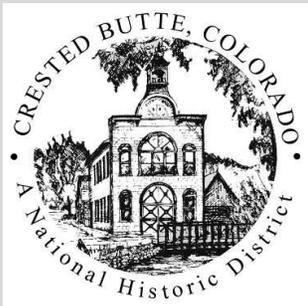


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, March 18, 2019
Council Chambers, Crested Butte Town Hall



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) Creative District Transition Plan.

6:45 2) Year-end Update from Chamber Director Ashley UpChurch.

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

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

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

2) Black and White Ball Special Event Application and Special Event Liquor Permit for June 30, 2019 Closing 4th Street Between Elk Avenue and Maroon Avenue.

3) People's Fair Special Event Application for August 31 through September 1, 2019 Closing Elk Avenue from 2nd Street to 4th Street and 3rd Street from Alley to Alley.

4) Council Member Appointments to Boards and Committees.

5) Letter to the USFS on Comments to the Wild and Scenic Rivers Eligibility Report.

6) Update to the Paradise Park, Block 76 Lottery Procedures.

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

7:06 PRESENTATION OF BOZAR PROJECT OF THE YEAR

7:20 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.

7:25 STAFF UPDATES

7:35 PUBLIC HEARING

1) Ordinance No. 3, Series 2019 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Amend Crested Butte Municipal Code Section 18-2-30 (6) Concerning Fire Suppression Requirements for Townhomes Under the International Residential Code.

8:00 2) Ordinance No. 8, Series 2019 - An Ordinance of the Crested Butte Town Council Adding Code Section 10-6-60 Prohibiting the Possession of Tobacco/Nicotine Products by Persons Under the Age of Eighteen to the General Offenses Section of the Crested Butte Municipal Code; And Providing Penalties for Violation Thereof.

8:05 3) Ordinance No. 9, Series 2019 - An Ordinance of the Crested Butte Town Council Amending, Chapter 18, Article 2, Section 18-2-30 of the Town Code Related to Building Regulations.

8:10 NEW BUSINESS

1) Ordinance No. 10, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of Unit A (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to Nautilus Sailing, LLC.

8:15 2) Ordinance No. 11, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Repeal of Section 4-2-90(B)(1) of the Town Code Concerning a Credit for the 1.5% Vendor's Fee Against Taxes Due from Gross Sales. 2

8:25 3) Ordinance No. 12, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Release of a Deed Restriction on Block 77, Lot 3, Unit B Peeler Town Houses, Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado Reception No. 543195 and Replacement with a New Deed Restriction.

8:30 4) Ordinance No. 13, Series 2019 - An Ordinance of the Crested Butte Town Council Re-Codifying Chapter 16, Article 12 Condominiums and Townhouses, and Amending Chapter 17, Articles 1-General Provisions and Article 3-Major and Minor Subdivisions Generally.

8:35 5) Ordinance No. 14, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 6, Block 79 Unit A, 914 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Joseph Carpenter and Katherine Cooke for the Sale Price of \$275,000.00.

8:40 6) Ordinance No. 15, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 6, Block 79 Unit B, 916 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Guy Ciulla for the Sale Price of \$275,000.00.

8:45 7) Ordinance No. 16, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 14, Block 79 Unit A, 909 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Elizabeth Philbin for the Sale Price of \$275,000.00.

8:50 8) Ordinance No. 17, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 14, Block 79 Unit B, 911 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Chelsea Dalporto- McDowell for the Sale Price Of \$275,000.00.

8:55 **LEGAL MATTERS**

9:00 **COUNCIL REPORTS AND COMMITTEE UPDATES**

9:15 **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

9:25 **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, April 1, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 8, 2019 - Planning Commission
- Monday, April 15, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council

9:30 **ADJOURNMENT**

To: Mayor Schmidt and Town Council

From: Melissa Mason, Chair, Creative District Commission
Mel Yemma, District/Open Space Coordinator, Town of Crested Butte

Subject: Work Session: Creative District Restructuring Proposal and Transition Plan

Date: March 18, 2019

Purpose: To discuss a restructuring proposal and transition plan for the Creative District in which the advocacy, programming, and partnerships aspect of the Creative District would become a program of the Center for the Arts (Center) and the public art policy would remain under the authority of a Public Art Commission under the Town of Crested Butte (Town).

Background: In June of 2014, the Town and the Center filed a joint application to become a Certified Creative District with Colorado Creative Industries (CCI). At that time, the idea of the Center housing the Creative District was considered, but the timing was not ideal as the Center was embarking on their capital campaign to fundraise for their new building. Due to this circumstance and other factors, the Crested Butte Creative District was formed under the Town authority as a 9 member Commission with the following directives: 1) prepare, maintain, and implement the strategic plan; 2) create and implement a public arts policy; 3) maintain a sustainable funding source; 4) work with local partners to promote the arts in Crested Butte; and 5) uphold the unique community character and historical context of Crested Butte.

The Creative District Commission has worked for three years to build an organizational foundation for the Creative District while achieving many important aspects of their original strategic plan. During those years, the Creative District received significant funding from CCI, with a match from the Town. When CCI's funding expired in 2018, the Town pledged support to the Commission by providing an annual budget of \$33,700 for 2018 and 2019. However, the Town Council asked the Creative District to create a plan for less financial assistance from the Town for a number of reasons, chief among them being that the same level of funding cannot be relied on every year due to the uncertainty of the Town's revenue streams.

The Commission held a retreat in January 2019 with the goal of creating a transition plan that creates self-sufficiency and a potential structure/operational change that would ensure the long-term success of the Creative District. This restructuring proposal and transition plan is the primary outcome of the retreat.

Restructuring Proposal: The Creative District Commission is proposing a restructuring of the Creative District into a partnership between the Town (public art) and the Center (advocacy, programming, marketing, and partnerships) to better achieve the mission of the Creative District and support our creative community.

The *attached flow chart (Attachment A)* shows the proposed structure. The current Creative District Commission would transform into a Public Art Commission under the Town, and a new or expanded staff position and program committee coordinating the Creative District would be created under the Center for the Arts. The program focus would be on advocacy for the creative arts sector by identifying needs and opportunities for the creative community of Crested Butte. The coordinator could continue to grow current programs and initiatives related to local arts advocacy, youth arts education, professional development, marketing the Creative District, partnering with other arts organizations, and more. The Town and the Center would continue to partner on major projects and opportunities that arise relating to economic development, “space to create,” and affordable housing.

This organizational structure change will lead to better efficiency and success of the entire Creative District and overall it is very realistic and achievable. The Center excels at programming both within its building and beyond its doors in the entire community. The Commission believes that being a part of the Center will lead to a wider and more effective reach in the community. They also agree that it makes the most sense for the Town to administer Public Art (and still ensure crossover with the Center on this Commission), because of the “Arts in Public Places Policy.” Under this policy, Public Art would be on Town-owned land and rights of way and the Town has the capacity, insurance capabilities, and in-kind support to ensure that public art opportunities move forward.

Funding: Town staff proposes that the Town would continue to staff and provide funding for the Public Art Commission. Additionally, Town staff proposes that the Town Council considers contributing up to \$15,000 as a match to assist in covering the cost of the new or expanded staff position at the Center for the Arts for the first year (2020). The Center will be eligible to apply for the Town’s Community Grants Cycle for program needs and CCI has an annual grant cycle for Creative Districts in which the Center could apply for up to \$10,000 in matching funds for technical and project assistance. Currently, the Executive Director, the Visual Arts Director, the Literary Arts Director, and the Development Associate of the Center sit on the Crested Butte Creative District Commission, so shifting that organizational power would be an easy transition, with a low impact on Center resources. The Center believes that this is very feasible from a budgetary and capacity standpoint.

Public Process and Transition Plan Timeline:

This proposed organizational structure and transition process will take a little less than a year to implement. The *attached timeline (Attachment B)* shows a suggested plan for how to move forward. The Center Board has already reviewed and discussed the proposal and has granted the Commission the permission to move forward with a public process. The Creative District plans to conduct community outreach and host a community meeting to garner feedback on the proposal on Thursday, March 28, 2019 in the Town Council Chambers. After this meeting, the Commission will refine the proposal based on public feedback and bring the final proposal forward to the Center Board (May 14, 2019) and the Town Council (May 20, 2019) for a vote on approval.

The goal is for this transition to be complete by November 1, 2019 when the Center’s new budget cycle begins. The new/transformed Public Art Commission would begin January 2, 2020, when the Town’s new budget cycle begins (although the planning for the creation of the Public Art Commission would happen this Fall).

ATTACHMENT A



creative district

— CRESTED BUTTE —

Town of Crested Butte

Center for the Arts

***Creative District Coordinator
+ Creative District Program Committee***
(Representative sits on Public Art Committee)

***Creative District
Public Art Commission:***
-AIPP projects and decisions
-Can propose new public art projects
-Refines public art policy (temporary art, public art map, etc.)
-Makes decisions on public art maintenance

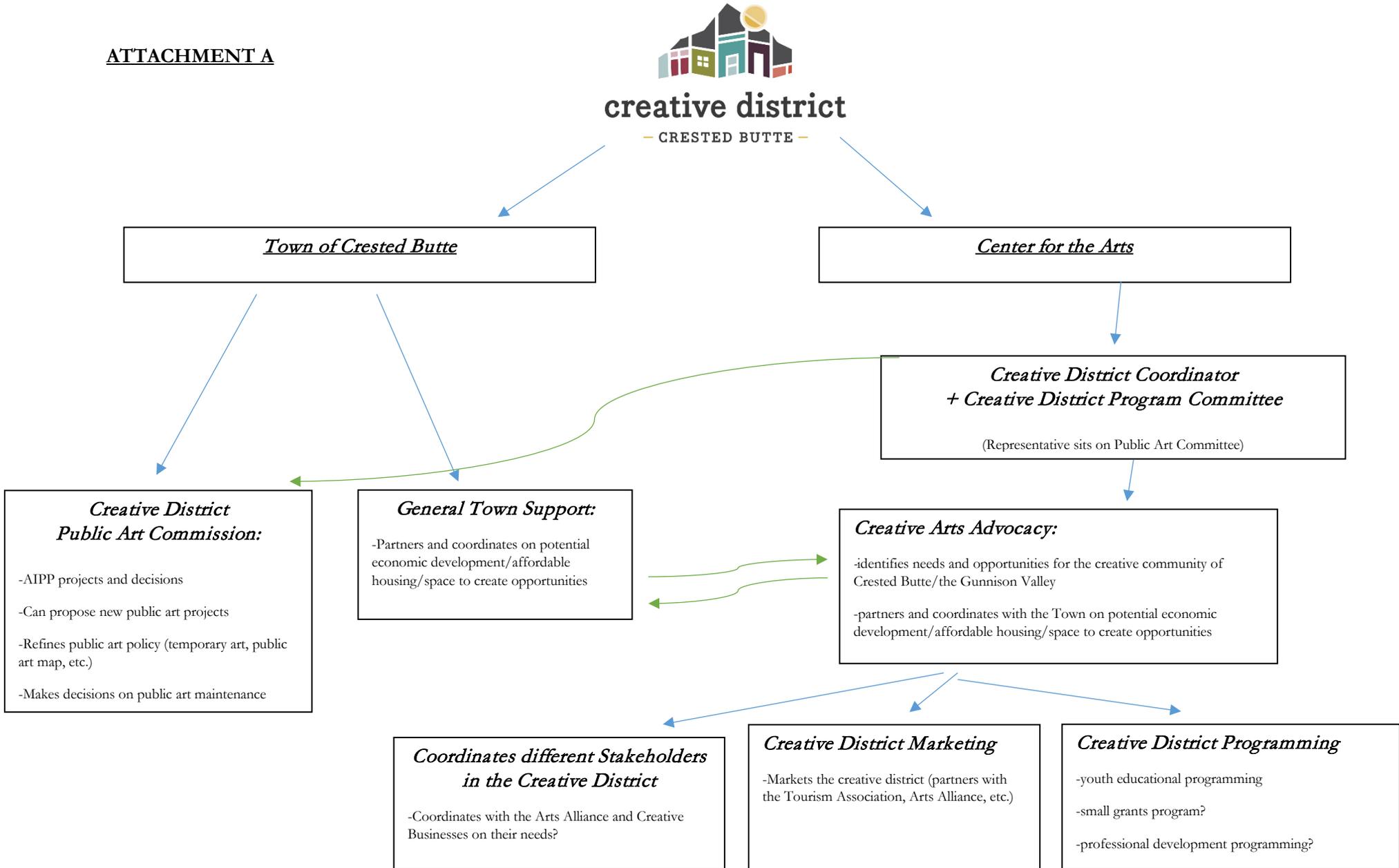
General Town Support:
-Partners and coordinates on potential economic development/affordable housing/space to create opportunities

Creative Arts Advocacy:
-identifies needs and opportunities for the creative community of Crested Butte/the Gunnison Valley
-partners and coordinates with the Town on potential economic development/affordable housing/space to create opportunities

***Coordinates different Stakeholders
in the Creative District***
-Coordinates with the Arts Alliance and Creative Businesses on their needs?

Creative District Marketing
-Markets the creative district (partners with the Tourism Association, Arts Alliance, etc.)

Creative District Programming
-youth educational programming
-small grants program?
-professional development programming?



Creative District Transition Timeline

January 2019

- Vision and structure ideas discussed at CBCD Commission Retreat

February 2019

- Structure model proposal discussed, finalized, and voted on by CBCD Commission

March 2019

- Restructure proposal presented to Center for the Arts Board of Directors (March 12th)
- Restructure proposal update to Crested Butte Town Council (March 18th)
- Public meeting/event presenting proposal and receiving feedback (Pizza with Creatives type-event) (March 28th)

April 2019

- Structured model refined based on Center Board Feedback, Town Council Feedback and Public Feedback

May 2019

- Center for the Arts Board of Directors decision made on structure model proposal (May 14th)
- Crested Butte Town Council work session/decision made on structure model proposal (May 20th)

Fall/Winter 2019/2020

- Execution of restructuring (new ordinance at Town Council for public art commission, job and program description at Center for the Arts, etc.)
- Press and community outreach about the transition
- November 1: New Position Starts at the Center, overall transition occurs
- January 2: New public art commission starts at Town of Crested Butte

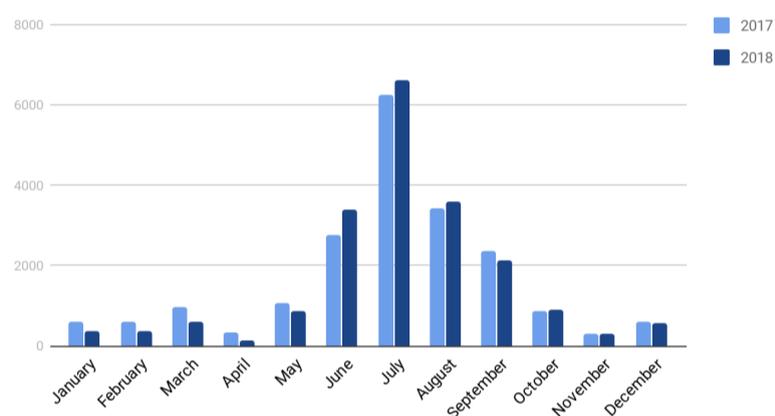


2018 Year-End Report to Crested Butte Town Council

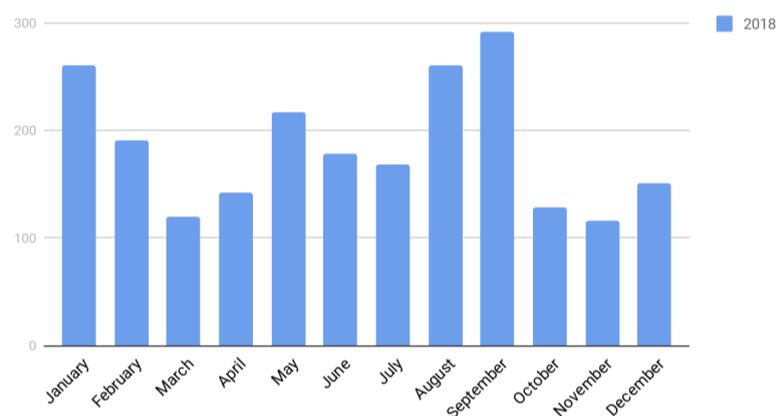
Visitor Center Statistical Report

2018 visitor numbers at the Crested Butte Visitor Center were down from 2017 for the start of the year and increased slightly through the summer before leveling out with 2017 numbers in the fall and early winter. Tracking of phone calls and emails began in late 2017, and we fielded about the same number in 2018; more data comparisons on these numbers will be available in future years. Mt CB Visitor Center numbers trended down throughout the year until November and December at which point they increased by about 200% over 2017.

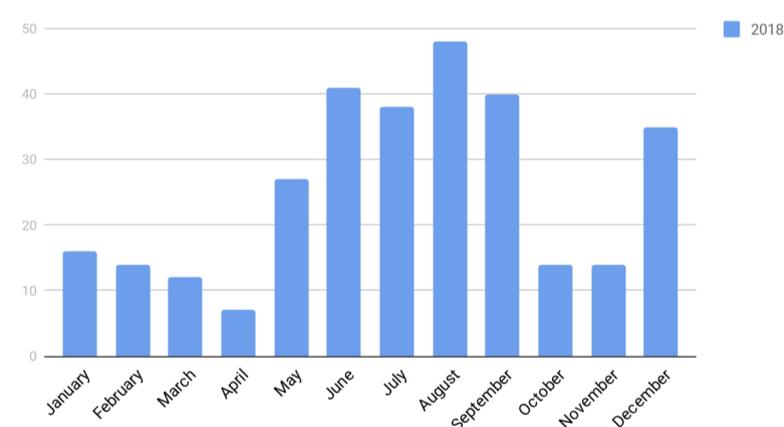
CB Walk Ins



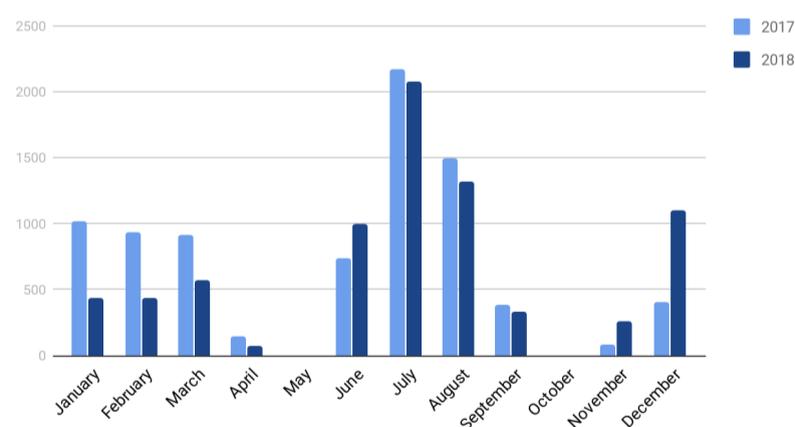
CB Phone Calls



CB Emails



Mt CB Walk-Ins



Business Support Activity Report

In 2018, we continued our off-season seminars which saw similar attendance as in 2017 (15-30/seminar). Seminar topics centered around marketing in response to feedback from attendees and business owners. Business After Hours (BAH) events continued to grow, and we saw, on average, 30-40 attendees per event. This, coupled with inviting multiple co-hosts to each BAH, has helped businesses increase their networks and reach. Finally, the Chamber Board and staff held a retreat to update our mission and create a 5-year strategic plan. The new mission of the Chamber is “to provide communication, event and advocacy services to our members, so they can successfully operate their businesses.” Our 5-year strategic plan, attached, contains four areas of focus: growth and change,

representation and relationships, infrastructure and resources and tourism economy; we have outlined nine strategic goals in the plan which we will work towards over the next five years. We are dedicated to supporting local businesses through our events, programs and staff.

Financial and Membership Report

Please see the attached financial report for the full year; the Chamber is look good financially. As usual, our visitor center account, funded by BOLT, ended in the negative, but the Chamber and our events take care of the negative, and the Chamber has seen a small income each year for the past few years. About 70% of BOLT funding covers wages, about 15% covers building and utility needs and the remaining 15% is allocated to various staff, administrative and marketing projects. We continue to hold monthly staff meetings and invite businesses to attend which has greatly improved how up-to-date my staff (and myself) are about local businesses and events. The Chamber's membership grew by 27, losing 16 and gaining 43.

Event Report

2018 was a great year for Chamber events with all of our events growing or seeing the same turn-out as the past couple years. While we run a number of seasonal and monthly events which focus on the business community, most of our annual events are geared towards bringing tourists to the valley during economically slow periods. This includes Fat Bike World Championships, Colorado Crafted, CB Bike Week and the Mt CB Chili and Beer Festival, and all of them did very well in this regard. Fat Bike Worlds continued to attract over 85% of its participants from outside the valley; Crafted maintained its 60-70% track record, Bike Week held steady around 50%, and Chili and Beer again saw about 60% of its attendees come from outside the valley. We are very pleased with these numbers and will continue to market our events out-of-valley while still making them fun (and affordable) for locals. The biggest event-based success we had in 2018 was growing the CB Pole Pedal Paddle (CB3P) to over 100 participants, 27 of whom came from out of the valley. This event is set in the heart of off-season when attracting visitors is extremely difficult, and we were pleased to see over a quarter of its participants travel to race! This event is a partnership between the Chamber and Tiff Simpson who created it and acts as race director, and its proceeds benefit a local non-profit rather than acting as a fundraiser for the Chamber. We will continue to work to grow the CB3P's attractiveness to both locals and visitors in the hopes of boosting our off-season economy.

Crested Butte Mt. Crested Butte Chamber of Commerce
Bolt Fund Allocations YTD
 January through December 2018

12:03 PM
 02/13/2019
 Cash Basis

| | Jan - Dec 18 | Jan - Dec 17 |
|---------------------------------------|-------------------|-------------------|
| Ordinary Income/Expense | | |
| Income | | |
| Government Contributions | | |
| Crested Butte BOLT | 50,000.00 | 55,573.59 |
| Mt Crested Butte BOLT | 84,283.00 | 85,988.00 |
| Total Government Contributions | 134,283.00 | 141,561.59 |
| Total Income | 134,283.00 | 141,561.59 |
| Gross Profit | 134,283.00 | 141,561.59 |
| Expense | | |
| Wages/Benefits | | |
| Wages / Salary | 50,470.68 | 34,673.06 |
| Wages / Hourly | 59,233.00 | 54,911.45 |
| Payroll Taxes | 9,673.46 | 8,324.00 |
| Health Insurance | 2,400.00 | 2,400.00 |
| Recreation/Education Benefit | 716.97 | 770.58 |
| Worker's Comp Insurance | 192.36 | 248.80 |
| Total Wages/Benefits | 122,686.47 | 101,327.89 |
| Utilities Expense | | |
| Electric | 1,988.54 | 919.40 |
| Gas Expense | 1,348.55 | 615.09 |
| Telephone/Internet | 1,275.88 | 1,971.89 |
| Trash Removal | 892.16 | 685.21 |
| Water & Sewer | 811.60 | 405.10 |
| Total Utilities Expense | 6,316.73 | 4,596.69 |
| Building Expense | | |
| Building Repair/Maint/Decor | 1,517.44 | 1,518.59 |
| Cleaning & Bathroom Supplies | 1,567.11 | 1,535.38 |
| Cleaning Labor | 9,240.00 | 9,300.00 |
| Snow Removal | 0.00 | 1,400.00 |
| Total Building Expense | 12,324.55 | 13,753.97 |
| Insurance Expense | | |
| D & O Insurance | 560.00 | 560.00 |
| Liability Insurance | 4,870.83 | 3,471.78 |
| Total Insurance Expense | 5,430.83 | 4,031.78 |
| Administration Expense | | |
| Advertising Expense | 1,448.00 | 1,134.00 |
| Dues & Subscriptions | 49.50 | 0.00 |
| Business Licenses & Fees | 0.00 | 8.00 |
| Office Supplies | 2,130.09 | 779.77 |
| Computer Hardware/Software | 517.23 | 1,023.94 |
| Database Expense | 0.00 | 1,434.00 |
| Bookkeeping/Accounting | 13,656.56 | 9,868.30 |

| | Jan - Dec 18 | Jan - Dec 17 |
|--|---------------------|---------------------|
| Paypal / Bank Fees | 180.00 | 180.00 |
| Penalties & Fees (no int) | 0.00 | -2.76 |
| Postage Expense | | |
| Info Request Postage | 221.40 | 285.58 |
| Postage expense general | 16.87 | 36.60 |
| Postage Meter Rental/Supplies | 6.32 | 234.84 |
| Postage Permit/PO Box dues | 32.12 | 33.00 |
| Postage Expense - Other | -1.04 | 0.00 |
| Total Postage Expense | 275.67 | 590.02 |
| Total Administration Expense | 18,257.05 | 15,015.27 |
| Staff/Board Development Expense | | |
| S&B Meals / Entertainment | 759.75 | 291.34 |
| Education Expense | 161.00 | 0.00 |
| Staff Gifts | 20.00 | 0.00 |
| Total Staff/Board Development Expense | 940.75 | 291.34 |
| Marketing/Membership Expense | | |
| Maps, Handouts, etc. | 1,043.10 | 625.00 |
| Website Design/Maintenance | 5.33 | 5.33 |
| Seminars and Forums Expense | 199.00 | 0.00 |
| Total Marketing/Membership Expense | 1,247.43 | 630.33 |
| Total Expense | 167,203.81 | 139,647.27 |
| Net Ordinary Income | -32,920.81 | 1,914.32 |
| Net Income | -32,920.81 | 1,914.32 |

Crested Butte Mt. Crested Butte Chamber
Balance Sheet
 As of December 31, 2018

3:14 PM

02/14/2019

Cash Basis

Dec 31, 18**ASSETS****Current Assets****Checking/Savings****Chamber Bank Accounts**

| | |
|----------------------|----------|
| Chamber Checking cbb | 7,389.96 |
| Butte Bucks | 3,875.38 |
| PayPal | 33.88 |
| Petty Cash | 80.00 |
| Trades / Exchanges | 487.50 |

| | |
|------------------------------------|------------------|
| Total Chamber Bank Accounts | 11,866.72 |
|------------------------------------|------------------|

Visitors Center Bank Accounts

| | |
|-------------------------|-----------|
| Visitor Center checking | 21,711.20 |
|-------------------------|-----------|

| | |
|--|------------------|
| Total Visitors Center Bank Accounts | 21,711.20 |
|--|------------------|

Events Bank Accounts

| | |
|---------------------|-----------|
| Events Checking cbb | 92,247.07 |
|---------------------|-----------|

| | |
|-----------------------------------|------------------|
| Total Events Bank Accounts | 92,247.07 |
|-----------------------------------|------------------|

| | |
|-------------------------------|-------------------|
| Total Checking/Savings | 125,824.99 |
|-------------------------------|-------------------|

Accounts Receivable

| | |
|---------------------|---------|
| Accounts Receivable | -374.20 |
|---------------------|---------|

| | |
|----------------------------------|----------------|
| Total Accounts Receivable | -374.20 |
|----------------------------------|----------------|

Other Current Assets**Other Chamber Assets**

| | |
|-------------------|-----------|
| Butte Bucks Coins | 10,019.25 |
|-------------------|-----------|

| | |
|-----------------------------------|------------------|
| Total Other Chamber Assets | 10,019.25 |
|-----------------------------------|------------------|

Other VC Assets

| | |
|--------------------|----------|
| EV Loan to Chamber | 6,345.00 |
|--------------------|----------|

| | |
|---------------|--------|
| Event Deposit | 400.00 |
|---------------|--------|

