be important for each and every Committee member to come to the table with open minds, keeping in mind the greater good and a 2 supportive, collaborative approach. It will take all members to address the complex challenges that we face.

Current Member:

- 1.

Meeting Schedule: Second Thursday of each month.

Contact Person: Cathie Pagano

Phone: 970-641-7985

E-mail: cpagano@gunnisoncounty.org

Downtown Crested Butte Lodging Association

1. Chris Haver

Cemetery Committee

1. Jim Schmidt

One Valley Leadership Council (Formerly Community Builders Taskforce)

1. Chris Haver
2. Will Dujardin
3. Dara MacDonald

One Valley Leadership Council - Climate Action Subcommittee

1. Dara MacDonald
2. Will Dujardin

CDOT Region 3

1. Jim Schmidt

Creative District Commission

1. Candice Bradley

Grant Review Committee

1. Laura Mitchell
- 2.

Proclamation Committee

1. Jim Schmidt
2. Mallika Magner

Colorado Communities for Climate Action

1. Jim Schmidt – Steering Committee
2. Will Dujardin – Steering Committee
3. Mel Yemma – Policy Committee

CML Policy Committee

1. Dara MacDonald

Region 10 Broadband Subcommittee

1. Dara MacDonald
- 2.

Agenda
Design Review Committee
Monday
November 4, 2019

- 3:00 Consideration of the application of **423 Gothic CB Partners LLC** to construct a single family residence and accessory building to be located at 423 Gothic Avenue, Block 11, Lots 27-29 in the R1 zone.
Continued from the September 24, 2019 BOZAR meeting. (Sante/Smith)
- Architectural approval is required.
- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1 zone is required.
- A recommendation to the Town Council regarding a possible Revocable License Agreement for a retaining wall in the alley.
- 4:15 Consideration of the application of **Cary Kinross-Wright** to construct an addition to the existing accessory building, change the ground cover in the back yard and add a stair to grade from the existing deck on the single family residence to be located at 11 Butte Avenue, Lot 3, Kapushion Subdivision in the R1 zone.
(Ryan/Hadley)
- Architectural approval is required.

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

Agenda
Design Review Committee
Monday
November 11, 2019

- 3:00 **Site Visit** and consideration of the application of **423 Gothic CB Partners LLC** to construct a single family residence and accessory building to be located at 423 Gothic Avenue, Block 11, Lots 27-29 in the R1 zone. *Continued from the September 24, 2019 BOZAR meeting.* (Sante/Smith)
- **Architectural approval is required.**
- **A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R1 zone is required.**
- **A recommendation to the Town Council regarding a possible Revocable License Agreement for a retaining wall in the alley.**
Meet at Town Hall.
- 4:15 Consideration of the application of **Erika Catherine Vohman** to relocate the existing non-historic accessory building less than 200 sf located at 111 Whiterock Avenue, Block 32, South 80 feet of Lot 21 and part of 22 and the West half of Lot 23 in the R2C zone. (Vohman)
- **Permission to relocate the existing non-historic accessory building is requested.**

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



AGENDA

Regular Town Council Meeting

6:00 PM - Tuesday, November 19, 2019

Council Chambers

1. WORK SESSION - 5:00 P.M.

- 1.1. Plans for Expenditure of Lodging Excise Tax Revenues

2. PUBLIC HEARING - 6:00 P.M.

- 2.1. Public Input on Ordinance 10, Series 2019 – An Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Mt. Crested Butte, Colorado for the Calendar Year Beginning on the First day of January 2020 and Ending on the last Day of December 2020.

3. CALL TO ORDER

4. ROLL CALL

5. PUBLIC COMMENT

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

6. APPROVAL OF MINUTES

- 6.1. Approval of the November 5, 2019 Regular Town Council Meeting Minutes

7. REPORTS

7.1. Town Manager's Report

7.2. Department Head Reports

- 7.2.1. Community Development Report

- 7.2.2. Finance

- 7.2.3. Police Department

- 7.2.4. Public Works

7.3. Town Council Reports

7.4. Other Reports

- 7.4.1. Summer 2019 – Adaptive Sports Center Admissions Tax Report Follow Up – Lee Berglund

- 7.4.2. Summer 2019 Admissions Tax Reports – Crested Butte/ Mt. Crested Butte Chamber of Commerce – Crested Butte Pole, Pedal, Paddle, Beer and Chili, Bike Week and 4th of July – Ashley UpChurch