Held Event Funds

| | |
|-------------------------|-------|
| Held Funds Chili & Beer | 20.00 |
|-------------------------|-------|

| | |
|--------------------------|-------|
| Held Event Funds - Other | 50.00 |
|--------------------------|-------|

| | |
|-------------------------------|--------------|
| Total Held Event Funds | 70.00 |
|-------------------------------|--------------|

| | |
|------------------------------|-----------------|
| Total Other VC Assets | 6,815.00 |
|------------------------------|-----------------|

| | |
|---------------|--------|
| Prepaid Asset | 194.51 |
|---------------|--------|

| | |
|-------------------|----------|
| Undeposited Funds | 1,255.00 |
|-------------------|----------|

| | |
|-----------------------------------|------------------|
| Total Other Current Assets | 18,283.76 |
|-----------------------------------|------------------|

| | |
|-----------------------------|-------------------|
| Total Current Assets | 143,734.55 |
|-----------------------------|-------------------|

Fixed Assets**Fixed Assets Chamber**

| | |
|------------------------|----------|
| Chamber Website Design | 5,800.00 |
|------------------------|----------|

| | |
|--------------------|----------|
| Computer Equipment | 2,925.01 |
|--------------------|----------|

| | |
|-----------------------------------|-----------------|
| Total Fixed Assets Chamber | 8,725.01 |
|-----------------------------------|-----------------|

Fixed Assets VC

| | |
|-----------------|----------|
| Event Equipment | 7,000.00 |
|-----------------|----------|

| | Dec 31, 18 |
|---------------------------------------|-------------------|
| VC Equipment | 614.51 |
| Total Fixed Assets VC | 7,614.51 |
| Accumulated Depreciation | -1,945.00 |
| Total Fixed Assets | 14,394.52 |
| TOTAL ASSETS | 158,129.07 |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Credit Cards | |
| CHAMBER VISA (8379) | 520.67 |
| Total Credit Cards | 520.67 |
| Other Current Liabilities | |
| Chamber Liabilities | |
| CH Loan from EV | 6,345.00 |
| Payroll Liabilities | 3,905.38 |
| Sales Tax Payable | 9.37 |
| Total Chamber Liabilities | 10,259.75 |
| Total Other Current Liabilities | 10,259.75 |
| Total Current Liabilities | 10,780.42 |
| Total Liabilities | 10,780.42 |
| Equity | |
| Fund Accts | |
| Chamber | 33,765.33 |
| Events | 88,357.65 |
| Visitors Center | -3,397.79 |
| Total Fund Accts | 118,725.19 |
| Net Change in Fund Account | -26,426.92 |
| Opening Bal Equity | 41,302.45 |
| PP Net Change in Fund Account | -92,298.27 |
| Retained Earnings | 102,349.47 |
| Net Income | 3,696.73 |
| Total Equity | 147,348.65 |
| TOTAL LIABILITIES & EQUITY | 158,129.07 |

Crested Butte Mt. Crested Butte Chamber of Commerce
Cash Basis Stmt of Activity - All Classes
 January through December 2018

| | Chamber | Visitors Center | Events |
|--|-----------|-----------------|-----------|
| Ordinary Income/Expense | | | |
| Income | | | |
| Membership Dues | | | |
| New Memberships | 10,143.75 | 0.00 | 0.00 |
| Membership Renewals | 73,662.50 | 0.00 | 0.00 |
| MyChamberApp Income | 970.00 | 0.00 | 0.00 |
| Gunnison Member Discount | -1,100.00 | 0.00 | 0.00 |
| Total Membership Dues | 83,676.25 | 0.00 | 0.00 |
| Government Contributions | | | |
| Crested Butte BOLT | 0.00 | 50,000.00 | 0.00 |
| Mt Crested Butte BOLT | 0.00 | 84,283.00 | 0.00 |
| Total Government Contributions | 0.00 | 134,283.00 | 0.00 |
| Grant Funds | | | |
| Paradise Cleanup - restricted | 1,000.00 | 0.00 | 0.00 |
| TA VC Wage Grant - restricted | 0.00 | 25,000.00 | 0.00 |
| Total Grant Funds | 1,000.00 | 25,000.00 | 0.00 |
| Additional Revenue | | | |
| Sales Tax Vendor Fee | 0.00 | 10.44 | 107.93 |
| VC Advertising | 0.00 | 2,375.00 | 0.00 |
| Conference Room | 1,100.00 | 0.00 | 0.00 |
| Addn'l Insured Reimbursement | 300.00 | 0.00 | 0.00 |
| Elk Donations | 0.00 | 0.00 | 0.00 |
| RCP Cards | 0.00 | 3.65 | 0.00 |
| Relocation/Labels/Misc | 0.00 | 2.74 | 0.00 |
| USFS Sales | 0.00 | 106.00 | 0.00 |
| Post Event Local Merch Sales | 0.00 | 138.98 | 0.00 |
| Misc Income | 0.00 | 546.63 | 0.04 |
| In Kind Donations | 0.00 | 0.00 | 683.90 |
| Total Additional Revenue | 1,400.00 | 3,183.44 | 791.87 |
| Event / Program Income | | | |
| Oh Be Joyful Kayak Race | | | |
| OBJ Registration | 0.00 | 0.00 | 60.00 |
| OBJ Public Grants | 0.00 | 0.00 | 655.86 |
| OBJ Whiskey for Water | 0.00 | 0.00 | 299.00 |
| Total Oh Be Joyful Kayak Race | 0.00 | 0.00 | 1,014.86 |
| Fat Bike World Champ Income | | | |
| FBWC Registration | 0.00 | 0.00 | 24,289.10 |
| FBWC Merchandise Sales | 0.00 | 0.00 | 368.87 |
| FBWC Marketing | 0.00 | 0.00 | 650.00 |
| FBWC Vendors | 0.00 | 0.00 | 1,750.00 |
| FBWC Gov't Sponsors | 0.00 | 0.00 | 44,000.00 |
| FBWC Sponsors | 0.00 | 0.00 | 12,000.00 |
| FBWC In-Kind Sponsors | 0.00 | 0.00 | 16,922.15 |
| Total Fat Bike World Champ Income | 0.00 | 0.00 | 99,980.12 |

| | Chamber | Visitors Center | Events |
|--|------------------|------------------------|-------------------|
| Crafted | | | |
| Crafted Tickets | 0.00 | 0.00 | 8,998.08 |
| Crafted Merchandise Sales | 0.00 | 0.00 | 733.40 |
| Crafted Gov't Sponsors | 0.00 | 0.00 | 5,000.00 |
| Total Crafted | 0.00 | 0.00 | 14,731.48 |
| CB Pole Pedal Paddle | | | |
| CB3P Race Fees | 0.00 | 0.00 | 3,753.15 |
| CB3P Merchandise | 0.00 | 0.00 | 63.00 |
| CB3P Gov't Sponsors | 0.00 | 0.00 | 1,000.00 |
| CB3P Sponsors | 0.00 | 0.00 | 2,800.00 |
| CB3P In-Kind Sponsors | 0.00 | 0.00 | 247.35 |
| Total CB Pole Pedal Paddle | 0.00 | 0.00 | 7,863.50 |
| CB Bike Week Income | | | |
| CBBW Registration FT40 | 0.00 | 0.00 | 9,336.00 |
| CBBW Chainless Reg | 0.00 | 0.00 | 10,251.75 |
| CBBW Other Registration | 0.00 | 0.00 | 192.31 |
| CBBW Beer Sales | 0.00 | 0.00 | 539.00 |
| CBBW Gov't Sponsors | 0.00 | 0.00 | 8,000.00 |
| CBBW Sponsors | 0.00 | 0.00 | 1,500.00 |
| Total CB Bike Week Income | 0.00 | 0.00 | 29,819.06 |
| 4th of July Revenue | | | |
| 4th of July Parade Entry | 0.00 | 0.00 | 2,200.00 |
| 4th of July Vendors | 0.00 | 0.00 | 1,850.00 |
| 4th of July Gov't Sponsors | 0.00 | 0.00 | 8,000.00 |
| 4th of July Sponsors | 0.00 | 0.00 | 5,000.00 |
| Total 4th of July Revenue | 0.00 | 0.00 | 17,050.00 |
| Beer & Chili Income | | | |
| Beer & Chili Tickets | 0.00 | 0.00 | 42,927.96 |
| Beer & Chili Merchandise Rev | 0.00 | 0.00 | 1,095.35 |
| Beer & Chili Marketing | 0.00 | 0.00 | 1,600.00 |
| Beer & Chili Vendors | 0.00 | 0.00 | 365.00 |
| Beer & Chili Gov't Sponsors | 0.00 | 0.00 | 3,000.00 |
| Total Beer & Chili Income | 0.00 | 0.00 | 48,988.31 |
| Light Up The Night Income | | | |
| LTN CB Sponsors | 0.00 | 0.00 | 1,000.00 |
| LTN MtCB Sponsors | 0.00 | 0.00 | 5,000.00 |
| Total Light Up The Night Income | 0.00 | 0.00 | 6,000.00 |
| Business Awards Income | 1,140.00 | 0.00 | 0.00 |
| Butte Bucks Income | | | |
| BB Participation Fees | 682.50 | 0.00 | 0.00 |
| Total Butte Bucks Income | 682.50 | 0.00 | 0.00 |
| Total Event / Program Income | 1,822.50 | 0.00 | 225,447.33 |
| Total Income | 87,898.75 | 162,466.44 | 226,239.20 |
| Gross Profit | 87,898.75 | 162,466.44 | 226,239.20 |
| Expense | | | |
| Equipment / Vehicles | | | |

| | Chamber | Visitors Center | Events |
|--|----------------|------------------------|---------------|
| Snowmobile & Trailer Exp - TA | 0.00 | 0.00 | 0.00 |
| Total Equipment / Vehicles | 0.00 | 0.00 | 0.00 |
| Wages/Benefits | | | |
| Wages / Salary | 22,796.67 | 50,470.68 | 0.00 |
| Wages / Hourly | 0.00 | 59,233.00 | 0.00 |
| Payroll Taxes | 2,829.19 | 9,673.46 | 1,768.79 |
| Health Insurance | 2,400.00 | 2,400.00 | 0.00 |
| Membership Commissions | 9,771.16 | 0.00 | 0.00 |
| Event Commissions | 0.00 | 0.00 | 22,978.64 |
| Recreation/Education Benefit | 716.98 | 716.97 | 0.00 |
| Recruitment | 16.00 | 0.00 | 0.00 |
| Worker's Comp Insurance | 315.29 | 192.36 | 0.00 |
| Contract Labor | 0.00 | 0.00 | 0.00 |
| Wages/Benefits - Other | 0.00 | 0.00 | 0.00 |
| Total Wages/Benefits | 38,845.29 | 122,686.47 | 24,747.43 |
| Utilities Expense | | | |
| Electric | 86.23 | 1,988.54 | 0.00 |
| Gas Expense | 0.00 | 1,348.55 | 0.00 |
| Telephone/Internet | 1,300.77 | 1,275.88 | 0.00 |
| Trash Removal | 765.03 | 892.16 | 0.00 |
| Water & Sewer | 31.50 | 811.60 | 0.00 |
| Total Utilities Expense | 2,183.53 | 6,316.73 | 0.00 |
| Building Expense | | | |
| Building Repair/Maint/Decor | 1,055.00 | 1,517.44 | 0.00 |
| Cleaning & Bathroom Supplies | 0.00 | 1,567.11 | 0.00 |
| Cleaning Labor | 0.00 | 9,240.00 | 0.00 |
| Total Building Expense | 1,055.00 | 12,324.55 | 0.00 |
| Insurance Expense | | | |
| D & O Insurance | 560.00 | 560.00 | 0.00 |
| Liability Insurance | 4,870.85 | 4,870.83 | 0.00 |
| Total Insurance Expense | 5,430.85 | 5,430.83 | 0.00 |
| Administration Expense | | | |
| Advertising Expense | 4,779.48 | 1,448.00 | 142.50 |
| Dues & Subscriptions | 909.48 | 49.50 | 465.00 |
| Business Licenses & Fees | 20.00 | 0.00 | 0.00 |
| Office Supplies | 1,290.24 | 2,130.09 | 369.23 |
| Computer Hardware/Software | 839.72 | 517.23 | 209.91 |
| Database Expense | 2,868.00 | 0.00 | 0.00 |
| Bookkeeping/Accounting | 13,517.21 | 13,656.56 | 0.00 |
| CC Processing Fees General | 24.21 | 0.00 | 0.00 |
| Paypal / Bank Fees | 180.00 | 180.00 | 25.00 |
| Interest Expense | 0.00 | 0.00 | 18.20 |
| Penalties & Fees (no int) | 0.00 | 0.00 | 0.00 |
| Charitable Contributions Chambe | 255.84 | 0.00 | 20.00 |
| Postage Expense | | | |
| Domestic Postage Program | 0.00 | 174.26 | 0.00 |
| Info Request Postage | 0.00 | 221.40 | 0.00 |

| | Chamber | Visitors Center | Events |
|--|------------------|------------------------|-----------------|
| Membership Postage | 294.99 | 0.00 | 0.00 |
| Postage expense general | 122.48 | 16.87 | 0.00 |
| Postage Meter Rental/Supplies | 6.31 | 6.32 | 0.00 |
| Postage Permit/PO Box dues | 257.12 | 32.12 | 0.00 |
| Postage Expense - Other | 0.00 | -1.04 | 0.00 |
| Total Postage Expense | 680.90 | 449.93 | 0.00 |
| Total Administration Expense | 25,365.08 | 18,431.31 | 1,249.84 |
| Staff/Board Development Expense | | | |
| S&B Meals / Entertainment | 820.74 | 759.75 | 0.00 |
| Education Expense | 160.00 | 161.00 | 0.00 |
| Staff Gifts | 30.00 | 20.00 | 0.00 |
| Travel & Conferences | 513.67 | 0.00 | 0.00 |
| Retreat Expense | 2,354.84 | 0.00 | 0.00 |
| Staff/Board Development Expense - Other | 20.40 | 0.00 | 0.00 |
| Total Staff/Board Development Expense | 3,899.65 | 940.75 | 0.00 |
| Marketing/Membership Expense | | | |
| Promotional Materials | 475.00 | 0.00 | 0.00 |
| Maps, Handouts, etc. | 158.00 | 1,043.10 | 0.00 |
| Website Design/Maintenance | 330.33 | 5.33 | 5.33 |
| Membership CC Processing Fees | 347.65 | 0.00 | 0.00 |
| Seminars and Forums Expense | 326.59 | 199.00 | 0.00 |
| Marketing/Membership Expense - Other | 158.40 | 0.00 | 0.00 |
| Total Marketing/Membership Expense | 1,795.97 | 1,247.43 | 5.33 |
| EVENT/PROGRAM EXPENSE | | | |
| Holiday Expense (12th Night) | | | |
| Holiday Permits | 0.00 | 0.00 | 75.00 |
| Total Holiday Expense (12th Night) | 0.00 | 0.00 | 75.00 |
| Event Equipment | 0.00 | 0.00 | 223.56 |
| Storage Unit Rent | 0.00 | 0.00 | 792.00 |
| General Event Marketing | 0.00 | 0.00 | 325.00 |
| General Event Expenses | 0.00 | 0.00 | 552.16 |
| Fat Bike World Champ Expense | | | |
| FBWC Marketing | 0.00 | 0.00 | 43,272.50 |
| FBWC Permits | 0.00 | 0.00 | 811.82 |
| FBWC Contractors | 0.00 | 0.00 | 16,810.00 |
| FBWC Rentals | 0.00 | 0.00 | 4,199.50 |
| FBWC Food Cost | 0.00 | 0.00 | 1,354.36 |
| FBWC T-Shirts / Gear | 0.00 | 0.00 | 6,840.93 |
| FBWC Awards | 0.00 | 0.00 | 6,128.05 |
| FBWC Participant Gatherings | 0.00 | 0.00 | 3,908.99 |
| FBWC Entertainment | 0.00 | 0.00 | 3,500.00 |
| FBWC Supplies | 0.00 | 0.00 | 579.79 |
| FBWC Support Meal/Ent | 0.00 | 0.00 | 1,479.51 |
| FBWC Lodging | 0.00 | 0.00 | 3,019.49 |
| FBWC Transportation | 0.00 | 0.00 | 2,028.88 |
| FBWC Postage | 0.00 | 0.00 | 244.68 |
| FBWC CC Proc Fee | 0.00 | 0.00 | 2,045.47 |

| | Chamber | Visitors Center | Events |
|---|---------|-----------------|-----------|
| FBWC TRADE Expenses | 0.00 | 0.00 | 704.58 |
| Total Fat Bike World Champ Expense | 0.00 | 0.00 | 96,928.55 |
| Crafted Expense | | | |
| Crafted Marketing | 0.00 | 0.00 | 5,546.74 |
| Crafted Permits | 0.00 | 0.00 | 1,050.00 |
| Crafted Security | 0.00 | 0.00 | 360.00 |
| Crafted Entertainment | 0.00 | 0.00 | 850.00 |
| Crafted Merchandise / Swag | 0.00 | 0.00 | 1,871.75 |
| Crafted Supplies | 0.00 | 0.00 | 173.63 |
| Crafted CC Proc Fees | 0.00 | 0.00 | 124.24 |
| Total Crafted Expense | 0.00 | 0.00 | 9,976.36 |
| CB Pedal Paddle Pole | | | |
| CB3P Marketing | 0.00 | 0.00 | 2,053.80 |
| CB3P Permits | 0.00 | 0.00 | 225.00 |
| CB3P Rentals | 0.00 | 0.00 | 81.18 |
| CB3P Contractors | 0.00 | 0.00 | 150.00 |
| CB3P T-Shirts / Gear | 0.00 | 0.00 | 1,642.50 |
| CB3P Awards | 0.00 | 0.00 | 800.00 |
| CB3P Supplies | 0.00 | 0.00 | 403.09 |
| CB3P Beverage Costs | 0.00 | 0.00 | 42.53 |
| CB3P Food Costs | 0.00 | 0.00 | 97.01 |
| CB3P Support Meal/Ent | 0.00 | 0.00 | 236.90 |
| CB3P Transportation | 0.00 | 0.00 | 22.41 |
| CB3P Postage | 0.00 | 0.00 | 71.09 |
| CB3P CC Proc Fees | 0.00 | 0.00 | 6.05 |
| CB3P Donations | 0.00 | 0.00 | 1,500.00 |
| CB3P TRADE Expenses | 0.00 | 0.00 | 247.35 |
| Total CB Pedal Paddle Pole | 0.00 | 0.00 | 7,578.91 |
| Oh Be Joyful Kayak Race | | | |
| OBJ Marketing | 0.00 | 0.00 | 80.86 |
| OBJ Permits | 0.00 | 0.00 | 510.00 |
| OBJ Rentals | 0.00 | 0.00 | 0.00 |
| OBJ Insurance | 0.00 | 0.00 | 65.00 |
| OBJ Supplies | 0.00 | 0.00 | 30.00 |
| OBJ CC Proc Fees | 0.00 | 0.00 | 7.28 |
| OBJ Donations | 0.00 | 0.00 | 299.00 |
| Total Oh Be Joyful Kayak Race | 0.00 | 0.00 | 992.14 |
| CBBW Expense | | | |
| CBBW Marketing | 0.00 | 0.00 | 11,178.80 |
| CBBW Permits | 0.00 | 0.00 | 770.00 |
| CBBW Security | 0.00 | 0.00 | 865.00 |
| CBBW Rentals | 0.00 | 0.00 | 2,798.10 |
| CBBW Contractors | 0.00 | 0.00 | 2,100.00 |
| CBBW Entertainment | 0.00 | 0.00 | 1,900.00 |
| CBBW T-Shirts / Gear | 0.00 | 0.00 | -200.00 |
| CBBW Awards | 0.00 | 0.00 | 3,000.00 |
| CBBW Supplies | 0.00 | 0.00 | 483.14 |

| | Chamber | Visitors Center | Events |
|--|----------------|------------------------|---------------|
| CBBW Beverage Costs | 0.00 | 0.00 | 9.19 |
| CBBW Cleanup | 0.00 | 0.00 | -75.47 |
| CBBW Support Meal/Ent | 0.00 | 0.00 | 292.45 |
| CBBW Transportation | 0.00 | 0.00 | 70.65 |
| CBBW Postage | 0.00 | 0.00 | 30.00 |
| CBBW Donations | 0.00 | 0.00 | 1,000.00 |
| CBBW TRADE Expenses | 0.00 | 0.00 | 439.58 |
| Total CBBW Expense | 0.00 | 0.00 | 24,661.44 |
| 4th of July Expense | | | |
| 4th of July Marketing | 0.00 | 0.00 | 1,561.00 |
| 4th of July Permits | 0.00 | 0.00 | 225.00 |
| 4th of July Rentals | 0.00 | 0.00 | 1,770.00 |
| 4th of July Clean Up | 0.00 | 0.00 | 432.88 |
| 4th of July Entertainment | 0.00 | 0.00 | 8,000.00 |
| 4th of July T-Shirts | 0.00 | 0.00 | 352.90 |
| 4th of July Support Meal/Ent | 0.00 | 0.00 | 653.60 |
| 4th of July Postage | 0.00 | 0.00 | 6.70 |
| 4th of July CC Proc Fees | 0.00 | 0.00 | 35.93 |
| Total 4th of July Expense | 0.00 | 0.00 | 13,038.01 |
| Beer & Chili Expense | | | |
| Beer & Chili Marketing | 0.00 | 0.00 | 7,322.46 |
| Beer & Chili Permits | 0.00 | 0.00 | 100.00 |
| Beer & Chili Venue Fee | 0.00 | 0.00 | 275.00 |
| Beer & Chili Security | 0.00 | 0.00 | 1,500.00 |
| Beer & Chili Rental | 0.00 | 0.00 | 2,969.00 |
| Beer & Chili Entertainment | 0.00 | 0.00 | 3,700.00 |
| Beer & Chili Merchandise Exp | 0.00 | 0.00 | 7,751.40 |
| Beer & Chili Supplies | 0.00 | 0.00 | 623.80 |
| Beer & Chili Awards | 0.00 | 0.00 | 1,260.00 |
| Beer & Chili Beverage Exp | 0.00 | 0.00 | 24.19 |
| Beer & Chili Vendor Reimb | 0.00 | 0.00 | 1,818.50 |
| Beer & Chili Support Meal/Ent | 0.00 | 0.00 | 57.00 |
| Beer & Chili Postage | 0.00 | 0.00 | 80.20 |
| Beer & Chili CC Proc Fees | 0.00 | 0.00 | 122.82 |
| Beer & Chili Trade Expenses | 0.00 | 0.00 | 185.83 |
| Total Beer & Chili Expense | 0.00 | 0.00 | 27,790.20 |
| Butte Bucks Expenses | | | |
| BB Chamber Fees | 3,109.00 | 0.00 | 0.00 |
| Total Butte Bucks Expenses | 3,109.00 | 0.00 | 0.00 |
| Light Up The Night Expense | | | |
| LTN CB Expense | | | |
| LNT CB Marketing | 0.00 | 0.00 | 1,344.35 |
| LTN CB Permits | 0.00 | 0.00 | 25.00 |
| LTN CB Contractors | 0.00 | 0.00 | 225.00 |
| LTN CB Entertainment | 0.00 | 0.00 | 400.00 |
| LTN CB Supplies | 0.00 | 0.00 | 419.61 |
| LTN CB Support Meal/Ent | 0.00 | 0.00 | 11.00 |

| | Chamber | Visitors Center | Events |
|---|----------------|------------------------|-----------------|
| Total LTN CB Expense | 0.00 | 0.00 | 2,424.96 |
| LTN Mt CB Expense | | | |
| LTN MT CB Marketing | 0.00 | 0.00 | 1,076.45 |
| LTN MT CB Contractors | 0.00 | 0.00 | 225.00 |
| LTN MT CB Rentals | 0.00 | 0.00 | 495.00 |
| LTN MT CB Supplies | 0.00 | 0.00 | 2,675.35 |
| LTN MT CB Entertainment | 0.00 | 0.00 | 400.00 |
| Total LTN Mt CB Expense | 0.00 | 0.00 | 4,871.80 |
| Total Light Up The Night Expense | 0.00 | 0.00 | 7,296.76 |
| Holiday Expense | | | |
| Holiday Marketing | 0.00 | 0.00 | 178.20 |
| Holiday Cleanup | 0.00 | 0.00 | 237.07 |
| Holiday Supplies | 0.00 | 0.00 | 31.36 |
| Total Holiday Expense | 0.00 | 0.00 | 446.63 |
| Business After Hours Expense | 1,832.61 | 0.00 | 0.00 |
| Sidewalk Sales Expense | 118.80 | 0.00 | 347.60 |
| Business Awards Expense | 4,771.40 | 0.00 | 0.00 |
| EVENT/PROGRAM EXPENSE - Other | 0.00 | 0.00 | 95.49 |
| Total EVENT/PROGRAM EXPENSE | 9,831.81 | 0.00 | 191,119.81 |
| Total Expense | 88,407.18 | 167,378.07 | 217,122.41 |
| Net Ordinary Income | -508.43 | -4,911.63 | 9,116.79 |
| Net Income | -508.43 | -4,911.63 | 9,116.79 |

Crested Butte Mt. Crested Butte Chamber of Commerce
Cash Basis Stmt of Activity - All Classes
 January through December 2018

12:09 PM

02/13/2019

Cash Basis

| | Unclassified | TOTAL |
|--|--------------|------------|
| Ordinary Income/Expense | | |
| Income | | |
| Membership Dues | | |
| New Memberships | 0.00 | 10,143.75 |
| Membership Renewals | 0.00 | 73,662.50 |
| MyChamberApp Income | 0.00 | 970.00 |
| Gunnison Member Discount | 0.00 | -1,100.00 |
| Total Membership Dues | 0.00 | 83,676.25 |
| Government Contributions | | |
| Crested Butte BOLT | 0.00 | 50,000.00 |
| Mt Crested Butte BOLT | 0.00 | 84,283.00 |
| Total Government Contributions | 0.00 | 134,283.00 |
| Grant Funds | | |
| Paradise Cleanup - restricted | 0.00 | 1,000.00 |
| TA VC Wage Grant - restricted | 0.00 | 25,000.00 |
| Total Grant Funds | 0.00 | 26,000.00 |
| Additional Revenue | | |
| Sales Tax Vendor Fee | 0.00 | 118.37 |
| VC Advertising | 0.00 | 2,375.00 |
| Conference Room | 0.00 | 1,100.00 |
| Addn'l Insured Reimbursement | 0.00 | 300.00 |
| Elk Donations | 0.00 | 0.00 |
| RCP Cards | 0.00 | 3.65 |
| Relocation/Labels/Misc | 0.00 | 2.74 |
| USFS Sales | 0.00 | 106.00 |
| Post Event Local Merch Sales | 0.00 | 138.98 |
| Misc Income | 0.00 | 546.67 |
| In Kind Donations | 0.00 | 683.90 |
| Total Additional Revenue | 0.00 | 5,375.31 |
| Event / Program Income | | |
| Oh Be Joyful Kayak Race | | |
| OBJ Registration | 0.00 | 60.00 |
| OBJ Public Grants | 0.00 | 655.86 |
| OBJ Whiskey for Water | 0.00 | 299.00 |
| Total Oh Be Joyful Kayak Race | 0.00 | 1,014.86 |
| Fat Bike World Champ Income | | |
| FBWC Registration | 0.00 | 24,289.10 |
| FBWC Merchandise Sales | 0.00 | 368.87 |
| FBWC Marketing | 0.00 | 650.00 |
| FBWC Vendors | 0.00 | 1,750.00 |
| FBWC Gov't Sponsors | 0.00 | 44,000.00 |
| FBWC Sponsors | 0.00 | 12,000.00 |
| FBWC In-Kind Sponsors | 0.00 | 16,922.15 |
| Total Fat Bike World Champ Income | 0.00 | 99,980.12 |

| | Unclassified | TOTAL |
|--|--------------|------------|
| Crafted | | |
| Crafted Tickets | 0.00 | 8,998.08 |
| Crafted Merchandise Sales | 0.00 | 733.40 |
| Crafted Gov't Sponsors | 0.00 | 5,000.00 |
| Total Crafted | 0.00 | 14,731.48 |
| CB Pole Pedal Paddle | | |
| CB3P Race Fees | 0.00 | 3,753.15 |
| CB3P Merchandise | 0.00 | 63.00 |
| CB3P Gov't Sponsors | 0.00 | 1,000.00 |
| CB3P Sponsors | 0.00 | 2,800.00 |
| CB3P In-Kind Sponsors | 0.00 | 247.35 |
| Total CB Pole Pedal Paddle | 0.00 | 7,863.50 |
| CB Bike Week Income | | |
| CBBW Registration FT40 | 0.00 | 9,336.00 |
| CBBW Chainless Reg | 0.00 | 10,251.75 |
| CBBW Other Registration | 0.00 | 192.31 |
| CBBW Beer Sales | 0.00 | 539.00 |
| CBBW Gov't Sponsors | 0.00 | 8,000.00 |
| CBBW Sponsors | 0.00 | 1,500.00 |
| Total CB Bike Week Income | 0.00 | 29,819.06 |
| 4th of July Revenue | | |
| 4th of July Parade Entry | 0.00 | 2,200.00 |
| 4th of July Vendors | 0.00 | 1,850.00 |
| 4th of July Gov't Sponsors | 0.00 | 8,000.00 |
| 4th of July Sponsors | 0.00 | 5,000.00 |
| Total 4th of July Revenue | 0.00 | 17,050.00 |
| Beer & Chili Income | | |
| Beer & Chili Tickets | 0.00 | 42,927.96 |
| Beer & Chili Merchandise Rev | 0.00 | 1,095.35 |
| Beer & Chili Marketing | 0.00 | 1,600.00 |
| Beer & Chili Vendors | 0.00 | 365.00 |
| Beer & Chili Gov't Sponsors | 0.00 | 3,000.00 |
| Total Beer & Chili Income | 0.00 | 48,988.31 |
| Light Up The Night Income | | |
| LTN CB Sponsors | 0.00 | 1,000.00 |
| LTN MtCB Sponsors | 0.00 | 5,000.00 |
| Total Light Up The Night Income | 0.00 | 6,000.00 |
| Business Awards Income | 0.00 | 1,140.00 |
| Butte Bucks Income | | |
| BB Participation Fees | 0.00 | 682.50 |
| Total Butte Bucks Income | 0.00 | 682.50 |
| Total Event / Program Income | 0.00 | 227,269.83 |
| Total Income | 0.00 | 476,604.39 |
| Gross Profit | 0.00 | 476,604.39 |
| Expense | | |
| Equipment / Vehicles | | |

| | Unclassified | TOTAL |
|-----------------------------------|--------------|-------------------|
| Snowmobile & Trailer Exp - TA | 0.00 | 0.00 |
| Total Equipment / Vehicles | 0.00 | 0.00 |
| Wages/Benefits | | |
| Wages / Salary | 0.00 | 73,267.35 |
| Wages / Hourly | 0.00 | 59,233.00 |
| Payroll Taxes | 0.00 | 14,271.44 |
| Health Insurance | 0.00 | 4,800.00 |
| Membership Commissions | 0.00 | 9,771.16 |
| Event Commissions | 0.00 | 22,978.64 |
| Recreation/Education Benefit | 0.00 | 1,433.95 |
| Recruitment | 0.00 | 16.00 |
| Worker's Comp Insurance | 0.00 | 507.65 |
| Contract Labor | 0.00 | 0.00 |
| Wages/Benefits - Other | 0.00 | 0.00 |
| Total Wages/Benefits | 0.00 | 186,279.19 |
| Utilities Expense | | |
| Electric | 0.00 | 2,074.77 |
| Gas Expense | 0.00 | 1,348.55 |
| Telephone/Internet | 0.00 | 2,576.65 |
| Trash Removal | 0.00 | 1,657.19 |
| Water & Sewer | 0.00 | 843.10 |
| Total Utilities Expense | 0.00 | 8,500.26 |
| Building Expense | | |
| Building Repair/Maint/Decor | 0.00 | 2,572.44 |
| Cleaning & Bathroom Supplies | 0.00 | 1,567.11 |
| Cleaning Labor | 0.00 | 9,240.00 |
| Total Building Expense | 0.00 | 13,379.55 |
| Insurance Expense | | |
| D & O Insurance | 0.00 | 1,120.00 |
| Liability Insurance | 0.00 | 9,741.68 |
| Total Insurance Expense | 0.00 | 10,861.68 |
| Administration Expense | | |
| Advertising Expense | 0.00 | 6,369.98 |
| Dues & Subscriptions | 0.00 | 1,423.98 |
| Business Licenses & Fees | 0.00 | 20.00 |
| Office Supplies | 0.00 | 3,789.56 |
| Computer Hardware/Software | 0.00 | 1,566.86 |
| Database Expense | 0.00 | 2,868.00 |
| Bookkeeping/Accounting | 0.00 | 27,173.77 |
| CC Processing Fees General | 0.00 | 24.21 |
| Paypal / Bank Fees | 0.00 | 385.00 |
| Interest Expense | 0.00 | 18.20 |
| Penalties & Fees (no int) | 0.00 | 0.00 |
| Charitable Contributions Chambe | 0.00 | 275.84 |
| Postage Expense | | |
| Domestic Postage Program | 0.00 | 174.26 |
| Info Request Postage | 0.00 | 221.40 |

| | <u>Unclassified</u> | <u>TOTAL</u> |
|--|---------------------|------------------|
| Membership Postage | 0.00 | 294.99 |
| Postage expense general | 0.00 | 139.35 |
| Postage Meter Rental/Supplies | 0.00 | 12.63 |
| Postage Permit/PO Box dues | 0.00 | 289.24 |
| Postage Expense - Other | 0.00 | -1.04 |
| Total Postage Expense | 0.00 | 1,130.83 |
| Total Administration Expense | 0.00 | 45,046.23 |
| Staff/Board Development Expense | | |
| S&B Meals / Entertainment | 0.00 | 1,580.49 |
| Education Expense | 0.00 | 321.00 |
| Staff Gifts | 0.00 | 50.00 |
| Travel & Conferences | 0.00 | 513.67 |
| Retreat Expense | 0.00 | 2,354.84 |
| Staff/Board Development Expense - Other | 0.00 | 20.40 |
| Total Staff/Board Development Expense | 0.00 | 4,840.40 |
| Marketing/Membership Expense | | |
| Promotional Materials | 0.00 | 475.00 |
| Maps, Handouts, etc. | 0.00 | 1,201.10 |
| Website Design/Maintenance | 0.00 | 340.99 |
| Membership CC Processing Fees | 0.00 | 347.65 |
| Seminars and Forums Expense | 0.00 | 525.59 |
| Marketing/Membership Expense - Other | 0.00 | 158.40 |
| Total Marketing/Membership Expense | 0.00 | 3,048.73 |
| EVENT/PROGRAM EXPENSE | | |
| Holiday Expense (12th Night) | | |
| Holiday Permits | 0.00 | 75.00 |
| Total Holiday Expense (12th Night) | 0.00 | 75.00 |
| Event Equipment | 0.00 | 223.56 |
| Storage Unit Rent | 0.00 | 792.00 |
| General Event Marketing | 0.00 | 325.00 |
| General Event Expenses | 0.00 | 552.16 |
| Fat Bike World Champ Expense | | |
| FBWC Marketing | 0.00 | 43,272.50 |
| FBWC Permits | 0.00 | 811.82 |
| FBWC Contractors | 0.00 | 16,810.00 |
| FBWC Rentals | 0.00 | 4,199.50 |
| FBWC Food Cost | 0.00 | 1,354.36 |
| FBWC T-Shirts / Gear | 0.00 | 6,840.93 |
| FBWC Awards | 0.00 | 6,128.05 |
| FBWC Participant Gatherings | 0.00 | 3,908.99 |
| FBWC Entertainment | 0.00 | 3,500.00 |
| FBWC Supplies | 0.00 | 579.79 |
| FBWC Support Meal/Ent | 0.00 | 1,479.51 |
| FBWC Lodging | 0.00 | 3,019.49 |
| FBWC Transportation | 0.00 | 2,028.88 |
| FBWC Postage | 0.00 | 244.68 |
| FBWC CC Proc Fee | 0.00 | 2,045.47 |

| | Unclassified | TOTAL |
|---|---------------------|--------------|
| FBWC TRADE Expenses | 0.00 | 704.58 |
| Total Fat Bike World Champ Expense | 0.00 | 96,928.55 |
| Crafted Expense | | |
| Crafted Marketing | 0.00 | 5,546.74 |
| Crafted Permits | 0.00 | 1,050.00 |
| Crafted Security | 0.00 | 360.00 |
| Crafted Entertainment | 0.00 | 850.00 |
| Crafted Merchandise / Swag | 0.00 | 1,871.75 |
| Crafted Supplies | 0.00 | 173.63 |
| Crafted CC Proc Fees | 0.00 | 124.24 |
| Total Crafted Expense | 0.00 | 9,976.36 |
| CB Pedal Paddle Pole | | |
| CB3P Marketing | 0.00 | 2,053.80 |
| CB3P Permits | 0.00 | 225.00 |
| CB3P Rentals | 0.00 | 81.18 |
| CB3P Contractors | 0.00 | 150.00 |
| CB3P T-Shirts / Gear | 0.00 | 1,642.50 |
| CB3P Awards | 0.00 | 800.00 |
| CB3P Supplies | 0.00 | 403.09 |
| CB3P Beverage Costs | 0.00 | 42.53 |
| CB3P Food Costs | 0.00 | 97.01 |
| CB3P Support Meal/Ent | 0.00 | 236.90 |
| CB3P Transportation | 0.00 | 22.41 |
| CB3P Postage | 0.00 | 71.09 |
| CB3P CC Proc Fees | 0.00 | 6.05 |
| CB3P Donations | 0.00 | 1,500.00 |
| CB3P TRADE Expenses | 0.00 | 247.35 |
| Total CB Pedal Paddle Pole | 0.00 | 7,578.91 |
| Oh Be Joyful Kayak Race | | |
| OBJ Marketing | 0.00 | 80.86 |
| OBJ Permits | 0.00 | 510.00 |
| OBJ Rentals | 0.00 | 0.00 |
| OBJ Insurance | 0.00 | 65.00 |
| OBJ Supplies | 0.00 | 30.00 |
| OBJ CC Proc Fees | 0.00 | 7.28 |
| OBJ Donations | 0.00 | 299.00 |
| Total Oh Be Joyful Kayak Race | 0.00 | 992.14 |
| CBBW Expense | | |
| CBBW Marketing | 0.00 | 11,178.80 |
| CBBW Permits | 0.00 | 770.00 |
| CBBW Security | 0.00 | 865.00 |
| CBBW Rentals | 0.00 | 2,798.10 |
| CBBW Contractors | 0.00 | 2,100.00 |
| CBBW Entertainment | 0.00 | 1,900.00 |
| CBBW T-Shirts / Gear | 0.00 | -200.00 |
| CBBW Awards | 0.00 | 3,000.00 |
| CBBW Supplies | 0.00 | 483.14 |

| | Unclassified | TOTAL |
|---------------------------------------|---------------------|------------------|
| CBBW Beverage Costs | 0.00 | 9.19 |
| CBBW Cleanup | 0.00 | -75.47 |
| CBBW Support Meal/Ent | 0.00 | 292.45 |
| CBBW Transportation | 0.00 | 70.65 |
| CBBW Postage | 0.00 | 30.00 |
| CBBW Donations | 0.00 | 1,000.00 |
| CBBW TRADE Expenses | 0.00 | 439.58 |
| Total CBBW Expense | 0.00 | 24,661.44 |
| 4th of July Expense | | |
| 4th of July Marketing | 0.00 | 1,561.00 |
| 4th of July Permits | 0.00 | 225.00 |
| 4th of July Rentals | 0.00 | 1,770.00 |
| 4th of July Clean Up | 0.00 | 432.88 |
| 4th of July Entertainment | 0.00 | 8,000.00 |
| 4th of July T-Shirts | 0.00 | 352.90 |
| 4th of July Support Meal/Ent | 0.00 | 653.60 |
| 4th of July Postage | 0.00 | 6.70 |
| 4th of July CC Proc Fees | 0.00 | 35.93 |
| Total 4th of July Expense | 0.00 | 13,038.01 |
| Beer & Chili Expense | | |
| Beer & Chili Marketing | 0.00 | 7,322.46 |
| Beer & Chili Permits | 0.00 | 100.00 |
| Beer & Chili Venue Fee | 0.00 | 275.00 |
| Beer & Chili Security | 0.00 | 1,500.00 |
| Beer & Chili Rental | 0.00 | 2,969.00 |
| Beer & Chili Entertainment | 0.00 | 3,700.00 |
| Beer & Chili Merchandise Exp | 0.00 | 7,751.40 |
| Beer & Chili Supplies | 0.00 | 623.80 |
| Beer & Chili Awards | 0.00 | 1,260.00 |
| Beer & Chili Beverage Exp | 0.00 | 24.19 |
| Beer & Chili Vendor Reimb | 0.00 | 1,818.50 |
| Beer & Chili Support Meal/Ent | 0.00 | 57.00 |
| Beer & Chili Postage | 0.00 | 80.20 |
| Beer & Chili CC Proc Fees | 0.00 | 122.82 |
| Beer & Chili Trade Expenses | 0.00 | 185.83 |
| Total Beer & Chili Expense | 0.00 | 27,790.20 |
| Butte Bucks Expenses | | |
| BB Chamber Fees | 0.00 | 3,109.00 |
| Total Butte Bucks Expenses | 0.00 | 3,109.00 |
| Light Up The Night Expense | | |
| LTN CB Expense | | |
| LNT CB Marketing | 0.00 | 1,344.35 |
| LTN CB Permits | 0.00 | 25.00 |
| LTN CB Contractors | 0.00 | 225.00 |
| LTN CB Entertainment | 0.00 | 400.00 |
| LTN CB Supplies | 0.00 | 419.61 |
| LTN CB Support Meal/Ent | 0.00 | 11.00 |

| | Unclassified | TOTAL |
|---|---------------------|-----------------|
| Total LTN CB Expense | 0.00 | 2,424.96 |
| LTN Mt CB Expense | | |
| LTN MT CB Marketing | 0.00 | 1,076.45 |
| LTN MT CB Contractors | 0.00 | 225.00 |
| LTN MT CB Rentals | 0.00 | 495.00 |
| LTN MT CB Supplies | 0.00 | 2,675.35 |
| LTN MT CB Entertainment | 0.00 | 400.00 |
| Total LTN Mt CB Expense | 0.00 | 4,871.80 |
| Total Light Up The Night Expense | 0.00 | 7,296.76 |
| Holiday Expense | | |
| Holiday Marketing | 0.00 | 178.20 |
| Holiday Cleanup | 0.00 | 237.07 |
| Holiday Supplies | 0.00 | 31.36 |
| Total Holiday Expense | 0.00 | 446.63 |
| Business After Hours Expense | 0.00 | 1,832.61 |
| Sidewalk Sales Expense | 0.00 | 466.40 |
| Business Awards Expense | 0.00 | 4,771.40 |
| EVENT/PROGRAM EXPENSE - Other | 0.00 | 95.49 |
| Total EVENT/PROGRAM EXPENSE | 0.00 | 200,951.62 |
| Total Expense | 0.00 | 472,907.66 |
| Net Ordinary Income | 0.00 | 3,696.73 |
| Net Income | 0.00 | 3,696.73 |



**Crested Butte/Mt. Crested Butte Chamber of Commerce:
Strategic Plan**

Adopted November 27, 2018

Mission Statement

The mission of the Crested Butte/Mt. Crested Butte Chamber of Commerce is to provide communication, event and advocacy services to our members, so they can successfully operate their businesses.

Strategic Priorities

- **Growth and Change**
- **Representation and Relationships**
- **Infrastructure and Resources**
- **Tourism Economy**

➤ Strategic Priority #1: Growth and Change

The Crested Butte/Mt. Crested Butte Chamber of Commerce (The Chamber) Board of Directors understands that our community is facing many challenges as the community changes with the growth we are experiencing and will continue to see in the foreseeable future. The Board further understands that the Chamber can assist in business growth needs of its members.

Strategic Result #1: Benefits/Insurance Program

By January 2020, the Chamber members will have the opportunity to participate in a chamber sponsored Benefit/Insurance Program for themselves and their employees.

Strategic Result #2: Hiring Program

By January 2023, 25% of the Chamber membership will have utilized the chamber's hiring programs to fill their employee position needs.

➤ Strategic Priority #2: Representation and Relationships

Good governance is measured by the community's understanding and appreciation of the services provided by an organization and the results that are achieved by providing these services. The board understands that growing and strengthening the relationships with the business community and with elected leaders will strengthen the community as a whole.

Strategic Result #1: Business Advocates

By April 20, 2019, the Chamber's members will have a voice on business related local political issues through the chamber's conduit.

Strategic Result #2: Membership Growth

By April 20, 2023, Chamber members will experience a growing and stable membership through community engagement as evidenced by 420 members.

Strategic Result #3: Valuable Education

By April 20, 2021, 25% of members surveyed indicate they have received valuable business education from the Chamber.

➤ **Strategic Priority #3: Infrastructure and Resources**

The Board of Directors understands the relationship and balance between tourism and the natural resources that drive the industry. Further we understand that tourism cannot be fully realized without adequate infrastructure in place. The protection of our resources will enable our guests to have a better experience in our community.

Strategic Result #1: Green Business Initiative

By December 31, 2021, 50% of members will participate in a green business initiative program sponsored by the Chamber.

Strategic Result #2: Resource Management

The Chamber will continue to participate in and partner with other entities in the valley for backcountry resource management and sustainability.

➤ **Strategic Priority #4: Tourism Economy**

The Board of Directors understands that Crested Butte/Mt. Crested Butte's economy is a tourism-based economy. This type of an economy has highs and lows and is extremely seasonal. They further understand that diversifying the economic base and building on some of the seasons with growth opportunities can assist in stabilizing the highs and lows.

Strategic Result #1: Resource Hub

By December 31, 2019, the Chamber will be identified as the resource hub for business information for re-location, start-up and growth of businesses.

Strategic Result #2: Winter Visitor Growth

By 2023, the Chamber members will realize an increase in winter visitors as evidenced by 100% increase in visitors center visits and chamber contacts between December and March (as compared to 2017-2018 numbers).

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

Mayor Schmidt called the meeting to order at 7:20PM.

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

Candice Bradley was appointed to the Council at the beginning of the meeting and voted on the motions starting with the approval of the agenda.

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, Community Development Director Michael Yerman, and Finance Director Rob Zillioux

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

INTERVIEWS FOR COUNCIL MEMBER APPOINTMENT

Schmidt explained there were three applicants for the Council member position. He asked each applicant to make a short presentation.

Candice Bradley introduced herself. She stated community values were important to her.

Kimbre Woods introduced herself. She thought there was a battle going on regarding Elk Avenue, and she expounded upon her reasons for wanting to serve on Council.

Dujardin questioned the candidates on their thoughts on the parking plan. Schmidt had the same question. Dujardin then asked the candidates their feelings on Brush Creek and the Council's affordable housing efforts outside of Brush Creek. The Council expressed appreciation to the candidates that were present.

APPOINTMENT OF COUNCIL MEMBER

Petito moved and Haver seconded a motion to appoint Candice Bradley as a Town Council member of the Town Council of Crested Butte. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

APPROVAL OF AGENDA

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

CONSENT AGENDA

1) February 19, 2019 Regular Town Council Meeting Minutes.

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

PUBLIC COMMENT

David Leinsdorf - Residence at 3 Treasury Hill Road and office at 215 Elk Avenue

- Commended the public works crews for their work with the challenging conditions this winter.
- He mentioned that they deserved a bonus.

Staci O’Hagan - Western Slope Fire

- Sprinkler systems were life safety.
- Fire sprinklers could control a fire to help make it safe for firefighters to enter.
- She provided the average cost of sprinkler systems.
- Recognized problems that occurred at Timbers and explained the reasons. The cost for failure was minimal.
- The systems saved lives.

Kent Cowherd - 901 Teocalli Avenue

- Encouraged the Council to onboard Bradley with information.
- He did not see the purchase of a unit on the list of future action items.
- He acknowledged the City of Gunnison would also be doing wastewater treatment plant upgrades.
- He suggested Council members observe BOZAR.

STAFF UPDATES

- MacDonald pointed out in her staff report the Public Art Community Forum on March 6th.
- She mentioned the discussion on vendor fees, and she asked for direction under Other Business.
- Schmidt stated the streets were dicey but improved.
- There was a short discussion on snow storage on Ruth’s Road. MacDonald informed the Council that this season was highlighting the loss of snow storage. Town was very, very tight on snow storage. Petito expressed his appreciation for the work being done.
- Dujardin asked about scheduling the next intergovernmental dinner.
- Hansen reported the situation with the doggy doo station at the Rec Path was being rectified.

PUBLIC HEARING

1) Ordinance No. 4, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Deed Restrictions on Certain Properties in the Paradise Park Subdivision and Replacement with New Deed Restrictions.

Schmidt confirmed proper public notice had been given. Yerman stated the ordinance changed the deed restrictions to allow for employee rentals. He reviewed the timing of the two phases of the project. Yerman reported that the guidelines would be updated. Schmidt opened the public hearing. No one chose to comment. The public hearing was closed.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 4, Series 2019 amending the master deed restriction for Paradise Park. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Ordinance No. 5, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Transfer of Town-Owned Property Legally Described as Lots 1-6, Block 76 and Lot 10 Block 77, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Bywater, LLC for the Construction of Affordable Housing.

Schmidt confirmed proper public notice had been given, and he read the title of the ordinance. Yerman stated the ordinance represented Phase 1 for the first seventeen units. He explained the reasoning behind the two phases. Schmidt asked Sullivan how the Town was protected, to which Sullivan responded. Schmidt opened the public hearing. No one from the public commented. The public hearing was closed.

Dujardin moved and Haver seconded a motion to approve Ordinance No. 5, Series 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 7, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at Downstairs North Room of the “Old Town Hall” Located on Lot 1 and Part of Lot 2, Block 29 to Paragon Gallery.

Zillioux told the Council the recommendation was to move forward with a lease with Paragon. The last lease expired in 2001. Town increased the rent to \$1,800 a year. Schmidt confirmed proper public notice had been given. The public hearing was opened. No one who was present chose to comment. The public hearing was closed.

Haver moved and Petit seconded a motion to approve Ordinance No. 7, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

NEW BUSINESS

1) Purchase Contract with Bywater for Town’s Block 77, Lot 10 Duplex.

Yerman outlined the structure of the contract. There was no further discussion amongst the Council.

Petito moved and Dujardin seconded a motion to approve the purchase contract for a duplex located on Lot 10, Block 77 for a sales price of \$600,000 and authorizing the Town Manager to execute the contract and any subsequent changes to be approved by the Town Attorney. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Resolution No. 4, Series 2019 - A Resolution of Town Council of the Town of Crested Butte, Colorado, Finding Substantial Compliance with Section 31-12-107(1), C.R.S.; Establishing a Date, Time and Place for a Public Hearing to Determine Compliance with Sections 31-2-104 and 31-12-105, C.R.S.; Authorizing Publication of Notice of Said Hearing; and Authorizing the Commencement of Zoning Procedures for Land in the Area Proposed to be Annexed.

Yerman reported the resolution was the first official step in moving forward on the annexation. He reviewed the process required by the Statute, including the process specific to the public hearing. Staff was asking the Council to sit as the Planning Commission in a meeting on April 8th. The public hearing would be held at the meeting on April 15th. MacDonald identified the first step was simply accepting the application.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 4, Series 2019 finding the Slate River Annexation Petition to be in substantial compliance with State Statutes and setting a public hearing for April 15th, 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 8, Series 2019 - An Ordinance of the Crested Butte Town Council Adding Code Section 10-6-60 Prohibiting the Possession of Tobacco/Nicotine Products by Persons Under the Age of Eighteen to the General Offenses Section of the Crested Butte Municipal Code; And Providing Penalties for Violation Thereof.

Reily reviewed the inception of the ordinance. He acknowledged that children younger than eighteen were allowed to possess tobacco products. GCSAPP found youth vaping rates had skyrocketed. The perception was that vaping was safe. Mitchell questioned if regulation was working in Gunnison. Reily believed they had rarely used it. He explained they would use a measured approach. Reily said juveniles would come to municipal court separately. There would be diversion methods available. Mitchell questioned enforcement on the Choice Pass related to nicotine products and eighteen year olds.

Haver moved and Dujardin seconded a motion to set Ordinance 2019-08 for public hearing on March 18th, 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

4) Ordinance No. 9, Series 2019 - An Ordinance of the Crested Butte Town Council Amending, Chapter 18, Article 2, Section 18-2-30 of the Town Code Related to Building Regulations.

Yerman referred to the pictures embedded in the staff report that depicted eaves over property lines. Staff was proposing to allow the eave overhang, which would have a two hour fire rating and sheathing. Under the configuration, there was an agreement between owners that allowed for maintenance, such as painting. Schmidt confirmed the ordinance legalized something that had been allowed.

Dujardin moved and Petito seconded a motion to set Ordinance No. 9, Series 2019 amending Code Section 18-2-30 for eave requirements for townhomes under the International Residential Code to a public hearing on March 18th, 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) Ordinance No. 3, Series 2019 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Amend Crested Butte Municipal Code Section 18-2-30 (6) Concerning Fire Suppression Requirements for Townhomes Under the International Residential Code.

Yerman reminded the Council of the background on the ordinance. He reviewed the changes to pricing related to the affordable housing build. He outlined the price ranges for sprinkler systems. MacDonald identified the total number added to the Bywater build. Yerman said the costs could go up on the eight-inch main waterline. The discussion became focused on the costs. Yerman received numbers from contractors, and he trusted them. Joel Wisian, from Bywater, said the issue was that each house had to have an individual sprinkler system. He elaborated upon other costs. Yerman said the ordinance would not apply to stacked units or condominiums. He stated the construction would be safe, and he reviewed safety measures that were being incorporated. MacDonald told the Council they made choices every day on cost and benefit. Schmidt understood that fire suppression was much better and safer. He voted to exempt triplexes, and he would continue that vote.

Rob Weisbaum - Spoke on behalf of the Fire Department

- They fully supported the Fire Code.
- He cited statistics related to the spread of fire and response times.
- Fire sprinklers really gave an advantage to life safety.

Merck asked if they cut life safety to make affordable housing happen, and if so, he was not on board. Petito was not comfortable with this change, but it should always be an ongoing conversation for ways to make housing more affordable. Dujardin concurred with Petito. Bradley did not think it was worth it. Haver was in favor of amending due to the price of sprinkler systems.