- 7.4.3. Tourism and Prosperity Partnership Report on July Marketing and

Filling Guaranteed Airline Seats, John Norton, Executive Director

8. CORRESPONDENCE**9. OLD BUSINESS**

- 9.1. Discussion and Consideration of a Donation to Crested Butte Land Trust for the Purchase of the Long Lake Property – Noel Durant
- 9.2. Discussion and Possible Consideration of a Planned Unit Development Major Alteration Application submitted by Pearls Management, LLC to amend the existing Planned Unit Development for the Nordic Inn. The alteration proposes a new layout for the hotel building, additional hotel units, and underground parking. The alteration only relates to changes on Lots NI-1 and NI-2. Lot ROS-1 will remain unchanged – Carlos Velado

10. NEW BUSINESS

- 10.1. Discussion and Possible Consideration of the Town's Lottery Process for Homestead at Prospect Community Housing – Carlos Velado
- 10.2. Discussion and Possible Consideration of a Two Year Extension to the Refuse and Recycling Collection Agreement with Waste Management of Colorado, Inc. – Joe Fitzpatrick
- 10.3. Discussion and Possible Consideration of Ordinance 10, Series 2019 – An Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Mt. Crested Butte, Colorado for the Calendar Year Beginning on the First day of January 2020 and Ending on the last Day of December 2020 – First Reading – Karl Trujillo
- 10.4. Discussion and Possible Consideration of the Five Year Financial and Business Plan – 2020 – 2025 – Karl Trujillo
- 10.5. Discussion and Possible Consideration of Amendments to the 2019 Budget – Karl Trujillo
- 10.6. Discussion and Possible Consideration of a \$2,000 Contribution to the OVLC (One Valley Leadership Council) Energy Symposium in January 2020 – Roman Kolodziej

11. OTHER BUSINESS**12. ADJOURNMENT**

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

GUNNISON COUNCIL AGENDA
MEETING IS HELD AT CITY HALL, 201 WEST VIRGINIA AVENUE
GUNNISON, COLORADO; IN THE 2ND FLOOR
COUNCIL CHAMBERS

Approximate meeting time: 3 hours

TUESDAY

NOVEMBER 12, 2019

REGULAR SESSION

5:30 P.M.

City of Gunnison Councilmembers gather for a light meal at 5:00 P.M. in Council Chambers.

No City Council activity takes place.

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

II Citizen Input: (estimated time 3 minutes)

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

III Council Action Items

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

○ **Approval of the October 22, 2019 Regular Session meeting minutes.**

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

Staff contact: City Clerk Erica Boucher

○ **Excuse Councilor Morrison from the October 22, 2019 Regular Session meeting.**

Background: Councilors are allowed to be formally excused from a Regular, Special or Reorganization Session meeting by a quorum vote of the City Council per Section 4.4 (F) of the Gunnison Municipal Home Rule Charter. Staff contact: City Clerk Erica Boucher

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

Approve the minutes of the October 22, 2019 Regular Session meeting; and Excuse Councilor Morrison from the October 22, 2019 Regular Session meeting.

Estimated time: 2 minutes

- B. Resolution No. 15, Series 2019: *An Resolution of the City Council of the City of Gunnison, Colorado, Creating a Senior Center Advisory Committee***
 Background: There is a recommendation from staff and the Boomers & Beyond to create a Senior Center Advisory Committee. This would, as proposed, be a City run advisory committee to provide guidance on senior programs. Based on the recommendations from Council at the July 23 Regular Session meeting, the group has revised the resolution to create a Senior Center Advisory Committee.
 Staff Contact: Senior Coordinator Elizabeth Gillis
Action Requested of Council: Introduce, read by title only, motion, and vote to pass and adopt Resolution No. 15, Series 2019.
 Estimated time: 10 minutes
- C. Appointment of Parks and Recreation Advisory Committee (PRAC) member.**
 Background: On May 4, 2016, City Council adopted Resolution No. 4, Series 2016, which established the Parks and Recreation Advisory Committee. The Resolution states that members are to be appointed by Council and shall serve a period of two years or until their successors are qualified and appointed. Terms for PRAC run from the date of appointment through December 31 of the appropriate year. One member of PRAC whose term was set to expire on December 31, 2018, resigned. One letter of interest was received for appointment to PRAC. The letter was from Skyeler Smith.
 Staff contact: City Clerk Erica Boucher
Action Requested of Council: To consider the appointment of candidate to the Parks and Recreation Advisory Committee.
 Estimated time: 5 minutes
- D. Nuisance and Maintenance of Mobile Homes.**
 Background: As part of City Council’s Strategic Plan priority regarding livable and affordable housing, staff had two preliminary discussions with City Council in November 2018 regarding property maintenance codes. Staff was directed to formulate a strategy on how the City can work with the private sector to create a proactive program that is efficient, effective and equitable to address dilapidated structures. Memo includes plan and costs of program next steps.
 Staff contact: Community Development Director Anton Sinkewich
Action Requested of Council: A motion to appropriate \$35,000 from the 2020 budget to initiate a program to address dilapidated structures in Gunnison.
 Estimated Time: 15 minutes
- E. Ordinance No. 13, Series 2019, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado amending Title 5 General Offenses, Chapter 5.10 General Offenses, Section 5.10.182 of the City of Gunnison Municipal Code.***
 Background: As discussed previously with Council two marijuana bills passed in 2019. H.B.19-1230 allows for a marijuana hospitality establishment license and a retail marijuana hospitality and sales establishment license. H.B. 19-1234 allows for home delivery of marijuana. In reference to both bills, Council’s indication was to not adopt the provisions allowed in either bill. On review, allowable provisions in both bills are already addressed in City’s ordinance so limited modifications are needed.
 Staff contact: Police Chief Keith Robinson