Mitchell moved and Haver seconded a motion to set Ordinance No. 3, Series 2019 amending Code Section 18-2-30(6) concerning fire suppression requirements for

townhomes under the International Residential Code to a public hearing on March 18th, 2019. A roll call vote was taken with Schmidt, Haver, Bradley, and Mitchell voting, “Yes,” and Dujardin, Merck, and Petito voting, “No.” **Motion passed.**

6) Adoption of Policy for Town Council Use of Social Media.

Sullivan reported that Green put together the policy. They felt it was advisable for Council and Staff to have a social media policy. He explained the reasoning behind the policy. Mitchell mentioned freedom of speech and the desire to block someone. Sullivan specified the policy applied to public business, and they should avoid co-mingling personal and public social media. Schmidt asked Sullivan to identify the biggest abuses. Dujardin asked for examples of conducting public business on social media. MacDonald provided a solution for communication via an official email address.

Mitchell moved and Dujardin seconded a motion to approve the proposed Town of Crested Butte social media policy. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

7) Council Member Appointments to Boards and Committees.

Cowherd’s appointments needed to be filled, and this was an opportunity for the Council to change appointments. Mitchell volunteered to serve on the RTA Board. Merck replaced Mitchell on the Tourism Association Advisory Board. Bradley was appointed to The Center for the Arts Board and the Creative District Commission. Schmidt would serve on Region 10. The Council would approve the appointments at the next meeting.

LEGAL MATTERS

Sullivan had no major updates. He was working with Staff on a few noncompliance issues.

COUNCIL REPORTS AND COMMITTEE UPDATES

Candice Bradley

- She would attend The Center for the Arts meeting on Wednesday and an event on March 12th.

Will Dujardin

- He missed the intergovernmental dinner.
- He was unable to attend the QQ meeting. There was a mining bill going through the State House.

Laura Mitchell

- Mountain Express would have to consider a tweener bus on the weekends. They would approve the designs for the new painted busses.
- She would report back on West Elk Scenic Byways.

Jackson Petito

- The Housing Foundation had the strategic planning retreat. The Executive Director did a great job facilitating. He reviewed the top vote getters for their priorities, such as loans, grants to agencies, and land banking.

Chris Haver

- The One Valley Leadership Council had a follow-up meeting on the conference they had with the Zen consultants. They were trying to build the guiding principles.

Laura Mitchell

- Revisited the Scenic Byways minutes. The conversation was still on the Wild and Scenic designations.

Jim Schmidt

- The Cemetery Committee met last week.
- In Gunnison, they asked a lot of questions on housing and the STR ordinance.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked the Council if there was a place to put the home that the Council approved for demolition. Yerman knew of someone who was interested in the home, and he would follow up with her directly. He thought there was a potential lot Town could use.

Schmidt said that he and MacDonald would be going to CAST, and there was a mayor/managers meeting when they were away. He asked if anyone wanted to attend mayor/managers. Merck volunteered to attend.

Schmidt brought forth the topic of sales tax related to the vendor fee. Zillioux confirmed it was about 50/50, in Home Rule towns, those that had a vendor fee and those that did not. The fee had been around for quite some time. He reported that in trying to balance the budget and build back reserves, it was important to consider over time. He was an advocate for the fee. Haver shared his perspective as a business owner. He said the cash savings was a benefit to submitting sales tax on time. If they took away the incentive, they only had the stick. The Council directed an ordinance be prepared for the next meeting.

Schmidt asked about the ADU money. MacDonald stated they were waiting to determine the outcome of the sprinkler system discussion. Mitchell suggested setting aside money to assist with down payments in exchange for public service. Dujardin recommended a deed restriction buy-down program, similar to Vail's. MacDonald recognized Staff needed to catch up before taking on the buy-down program.

Dujardin suggested they discuss the situation that occurred between Schmidt and Matthew Birnie. Schmidt did not want to ask for an apology. Haver thought they were dealing with a struggle of how to communicate. The question was how to bridge the gap.

Schmidt acknowledged it had been up and down with the County, rather than long standing bad. Mitchell's ideas were not having Staff at the meetings and recording them. Merck thought they conducted themselves well. Mitchell commended Schmidt and Merck agreed. Petito recognized a forum would be a BOCC meeting. Dujardin asked the Council concerning the perception that Town was on an island at this end of the County. He said they should be aware of constituents that were not necessarily living in Town. MacDonald asked the Council if they wanted to formulate a response. The Council determined they would not take action.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, March 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 1, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 15, 2019 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Schmidt read the reason for the 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 possible land acquisition.

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

The Council went into the Executive Session at 10:24PM. The Council returned to open meeting at 10:55PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:57PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

March 18, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Black and White Ball Special Event Application and Special Event Liquor Permit**
Date: March 6, 2019

Summary:

Bailey Valian and Nel Burkett submitted the special event application and special event liquor permit for the Black and White Ball on behalf of the Crested Butte Mountain Heritage Museum, Inc. The Black and White Ball is a street dance fundraiser for the Crested Butte Mountain Heritage Museum. The event is proposed to take place on June 30th, 2019 from 6PM to 10PM. The event organizers have requested a closure of 4th Street from Maroon Avenue to Elk Avenue. The road closure would be effective from 9AM to Midnight on June 30th.

Recommendation:

To approve the Black and White Ball Special Event Application and Special Event Liquor Permit as part of the Consent Agenda.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: Black + White Ball

Date(s) of Event: Sunday June 30th 2019

Location(s) of Event: 4th St. Between Elk Ave + Maroon Ave

Map Attached Showing Location of Event *Attach map showing location of event*

Diagram Attached Detailing Event *Attach 8 1/2" X 11" diagram detailing the event showing tents, vendors, security, toilets, tables, signage, fencing, booths, ingress and egress, stage, etc.:*

Event Schedule and Description of Event Attached

Name of Organization Holding the Event ("Permittee"): Crested Butte Mountain Heritage Museum Inc.
Note: The permittee of an event must be the same "Entity Name" as the named insured on the insurance certificate and the Secretary of State Certificate of Good Standing.

Event Time(s) (start time of scheduled event to end time of scheduled event each day):

| | | |
|---------------------|-----------------------|----------------|
| Date <u>6/30/19</u> | Time: From <u>6pm</u> | To <u>10pm</u> |
| Date _____ | Time: From _____ | To _____ |
| Date _____ | Time: From _____ | To _____ |
| Date _____ | Time: From _____ | To _____ |

Total Time (including setup, scheduled event, breakdown, and clean up):

| | | |
|---------------------|-----------------------|--------------------|
| Date <u>6/30/19</u> | Time: From <u>9am</u> | To <u>midnight</u> |
| Date _____ | Time: From _____ | To _____ |
| Date _____ | Time: From _____ | To _____ |
| Date _____ | Time: From _____ | To _____ |

Expected Numbers: Participants: 400 Spectators: _____

Name of Event Organizer: Crested Butte Mountain Heritage Museum
Phone: 970-349-1880 Cell Phone: 303-910-4286 Barley Valian

E-Mail: Museumstore@crestedbuttemuseum.com Fax Number: _____

Name of Assistant or Co-Organizer (if applicable): Nel Burkett

Phone: 970-349-1880 Cell Phone: _____ E-Mail: curator@crestedbuttemuseum.com

Mailing Address of Organization Holding the Event: PO Box 2480 Crested Butte 81224

Email Address of Organization: Museumstore@crestedbuttemuseum.com Phone Number: 970-349-1880

2. INSURANCE, LIQUOR PERMITS, SECURITY PLANS:

(a) Do You Intend to Sell or Serve Alcohol? Yes No

If Yes, a Special Event Liquor License is Required. You must submit a separate application for a Special Event Liquor License to the Town Clerk at least 30 days prior to the event to ensure adequate time to comply with state regulations.

Special Event Liquor Permit Application is Attached with Appropriate Fees and Diagram

Describe Plan for Security and Include with Diagram: (All major impact events, as well as events that receive a Special Event Liquor License, are required to have a security plan):

Hiring Shawn McKeags services - refer to event diagram for plan.

(b) Proof of General Commercial Liability Insurance naming the Town of Crested Butte as Additional Insured, with coverage of no less than \$1,000,000 is required for all special events. If your event is in the Big Mine Ice Arena with over 299 people, you will also need to add the Crested Butte Fire Protection District as Additional Insured. Events selling alcohol also require Liquor Liability Insurance on the Insurance Certificate. (Note: Your application cannot be approved until we receive proof of insurance) Contact the Clerk's Office if you would like to receive an insurance quote through the Town's Insurance Provider.

Is Proof of Insurance Attached? Yes No

3. ROAD CLOSURES, PARKING/HANDICAPPED PARKING, BUS SERVICE:

Will Your Event Require Any Road Closures? Yes No

If Yes, Explain in Detail Streets Closures and Times of Closures:

Streets: 4th between Elk & Mason Date 6/30/19 Time: From 9am To midnight

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Will Your Event Impact Mt. Express Bus Service and/or Routes? Yes No

If Yes, Explain Impact (include times): _____

Will Your Event Affect Any Handicapped Parking Spaces? Yes No

If yes, you must work with the Marshal's Department to create temporary handicapped parking spaces for the duration of your event.

Describe Plan for Parking: Street + Public Transportation

Is Your Event Requesting Any Additional Services from the Town of Crested Butte (such as barricades, utility irrigation locates, traffic control, snow removal, electrical power, trash removal, additional police etc.)? Yes No

If Yes, explain request for services in detail (attach additional page if necessary):

We need barricades and the port-a-potty that is put on 4th for the summer months. Request no ^{overnight} parking signs in Sotherby lot on 29th to not interfere w/ set up.

Does Your Event Include a Parade? Yes No

If yes, you must read and sign the following: I understand that if items are to be distributed during the parade (i.e. candy, beads, brochures, etc.), individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float.

Signature of Event Coordinator

4. AMPLIFIED SOUND AND NOTIFICATION:

Will There Be Amplified Sound at This Event? Yes No

If Yes, Describe: A live band will play 6pm-10pm

Note: If there will be amplified sound during your event, the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Residents and businesses within 250' of the proposed event must receive written notification (7) days prior to the start of the event.

Describe Plan for Notifying Businesses and Residents Impacted by Your Event: distribute Amplified Noise flyers within 250' 7 days prior

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? Approx 1/2 dumpster

What recyclable products will be generated at the event? bottles + cans

Describe your DETAILED plan for trash, recycling and clean up. (All events are required to have a plan for handling recycling and garbage during the event and the removal of recycling and garbage after the event.) Please note that any plan should emphasize increased recycling and decreased waste production. If you feel that your event will require assistance from Waste Management, please contact them directly at (970) 641-1986. Note: Any event application without a detailed recycling and refuse plan will not be accepted as a complete application:

Rent dumpster from Waste Management as well as extra trash bins for guests - recycle all we can.

Describe Plan for Portable Toilets and/or Restrooms. (Include number of portable toilets and plan to restore bathrooms to their original state following your event): (Required: 1 portable toilet to every 40 attendees)

The museum has two interior bathrooms & request the use of the portable toilet that resides on 4th in summer months.

6. SALES TAX:

Have you paid sales tax from your event last year? Yes No

If No, you must pay delinquent sales tax before your special event application will be considered.

Will You Be Selling Products (food, drink, or merchandise) At Your Event? Yes No

If yes, you must collect sales tax and attach a completed Town of Crested Butte Sales Tax License Application with a List of Vendors to the Clerk's Office.

Town of Crested Butte Sales Tax Application is Attached.

List of Vendors with your Crested Butte Sales Tax Application.

7. BANNER PERMITS:

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence? Yes No
If Yes, you must apply for a banner permit separately through the Front Desk at Town Hall.

Are you requesting Town Manager approval for a 1-day banner at the event location for the hours of the event? Yes No

Town Manager Approval: 

Please review your application and make sure all questions are answered. Read, sign, and date the following prior to submitting your application.

8. PLEASE REVIEW, SIGN, AND DATE:

In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively, the "Releasor/Indemnitor") hereby acknowledge and agree to the following: (i) Releasor/Indemnitor assume all risk of injury, loss or damage to Releasor/Indemnitor, any of them, arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (ii) Releasor/Indemnitor waive and release the Town from any and all claims, demands and actions for injury, loss or damage arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (iii) Releasor/Indemnitor agree to defend, indemnify and hold harmless the Town from and against any and all liability, claims, damages and demands, including any third party claim asserted against the Town, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any way related to the permitted use, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause. For purposes hereof, the term "Town" shall include, individually and collectively, its officers, employees, agents, insurers, insurance pools, contractors and subcontractors. By signing this Special Event Application, the Permittee acknowledges and agrees that this assumption of risk, waiver and indemnity extends to all acts, omissions, negligence or other fault of the Town and that said assumption of risk, waiver and indemnity is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding such invalidity, continue in full legal force and effect.

The undersigned Permittee certifies that all the statements and answers to the above questions are true without any reservations or evasions. The undersigned also understands that the Town of Crested Butte reserves the right to require payment for additional services for major impact events.

Shelley Poppe Shelley M. Poppe
Print Name/Clearly / Signature of Applicant (Permittee)

1-14-19
Date

Event Description and Schedule

The Black and White Ball is a street dance fundraiser for the Crested Butte Mountain Heritage Museum.

9am: Set up Barricades

9:30am: Begin setting up tents

11:30: Set up tables and chairs

1:00pm: Begin Setting up decorations

Between 2-4pm: Vendors begin arriving and set up

4pm: Band sets up

6pm: Event begins

10:00pm: Breakdown of tables, chairs, trash, tents begins.

Maroon Ave

Paradise Place Preschool



4th St

4th St

Crested Butte Sotheby's
International Realty



Lil's Sushi Bar & Grill

Crested Butte Mountain
Heritage Museum



Tobacconist

APPLICATION FOR A SPECIAL EVENTS PERMIT

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)**

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

| | | |
|-------------|--|-----------------|
| LIAB | TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR: | |
| 2110 | <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR | \$25.00 PER DAY |
| 2170 | <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) | \$10.00 PER DAY |

DO NOT WRITE IN THIS SPACE
 LIQUOR PERMIT NUMBER

| | |
|--|--|
| 1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Crested Butte Mountain Heritage Museum, Inc</i> | State Sales Tax Number (Required) <i>749385-00-0-00</i> |
|--|--|

| | |
|--|--|
| 2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>PO Box 2480 Crested Butte, CO 81224</i> | 3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>331 Elk Ave Crested Butte, CO 81224</i> |
|--|--|

| | | | |
|--|-----------------|---|---------------------|
| NAME <i>Ellen Osterling</i> | DATE OF BIRTH | HOME ADDRESS (Street, City, State, ZIP) | PHONE NUMBER |
| 4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Ellen Osterling</i> | <i>12/21/62</i> | <i>1605 Aspen Ln CB CO 81224</i> | <i>970 349 1101</i> |

| | |
|--|-------------------------|
| 5. EVENT MANAGER <i>Shelley Porke</i> | DATE <i>1/7/1972</i> |
|--|-------------------------|

| | |
|--|--|
| 6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? <i>2</i> | 7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? |
|--|--|

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

| Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To |
|------------------------|-------|--------------|---------------|------|-------|------|----|------|-------|------|----|------|-------|------|----|
| <i>June 30th, 2019</i> | | | | | | | | | | | | | | | |
| | | <i>5:00p</i> | <i>10:00p</i> | | | | | | | | | | | | |

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

| | | |
|-------------------------------------|---------------------------|------------------------|
| SIGNATURE <i>Ellen Osterling</i> | TITLE <i>President</i> | DATE <i>1/15/19</i> |
|-------------------------------------|---------------------------|------------------------|

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

| | | |
|--|--|---------------------------------------|
| LOCAL LICENSING AUTHORITY (CITY OR COUNTY) | <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY | TELEPHONE NUMBER OF CITY/COUNTY CLERK |
| SIGNATURE | TITLE | DATE |

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

| LIABILITY INFORMATION | | | |
|------------------------|----------------|------------|-------|
| License Account Number | Liability Date | State | TOTAL |
| | | -750 (999) | \$ |

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

CRESTED BUTTE MOUNTAIN HERITAGE MUSEUM, INC.

is a

Nonprofit Corporation

formed or registered on 12/07/1993 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19931135307 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/11/2019 that have been posted, and by documents delivered to this office electronically through 01/14/2019 @ 16:51:00 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/14/2019 @ 16:51:00 in accordance with applicable law. This certificate is assigned Confirmation Number 11328382 .



Jena Griswold

Secretary of State of the State of Colorado

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

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

BLACK & WHITE BALL (JUNE 30, 2019)

Crested Butte Fire Protection District:

Signature Ric Ems Date 2/1/19
Printed Name (Printed) Ric Ems

Conditions/Restrictions/Comments:
Unobstructed alley access - both sides
moves kids tent

Mt. Express Bus Service:

Signature [Signature] Date 1/24/19
Printed Name (Printed) Chris Larsen

Conditions/Restrictions/Comments:
alc

Official Use Only:

Application Received 1/14/19 Date Distributed 1/24/19

Council Date (if applicable) MARCH 18, 2019

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$25 Check # 4130 Date Paid 1/14/19

Permit Fee \$50 Check # 4130 Date Paid 1/14/19

Local Liquor License Fee \$25 Check # 4130 Date Paid 1/14/19

State Liquor License Fee _____ Check # _____ Date Paid _____ Date Liq. Application Sent _____

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$50 Check # 4130 Date Paid 1/14/19 Date Returned: _____



Staff Report

March 18, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Paragon People's Fair Special Event Application**
Date: March 6, 2019

Summary:

Megan Craver, event organizer for the Paragon People's Fair, submitted the special event application on behalf of the Paragon Art Gallery, Inc. This annually occurring arts and crafts fair is proposed to take place on Elk Avenue, from 2nd Street to 4th Street, to include 3rd Street, from alley to alley. The event is scheduled from August 31st through September 1st. The event organizer proposed live music on 3rd Street. Also, there would be food vendors located on 3rd Street. Set up would begin on Saturday, August 31st at 6:30AM, and clean up would be completed by 6:30PM on Sunday, September 1st.

Recommendation:

To approve the Paragon People's Fair special event application as part of the Consent Agenda.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: Paragon People's Fair

Date(s) of Event: 8/31/19 - 9/01/19

Location(s) of Event: 2nd street to 4th street
3rd and 4th blocks of Elk Avenue and to the first alleys on
either side of that section of 3rd street

Map Attached Showing Location of Event *Attach map showing location of event*

Diagram Attached Detailing Event *Attach 8 1/2" X 11" diagram detailing the event showing tents, vendors, security, toll tables, signage, fencing, booths, ingress and egress, stage, etc.;*

Event Schedule and Description of Event Attached

Name of Organization Holding the Event ("Permittee"): Paragon Art Gallery inc.

Note: The permittee of an event must be the same "Entity Name" as the named insured on the insurance certificate and the Secretary of State Certificate of Good Standing.

Event Time(s) (start time of scheduled event to end time of scheduled event each day):

| | | | | | |
|------|----------------|------------|--------------|----|-------------|
| Date | <u>8/31/19</u> | Time: From | <u>10 AM</u> | To | <u>5 PM</u> |
| Date | <u>9/01/19</u> | Time: From | <u>10 AM</u> | To | <u>5 PM</u> |
| Date | _____ | Time: From | _____ | To | _____ |
| Date | _____ | Time: From | _____ | To | _____ |

Total Time (including setup, scheduled event, breakdown, and clean up):

| | | | | | |
|------|----------------|------------|----------------|----|----------------|
| Date | <u>8/31/19</u> | Time: From | <u>6:30 AM</u> | To | <u>_____</u> |
| Date | <u>9/01/19</u> | Time: From | <u>6:30 AM</u> | To | <u>6:30 PM</u> |
| Date | _____ | Time: From | _____ | To | _____ |
| Date | _____ | Time: From | _____ | To | _____ |

Expected Numbers: Participants: 70 vendors Spectators: 100-200 depending on time of day

Name of Event Organizer: Megan Craver

Phone: 484-515-7169 Cell Phone: _____

E-Mail: cravermeg@gmail.com Fax Number: _____

Name of Assistant or Co-Organizer (if applicable): _____

Phone: _____ Cell Phone: _____ E-Mail: _____

Mailing Address of Organization Holding the Event: P.O. Box 3 Crested Butte, CO 81224

Email Address of Organization: paragon gallery@yahoo.com Phone Number: 970-349-6484

2. INSURANCE, LIQUOR PERMITS, SECURITY PLANS:

(a) Do You Intend to Sell or Serve Alcohol? Yes No

If Yes, a Special Event Liquor License is Required. You must submit a separate application for a Special Event Liquor License to the Town Clerk at least 30 days prior to the event to ensure adequate time to comply with state regulations.

Special Event Liquor Permit Application is Attached with Appropriate Fees and Diagram

N/A

Describe Plan for Security and Include with Diagram: (All major impact events, as well as events that receive a Special Event Liquor License, are required to have a security plan):

Private night security and normal police presence during day. We will have barricade security at the beginning and end of each fair day provided by gallery members.

(b) Proof of General Commercial Liability Insurance naming the Town of Crested Butte as Additional Insured, with coverage of no less than \$1,000,000 is required for all special events. If your event is in the Mine Ice Arena with over 299 people, you will also need to add the Crested Butte Fire Protection District as Additional Insured. Events selling alcohol also require Liquor Liability Insurance on the Insurance Certificate. (Note: Your application cannot be approved until we receive proof of insurance) Contact the Clerk's Office if you would like to receive an insurance quote through the Town's Insurance Provider.

Is Proof of Insurance Attached? Yes No

3. ROAD CLOSURES, PARKING/HANDICAPPED PARKING, BUS SERVICE:

Will Your Event Require Any Road Closures? Yes No

If Yes, Explain in Detail Streets Closures and Times of Closures:

Streets: ^{and prior to 4th street} 3rd/4th block of Elk _{the first alley on either side of that section of 3rd st.} Date 8/31/19 Time: From 6:30am To _____

Streets: " " " " Date 9/01/19 Time: From _____ To 6:30PM

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Will Your Event Impact Mt. Express Bus Service and/or Routes? Yes No

If Yes, Explain Impact (include times): In the past they have rerouted the bus to Maroon Avenue. None of the stops need to close.

Will Your Event Affect Any Handicapped Parking Spaces? Yes No

If yes, you must work with the Marshal's Department to create temporary handicapped parking spaces for the duration of your event.

Describe Plan for Parking: Town will barricade road closures with paper signage.
Visitors will still be able to park on most of Elk Avenue and surrounding streets.

Is Your Event Requesting Any Additional Services from the Town of Crested Butte (such as barricades, utility irrigation locates, traffic control, snow removal, electrical power, trash removal, additional police etc.)? Yes No

If Yes, explain request for services in detail (attach additional page if necessary):

(8) Barricades, "No parking" traffic cones, picnic tables (4)

Does Your Event Include a Parade? Yes No

If yes, you must read and sign the following: I understand that if items are to be distributed during the parade (i.e. candy, beads, brochures, etc.), individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float.

Signature of Event Coordinator

4. AMPLIFIED SOUND AND NOTIFICATION:

Will There Be Amplified Sound at This Event? Yes No

If Yes, Describe: Live Music on 3rd Street

Note: If there will be amplified sound during your event, the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Residents and businesses within 250' of the proposed event must receive written notification (7) days prior to the start of the event.

Describe Plan for Notifying Businesses and Residents Impacted by Your Event: We will hand out the notice of Amplified forms to all business' affected a week before event.

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? We will get dumpsters from waste management.

What recyclable products will be generated at the event? Paper Plates, Plastic cups, cans

Describe your DETAILED plan for trash, recycling and clean up. (All events are required to have a plan for handling recycling and garbage during the event and the removal of recycling and garbage after the event.) Please note that any plan should emphasize increased recycling and decreased waste production. If you feel that your event will require assistance from Waste Management, please contact them directly at (970) 641-1986. Note: Any event application without a detailed recycling and refuse plan will not be accepted as a complete application:

We will rent trash and recycling receptacles from Waste Management as well as a private dumpster. The gallery members will comb the streets post event to insure all trash is removed.

Describe Plan for Portable Toilets and/or Restrooms. (Include number of portable toilets and plan to restore bathrooms to their original state following your event): (Required: 1 portable toilet to every 40 attendees)

In the past our impact has been low enough to rely on public restrooms. If this no longer works we can rent Portable Toilets.

6. SALES TAX:

Have you paid sales tax from your event last year? Yes No

If No, you must pay delinquent sales tax before your special event application will be considered.

Will You Be Selling Products (food, drink, or merchandise) At Your Event? Yes No

If yes, you must collect sales tax and attach a completed Town of Crested Butte Sales Tax License Application with a List of Vendors to the Clerk's Office.

Town of Crested Butte Sales Tax Application is Attached.

List of Vendors with your Crested Butte Sales Tax Application.

7. BANNER PERMITS:

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence? Yes No

If Yes, you must apply for a banner permit separately through the Front Desk at Town Hall.

Are you requesting Town Manager approval for a 1-day banner at the event location for the hours of the event? Yes No

Town Manager Approval: 

Please review your application and make sure all questions are answered. Read, sign, and date the following prior to submitting your application.

8. PLEASE REVIEW, SIGN, AND DATE:

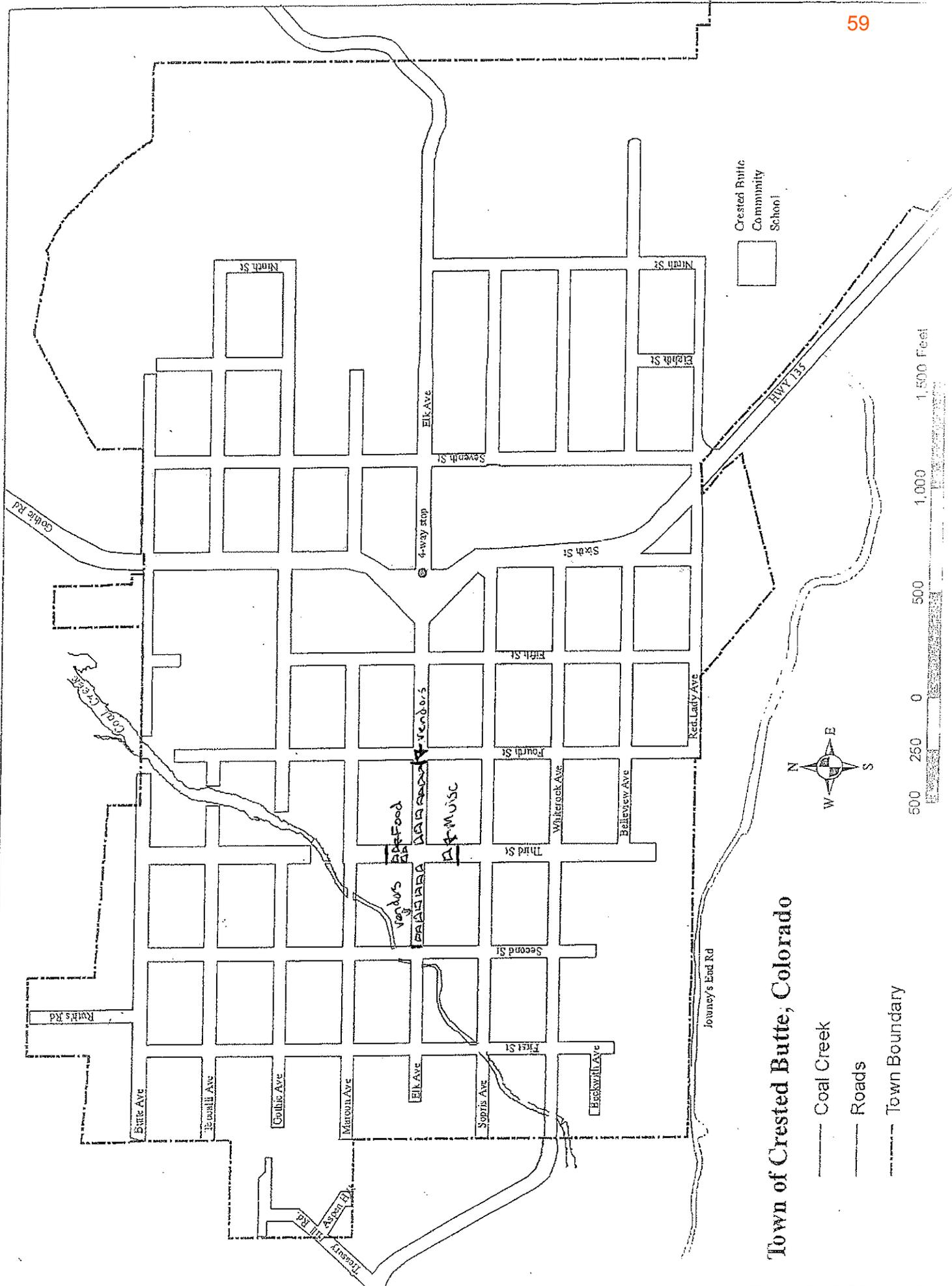
In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively, the "Releasor/Indemnitor") hereby acknowledge and agree to the following: (i) Releasor/Indemnitor assume all risk of injury, loss or damage to Releasor/Indemnitor, any of them, arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (ii) Releasor/Indemnitor waive and release the Town from any and all claims, demands and actions for injury, loss or damage arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (iii) Releasor/Indemnitor agree to defend, indemnify and hold harmless the Town from and against any and all liability, claims, damages and demands, including any third party claim asserted against the Town, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any way related to the permitted use, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause. For purposes hereof, the term "Town" shall include, individually and collectively, its officers, employees, agents, insurers, insurance pools, contractors and subcontractors. By signing this Special Event Application, the Permittee acknowledges and agrees that this assumption of risk, waiver and indemnity extends to all acts, omissions, negligence or other fault of the Town and that said assumption of risk, waiver and indemnity is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. If any portion hereof is held invalid, it is further agreed that the balance shall notwithstanding such invalidity, continue in full legal force and effect.