Action Requested of Council: Introduce, read by title only by the City Attorney, motion, second, and vote to pass and order to publish Ordinance No. 13, Series 2019 on first reading.
Estimated time: 5 minutes

- F. Ordinance No. 14, Series 2019, First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, fixing the amended rates to be charged for water service within the City of Gunnison, Colorado and amending the rate tables in Section 12.40.020 of the City Code of the City of Gunnison to reflect the new service rates.*
Background: Due to ongoing infrastructure needs, rising costs of operations and projected growth that will place production demands on the system, a 2% rate increase is required.
Staff contact: Public Works Director David Gardner
Action Requested of Council: Introduce, read by title only by the City Attorney, motion, second, and vote to pass and order to publish Ordinance No. 14, Series 2019 on first reading.
Estimated time: 10 minutes
- G. Ordinance No. 15, Series 2019, First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado amending the monthly rates for the sewer service and the fees charged for recreational vehicle, septic tank, and portable toilet waste treated by the City of Gunnison.*
Background: The WWTP Modernization and Energy Efficiency Improvement Project is estimated to cost \$14,210,000 dollars. Due to the State Revolving Fund requirements and obligations to meet debt service, a cost of services projection was made. As a result, it is necessary to raise sewer rates 17% to meet these financial obligations.
Staff contact: Public Works Director David Gardner
Action Requested of Council: Introduce, read by title only by the City Attorney, motion, second, and vote to pass and order to publish Ordinance No. 15, Series 2019 on first reading.
Estimated time: 10 minutes
- H. Ordinance No. 16, Series 2019 First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, setting a tax levy for the City of Gunnison, Colorado.*
Background: This ordinance sets the mill levy for the 2019 tax year, for property taxes to be collected during 2020.
Staff Contact: Ben Cowan, Finance Director
Action Requested of Council: Introduce, read by title only, motion, second and vote to pass, and order published Ordinance No. 16, Series 2019 on first reading.
Estimated time: 5 minutes
- I. Ordinance No. 17, Series 2019 First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado adopting and appropriating an Annual Budget.*
Background: This ordinance adopts the budget for 2020.
Staff Contact: Ben Cowan, Finance Director
Action Requested of Council: Introduce, read by title only, motion, second and vote to pass, and order published Ordinance No. 17, Series 2019 on first reading.
Estimated time: 5 minutes

- J. Ordinance No. 18, Series 2019 First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, adopting and additional appropriations for the fiscal year ending December 31, 2019.*
 Background: This ordinance obtains the legal authority to spend the amounts as approved by the Council that constitute a divergence from the original adopted budget.
 Staff contact: Ben Cowan, Finance Director
Action Requested of Council: Introduce, read by title only, motion, second and vote to pass, and order published Ordinance No. 18, Series 2019 on first reading.
 Estimated time: 10 minutes
- K. Ordinance No. 19, Series 2019 First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, adopting standards for large generation systems in Section 12.40.050 of the Gunnison Municipal Code, and establishing a rate for the electricity consumed and generated*
 Background: The proposed ordinance allows for and addresses specifics for yet to be proposed large solar systems.
 Staff contact: Finance Director Ben Cowan
Action Requested of Council: Introduce, read by title only, motion, second and vote to pass, and order published Ordinance No. 19, Series 2019 on first reading.
 Estimated time: 5 minutes

V. Reports:

City Attorney Report
 City Clerk Schedule Update
 City Manager Strategic Projects Update and Report
 City Councilors with City-related meeting reports; discussion items for future Council meetings

VI. Meeting Adjournment

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

DATE: Tuesday, November 5, 2019

Page 1 of 2

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

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

- 8:30
- Call to Order
 - Agenda Review
 - Minutes Approval:
 1. 10/15/19 Regular Meeting
 - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
 1. 6th Addendum; Development Improvement Agreement; Skyland Filing III, Phase II
 2. **REMOVED:** Development Improvement Agreement; Roper Subdivision
 3. Contract; Rise Above Colorado
 4. Grant Application; Snow Sports Foundation; \$1,840
 5. Ratification of County Manager's Approval to Submit Grant Application; City of Gunnison; Multicultural Resource Services & Early Childhood Council; \$20,000
 6. Ratification of County Manager's Approval to Submit Grant Application; City of Gunnison; Juvenile Services; \$33,600
 7. Resolution; A Resolution Adopting Gunnison County Policy Concerning Authority and Use of the Fred R. Field Western Heritage Center
 8. Ratification of North Fork Mancos Master Development Plan Objection
 9. Ratification of Correspondence; Colorado State Forest Service
 10. Business Associate Agreement; Strategic Healthplan Consulting, LLC
 11. Business Associate Agreement; Group & Pension Administrators, Inc. (GPA)
 12. Business Associate Agreement; The Phia Group, LLC
 13. ELAP Adoption Agreement; ELAP Services, LLC
 14. Service Amendments; ELAP Services, LLC
 15. Services Agreement; The Phia Group, LLC
 16. PHCS Joinder Agreement
 - Scheduling
- 8:40
- County Manager's Report
 1. Region 10 Broadband Project
- 8:50
- Deputy County Manager's Report
 1. Contractor Agreement; SG Interests Ltd
 2. Pitkin Plow Agreement Extension
- 9:00
- Discussion; Colorado Outdoor Recreation & Economy Act
- 9:10
- Grant Agreement; Long Lake Land Exchange; \$250,000
 - Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.
 - Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
 - Adjourn

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

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DATE: Tuesday, November 5, 2019

Page 2 of 2

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

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:

- 9:30
- Strategic Performance Updates
 - Juvenile Services Director Kari Commerford
- 10:15
- Gunnison County 2020 Budget Discussion
 - Adjourn

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA

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DATE: Tuesday, November 12, 2019

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

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:

- 8:30 am • Community Planning Assistance for Wildfire (CPAW); Gunnison County Draft Recommendation
- 9:15 am • Tourism & Prosperity Partnership (TAPP); Semi Annual Update
- 10:00 am • Colorado Water Conservation Board (CWCB) Presentation; Colorado Instream Flow & Natural Lake Level Program
- 10:30 am • Gunnison County Library Project Update; Executive Director Drew Brookhart
- 11:00 am • Gunnison County 2020 Budget Discussion
- Adjourn

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

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

December 2, 2019**Work Session**

Discuss Plan for Community Compass?
Dispatch Services Discussion

Consent Agenda

MOU with Nordic for SOAR Build
Acceptance of Utility, Storm Water, Electric and Irrigation Infrastructure Easements Associated with the Phase 2 Kapushion Tracts Located in Block 2, Lots 17-32 and Block 11, Lots 1-16, Town of Crested Butte.
Fat Bike Worlds Special Event Application
Q3 Financial Summary

Proclamation?**New Business**

Ordinance - SRF Loan for Water Plant
Ordinance - Library Lease
CBFPD IGA
Empty House Tax Discussion

December 16, 2019**Work Session at 5PM**

Sam Light from CIRSA

Public Hearing

Slate River Annexation

New Business

Adoption of Climate Action Plan
Resolution No. 25, Series 2019 - Declaring Climate Emergency
Resolution - Budget Amendment
Funding Agreement with Chamber
Ordinance - Chamber Lease

January 6, 2020**Work Session**

Quarterly Update from BOCC
Jenny from RMBL, 20 Year Climate Study

New Business

Ordinance - Employee Lease
Ordinance - Employee Lease

Future Items

- Quarterly Financial Reports
- Ordinance - CO Model Traffic Code 2018
- Briefing of the Legal Implications of Vested Rights
- Appointment of Municipal Judge - July 2020
- MOU with GCEA