The undersigned Permittee certifies that all the statements and answers to the above questions are true without any reservations or evasions. The undersigned also understands that the Town of Crested Butte reserves the right to require payment for additional services for major impact events.

Megan Craver
Print Name Clearly

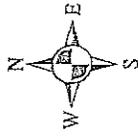

Signature of Applicant (Permittee)

1/4/19
Date



Town of Crested Butte, Colorado

- Coal Creek
- Roads
- - - Town Boundary



Crested Butte
Community
School

Goats Rd

Ruth's Rd

Butte Ave

Second Ave

Goldie Ave

Maroon Ave

Elk Ave

Spruce Ave

Essexville Ave

Second St

Third St

Fourth St

Fifth St

Sixth St

Seventh St

Elk Ave

North St

North St

Elk Ave

Elk Ave

Elk Ave

Elk Ave

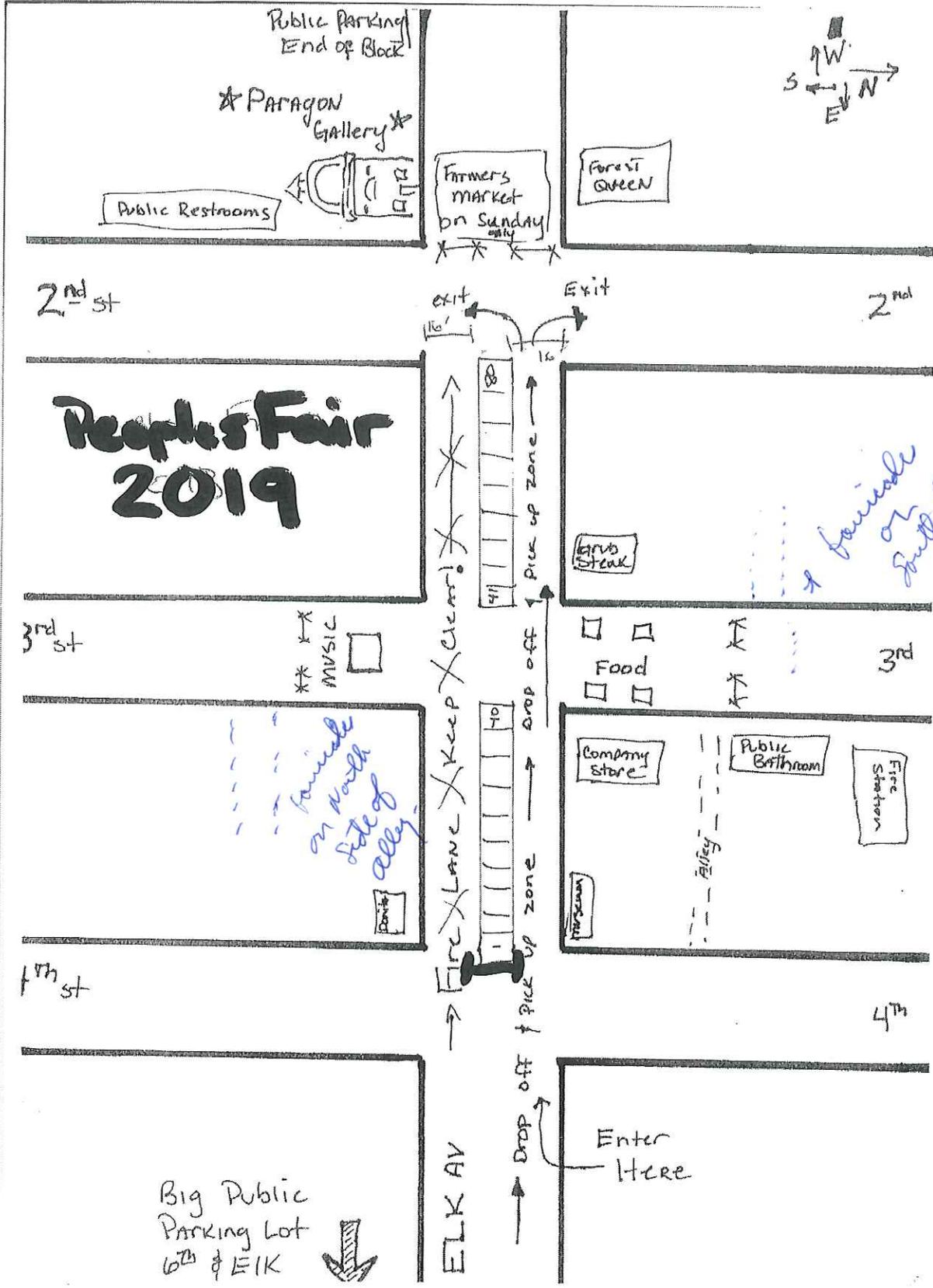
Journey's End Rd

Hwy 735

4-way stop

Veggies
PRE-FOOD
DAIRY PRODUCTS
MISC

Crested Butte
Community
School



Peoples Fair 2019

2nd st

2nd

3rd st

3rd

4th st

4th

ELK AV

Big Public Parking Lot
6th & Elk

Enter Here

Fountain on South Side of P.O. Alley.

MUSIC

Company Store

Public Bathroom

Fire Station

Grab Steak

Food

Farmers Market on Sunday only

Paragon Gallery

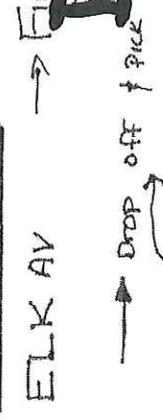
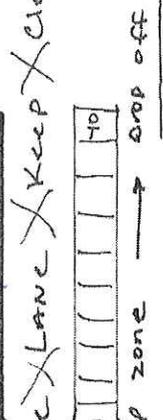
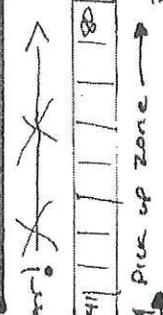
Public Restrooms

Forest Queen

Public Parking End of Block



Exit



Alley

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

PARAGON ART GALLERY, INC.

is a

Corporation

formed or registered on 11/10/2008 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20081593168 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/07/2019 that have been posted, and by documents delivered to this office electronically through 01/08/2019 @ 20:33:38 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/08/2019 @ 20:33:38 in accordance with applicable law. This certificate is assigned Confirmation Number 11317088 .



Jena Griswold

Secretary of State of the State of Colorado

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

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

**CERTIFICATE OF INSURANCE ENDORSEMENT
SPECIAL EVENT LIABILITY GROUP INSURANCE TRUST, A RISK PURCHASING GROUP**

62

| | | | | | | | | | | | | | | | | | | | | | |
|--|------------------------------|---|--|----------------------|---|-----------------|-------------|-------------------|-------------|-------------------------------|-------------|---|-------------|----------------------------------|-------------|------------------|---------|----------------------------------|--------------|----------------------------|--------------|
| FACILITY OWNER: (Additional Insured) | | PRODUCER: | | Certificate # | 94292 | | | | | | | | | | | | | | | | |
| Town of Crested Butte P.O. Box 39 Crested Butte, CO 81224 Attention: Betty Warren | | HUB International Insurance Services Inc. P.O. Box 4047 Concord, CA 94524-4047 PH: 925 609 6500 FX: 925 609 6550 specialevent@hubinternational.us | | CA License #0757776 | | | | | | | | | | | | | | | | | |
| EVENT HOLDER: (Named Insured) | | EVENT INFORMATION | | | | | | | | | | | | | | | | | | | |
| Paragon Art Gallery, Inc. P.O. Box 3 Crested Butte, CO 81224 Attention: Megan Craver | | TYPE OF EVENT: | Craft Fair | | | | | | | | | | | | | | | | | | |
| | | EVENT DATE(S): | August 31 - September 1, 2019 | | | | | | | | | | | | | | | | | | |
| | | EVENT LOCATION: | 2nd & 3rd Block of Elk Avenue Crested Butte, CO | | | | | | | | | | | | | | | | | | |
| | | ATTENDANCE: | 500 | CLASS: | II | | | | | | | | | | | | | | | | |
| This is to certify that the policies of insurance listed below have been issued to the insured named above for the event date(s) indicated above. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. | | | | | | | | | | | | | | | | | | | | | |
| This contract is delivered as surplus line coverage under the Nonadmitted Insurance Act. The insurer issuing this contract is not licensed in Colorado but is an approved nonadmitted insurer. There is no protection under the provisions of the Colorado Guaranty Act. | | | | | | | | | | | | | | | | | | | | | |
| INSURER A: | | COLONY INSURANCE COMPANY | | | | | | | | | | | | | | | | | | | |
| INSR LTR | Type of Insurance | Policy Number | Effective | Expiration | Policy Limits | | | | | | | | | | | | | | | | |
| A | Commercial General Liability | 103 GL 0021111 | 1/1/2019 | 1/1/2020 | <table border="1"> <tr><td>Each Occurrence</td><td>\$1,000,000</td></tr> <tr><td>General Aggregate</td><td>\$2,000,000</td></tr> <tr><td>Personal & Advertising Injury</td><td>\$1,000,000</td></tr> <tr><td>Products/Completed Operations Aggregate</td><td>\$2,000,000</td></tr> <tr><td>Damage to Premises Rented to You</td><td>\$1,000,000</td></tr> <tr><td>Medical Payments</td><td>\$5,000</td></tr> <tr><td>Liquor Liability Each Occurrence</td><td>Not Included</td></tr> <tr><td>Liquor Liability Aggregate</td><td>Not Included</td></tr> </table> | Each Occurrence | \$1,000,000 | General Aggregate | \$2,000,000 | Personal & Advertising Injury | \$1,000,000 | Products/Completed Operations Aggregate | \$2,000,000 | Damage to Premises Rented to You | \$1,000,000 | Medical Payments | \$5,000 | Liquor Liability Each Occurrence | Not Included | Liquor Liability Aggregate | Not Included |
| Each Occurrence | \$1,000,000 | | | | | | | | | | | | | | | | | | | | |
| General Aggregate | \$2,000,000 | | | | | | | | | | | | | | | | | | | | |
| Personal & Advertising Injury | \$1,000,000 | | | | | | | | | | | | | | | | | | | | |
| Products/Completed Operations Aggregate | \$2,000,000 | | | | | | | | | | | | | | | | | | | | |
| Damage to Premises Rented to You | \$1,000,000 | | | | | | | | | | | | | | | | | | | | |
| Medical Payments | \$5,000 | | | | | | | | | | | | | | | | | | | | |
| Liquor Liability Each Occurrence | Not Included | | | | | | | | | | | | | | | | | | | | |
| Liquor Liability Aggregate | Not Included | | | | | | | | | | | | | | | | | | | | |
| COVERAGE TERMS: | | | | | | | | | | | | | | | | | | | | | |
| Occurrence Form (CG 0010) Host Liquor Liability <u>Included</u> . Full Liquor Liability Included <u>when a separate premium has been charged</u> . | | The coverage afforded by this insurance is primary and non-contributing with any insurance held by the "Additional Insured" as Named Insured, when the "Additional Insured" is shown on this Certificate of Insurance Endorsement as "Additional Insured" or WHEN REQUIRED BY WRITTEN CONTRACT. | | | | | | | | | | | | | | | | | | | |
| COVERAGE EXCLUSIONS: (REFER TO POLICY FOR COMPLETE LISTING OF EXCLUSIONS) | | | | | | | | | | | | | | | | | | | | | |
| -- Sexual Abuse & Molestation | | Specific Events are excluded from coverage. Please see second page for list of excluded events. | | | | | | | | | | | | | | | | | | | |
| -- Terrorism | | On behalf of the Risk Purchasing Group and each Member, the Trustee has declined coverage for the Terrorism Risk Insurance Act (TRIA). | | | | | | | | | | | | | | | | | | | |
| OTHER ADDITIONAL INSURED: | | | | | | | | | | | | | | | | | | | | | |
| CANCELLATION: Should the above described policy(s) be canceled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the insured event holder and additional insureds listed. | | | | | | | | | | | | | | | | | | | | | |
| AUTHORIZED REPRESENTATIVE: | |  | | DATE ISSUED: | February 13, 2019 | | | | | | | | | | | | | | | | |

Entire Copy

DEPARTMENT APPROVALS (For Official Use Only)

Note: Please clearly state in your comment area what requested services your department will/will not provide for the event.

From: Michael Reily
Sent: Thursday, January 24, 2019 11:51 AM
To: Betty Warren
Subject: RE: Special Event: Paragon People's Fair

OK per CBMO
Mike

Public Works:

She D Earley 1/30/2019
Signature Date
SHEA D EARLEY
Name (Printed)

Conditions/Restrictions/Comments:
OK

Parks and Recreation:

[Signature] 1/28/19
Signature Date
Janna Hansen
Name (Printed)

Conditions/Restrictions/Comments:
- Will provide 4 picnic tables at N. side of 3rd & EIK
- EIK Ave permit attached

Town Clerk:

[Signature] 3-4-2019
Signature Date
Lynelle Stanford
Printed Name (Printed)

Conditions/Restrictions/Comments:

Town Manager:

[Signature] 3/06/19
Signature Date
DARA MacDONALD
Printed Name (Printed)

Conditions/Restrictions/Comments:

Crested Butte Fire Protection District:

Signature Ric Ems Date 3/1/19
Printed Name (Printed) Ric Ems

Conditions/Restrictions/Comments:
- no awnings protruding into fire lanes.
- no tent tie downs protruding into fire lanes

Mt. Express Bus Service: [Signature] 1/24/19
Signature [Signature] Date 1/24/19
Printed Name (Printed) Chris Lassen

Conditions/Restrictions/Comments:
will reroute buses onto Mason Ave during event

Official Use Only:

Application Received 1/4/19 Date Distributed 1/24/19

Council Date (if applicable) MARCH 18, 2019

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$ 25 Check # 14711 Date Paid 1/8/19

Permit Fee \$ 50 Check # 14711 Date Paid 1/8/19

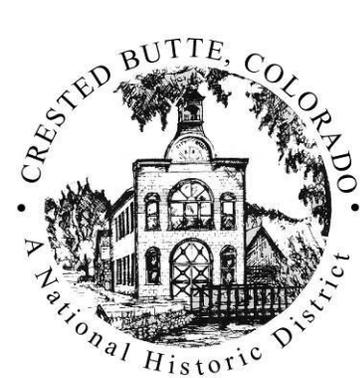
Local Liquor License Fee _____ Check # _____ Date Paid _____

State Liquor License Fee _____ Check # _____ Date Paid _____ Date Liq. Application Sent _____

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$ 200 Check # 14711 Date Paid 1/8/19 Date Returned: _____

2 Blocks Elk Ave closed \$ 200² CK 14711 1/8/19
CIRSA INSURANCE \$ 163.90 PD 2/10/19 CK# 14786



Staff Report

March 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: March 8, 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.

Background:

The Council discussed board and committee appointments at the last meeting. The lists reflect the appointments that were made.

Recommendation:

To approve Council member appointments to boards and committees as part of the Consent Agenda.

BOARDS, COMMITTEES AND TEMPORARY COMMITTEE APPOINTMENTS
Revised March 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. Paul Merck

Crested Butte/Mt. Crested Butte Chamber of Commerce

1. Chris Haver
2. Will Dujardin (alternate)

Coldharbour Institute

1. Jackson Petito
2. (alternate)

Gunnison Valley Regional Housing Authority (GVRHA)

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

Gunnison Valley Housing Foundation

1. Jackson Petito

Center for the Arts

1. Candice Bradley

Gunnison Valley Land Preservation Board

1. Sue Navy
2. Jim Schmidt
3. Paul Merck (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

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

CDOT Region 3

1. Jim Schmidt

Creative District Commission

1. Candice Bradley

Grant Review Committee

1. Laura Mitchell
2. Paul Merck

Gunnison County Sustainable Tourism & Outdoor Recreation Committee

1. Paul Merck

Proclamation Committee

1. Jim Schmidt
2. Jackson Petito

Colorado Communities for Climate Action

1. Jim Schmidt – Steering Committee
2. Will Dujardin – Steering Committee
3. Laura Mitchell – Policy Committee

CML Policy Committee

1. Dara MacDonald

Boards and Committees List

Revised March 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. Paul Merck

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. Chris Haver
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. Jackson Petito
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

Gunnison Valley Housing Foundation

Mission:

1. Facilitate an exchange of the Clark land parcel with the U.S. Forest Service for future affordable housing projects.
2. Act as a non-profit affordable housing developer.

Members of the Gunnison County Housing Authority Advisory Board have also been serving on the Gunnison Valley Housing Foundation Board.

Current Members:

1. Jackson Petito

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

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 6pm, 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. Paul Merck (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 5:30PM, 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

Downtown Crested Butte Lodging Association

Current Member:

1. Chris Haver

Cemetery Committee

Current Member:

1. Jim Schmidt

One Valley Leadership Council (Formerly Community Builders Taskforce)

Current Member:

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

CDOT Region 3

Current Member:

1. Jim Schmidt

Creative District Commission

Current Member:

1. Candice Bradley

Grant Review Committee**Current Members:**

1. Laura Mitchell
2. Paul Merck

Gunnison County Sustainable Tourism & Outdoor Recreation Committee**Current Member:**

1. Paul Merck

Proclamation Committee

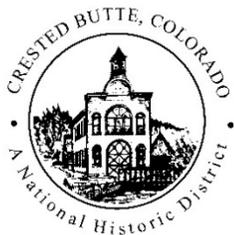
1. Jim Schmidt
2. Jackson Petito

Colorado Communities for Climate Action

1. Jim Schmidt – Steering Committee
2. Will Dujardin – Steering Committee
3. Laura Mitchell – Policy Committee

CML Policy Committee

1. Dara MacDonald



Staff Report

March 18, 2019

To: Mayor Schmidt and Town Council

From: Mel Yemma, Open Space/Creative District Coordinator

Thru: Michael Yerman, Director of Community Development

Subject: **Letter to the GMUG Forest Planning Team, Re: Draft Wild and Scenic River Eligibility Report**

Background: The Town of Crested Butte has been actively engaged as a cooperating agency in the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forest's Forest Plan Revision effort.

Forest Planning has three phases: assessment, planning, and monitoring. The GMUG Forest Plan is currently in the second of three phases: planning.

The Town has engaged so far with the following actions:

- October 16, 2017 – Town Council authorized the mayor to sign a pre-assessment letter to the Forest Service outlining four major issue areas the Town hopes the Forest Service to address in the upcoming revision (recreation infrastructure, protection of local watersheds, historic preservation, and climate change)
- December 4, 2017 – Town Council authorized the Mayor to sign a letter with comments on the draft assessments released by the Forest Service on November 6, 2017
- December 4, 2017 – Town Council authorized the Mayor to sign a Memorandum of Understanding to establish the Town of Crested Butte as a cooperating agency. This letter will be finalized when the Forest Service begins its NEPA process.
- January 22, 2018 – Town Council authorized a letter with detailed comments on assessments as related to air quality and the wilderness inventory.
- April 16, 2018 – Town Council authorized a letter with detailed comments on scoping as related to at-risk species and supporting the Gunnison Public Lands Initiative (GPLI).
- October 4, 2018—Town Council authorized a letter with detailed comments on planning as related to the Draft Wilderness Evaluation Report.

Draft Wild and Scenic Eligibility Report: The next phase of the planning process is for the GMUG to determine which rivers should be considered eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS). The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

Eligibility for the NWSRS is the first of the three-step Wild and Scenic River process and a required component of plan revision. While only Congress can designate segments as Wild and Scenic Rivers, Forest Plan Revision plays an important role in which segments are considered eligible for inclusion.

¹On January 29, 2019, the GMUG Forest Planning Team released the draft Wild and Scenic River (WSR) Eligibility Evaluation (this was delayed by about a month due to the government shutdown). The report lists rivers in the GMUG that could be eligible for Wild and Scenic designation. To be eligible for inclusion, a river segment must meet two fundamental requirements:

- (1) The river segment must be “free-flowing”, and
- (2) The river segment must have one or more outstandingly remarkable values (ORVs), which could be: scenery, recreation, geology, fish, wildlife, prehistory, history, other values, and/or vegetation.

The Draft WSR Eligibility Report determines the following streams in the Gunnison Ranger District to be eligible with the following ORVs:

- Oh-Be-Joyful Creek (Blue Lake Tributary and Dippold Basin Tributary): scenery
- Oh-Be-Joyful Creek: recreation
- Peeler Basin Tributary to Oh-Be-Joyful Creek: scenery
- Redwell Basin Tributary: botanical/vegetation
- West Elk Creek: scenery, geology
- West Soap Creek: scenery, geology
- Copper Creek: wildlife
- Copper Lake Tributary: wildlife
- Triangle Pass Tributaries to Copper Creek: wildlife
- Copper Creek Tributaries: wildlife
- Queen Basin Tributaries to Copper Creek: wildlife

The full draft evaluation report can be viewed at this link:

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd605869.pdf.

An interactive story map and other useful resources can be viewed at this link:

<https://usfs.maps.arcgis.com/apps/MapSeries/index.html?appid=22875d85578249f49786ef5599dd0322>

After thoroughly reviewing and discussing the report with other local organizations involved in this process including High Country Conservation Advocates, staff recommends supporting the rivers determined eligible in the report, while encouraging the GMUG Forest Planning Team to include other rivers that we view as possessing the qualities for eligibility, including; the Slate River (Headwaters to Coal Creek Confluence) (scenery and wildlife ORVs) and the East River (Emerald Lake to Brush Creek) (scenery, scientific and historical ORVs).

¹ *Please note:* Eligibility, suitability, or designation of the Crystal River as Wild and Scenic is not a component of the GMUG Forest Planning process. The Crystal River is located in the White River National Forest and was first considered to be eligible in the 1980s and this status was reaffirmed 2002. The next step would be for the river to be determined “suitable” by the Forest Service, which requires analysis under the National Environmental Policy Act (NEPA), and then congressional action for designation.

While all of the rivers in the Gunnison Ranger District that were included have significant ORVs, determination of ORVs can be subjective and the purpose of the public comment period is for the public and cooperating agencies to have the opportunity to comment on rivers that they believe contain remarkable ORVs.

Staff believes that this is a great opportunity to comment on our unique and special rivers in the North Valley and encourages the Council to approve signing the attached letter advocating for the inclusion of those rivers in the eligibility report.

Staff Recommendation: Town Staff recommends that the Council make a motion on the consent agenda to authorize the Mayor to sign the comment letter on the GMUG's Forest Plan Revision: Draft Wild and Scenic Eligibility Report.

Town of Crested Butte

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P.O. Box 39 Crested Butte, Colorado 81224

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

-A National Historic District-

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www.townofcrestedbutte.com

March 18, 2019

Grand Mesa, Uncompahgre, and Gunnison National Forests
Attn: Plan Revision Team
2250 South Main Street
Delta, CO 81416

Submitted via email to: gmugforestplan@fs.fed.us

Dear Acting Forest Supervisor Chad Stewart and the GMUG Forest Planning Team,

Thank you for releasing the Draft Wild and Scenic River Eligibility Report (Eligibility Report) as a component of the Forest Plan Revision process and for providing user-friendly components to encourage public feedback including the story map and webinars. The Town of Crested Butte (Town) appreciates your outreach efforts and we are pleased to be a cooperating agency in this process.

The Town is shaped in many ways by our surrounding environment. As a headwaters community, our surrounding rivers and streams provide the clean water, scenic views, recreational opportunities, and overall quality of life that the Town's residents and visitors value. All in all, the health and economic wellbeing of our Town is directly tied to our surrounding rivers and the Gunnison National Forest.

The Town supports all of the rivers that are included in the draft Eligibility Report for the Gunnison Ranger District, including Oh-Be-Joyful Creek and its tributaries, Copper Creek and its tributaries, West Elk Creek, and West Soap Creek. We believe that the eligibility report hits on the "Outstanding Remarkable Values" (ORVs) that make each of these creeks and rivers worth protecting. Our remaining comments focus on rivers that are in close vicinity to the Town.

The Town would like to encourage your team to consider including the Slate River and the East River in the eligibility report. We believe that both of these rivers meet the eligibility requirements of being "free-flowing" and having one or more ORVs. We find that the Slate River has the characteristics to qualify as having remarkable scenic and wildlife ORVs; and the East River contains unique characteristics that qualify it scenic, scientific and historical ORVs.

Town of Crested Butte

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The Slate River, from the headwaters to the confluence of Coal Creek (a section of which was considered as eligible in the past), is valued amongst our community for its incredible scenery and unique wildlife. The upper Slate River Valley's presence in the heart of Paradise Divide provides an unmatched view that distinguishes Crested Butte as an exceptional place to live and visit. The close proximity of downtown Crested Butte to a river valley with some of the state's highest-functioning wetlands, combined with scenic views, recreational opportunities and productive grazing lands, is unique. This is why the Town has partnered with the Crested Butte Land Trust (Land Trust) to facilitate the conservation of more than 1,000 acres located throughout the Upper Slate River Valley, including four miles of river corridor and 210 acres of high-functioning wetlands.

The Upper Slate River wetlands are home to one of the Nation's highest elevation Great Blue Heron rookeries, which the Town and the Land Trust are currently studying in partnership with Western Colorado University. The Slate River has also become a popular recreational destination in recent years, with the increase in usage of Stand Up Paddleboards (SUPs), which has presented a unique management challenge on this stretch of river. The Town, in partnership with the Land Trust, convened a stakeholder working group to develop adaptive river recreation management actions necessary for upholding the ecological integrity of the Slate River, as protecting this valley is synonymous with our community values. In general, the Slate River Valley not only contains unmatched views, unique wildlife, and recreational opportunities, but its presence and unique management situations are an embedded value in the Town, and we would ask that you consider its ORVs in the eligibility report.

Secondly, we would like to request the consideration of the East River, from Emerald Lake to Brush Creek, for eligibility for scenic, scientific and historical ORVs. A prominent section of the East River that meanders through the Trampe Ranch is an iconic symbol of the North Gunnison Valley. This section of the Trampe Ranch was recently conserved in 2018 in one of the most significant land preservation actions in Colorado, of which the Town contributed \$1 million to make happen. The Trampe Ranch conservation deal not only protected critical agricultural land, but it additionally conserved the unparalleled scenic views of the East River Valley in perpetuity.

The iconic river meanders are not the only aspect that makes the East River unique; the presence of the Rocky Mountain Biological Laboratory (RMBL) in this river corridor (upstream from the Trampe Ranch) is significant. RMBL has been studying the rich diversity of our local ecosystems since 1928 and has grown into an internationally renowned center for scientific research and education. RMBL attracts one of the largest annual migrations of field scientists to the Crested Butte region, while providing critical data about the East River and our surrounding ecosystems in this rapidly changing world. From the unmatched river

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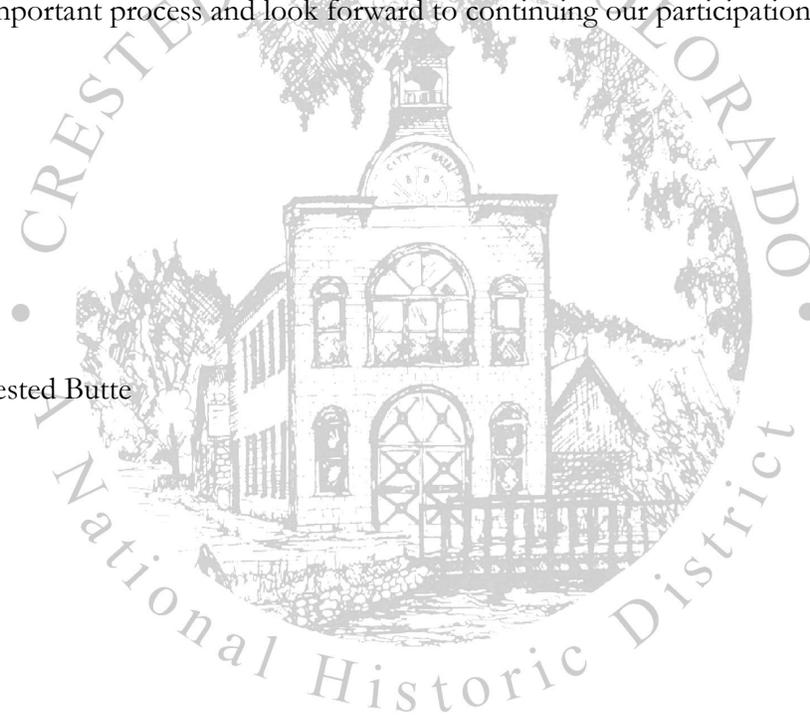
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meander views through the Trampe Ranch parcel, to the historical and critical presence of RMBL upstream, we believe that the East River should be considered for Wild and Scenic eligibility.

¹We continue to appreciate your dedicated effort to encourage public participation in the Forest Plan Revision, and we enjoyed reading and reflecting on the Eligibility Report. Overall, we are very supportive of your findings, but we ask for consideration of inclusion of the Slate River and East River in the report as these streams are vital to our Town's values and quality of life. We appreciate the opportunity to be a valued cooperator in this important process and look forward to continuing our participation in the future.

Sincerely,

James A. Schmidt
Mayor, Town of Crested Butte



¹The Town recognizes that the river corridors around the reaches recommended above do not *exclusively* consist of Forest Service lands. However, each segment does contain significant amounts of Forest Service lands. It is our understanding that the termini for eligible rivers may be extended beyond the National Forest boundary if a logical ending point is nearby, such as a confluence.



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara Mac Donald, Town Manger

Subject: **2019 Paradise Park Phase 1 and 2 Lottery Procedures**

Date: March 12, 2019

PARADISE PARK PHASE 1 AND PHASE 2

Timeline

Phase 1: Block 76 (15 Units)

- March 21th - May 17th Begin Phase 1 Block 76 Lottery Process
 - Applications submitted to the GVRHA by households wanting to be included in the lottery.
 - Previously qualified applicants who are not under contract for a unit in a previous lottery will be able to participate in this lottery without completing a new application.
- May 18th through June 7th – GVRHA processes applications, determines qualifications and number of entries per household into the lottery.
 - Applicants determined to be ineligible to enter the lottery may request a hearing before the GVRHA Grievance Committee according to the terms of the GVRHA Housing Guidelines. Such hearing will be held at least one week prior to the lottery.
- June 12th- (optional) Grievance Committee hearing for lottery applicants.
- June 20th – Lottery for Phase 1 Block 76 will be held at CB Town Hall.
- June 26th – (optional) Grievance Committee hearing.

Phase 2: Block 78 and 79 (10 Units)

- July 8th - 19th – Begin Phase 2 Block 78 – 79 Lottery Process
 - Applications submitted to the GVRHA by households wanting to be included in the lottery for the CB Block 78 and 79 Lottery that have not yet submitted an application.
 - Previously qualified applicants who are not under contract for a unit in a previous lottery will be able to participate in this lottery.
 - August 8th – Lottery for Phase 2 Block 78 – 79 will be held at CB Town Hall.

Employer Purchases

Dependent on the level of interest and number of lottery applicants up to six homes in the 2019-2020 builds may be made available to employers to purchase for their employees to rent. These sales will occur outside the lottery process, creating a priority for this form of rental housing, and assist in pre-sales, which will support the financing of that development. Dependent on the interest in these units by local businesses an additional lottery may be held and lottery procedures will be adopted by the Town Council.

Selection Criteria

The homes will have the following selection criteria:

- There will be two thresholds for AMI qualification:
 - Lottery winning households at or below 120% AMI will be eligible to select any home available in each lottery, regardless of the AMI price point.
 - Lottery-winning household between 121% - 200% AMI will only be eligible to select a home priced above 120% AMI.
- There will be no minimum household size for one- and two- bedroom homes.
- For three-bedroom homes, there will be a minimum household size of two people.
- Subject to any number of qualified applicants that are determined to be disabled, one home may be constructed in compliance with code requirements for persons with disabilities. Should there be more than one such qualified applicant, a separate lottery will be held for this home.
- The Town's adopted 2016 Affordable Guidelines will be used to determine qualified applicants.

For informational purposes only, the current 2018 Area Median Incomes limits are:

| | 120% | 200% |
|----------|-------------|-------------|
| 1 Person | \$58,200 | \$97,000 |
| 2 People | \$66,480 | \$110,800 |
| 3 People | \$74,760 | \$124,600 |
| 4 People | \$83,040 | \$138,400 |

Subject to the publication of the 2019 AMIs by HUD, the Town and GVRHA may determine that the 2019 AMI figures are more appropriate to use for household qualification.

Selection Process

At the time of the Lotteries, all entries awarded to each applicant household will be placed in one bin. An independent third-party individual will draw tickets from the bin one at a time.

- First qualified applicant name is drawn from the lottery bin – this applicant will then select which specific unit they want to put under contract.
- Second qualified applicant name is drawn from the lottery bin – this applicant will then select which specific unit they want to put under contract.
- Third qualified applicant name is drawn from the lottery bin – this applicant will then select which particular unit they want to put under contract.

This process will continue until buyers for all of the homes have been selected. The process will then repeat itself so that five (5) alternates have been selected for the homes priced at or below 120% and 5 additional alternates for the homes priced above 121%. Alternates can only select units in priced within their AMI range.*

All applicants, including those already approved to enter into the lottery will be required to complete a preference sheet identifying their three choices for homes. This will be provided to all applicants and must be submitted to the GVRHA at least one week prior to the lottery.

*If any units remain unsold 90 days following the lottery, the Grievance Committee will hear requests for exceptions to the qualifications described here.

Lottery Entries Per Household

Per the Town of Crested Butte Housing Guidelines, adopted February 2016, households who provide written evidence that they have worked in Gunnison County three (3) years or more receive these additional lottery entries:

| | | |
|--|----|---------|
| Working in Gunnison County greater than 3 years, less than 5 years | 5 | chances |
| Working in Gunnison County greater than 5 years, less than 8 years | 6 | chances |
| Working in Gunnison County greater than 8 years, less than 10 | 7 | chances |
| Working in Gunnison County greater than 10 years, less than 15 | 8 | chances |
| Working in Gunnison County greater than 15 years | 9 | chances |
| Working in Gunnison County greater than 20 years | 10 | chances |

Applicant households who have worked in Gunnison County less than three (3) years, will receive one chance.

Any applicant who has attended GVRHA's homebuyer education class in the past two (2) years will receive one additional chance.

Essential Service Workers as defined by the Town's Affordable Housing Guidelines will receive one additional lottery chance.

Contract Process

Each lottery winner will have 10 business days to enter into a real estate purchase contract with the Housing Authority for the home they have selected. The GVRHA will have a set day to execute contracts with selected applicants. If the applicant is unavailable to meet on this day, they are responsible for making special arrangements with the GVRHA at the convenience of the GVRHA. If they do not do so, the first selected alternate will be given a 3-day opportunity to enter into a contract with the GVRHA for the home selected by the lottery winner.

Lottery winners entering into a contract must provide a \$1,000 earnest money deposit to Alpine Title, which will be credited towards their purchase price at the time of closing. The terms of the Colorado Real Estate Commission-approved contract will determine if/when the earnest money deposit may be returned in the event they do not consummate the purchase of the property. However, earnest money will not be refunded after loan objection deadline as specified in the contract.

Closing Process

The GVRHA will act as transaction broker between the buyer and seller for each property, assisting each buyer, Alpine Title and the Town of Crested Butte in the closing transaction of each property.

For services provided in the successful closing of each sale, the GVRHA will receive a maximum of 2% of the sales price as a transaction brokerage fee from the seller. Any buyer that chooses to have a broker represent them will need to make separate arrangements for compensation of the broker's services.

Grievance and Appeals

Requested appeals will be heard by the GVRHA Grievance Committee on a date and time provided to the applicant and sent to the email provided on their application. The information provided by the GVRHA, documents and testimony provided by the applicant, and the Town's adopted 2016 Affordable Housing Guidelines will be used to determine eligibility or any other appeals resulting from these lotteries.

Recommendation:

A Council member make a motion followed by a second to approve the 2019 Town of Crested Butte Townhome Lottery Procedures.



Memorandum

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

Town Manager

- 1) Colorado Communities for Climate Action Highlights – The attached report highlights the successes of CC4CA regarding climate related legislative wins and other activities.
- 2) CAST Legislative meeting recap –
 - Sam Mamet was presented with a 2019/2020 Ikon Pass and Epic Pass for his 40 years of service with CML and CAST
 - There was a lot of discussion around public lands and overcrowding, stewardship needs and wildfire mitigation. Discussion included an overview of the new permit/shuttle system for Hanging Lake near Glenwood Springs which comes online in May. There was also discussion about efforts in Eagle and Summit Counties to fund the “human presence” at trailheads and campgrounds.
- 3) One Valley Leadership Council – This group has been working on their foundational structure and principles. Attached are some draft documents that will be considered at the next meeting on April 4th. Please let me know if you have any comments or questions.
- 4) At the Mayor's suggestion I did put an inquiry out to CAST members to inquire if any of them have also been experiencing undue wait times and frustration at the post office in recent holiday seasons (and whether or not they have to pay for PO boxes despite not having home delivery). Perhaps we can find some strength in numbers if other communities are having the same experience?

Public Works

- 1) The crews have been very busy day and night working to clear snow from streets and hauling out the snow storage lots.
- 2) We have decided to leave Red Lady Ave closed between 4th and 5th Streets for the time being. We are agreed with CBAC that access to Alpine Lumber off Red Lady is not in a slide path and that portion of Red Lady from 4th to their gate can remain open to local traffic. However, we have been in an ongoing cycle of opening and closing that block this winter and have determined we can simply leave it closed without impacting any of the property owners too much and reduce the risk to the public from possible avalanche. If this closure is acceptable for the rest of the winter season we will consider doing this proactively in future winters.

Marshals

- 1) 3/1/19 The MO assisted CBFPD with an urban avalanche partial burial in the 200 block of Teocalli Avenue. The victim was pinned to a fence where crews dug him out safely and without injury.
- 2) 3/8/19 Deputies responded with Mt CBPD and CBFPD to an urban avalanche in Mt Crested Butte which completely buried the victim. Once crews arrived on scene they were able remove him and transport him to GVH.
- 3) 3/9/19 Deputies responded with Mt CBPD and CBFPD to an urban avalanche in Crested Butte South which partially buried one victim and completely buried another. Crews arrived on scene and removed both victims who were transported to GVH. Responders attempted advanced lifesaving interventions but the victim, who had been completely buried, was unable to be revived.
 - As a result of the previously mentioned incidents, the Marshal's Office made a \$500 purchase from our equipment budget to equip all of our vehicles with avalanche probes and shovels. Assistant Chief Joe Dukeman, a former ski patrolman and avalanche safety professional, will be conducting training for our officers.
- 4) James Beda recently graduated from the Reno Model Police Training Officer program. A rigorous, week-long, adult-learning based model for training police officers. James also attended an instructor level training for Standardized Field Sobriety Tests so we can conduct our required annual in-house training.
- 5) We will be bringing forward the updated 2018 *Model Traffic Code for Colorado* for consideration for adoption by the Town Council in April. The Town is currently on the 2010 version of the Model Traffic Code. So far we have not spotted any significant changes, just routine changes like updating types of vehicles.

Parks & Rec

- 1) Big Mine Ice Arena will remain open from 10:00am to 5:30pm going into the week of March 18th to offer public skating and open hockey to spring break visitors and residents alike. If the weather holds and the rink is getting used, the rink will continue to remain open for the spring break crowd later into March.

Community Development

- 1) Sustainable Tourism and Outdoor Recreation (STOR) Committee update - Mel Yemma and Hedda Peterson (from the CB Land Trust) are currently in the process of researching and conducting outreach to regulate e-bikes on trails that are owned or have an easement-held by the Town or Land Trust. They presented an update to the STOR committee on 3/14/19 to hear feedback from the committee. The attached memo explains the background and reasoning of why the Town and Land Trust are considering prohibiting e-bikes on these trails. The overall goal of this regulation is focused on signage and outreach (not enforcement) and the Town and Land Trust intend to allow e-bikes under special circumstances (with the landowner's consent) with the Adaptive Sports Center and other recreationists with disabilities.
- 2) The Creative District is hosting a public meeting on Thursday, March 28th at 5:30 p.m. in Town Council Chambers to present and solicit feedback on the restructuring proposal and transition plan (which they will present to the Council during Monday's work session). Pizza and refreshments will be provided.
- 3) Regional Housing Plan – The Housing Authority will be considering adoption of the Regional Housing Plan at their next meeting on March 27th.

- 4) Applications for Phase 1 of the next build will begin March 21. A housing survey was also sent out to the Town Council to help assist in preparing for the next lottery and future affordable housing builds. Please share with any interested members of the public.
- 5) Please mark your calendar for the first meeting on the Slate River Sketch Plan on April 8th at 6pm. The Council will hold its first meeting as the Planning Commission on this date.

Town Clerk

- 1) No updates

Finance

- 1) The auditors are scheduled to be in town the week of May 13th to conduct the onsite portion of the annual financial audit for 2018.

Intergovernmental

There are no upcoming intergovernmental events scheduled.

Upcoming Meetings or Events

March 28th – Creative District public meeting on restructuring proposal – Council Chambers, 5:30 p.m.

April 9th – Henderson Park Design Ideas public meeting – Council Chambers, 5:30 p.m.

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



Colorado Communities for Climate Action Highlights

February 2019

Colorado Communities for Climate Action is a coalition of 24 counties and municipalities across Colorado advocating for effective state climate policy. Our members span the Western Slope and Front Range; small rural towns and major suburbs; counties and municipalities; and wealthy, middle income, and low-income neighborhoods.

New members over the past year include Avon, Breckenridge, Longmont, and Northglenn. Representing more than one-eighth of all Coloradans, CC4CA has become an impactful voice for clean air, climate action, and public health protection.

Legislative Successes

As an increasingly influential organization at the Capitol, CC4CA regularly meets with state legislators, is regularly invited to testify at legislative hearings, and plays a consequential role on climate-related legislation:

- CC4CA testimony helped kill a bill earlier this month that would have rolled back Colorado's newly adopted "low emission vehicle" standards.
- Our testimony helped move another important bill, the Colorado Energy Impact Assistance Act, out of committee in the House, and we are situated to help secure its passage in the Senate as well.
- CC4CA is coordinating political and coalition strategy on Senator Donovan's greenhouse gas inventory bill, an important priority for the coalition.
- CC4CA is a key player in the effort to pass significant legislation this session on greenhouse gas emissions. Local governments have particular concerns and needs, and are a powerful voice at the Capitol; we are working to make sure this legislation includes ambitious carbon reduction goals and a tangible path for achieving them.
- Less than halfway through the session nearly a dozen bills have already been introduced that CC4CA is engaged on. We are helping to kill those that weaken climate policy in Colorado, pass the ones that strengthen it, and incorporate amendments before bills are adopted to make sure the needs and perspectives of local governments are incorporated.
- In last year's session, despite the split chambers and a partisan divide that made it very difficult to advance legislation on climate and energy issues, CC4CA helped secure passage of two key energy storage bills. One established the rights of utility customers to install and use battery storage to enhance their own renewable energy

systems, and the other directed the Public Utilities Commission to adopt rules that address utility-scale storage systems.

- And CC4CA helped defeat bills in the last session that would have eliminated tax incentives for purchase of electric vehicles, repealed parts of the state renewable energy standards, and prevented the state from entering into climate and clean energy alliances with other states.

Advanced Clean Car Standards

In an effort that ran through much of 2018, CC4CA played a key role in securing two critical Colorado Air Quality Control Commission decisions:

- CC4CA led an energetic effort by local governments to persuade Governor Hickenlooper to consider adopting “low emission vehicle” standards, and then played a central role in the Commission’s decision late last year to actually adopt them. These standards, which twelve other states have also adopted, will protect Colorado from the EPA’s planned weakening of federal emissions standards.
- CC4CA also worked hard – successfully – to persuade the Air Quality Control Commission to begin a rulemaking process for the so-called “zero emission vehicle” standards. The state is expected to formally propose the rule this spring, designed to substantially expand electric vehicle opportunities in Colorado.

And CC4CA is now playing a lead role in the effort to actually adopt these ZEV standards. If we are successful, electric vehicles will become more affordable and Coloradans will have dramatically improved access to the full range of electric vehicle models on the market, including SUVs, crossovers, and trucks. These standards will also help ensure that all of Colorado – rural and Front Range alike – will fully benefit from the spread of electric vehicles. CC4CA and its coalition partners in this effort will remain heavily engaged until these standards are adopted.

Pushing for Strong Executive Branch Policies and Programs

CC4CA helped secure a critical Public Utilities Commission decision in February 2019 that gives many of our members a better chance at being able to expand their use of renewable energy. CC4CA began establishing a credible presence at the PUC last year, testifying in support of Xcel Energy’s proposed plan to retire early coal-fired power plants and invest instead in renewable sources.

In addition to our work with the Colorado Department of Public Health and Environment, CC4CA is working with the Governor’s staff, the Colorado Energy Office, and other state agencies. The focus is finding and implementing opportunities to better prepare for the local community impacts of climate change and to reduce Colorado’s carbon emissions.

The new governor’s cabinet and senior staff appointments include a number of CC4CA’s local elected officials, including the new director of the Colorado Department of Public Health and Environment, who relinquished her positions as an Eagle County Commissioner and CC4CA President in order to take on the new role.

The coalition has already built a reputation as a knowledgeable and trusted player, adding to legislative proceedings the voice and experience of city council and county commission members, as well as local government policy and technical staff experts. Through committee hearing testimony, personal contacts with legislators, and collaboration with other organizations, CC4CA actively engages with bills that advance a policy agenda unanimously adopted by the coalition to guide its work.

Training Members for Effective Advocacy

Over the past 15 months CC4CA conducted four well-attended regional training sessions around the state for elected officials, managers, and program staff of member jurisdictions. The sessions armed attendees with information and tools to more effectively represent CC4CA and their individual local governments in advocating for climate action at the state and federal levels.

CC4CA also ensures that its members – local elected officials and local government staff – have the opportunity to serve as witnesses during legislative hearings, meet with their legislators, testify during agency rulemaking processes, speak to reporters, and publish opinion pieces in local and statewide media outlets. In the past year alone, thirty CC4CA representatives have testified, a dozen have been quoted in news stories, and two dozen have published letters to the editor and guest editorials in news outlets.

Building Strategic Relationships

CC4CA continues to build constructive relationships at multiple levels. For instance:

- We offered every gubernatorial candidate from both major parties last year an opportunity to meet and learn about CC4CA and the climate-oriented concerns of our local government members. The candidates we ended up briefing included the new governor and helped us establish a strong relationship from the very beginning of his term.
- Similarly, CC4CA is meeting with every member of Colorado's Congressional delegation representing CC4CA members.
- CC4CA maintains a strong working relationship with other organizations representing local government interests, including the Compact of Colorado Communities and the Colorado Municipal League.

In just three years, Colorado Communities for Climate Action has evolved from an interesting idea into an influential coalition shaping state climate policy. It can be very difficult for individual local governments to influence state policy on their own, but a coalition of more than two dozen local governments all speaking with one voice has an outsized impact.

For more information:
Jacob Smith • jsmith@cc4ca.org • (303) 810-6017 • CC4CA.org



Memorandum

March 14, 2019



To: Sustainable Tourism and Outdoor Recreation Committee

From: Hedda Peterson, Crested Butte Land Trust Stewardship Director
Mel Yemma, Town of Crested Butte Open Space Coordinator

Subject: **Update regarding regulation of E-Bikes on Town and Land Trust-owned or easement-held trails**

Purpose: To provide an update to the STOR committee regulating E-Bikes on trails that are owned or have an easement-held by the Town of Crested Butte (Town) or Crested Butte Land Trust (Land Trust).

Trails Background: Since the Land Trust's inception in 1991, the Town and the Land Trust have partnered on multiple conservation and trail projects up and down the Gunnison valley. Several of the open space projects have provided unmatched recreational opportunities for visitors and community members. Together, the Land Trust and Town manage over 20 miles of trail, much of which is in close proximity to downtown Crested Butte. Each of the following natural surface trails are either on land owned by the Land Trust or Town, or on private land with an easement held by the Land Trust or Town:

- Lower Loop trail network (*Mix of Land Trust owned land and BLM administered land, Conservation Easements on Land Trust Land held by Town*)
- Budd Trail (*Private land, easement held by Land Trust and Land Trust property, easement held by Town*)
- Lupine 1 and 2 (*Mix of Town-owned Land, Town-held easement on private land, and Land Trust-owned land*)
- Gunsight Connector (*Private Land, easement held by Land Trust*)
- Green Lake Trail (*Private Land, easement held by Town*)
- Woods Walk trail network (*Mix of private land with easements held by Town and Land Trust, some sections are not encumbered by an easement*)
- Snodgrass and Teddy's Trail (*Mix of private land with easement held by Land Trust, and land owned by Mt. CB*)
- Peanut Mine Trail (*Land Trust property*)
- Baxter Gulch Trail (*Mix of Town-owned land, private land with easements held by Land Trust or Town, and USFS*)
- Deli Trail (*Private Land with annual easement agreements held by Town*)
- KB Connector and GB Loop (*Mix of Lands owned by Land Trust and BLM, Conservation Easements on Land Trust Land held by Town*)

All of these trails are designated as non-motorized, and most sections that are encumbered by a trail, recreation, or conservation easement have similar language prohibiting motorized use:

“No motorized vehicles are permitted on the Trail area excepting only motorized wheelchairs and similar devices used by individuals to whom the Americans with Disabilities Act would apply; and maintenance vehicles reasonably necessary for constructing, maintaining or repairing the trail.”

E-Bikes Background: Electric assisted bicycles (e-bikes) are growing in popularity and regulating the use of them is currently a conundrum for many land managers. In 2017, the Colorado General Assembly passed HB 17-1151, which defines e-bikes as “a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding 750 watts of power.” Additionally, HB 17-1151 defines e-bikes in three types of classes:

“Class 1” Electrical assisted bicycle means an electrical assisted bicycle equipped with **a motor** that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.”

“Class 2” Electrical assisted bicycle means an electrical assisted bicycle equipped with **a motor** that provides assistance regardless of whether the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.”

“Class 3” Electrical assisted bicycle means an electrical assisted bicycle equipped with **a motor** that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.” (Emphasis added to highlight differences in classes)

HB 17-1151 excludes “Class 1” and “Class 2” from the definition of a “motor vehicle”. However, because all three classes of e-bikes are still defined as having a “motor,” the Land Trust and Town view all three classes as not compatible with the language in our easements, which exclude motorized use from the trails, with the exception of devices used by individuals to whom the Americans with Disabilities Act would apply.

The U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) have also passed e-bikes policies that regulate e-bikes as if they are motorized vehicles, and thus are prohibited from non-motorized trails. Both the USFS and BLM have committed to monitoring e-bike use and technology and remain opening to re-visiting and adapting this decision.

Update and Discussion: In order to uphold easements and due to concerns of increasing popularity and use of e-bikes, the Land Trust and Town would like to prohibit the use of e-bikes on the natural-surface trails listed above. As property owners and land managers, the Land Trust and Town both view e-bikes as having a motor, and therefore are not consistent with the language in easements. Additionally, because some of the trails listed above intersect with federal lands administered by the USFS or BLM, we would like to have consistent regulations with the federal agencies. Overall, we would like to ensure consistency for users connecting through our properties and easements to federal lands.

While e-bikes are currently not a big issue on these trails, their popularity is rapidly increasing and we would like to get ahead of this management and enforcement challenge. Because the USFS and BLM have already made their policy clear, and the trails listed above are intended to be non-motorized, we would like to have consistent signage and messaging communicating that e-bikes are not permitted on these natural surface, non-motorized trails (with an exception of devices used by individuals to whom the Americans with Disabilities Act would apply).

The Land Trust and Town both see the value in e-bikes as a way to provide an exceptional recreation experience, allow increased bicycle commuting, and as a tool for adaptive recreationists to experience the trails. E-bikes are currently allowed on the paved recreation path trail between Crested Butte and Mt. Crested Butte, and we believe there are sufficient opportunities to utilize e-bikes on roads and motorized trails. Furthermore, the prohibition of motorized vehicles in our easements are excluded by devices used by individuals to whom the Americans with Disabilities Act would apply, and we intend to allow e-bikes with the land owner's consent in special circumstances with the Adaptive Sports Center and other recreationists with disabilities.

The Land Trust and Town intend to follow up this update and discussion with the STOR committee with conversations with local bike shops, the Adaptive Sports Center, and other important stakeholders prior to implementing any management decisions, which include signage and outreach. However, because the members of STOR committee represent not only neighboring land managers, but also many recreationists and different user groups in the Gunnison Valley, we would like to hear from the committee members about the opportunities and challenges presented by this management recommendation.



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: **Reconsideration of Ordinance 3, Series 2019- IRC requirements for sprinkler systems in Townhomes**

Date: March 12, 2019

Update:

The Town Council was split on the vote for Ordinance 3, Series 2019 and it failed to pass at the February 4, 2019 meeting. At this meeting the Town staff and the developer for the affordable housing project testified that the cost for the Town's project for fire sprinklers would be around \$250,000 or \$15,000-\$20,000 a unit.

On February 19, 2019, the Council asked to the staff to bring back the Ordinance 3, Series 2019 for their reconsideration. The Council asked for the staff to survey local builders for their costs related to fire suppression.

The Staff surveyed 4 local builders for their costs for fire sprinklers for projects completed in the past year. While they did assist the staff in providing these costs, they all asked that their costs not be directly published because they competitively bid these systems for their projects. Also there was a range of costs because the size and number of units in each project varied. However, the costs per unit ranged from \$12,500-\$35,000 per unit. Or a range of \$6.15-\$20 a square foot. Some builders were also not able to break out the costs of the installation of the fire sprinkler service line since this was included in a separate bid for excavation. Bywater's cost of \$17,500 per unit included excavation costs for the installation of the fire suppression and the service lines into the building.

Background:

The Town Council previously passed a local text amendment to exempt 2 unit Townhomes (or Duplexes) from sprinkler requirements. The International Residential Code allows local jurisdictions to pass local text amendments. A Townhome is considered a standalone single-family home that sits on its own lot that shares a 2-hour fire rated wall with a neighboring property. The two hour wall must extend from the foundation through ceiling. Ordinance 3, Series 2019 would extend the sprinkler exemption from duplexes units to also include Triplexes units.

Recommendation:

A Council member make a motion followed by a second to **Deny** Ordinance 3, Series 2019 the Code amendment for Section 18-2-30 (6) concerning fire suppression requirements for townhomes under the International Residential Code.

ORDINANCE NO. 3

SERIES 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING THE TOWN CODE TO AMEND CRESTED BUTTE
MUNICIPAL CODE SECTION 18-2-30 (6) CONCERNING FIRE
SUPPRESSION REQUIREMENTS FOR TOWNHOMES UNDER THE
INTERNATIONAL RESIDENTIAL CODE.**

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

WHEREAS, C.R.S. 31-15-103 authorizes the Town to adopt ordinances necessary to provide for the health, safety and welfare of the Town; and

WHEREAS, the adoption of uniform codes of construction is necessary to ensure safe and sound construction of buildings; and

WHEREAS, the Town of Crested Butte adopted the 2015 Series of the International Residential Code with Ordinance 19, Series 2016 along with certain amendments; and

WHEREAS, the construction of safe and sound buildings is an important charge of the Town Council; and

WHEREAS, the Town Council has determined that the below amendment to the International Residential Code suggested by the Town staff promotes the desired goals of the Town Council to achieve standardized, safe construction, and accordingly, are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

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

Section 1. Amending Chapter 18, Article 2, Section 30 (6) – International Residential Code Section 313.1. The following Section in Chapter 18, Article 2 is amended as follows:

IRC Section 313.1 (Townhouse automatic fire sprinkler systems) shall be amended to add the following. "... in townhouses of more than three units".

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

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

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

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

TOWN OF CRESTED BUTTE

By: _____

James A. Schmidt, Mayor

ATTEST:

BY: _____

Lynelle Stanford, Town Clerk

March 12, 2019

Dear Town Council,

I am writing to express my concern that the Town Council may consider excluding Fire Suppression Systems (fire sprinklers) from Townhouses.

Since 1975, agencies such as the US Fire Administration and the Center for Disease Control report residential fire deaths account for approximately 75 percent of all fire deaths per year nationwide. Since they were introduced in 1874, modern fire sprinklers have over a hundred and forty year track record of saving lives and protecting property from the ravages of fire. The Home Fire Sprinkler Coalition (homefiresprinkler.org) assert home fire sprinklers are a crucial, life-saving technology. Fire sprinklers reduce the risk of dying from home fires by 80 percent and can reduce the risk of property loss by 70 percent. By contrast, the risk of dying in a home with working smoke alarms is 50 percent according to the National Fire Protection Association (nfpa.org). Together, they protect life with early warning and controlling the problem allowing time to evacuate the building. Fire research has shown that with today's modern furnishings, fire can spread more rapidly than ever. A room with normal furnishings can achieve flashover (a condition where everything in the room bursts into flame) in under four minutes. The smoke and heat from such a situation will obscure your exit and prevent you from breathing long before a fire reaches you. Once the smoke alarm sounds, you may have as little as two minutes to escape. Imagine if you have elderly persons or young children asleep in your home that need to get out quickly within a few moments of a fire.

Adopted building codes provide for fire resistive construction, typically one- and two-hour rated assemblies (fire walls, barriers, etc.) This is considered "passive" fire protection and while it slows or prevents the spread of fire from one area to another, it does nothing to extinguish the fire.

The upfront cost of a life safety and property protection system is often stated as an obstacle to installing such systems. The downside of not installing these systems is loss of life, revenue and property. The costs of replacing structures damaged and destroyed by fire far outweigh the initial expense; this includes the human suffering, displacement of living/dwelling units, loss of employees and employment, loss of revenue and financial hardships, not to mention the impact on the community and the associated costs of replacing the lost buildings. What better way to protect the investment of time and money in a home then with timely notification and extinguishment of an incipient fire! There are close to two hundred registered fire suppression contractors in Colorado. Soliciting competitive bids and exploring alternative "combination" systems will ensure a cost effective system is installed.

In conclusion, education and a balance of passive and active fire protection is the best way to prevent fire deaths, property and financial losses. Fire sprinklers, working smoke alarms and fire resistive construction work together to defend and preserve lives and property.

Respectfully,

Scott Wimmer

324 Teocalli Avenue

Crested Butte, CO



Staff Report

18 March 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Chief Marshal Michael Reily
Subject: Ordinance 08, Series 2019 - An Ordinance prohibiting possession of tobacco/nicotine products by persons under the age of eighteen

Summary:

Colorado leads the US in youth vaping rates. Through the data provided by the Healthy Kids Colorado Survey we know that our community youth perceive that they have high accessibility to vaping products and that less than 48% of youth perceive that nicotine is harmful. Vaping products have not been regulated by the FDA and therefore we don't have a lot of knowledge of the long-term effects of the chemicals found in the devices and products. In order to help keep our youth healthy we are requesting that Crested Butte Town council adopts an ordinance prohibiting the possession of tobacco/nicotine products by persons under the age of eighteen; the city of Gunnison adopted a similar ordinance in 2011 and updated it in 2017.

Previous Council Action:

The council has not taken action on this previously.

Background:

The Gunnison County Substance Abuse Prevention Project (GCSAPP) and the Crested Butte Community School requested assistance in preventing the number of youth who start and continue using vaping products. We have seen the youth use rate soar in the past two years and youth do not perceive vaping to be harmful. This year GCSAPP's Choice Pass program included nicotine in the drug testing panel and has seen a statistically significant increase in violations. Youth are reporting that they are experiencing physiological symptoms of nicotine withdrawal after they stop using as part of this program. Vaping among youth is a concern and being proactive in creating policy to help reduce youth use rates is of paramount importance.

Discussion:

It is currently not illegal for youth under the age of eighteen to possess tobacco/nicotine products. By creating this ordinance, our community will have an additional tool in order to help prevent youth from using tobacco/nicotine products and support them in making healthy choices.

Legal Implications:

A person receiving a summons for the alleged violation of 10-6-60, shall appear in Crested Butte Municipal Court with a parent or legal guardian on the date set forth on the summons. Should the minor fail to appear with a parent or legal guardian, a summons shall be issued for both the minor and the minor's parent(s) or legal guardian(s) compelling their attendance in Crested Butte Municipal Court of the minor and at least one of the minor's parents or legal guardians

Janet Reinman, the Gunnison County Director of Juvenile Services, currently sends first offenders through a tobacco education program through Second Step (<https://www.secondstep.org/>). This will be the legal implication for a first offense.

Financial Implications:

There are no discernable financial implications to the Town to updating the Code with this ordinance.

Recommendation:

The Marshal's Office and Town Staff recommend the Town adopt this ordinance prohibiting the possession of tobacco/nicotine products by persons under the age of eighteen.

Recommended Motion:

That a Council member make a motion "to approve Ordinance No. 8, Series 2019" followed by a second and roll call vote.

**ORDINANCE NO. 8
SERIES 2019**

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL ADDING ORDINANCE 10-6-60 PROHIBITING THE POSSESSION OF TOBACCO/NICOTINE PRODUCTS BY PERSONS UNDER THE AGE OF EIGHTEEN TO THE GENERAL OFFENSES SECTION OF THE CRESTED BUTTE MUNICIPAL CODE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

WHEREAS, the Town Council of the Town of Crested Butte, Colorado recognizes that the use of tobacco/Nicotine products has detrimental long-term health effects; and

WHEREAS, the State of Colorado prohibits the sale of tobacco/nicotine products to persons under the age of eighteen; and

WHEREAS, the State of Colorado prohibits the sale of tobacco/nicotine products to persons under the age of eighteen; and

WHEREAS, at the request of the Gunnison County Substance Abuse Prevention Project and the Crested Butte Community School, the Town Council finds that the adoption of the provisions of this ordinance would benefit the health, safety and general welfare of the citizens of the Town, and;

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

Section 1. Adoption of Ordinance 10-6-60 Possession of Tobacco/Nicotine Products by Persons Under the Age of Eighteen.

“Tobacco Product” means any product that contains or is derived from tobacco or contains nicotine, and is intended to be ingested or inhaled by or applied to the skin of any individual: including but not limited to cigarettes, cigars, chewing tobacco, e-cigarettes, vape pens, or vaporized apparatus, except that “tobacco product” does not mean any product that the Food and Drug Administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

Section 2. Chapter 10-6 of the Town of Crested Butte Municipal Code, General Offenses regarding Minors is hereby amended with the addition of the following subsection 60.

Sec. 10-6-60. Unlawful Possession of Tobacco/Nicotine Products by Persons Under the Age of Eighteen.

- A. No person under the age of eighteen years shall possess any tobacco/nicotine product within the Town.
- B. No person under the age of eighteen years shall purchase or attempt to purchase any tobacco/nicotine product within the Town.
- C. No person shall knowingly give, sell, or distribute any tobacco/nicotine product to any person who is under the age of eighteen years within the Town.
- D. It shall not be an offense under this section if the person under the age of eighteen years was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to persons under the age of eighteen years.
- E. Violation of any of the provisions of this section is a petty offense.

Section 3. Penalties and Procedures.

- A. A person receiving a summons for the alleged violation of 10-6-60, shall appear in Crested Butte Municipal Court with a parent or legal guardian on the date set forth on the summons. Should the minor fail to appear with a parent or legal guardian, a summons shall be issued for both the minor and the minor's parent(s) or legal guardian(s) compelling their attendance in Crested Butte Municipal Court of the minor and at least one of the minor's parents or legal guardians.
- B. Upon issuance of a first summons and complaint for a violation of section 10-6-60, if such person appears before the Municipal Court accompanied by a parent or guardian, such person, upon conviction shall be sentenced to participate in and complete a tobacco product education class and to pay any fees associated therewith.
- C. Upon a second conviction, the Court shall assess a penalty consistent with the Court's fee schedule for this offense.
- D. For a third or more conviction, the Court shall assess a penalty which is double the Court's fee schedule for the second conviction.

Section 4. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 5. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

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



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: Ordinance 9, Series 2019- IRC requirements eaves in Townhomes

Date: March 12, 2019

Background:

The Town Council has previously passed local text amendments to the International Residential Code (“IRC”). The Town’s design guidelines require pitched roofs and eaves on residential structures. The IRC prohibits eave overhangs over a shared property line. However, the Town’s design guidelines require these eaves. Eaves are especially important in our environment because of snow sheds off roofs. Below are several examples of eaves on Townhomes that were allowed to be constructed previously but were not in compliance with the IRC. Ordinance 9, Series 2019 would allow these eave projections provided that the eaves are constructed with a fire rated assembly that is approved by the Building Official to extend over the share lot line. Also party wall agreements between units will be executed to ensure property owners can maintain these eaves if needed into the future.



Recommendation:

A Council member make a motion followed by a second approve Ordinance 9, Series 2019 amending Code Section 18-2-30 for eave requirements for townhomes under the International Residential Code to a public hearing on March 18, 2019.

ORDINANCE NO. 9

SERIES 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING, CHAPTER 18, ARTICLE 2, SEC. 18-2-30 OF THE
TOWN CODE RELATED TO BUILDING REGULATIONS**

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

WHEREAS, the Town Council has determined that the below amendment to the International Residential Code is important to achieving standardized, safe construction, in furtherance of the goal of protecting public health, safety, welfare of the public and the environment and upholding the Board of Zoning and Architectural Review Board Design Guidelines.

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

Section 1. Amending Chapter 18 Article 2- Residential Code

Sec. 18-2-30 Amendment

Section 18-2-30 shall be amended to read as follows:

Add new paragraph to read as follows:

(12) IRC Section 302.1, Exception 6. Where Townhouse eave projections of not more than 18 inches in length are extended over the “0” lot line, constructed with fire rated protection, and approved by the Building Official.

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

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

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

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

TOWN OF CRESTED BUTTE

By: _____

James A. Schmidt, Town Mayor

ATTEST:

BY: _____

Lynelle Stanford, Town Clerk



Staff Report

March 18, 2019

To: Mayor and Town Council

From: Rob Zillioux, Finance and HR Director

Subject: Ordinance No. 10, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of Unit A (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to Nautilus Sailing, LLC.

Summary: Nautilus Sailing, LLC has been a long-term tenant of the Town. Their most recent lease expired in 2013. The Council directed staff to review all of the expired leases of town property and to bring forward new leases for those entities. Staff recommends entering into a new lease with Stepping Stones.

Previous Council Action: In January of 2017, with Resolution 2017-02, the Council approved a policy regarding the leasing of non-residential municipal property.

Background: With the creation of a facility manager position a couple of years ago, the Town has begun to get a handle on the maintenance status of the many buildings the Town own and has begun investing in building improvements and deferred maintenance.

As of March, 2019 the Town had four tenants with expired or non-existent leases. All of the tenants are current with payments based upon the terms of the expired leases. Staff has been reaching out to all of our non-residential tenants with expired leases to make them aware that the Town would like to enter into new leases. In some cases this also included new proposed lease rates. Based upon the policy adopted by the Council, staff generated a sliding lease rate based first upon the size of the space rented with the goal of getting all of the tenants to \$2 - \$6 per square foot, per year for non-profits. For profit organizations will have leases closer to market rates.

Discussion: The space that Nautilus Sailing, LLC leases is approximately 170 sq. ft. This is one of the smaller spaces that the Town rents. They have been paying \$3,000 per year rent. Town has performed maintenance on the building. They have been paying utilities for their space, through the Chamber of Commerce. As drafted the lease would continue to require Nautilus Sailing, LLC to pay utilities. The annual lease rate proposed is as follows:

| | | |
|------|---------|-----------------|
| 2019 | \$3,000 | \$17.65 sq. ft. |
|------|---------|-----------------|

The rental term is for 1 year with an automatic 1 year renewal, unless either party provides termination notice

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.

Recommendation: Staff recommends the Town enter into a lease with Nautilus Sailing, LLC.

Proposed Motion: Motion and a second to set Ordinance No. 10, Series 2019 to public hearing at the April 1st Council meeting.

ORDINANCE NO. 10**SERIES 2019****An Ordinance of the Crested Butte Town Council Approving the Lease of Unit A (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to Nautilus Sailing, LLC.**

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, pursuant to Section 31-15-713 (c), C.R.S., the Town Council may lease any real estate, together with any facilities thereon, owned by the Town when deemed by the Town Council to be in the best interest of the Town; and

WHEREAS, pursuant to Section 713 (c), when the term of such lease is more than one year, the Town Council must approve such lease by ordinance of the Town Council; and

WHEREAS, on February 1, 2012, the Town entered into a one-year lease with Nautilus Sailing, LLC (formerly Sail Western Colorado) for property owned by the Town located at 601 Elk Ave; and

WHEREAS, the term of the lease expired on January 31, 2013; and

WHEREAS, the Town Council and Nautilus Sailing, LLC wish to enter into Business Lease attached hereto as Exhibit A; and

WHEREAS the Town Council finds hereby that approving leases of various Town properties for use by certain entities 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.
2. **Authorization of Town Manager or Mayor**. Based on the foregoing, the Town Council hereby authorizes the Town Manager or 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 RADING 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"

Lease Agreements

BUSINESS LEASE

THIS BUSINESS LEASE (this "**Lease**") is entered into this 1st day of April, 2019, with an effective date of April 1st, 2019 (the "**Effective Date**") by and between the TOWN OF CRESTED BUTTE, COLORADO ("**Landlord**"), a Colorado home rule municipality and the Nautilus Sailing, LLC, ("**Tenant**").

AGREEMENT:

Premises. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, upon and subject to the terms and conditions as set forth herein, the real property and improvements thereon located in portion of the second floor of the Chamber of Commerce building, 601 Elk Avenue Crested Butte (the "**Premises**").

Tenant has inspected the Premises and accepts the same in its "as is" condition.

1. **Use; Parking; Maintenance; Utilities; Signage.**

(a) Tenant may use and occupy the Premises solely for the Nautilus Sailing, LLC and related purposes in keeping with the mission of the Tenant. Any other uses shall be following Landlord's prior written consent.

(b) All public facilities on the Premises shall be utilized as directed by Landlord and not restricted by Tenant. There is not parking provided on the Premises.

(c) During the Term (as defined below), Tenant shall provide routine maintenance and care respecting the Premises, including, without limitation, regular cleaning and general cosmetic care (collectively, "**Projects**"). All such maintenance and care shall be performed at Tenant's sole cost and expense.

(d) Without limiting Tenant's obligation respecting such maintenance and care of the Premises, Landlord shall provide regular grounds maintenance (e.g., lawn care, snow removal) on and adjacent to the Premises.

(e) Unless otherwise specified, the Lessee shall pay for heating, electricity, water, sewer and weekly refuse collection as arranged with the Chamber of Commerce. Lessee shall pay all charges for telephone, internet, television and other such services. Lessee shall be responsible for causing any necessary television or other cable lines to be placed for service to the Premises. Any such placement shall not cause damage to the Premises and/or building.

(f) All exterior signage shall be installed only upon prior approval of Landlord.

2. **Term.**

(a) Provided that Tenant is not in default under any term or condition of this Lease, Tenant shall have and hold the Premises for a one (1) year period (the "**Term**") that shall commence on the Effective Date hereof and expire one (1) year following the commencement of the Term. The Term shall automatically be extended for an additional one (1) year, unless the Lease is terminated in writing by either party at least 90 days prior to the expiration of the initial Term.

(b) At the expiration or earlier termination of this Lease, Tenant shall surrender the Premises in broom clean, good order and condition, in the same condition and repair as Tenant initially took occupancy of the Property on the Effective Date, ordinary wear and tear excepted. Tenant shall fully repair any damage occasioned by the removal of any trade fixtures, equipment, furniture, alterations, additions and improvements. All trade fixtures, equipment, furniture, alterations, additions and improvements not so removed shall conclusively be deemed to have been abandoned by Tenant and may be appropriated, sold, stored, destroyed or otherwise disposed of by Landlord without notice to Tenant or to any other person and without obligation to account therefor. Tenant shall pay Landlord all expenses incurred in connection with Landlord's disposition of such property, including the cost of repairing any damage to any improvements or the Premises caused by such removal. Tenant's obligation to observe and perform the foregoing requirements shall survive the expiration or earlier termination this Lease.

3. **Rent; Additional Rent; Security Deposit.**

(a) Tenant shall pay Landlord \$250 on the Effective Date of this Lease and each successive month thereafter (the "Rent"), during the effective term (the "**Rent**")

(b) Any Rent that is paid late shall accrue interest at a rate of 1.5% of such unpaid Rent per month. Rent shall be prorated for any partial month.

(c) Rent, any additional rent and any other amounts due Landlord under this Lease shall be paid at Landlord's address specified herein for notices, without prior demand and without any abatement, deduction or setoff.

(d) To secure the faithful performance by Tenant of all of Tenant's covenants, conditions, and agreements in this Lease to be observed and performed, Tenant shall deposit with Landlord a security deposit (the "**Security Deposit**") within one (1) year of execution of the Lease. Tenant's security deposit shall be of \$250.00. The Security Deposit may also be used in the event of termination of the Lease by re-entry, eviction, or otherwise. The parties agree that the Security Deposit or any portion thereof, may be applied to any Event of Default (as defined below) that may exist, and/or

payment of subsequent damages and costs incurred by Landlord, without prejudice to any other remedy or remedies that Landlord may have on account thereof. If Tenant shall perform all of its respective covenants and agreements in the Lease, the Security Deposit, or the portion thereof not previously applied pursuant to the provisions of the Lease, together with a statement, shall be returned to Tenant without interest, no later than sixty (60) days after the expiration of the Term, or any renewal or extension thereof (or such earlier time if required by applicable law), provided Tenant has vacated the Premises and surrendered possession thereof to Landlord.

4. **Landlord's Access.** Landlord, its agents, employees and contractors may, at their sole risk, enter the Premises at any time in response to an emergency, and at other reasonable time upon reasonable prior notice to Tenant, without limitation, (a) inspect the Premises, (b) determine whether Tenant is complying with its obligations under this Lease, (c) supply any other service that Landlord is required to provide, (d) post notices of non-responsibility or similar notices, or (e) make repairs which this Lease requires Landlord or Tenant to make. All work of Landlord shall be performed as promptly as reasonably possible and so as to cause as little interference to Tenant as reasonably possible, at all times taking into account the nature and extent of such work. Landlord shall at all times have a key with which to unlock all of the doors to the Premises (excluding Tenant's vaults, safes and similar areas designed in writing by Tenant in advance).

5. **No Alterations.** Without limiting Tenant's obligations to maintain, repair, restore and replace the Premises and any portion thereof, Tenant shall not make any alterations, additions, repairs, restorations or improvements to the Premises without Landlord's prior written consent.

6. **Compliance with Laws.**

(a) Tenant shall not use or occupy, or permit any portion of the Premises to be used or occupied in violation of any law, ordinance, order, rule, regulation, certificate of occupancy or other governmental requirement.

(b) Tenant and the Premises shall remain in compliance with all applicable laws, ordinances and regulations (including consent decrees and administrative orders) relating to public health and safety and protection of the environment, including those statutes, laws, regulations and ordinances, all as amended and modified from time to time..

7. **No Unsightliness.** Tenant covenants and agrees that no unsightliness shall be permitted on the Premises. Without limiting the generality of the foregoing, no vehicles, machinery, equipment, tools, refuse, scrap, debris, garbage, trash, bulk materials, used vehicle parts or waste shall be kept, stored or allowed to accumulate on the Premises at any time. The Tenant shall have the right to tow vehicles from the Premises and place signage on the Premises to enforce the above provisions.

8. **Insurance.**

(a) At its sole expense, Tenant shall obtain and keep in force during the Term commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000.00) for injury to or death of any one person, for injury to or death of any number of persons in one occurrence, and for damage to property, insuring against any and all liability of Landlord and Tenant, including coverage for contractual liability, broad form property damage, and non-owned automobile liability, with respect to the Premises or arising out of the maintenance, use or occupancy of the Premises. The insurance shall be noncontributing with any insurance that may be carried by Landlord and shall contain a provision that Landlord, although named as an insured, shall nevertheless be entitled to recover under the policy for any loss, injury, or damage to Landlord, its agents, and employees, or the property of such persons.

(b) Upon receipt of written notification from the Town, at Tenant's sole expense, Tenant shall obtain and keep in force, during the Term, "all-risk" coverage naming Landlord and Tenant as their interests may appear and other parties that Landlord or Tenant may designate as additional insureds in the customary form for buildings and improvements of similar character, on all buildings and improvements now or hereinafter located on the Premises. Such coverage shall include, without limitation, the historic replacement value of the Premises building structure. The amount of the insurance shall be designated by Landlord no more frequently than once every twelve (12) months, shall be set forth on an "agreed amount endorsement" to the policy of insurance and shall not be less than the value of the buildings and improvements.

(c) All insurance required in this Section and all renewals of it shall be issued by companies authorized to transact business in the State of Colorado, and rated at least A+ Class X by Best's Insurance Reports (property liability) or approved by Landlord. All insurance policies shall be subject to approval by Landlord and any lender as to form and substance, said approval not to be unreasonably withheld or delayed; shall expressly provide that the policies shall not be canceled or altered without thirty (30) days' prior written notice to Landlord and any lender, and to Landlord in the case of general liability insurance; and shall, to the extent obtainable without additional premium expense, provide that no act or omission of Tenant which would otherwise result in forfeiture or reduction of the insurance shall affect or limit the obligation of the insurance company to pay the amount of any loss sustained. Tenant may satisfy its obligation under this Section by appropriate endorsements of its blanket insurance policies.

(d) All policies of liability insurance that Tenant is obligated to maintain according to this Lease (other than any policy of workmen's compensation insurance) shall name Landlord and such other persons or firms as Landlord specifies from time to time as additional insureds provided such other persons have an insurable interest and does not result in any additional premium expenses. Original or copies of original policies (together with copies of the endorsements naming Landlord, and any

others specified by Landlord, as additional insureds) and evidence of the payment of all premiums of such policies shall be made available to Landlord prior to Tenant's occupancy of the Premises and from time to time at least thirty (30) days' prior to the expiration of the term of each policy. All public liability, property damage liability, and casualty policies maintained by Tenant shall be written as primary policies, not contributing with and not in excess of coverage that Landlord may carry. No insurance required to be maintained by Tenant by this Section shall be subject to any deductible in excess of \$20,000.00 without Landlord's prior written consent.

(e) Landlord and Tenant waive all rights to recover against each other, or against the officers, elected officials, directors, shareholders, members, partners, joint ventures, employees, agents, customers, invitees, or business visitors of each of theirs, for any loss or damage arising from any cause covered by any insurance required to be carried by each of them pursuant to this Section or any other insurance actually carried by each of them. Tenant shall cause its insurer to issue an appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with the Premises and any personal property located on the same. Tenant shall cause all other occupants of the Premises claiming by, under, or through Tenant to execute and deliver to Landlord a waiver of claims similar to the waiver in this Section and to obtain such waiver of subrogation rights endorsements.

9. **Indemnification; Tenant Waiver and Release.**

(a) Tenant shall indemnify Landlord, its elected officials, officers, employees, agents, contractor, attorneys, insurers and insurance pools (collectively, the "**Landlord Parties**"; as applicable, each an "**Indemnitee**") against, and hold each Indemnitee harmless from, any and all demands, claims, causes of action, fines, penalties, damages (including consequential damages), losses, liabilities, judgments, and expenses (including attorneys' fees and court costs) incurred in connection with or arising from: (i) the use or occupancy of the Premises by Tenant or any person or entity claiming under Tenant, the employees, agents, contractors, guests, invitees or visitors of Tenant or any person or entity (each, a "**Tenant Related Person**"); (ii) any activity, work, or thing done or permitted or suffered by a Tenant Related Person in or about the Premises; (iii) any acts, omissions, or negligence of any Tenant Related Person; (iv) any breach, violation, or nonperformance by any Tenant Related Person of any term, covenant, or provision of this Lease or any law, ordinance or governmental requirement of any kind; or (v) except for loss of use of all or any portion of the Premises or Tenant's property located within the Premises that is proximately caused by or results proximately from the gross negligence of Landlord, any injury or damage to the person, property or business of a Tenant Related Person entering upon the Premises under the express or implied invitation of Tenant. If any action or proceeding is brought against an Indemnitee by reason of any claim solely arising out of subparagraphs (i) through (v) above, upon notice from Landlord, Tenant shall defend the claim at Tenant's expense with counsel reasonably satisfactory to Landlord.

(b) Tenant waives and releases all claims against Indemnitees with respect to any loss, injury, death, or damage (including consequential damages) to persons, property, or Tenant's business occasioned by, without limitation, theft; act of God; public enemy; injunction; riot; strike; insurrection; war; court order; requisition; order of governmental body or authority; fire; explosion; falling objects; steam, water, rain or snow; leak or flow of water (including water from the elevator system), rain or snow from the Premises or into the Premises or from the roof, street, subsurface, or from any other place, or by dampness, or from the breakage, leakage, obstruction, or other defects of the pipes, sprinklers, wires, appliances, plumbing, air conditioning, or lighting fixtures of the building; or from construction, repair, or alteration of the Premises or from any acts or omissions of any visitor of the Premises; or from any cause beyond Landlord's control.

10. **Default Provisions.**

(a) If Tenant fails to perform any of its obligations under this Lease, then Landlord, after ten (10) days' written notice to Tenant (or, in case of any emergency, upon notice or without notice as may be reasonable under the circumstances) and without waiving any of its rights under this Lease, may (but shall not be required to) pay the amount or perform the obligation. All amounts so paid by Landlord and all costs and expenses incurred by Landlord in connection with the performance of any obligations (together with interest at the prime rate from the date of Landlord's payment of the amount or incurring of each cost or expense until the date of full repayment by Tenant) shall be payable by Tenant to Landlord on demand and as additional rent. In the proof of any damages that Landlord may claim against Tenant arising out of Tenant's failure to maintain insurance that is required by terms of this Lease, Landlord shall not be limited to the amount of the unpaid insurance premium but shall also be entitled to recover as damages for the breach the amount of any uninsured loss (to the extent of any deficiency in the insurance required by the provisions of this Lease), damages, costs and expenses of suit, including attorneys' fees, arising out of damage to, or destruction of, the Premises occurring during any period for which Tenant has failed to provide the insurance.

(b) The following occurrences are "**Events of Default**": (i) Tenant defaults in the due and punctual payment of rent or any other amount due under this Lease, and the default continues for five (5) days after notice from Landlord; (ii) Tenant defaults in the performance of any other obligation under this Lease that is not cured after ten (10) days' written notice to Tenant (or, in case of any emergency, upon notice or without notice as may be reasonable under the circumstances); or (iii) Tenant vacates or abandons the Premises.

(c) If any one or more Events of Default occurs, then Landlord may, at its election, give Tenant written notice of its intention to terminate this Lease on the date of the notice or on any later date specified in the notice, and, on the date specified in the notice, Tenant's right to possession of the Premises shall cease and this Lease shall be terminated. In addition, landlord shall have all other rights available at law and in equity,

including, without limitation, recovery of actual damages, costs and expenses, including reasonable attorneys' fees. All remedies may be cumulatively and concurrently applied and enforced.

12. **Assignment**. Tenant may not assign this Lease, or sublet the Premises, in whole or in part, without Landlord's prior written consent.

13. **Notices**. All notices, demands, and requests required to be given by either party to the other shall be in writing, and with a copy given to counsel for each such party as provided below. All notices, demands, and requests shall be delivered personally or sent by electronic mail (e-mail), nationally recognized overnight courier, certified or registered mail, return receipt requested, postage prepaid, or via facsimile, addressed to the parties at the addresses set forth below or at such other addresses as the parties may designate in writing delivered pursuant to the provisions hereof. Any notice when given as provided herein shall be deemed to have been delivered on the day of delivery if delivered personally, on the first business day following the confirmation of sending of an e-mail when sent by electronic mail, on the first business day following deposit with the courier service when delivered by overnight courier, three business (3) days subsequent to the date that said notice was deposited with the United States Postal Service, or on the first business day following the date of confirmation of receipt when delivered by facsimile.

To Landlord: Town of Crested Butte
P.O. Box 39
507 Maroon Avenue
Crested Butte, CO 81224
Facsimile: (970) 349-6626
Attn: Town Manager

To Tenant: Nautilus Sailing, LLC
P.O. Box
Crested Butte, CO 81224
Attn: **Tim**

14. **No Waiver**. No waiver of any condition or agreement in this Lease by either Landlord or Tenant shall imply or constitute a further waiver by such party of the same or any other condition or agreement.

15. **Attorneys' Fees**. In case a dispute between the parties shall arise in connection with this Lease, the prevailing party shall be entitled to recover and shall be awarded (in addition to other relief granted) all reasonable attorneys' fees and costs in connection with such dispute from the non-prevailing party.

16. **Severability**. If any sentence, paragraph or article of this Lease is held to be illegal or invalid, this shall not affect in any manner those other portions of the Lease

not illegal or invalid and this Lease shall continue in full force and effect as to those remaining provisions.

17. **Successors and Assigns.** The conditions and provisions hereof shall inure to the benefit of, and shall be binding upon, Landlord, Tenant and their respective personal representatives, successors and permitted assigns.

18. **Immigration Compliance.** Tenant certifies that it has complied, and during the term of this Lease will continue to comply, with the Immigration Reform and Control Act of 1986. The signature of Tenant on this Lease: (1) certifies that Tenant is not a natural person unlawfully present in the United States; and (2) also certifies the statements below if this is a public contract for services as defined in Colo. Rev. Stat. § 8-17.5-101, et seq., and Tenant utilizes subcontractors or employees in Tenant's business. Tenant shall not:

(a) knowingly employ or contract with an illegal alien to perform work under this Lease; or

(b) enter into a contract with a subcontractor that fails to certify to Tenant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Lease.

Tenant has confirmed the employment eligibility of all employees and subcontractors who are newly hired for employment to perform work under this Lease through participation in either the e-verify program or the department program (as defined in Colo. Rev. Stat. § 8-17.5-101, et seq.). Tenant may not use either the e-verify program or the department program procedures to undertake pre-employment screening of job applicants while this Lease is being performed. If Tenant obtains actual knowledge that a subcontractor performing work under this Lease knowingly employs or contracts with an illegal alien, Tenant shall:

(i) notify the subcontractor and the Landlord within three (3) days that Tenant has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(ii) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to sub-subparagraph (a) of this subparagraph the subcontractor does not stop employing or contracting with the illegal alien; except that Tenant shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Tenant shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to state law. Tenant acknowledges that in the event Tenant violates any of the provisions of the foregoing the Town may terminate this Lease for breach of contract.

No notice need be given of said termination. If this Lease is so terminated, Tenant shall be liable for actual and consequential damages to the Landlord.

19. **Obligation to Report.** Tenant shall report any material damage to the Premises or disturbances therein or thereon to Landlord as soon as it becomes aware of any such damages or disturbances.

20. **Miscellaneous Provisions.**

(a) Each party represents and warrants that it has obtained any and all approvals necessary to enter into and perform the obligations contained in this Lease, if any.

(b) This Lease shall be construed and enforced in accordance with the laws of the State of Colorado.

(c) This Lease is entered into at Crested Butte, Colorado, and it is agreed that the proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Lease will be in the District Court of Gunnison County, Colorado.

(d) This Lease may be executed in multiple counterparts each of which shall constitute an original, and both of which when taken together shall constitute one and the same document. The parties hereby agree to accept facsimile or electronic copies of signatures as original signatures

(e) An recordation of this Lease or any record thereof, or the recordation of any encumbrance against the Premises and/or the Improvements by any person, including, without limitation, any mortgagee of Tenant, except Landlord and any mortgagee of Landlord, shall be void *ab initio* and a default under this Lease.

(f) This Lease constitutes the entire and exclusive agreement between the parties relating to the specific matters covered herein. Any other agreements between the parties, whether written or oral are hereby merged herein and of no further force and effect.

(g) Unless otherwise provided in the Lease, the Lease may be amended, modified, or terminated only by a written instrument executed by Landlord and Tenant.

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

IN WITNESS WHEREOF, Landlord and Tenant have executed Lease by their duly authorized officials effective as of the Effective Date first written above.

LANDLORD:

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Dara MacDonald, Town Manager

ATTEST:

_____ [Seal]
Lynelle Stanford, Town Clerk

TENANT:

NAUTILUS SAILING, LLC

By: _____

Name: _____

Title: _____

Staff Report

March 18, 2019

To: Mayor and Town Council
From: Rob Zillioux
Subject: Ordinance No. 11, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Repeal of Section 4-2-90(B)(1) of the Town Code Concerning a Credit for the 1.5% Vendor's Fee Against Taxes Due from Gross Sales.

Summary: Vendor fees represent a percentage of sales tax collections that merchants are allowed to keep. Historically, the idea was to cover the cost of processing sales taxes and transferring them to state and local governments. Vendor fees were originally put into place when businesses tracked all items and sales by hand. However, nearly all businesses now collect and distribute sales tax via integrated software systems.

Vendor fees are not mandated for home rule municipalities. In Colorado, slightly more than half of the home rule municipalities, including Crested Butte, allow for a vendor fee. The remaining municipalities do not have a vendor fee. Among others, Denver, Colorado Springs, Steamboat Springs and Vail do not offer a vendor fee. Municipalities are trending toward eliminating vendor fees, as most businesses not collect and distribute via integrated software systems.

Town of Crested Butte Code Sec. 4-2-90 (b) (1) allows local businesses to keep 1 ½% of the sum of the sales tax they collect on behalf of the Town.

In light of integrated software systems, and the trend away from offering vendor fees, staff recommends eliminating the vendor fee for Crested Butte.

Discussion: As municipalities have begun eliminating vendor fees, there has been little to no backlash from the business community. With today's point of sale systems, and tax collection systems, the burden on businesses is very little. Staff does not believe Crested Butte businesses, generally speaking, would take exception to this change.

Financial Implications: The total of 2018 vendor fees was \$61,500.

Recommendation: Staff recommends eliminating the Town of Crested Butte vendor fee.

Proposed Motion: Motion and a second to set Ordinance No. 11, Series 2019 to public hearing at the April 1st Council meeting.

ORDINANCE NO. 11**SERIES 2019****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE REPEAL OF SECTION 4-2-90(b)(1) OF THE TOWN CODE CONCERNING A CREDIT FOR THE 1.5% VENDOR'S FEE AGAINST TAXES DUE FROM GROSS SALES**

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

WHEREAS, Section 1-4-70 of Crested Butte Municipal Code (the "**Town Code**") provides that "amendments to this Code shall be adopted as ordinances;"

WHEREAS, the Town Finance Director and the Town Council have determined that Section 4-2-90(b)(1) regarding the credit for the 1.5% vendor's fee against taxes due from gross sales is outdated and no longer necessary;

WHEREAS, the Town Council finds that repealing Section 4-2-90(b)(1) would be in the best interest of the health, safety, and general welfare of the residents, businesses and visitors of Crested Butte.

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

Section 1. Repeal of Section 4-2-90(b)(1) of Town Code. Sections 4-2-90(b)(1) of the Town Code concerning a credit for the 1.5% vendor's fees from against taxes due from gross sales is outdated and no longer necessary and is therefore repealed in its entirety.

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

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

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



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: Ordinance 12, Series 2019- Release and Replace of Master Deed Restriction

Date: March 12, 2019

Background:

A home owner in Paradise Park has begun the process to refi his unit located at Block 77, Lot 3 Unit B or 824 Unit B Teocalli Avenue. The goal of the Town's Affordable Housing program is to, "Create and sustain housing opportunities that allow locals to be accommodated in successful housing situations." To assist with the refi, the Town is updating the deed restriction to the current deed restriction being applied to housing being built in Block 76.

Recommendation:

A Council member make a motion followed by a second set Ordinance 12, Series 2019 releasing and replacing the Master Deed Restriction at 824 Teocalli Avenue to a public hearing on April 1, 2019.

ORDINANCE NO. 12

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE RELEASE OF DEED RESTRICTIONS ON BLOCK 77, LOT 3, UNIT B, PEELER TOWNHOUSES IN THE PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, GUNNISON COUNTY, STATE OF COLORADO RECEPTION NO. 543195, AND REPLACEMENT WITH NEW DEED RESTRICTION

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

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

WHEREAS, the Town owns an interest in certain deed restrictions upon Block 77, Lot 3, Unit B, Peeler Town Houses, Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado, according to the plat recorded at Reception No. 543195 of the records of the Gunnison County Clerk and Recorder (the “Property”), pursuant to that certain Master Deed Restriction recorded at Reception No. 641510 of the records of the Gunnison County Clerk and Recorder; and,

WHEREAS, Joshua Schumacher (“Owner”) is the current fee simple owner of the Property; and,

WHEREAS, Owner desires to refinance the existing mortgage on the Property, and Owner and Owner’s lender have requested the Town to release the Master Deed Restriction recorded at Reception No. 641510 as it pertains to the Property and replace it with a new Master Deed Restriction; and,

WHEREAS, Owner’s lender, Community Bank, have agreed to subordinate its interest in the Property under the deed of trust that will secure the Owner’s refinancing loan to the Town’s new replacement Master Deed Restriction; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Deed Restrictions upon the Unit should be released and replaced, as set forth herein.

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

Section 1. Authorization to Release Town-owned Deed Restrictions. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado,

hereby authorizes the Town to release the following described property from the Deed Restrictions recorded at Reception No. 641510, of the Gunnison County Clerk and Recorder, to wit:

Block 77, Lot 3,
Unit B, Peeler Park Town Houses,
Paradise Park Subdivision,
Town of Crested Butte, Gunnison County, Colorado

according to the plat recorded at Reception No. 543195 of the records of the Gunnison County Clerk and Recorder (the "Property").

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the release of the Deed Restrictions and the replacement of such Deed Restrictions with land use conditions and deed restrictions that apply to the current uses on the Property, following approval thereof by the Town Attorney.

Section 2. New Deed Restrictions. The Town Council hereby approves the new deed restrictions in the form attached hereto as **Exhibit A** that will replace the Deed Restrictions that are being released and hereby authorizes the Town Manager and the Town Clerk to record these new deed restrictions against the Property following approval thereof by the Town Attorney.

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

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

[SEAL]

RECORDING REQUESTED BY: WHEN RECORDED RETURN TO:

Town of Crested Butte
 Attn: Town Clerk
 P.O. Box 39
 507 Maroon Avenue
 Crested Butte, CO 81224

MASTER DEED RESTRICTION

Block 77, Lot 3, Unit B

THIS MASTER DEED RESTRICTION (this "**Deed Restriction**") is made this ____ day of April 2019 (the "**Effective Date**") by the **TOWN OF CRESTED BUTTE, COLORADO** (the "**Town**"), a Colorado home rule municipal corporation with an address of 507 Maroon Avenue, P.O. Box 39, Crested Butte, Colorado 81224.

RECITALS:

A. The Town is the owner of an option and interest in and option to purchase the real property legally described in **Exhibit "A"** (the "**Property**") attached hereto under that certain Master Deed Restriction recorded at Reception No. 641510 of the records of the Gunnison County Clerk and Recorder.

B. Joshua Schumacher ("Owner") is the current fee simple owner of the real property legally described as Block 77, Lot 3, Unit B Peeler Town Houses, Town of Crested Butte, Gunnison County, State of Colorado, according to the plat recorded at Reception No. 543195 of the Gunnison County

C. Owner desires to refinance the existing mortgage on the Property, and Owner and Owner's lender have requested the Town to release the Master Deed Restriction recorded at Reception No. 641510 as it pertains to the Property and replace it with this Master Deed Restriction

D. An individual lot, and the dwellings, structures, appurtenances, improvements and fixtures located thereon and located within the Property is defined herein as a "**Unit**."

E. "**Qualified Buyers**" are natural persons meeting the income, residency and other qualifications set forth in the Town of Crested Butte's Affordable Housing Guidelines, adopted by Resolution No. 2, Series 2016, as may be amended and modified by the Town from time to time (the "**Affordable Housing Guidelines**").

F. The Town hereby restricts the acquisition, transfer, use and occupancy of the Units to Qualified Buyers who fall within the income categories established in the Affordable Housing Guidelines.

G. This Deed Restriction shall constitute a resale agreement setting forth the

maximum resale price (the "**Maximum Resale Price**") for which the Units may be sold and the terms and provisions controlling such resale.

H. The Town Council approved Ordinance 12, Series 2019 releasing the Option to Purchase Deed Housing in the deed restriction recorded at Reception No. 641510 from the Property and replacing it with this Master Deed Restriction.

RESTRICTIONS:

1. Use and Occupancy.

- a. The use and occupancy of the Property, and each of the Units thereon, shall be limited exclusively to Owners who meet the definition of Qualified Buyers and their families, the requirements of this Deed Restriction and the Affordable Housing Guidelines. For purposes hereof, an "**Owner**" is a person(s) who is a Qualified Buyer who acquires an ownership interest in a Unit in compliance with the terms and provisions of this Deed Restriction and the Affordable Housing Guidelines, it being understood that such person(s) shall be deemed an "Owner" hereunder only during the period of his ownership interest in the Unit, and shall be obligated hereunder for the full and complete performance and observance of all of the covenants, conditions and restrictions contained in this Deed Restriction and the Affordable Housing Guidelines during such period.
- b. An Owner, in connection with the purchase of a Unit, must:
 - i. occupy the Unit as his sole place of residence during the period that such Unit is owned by him;
 - ii. not own, directly or indirectly through a legal entity, any interest alone or in conjunction with others, in any developed residential property or dwelling units in accordance with the limitations established by the Affordable Housing Guidelines;
 - iii. not engage in any business activity in the Unit, other than as permitted by the Affordable Housing Guidelines and the Crested Butte Municipal Code (the "**Code**");
 - iv. not permit any junior lienholder encumbrance to be recorded against the Unit without the Town's prior written approval;
 - v. not sell or otherwise transfer the Unit other than in accordance with this Deed Restriction and the Affordable Housing Guidelines;

- vi. not permit any use or occupancy of the Unit except in compliance with this Deed Restriction and the Affordable Housing Guidelines;
 - vii. continue to meet the residency, employment, and other requirements of a Qualified Buyer established by the Affordable Housing Guidelines; and
 - viii. be subject to recertification of employment, residency and ownership of the Unit shall be required as set forth in the Affordable Housing Guidelines; and/or
2. **Maximum Resale Price.** In no event shall the Unit be sold by Owner for an amount in excess of the Maximum Resale Price. On purchase, resale, transfer and issuance of a certificate of occupancy for the Unit as permitted under this Deed Restriction and the Affordable Housing Guidelines, at closing, Owner shall execute an "Acknowledgement of Deed Restriction and Maximum Resale Price" (the "**DR Acknowledgement**") in substantially the same form as attached hereto as **Exhibit "B"**. The DR Acknowledgement shall be recorded in the real property records of the Clerk and Recorder of Gunnison County, Colorado immediately after the recording of the vesting deed for the Unit and before the recording of any deed of trust. Failure to so record the DR Acknowledgment before any deed of trust shall void the transfer of the Unit under the vesting deed *ab initio* (from the beginning).
3. **Sale of the Unit.** In the event that the Owner seeks to sell the Unit, she shall offer the unit for sale per the process defined in the Affordable Housing Guidelines. The sale of the Unit shall not exceed the Maximum Sales Price.
4. **Non-Qualified Transferees.** In the event that title to the Unit vests by descent in, or is otherwise acquired by any persons(s) who are not a Qualified Buyer (a "**Non-Qualified Transferee**"), the Unit shall immediately be listed for sale as provided herein, for the highest bid by a Qualified Buyer, for not less than ninety-five percent (95%) of the Maximum Resale Price or the appraised market value, whichever is less. If all bids are below ninety-five percent (95%) of the Maximum Resale Price or the appraised market value, the Non-Qualified Transferee may elect to sell the unit for a lower price or list the Unit for sale until a bid in accordance with this section is made. The cost of an appraisal shall be paid by the Non-Qualified Transferee.
- a. Non-Qualified Transferees shall consent to any sale, conveyance or transfer of the Unit to a Qualified Buyer and shall execute any and all documents necessary to do so. Non-Qualified Transferees agree not to: (a) occupy the Unit; (b) rent all or any part of the Unit, except in compliance with this Deed Restriction and the Affordable Housing Guidelines; (c) engage in any other

business activity in the Unit; (d) sell or otherwise transfer the Unit except in accordance with this Deed Restriction and the Affordable Housing Guidelines; or (e) sell or otherwise transfer the Unit for use in a trade or business.

- b. The Town shall have the right and option to purchase the Unit, exercisable within a period of fifteen (15) calendar days after receipt of any sales offer submitted to the Town by a Non-Qualified Transferee, and in the event of exercising its right and option, the Town shall purchase the Unit from the Non-Qualified Transferee for a price of ninety-five percent (95%) of the Maximum Resale Price, some other mutually agreed upon price, or the appraised market value, whichever is less. The offer to purchase shall be made by the Non- Qualified Transferee within fifteen (15) days of acquisition of the Unit.
 - c. Where the provisions of this Section 4 apply, the Town may require Owner to rent the Unit in accordance with the requirements hereof in Section 6.
5. **Owner Residence, Employment and Continuing Compliance**. The Unit shall be utilized only as the sole and exclusive place of residence of an Owner. In the event that Owner changes his place of residence or ceases to utilize the Unit as his sole and exclusive place of residence, ceases to be a full-time employee in accordance with the Affordable Housing Guidelines, or otherwise ceases to be in compliance as a Qualified Buyer, the Unit must be offered for sale pursuant to the provisions of this Deed Restriction and the Affordable Housing Guidelines. An Owner shall be deemed to have changed his place of residence by becoming a resident elsewhere or accepting employment outside of Gunnison County, or residing in the Unit for fewer than nine (9) months per calendar year without the express written approval of the Town, or by ceasing to be a full-time employee as required by the Affordable Housing Guidelines. The Town may require Owner to rent the Unit in accordance with the requirements hereof. If at any time Owner also owns directly or indirectly through a legal entity any interest alone or in conjunction with others in any developed residential property or dwelling units as described in the Affordable Housing Guidelines, Owner shall immediately list such other property for sale and shall sell his interest in such property in accordance with this Deed Restriction and the Affordable Housing Guidelines. In the event that such other property has not been sold by Owner within one (1) year of its listing, Owner hereby agrees to immediately list the Unit for sale pursuant to this Deed Restriction and Affordable Housing Guidelines. Should Owner not receive a full-price bid on the Unit, Owner must accept the first reasonable offer for the Unit as deemed appropriate by the Town.
6. **Owner Rentals**. An Owner may not, except with prior written approval of the Town, rent the Unit for any period of time. Prior to occupancy, any tenant must be approved by the Town in accordance with the income, occupancy and other qualifications established in the Affordable Housing Guidelines. The Town shall

not approve any rental if such rental is being made by Owner to utilize the Unit as an income producing asset, except as provided below, and shall not approve a lease with a rental term in excess of twelve (12) months. A signed copy of the lease must be provided to the Town prior to occupancy. Any such lease approved by Town shall state the lease term and the monthly rent. The monthly rent cannot exceed Owner's costs, including monthly expenses of the cost any mortgage principal and interest payments, taxes, property insurance, condominium or homeowners' assessments and utilities in Owner's name, plus any additional amount as permitted by the Affordable Housing Guidelines and a reasonable security deposit. The requirements hereof shall not preclude Owner from sharing occupancy of the Unit with non-owners on a rental basis provided that Owner continues to meet the requirements contained in this Deed Restriction and the Affordable Housing Guidelines. In no event shall Owner create an additional dwelling unit in the Unit as defined in the Code. Nothing herein or in the Affordable Housing Guidelines shall be construed to create any liability for the Town attributable to the rental of the Unit or require the Town to provide a tenant for the Unit, the same being expressly disclaimed hereby.

7. **Compliance Review: Remedies for Breach.** Owner shall promptly provide to the Town all such information as the Town shall reasonably require as necessary to verify compliance with this Deed Restriction and the Affordable Housing Guidelines. The Town shall maintain the confidentiality of any financial data provided by Owner, except for such disclosures as are necessary with respect to any litigation, enforcement or other legal proceedings. In the event that the Town has reasonable cause to believe that Owner is violating this Deed Restriction and the Affordable Housing Guidelines, the Town shall have the right to inspect the Unit at reasonable times on at least 24 hours' written notice. In the event that a violation of this Deed Restriction or the Affordable Housing Guidelines is discovered, the Town shall send a notice of such violation to Owner describing the nature of the violation and all owing Owner fifteen (15) days to cure such violation. Said notice shall state that Owner may request a hearing before the Town within fifteen (15) days to dispute the merits of the allegations. If no hearing is requested and the violation is not cured within the fifteen (15) day period, the violation shall be considered final and Owner shall immediately list the Unit for sale in accordance with this Deed Restriction. The failure to request a hearing shall constitute an exhaustion of administrative remedies for the purpose of judicial review. If a hearing is, (i) the decision of the Town based on the record of such hearing shall be final for the purpose of determining if a violation has occurred, and (ii) the Town shall have absolute discretion to determine the appropriate action to be taken to either remedy the violation or require Owner to list the Unit for sale in accordance with this Deed Restriction.
8. **Notice Obligation.** Owner and any beneficiary of any deed of trust or other encumbrance affecting the Unit shall give immediate notice to the Town of any instance of (a) Owner's receipt of notice of foreclosure or legal proceedings relative to the Unit, (b) any uncured delinquency of ten (10) days or more in Owner's

payment of any amounts in connection with the Unit, (c) Owner's uncured default under any deed of trust or other encumbrance affecting the Unit, and (d) any transfer, encumbrance or conveyance of all or part of the Unit.

9. **Default.** Any breach of the terms and conditions set forth herein, including, without limitation, a transfer, encumbrance or conveyance in violation of the terms hereof shall constitute a "**default**" hereunder. Default by Owner of the terms of any deed of trust or other encumbrance affecting the Unit shall also constitute a default hereunder. In the event of a default, following notice and an opportunity to cure as provided for herein, the Town shall have all rights and remedies set forth herein and available at law and in equity.
10. **Remedies.**
 - a. In the event that Owner fails to timely cure any default, the Town may resort to any lawful means to protect its interest in this Deed Restriction, including, without limitation, curing such default and pursuing an action against Owner and any beneficiary of any deed of trust or other encumbrance affecting the Unit for damages. Any amounts paid by the Town shall accrue interest at the rate of 18% per annum and the Town shall be entitled to recover all costs and expenses to recover any amounts paid by the Town including reasonable attorneys' fees.
 - b. This Deed Restriction shall be administered by the Town or its designee and shall be enforceable by appropriate legal or equitable action, including, but not limited, to specific performance, injunction, abatement or eviction of non-complying owners or occupants or such other remedies and penalties as may be deemed appropriate by the Town. All such remedies shall be cumulative and concurrent.
 - c. Owner appoints the Town as its attorney in fact for purposes of curing any default under this Deed Restriction. Owner shall give and execute an instrument of authorization reflecting such appointment when required by the Town.
11. **Town Option to Purchase.** In the event of a default of any deed of trust or other encumbrance affecting the Unit that remains uncured by Owner, the Town shall have an option (the "**Option**") to purchase the Unit. The Town shall have forty-five (45) days after written notice from the holder of any instrument secured by a deed of trust or other encumbrance affecting the Unit of any default to exercise the Option (the "**Option Period**"). The Town shall exercise the Option by delivering to Owner written notice of such exercise within the Option Period. The Town shall be granted entry onto the Unit during the Option Period in order to inspect the Unit. Owner or any lienholder shall maintain utility connections until expiration of the Option Period or Closing (as defined below). The Town shall have the Option to

purchase the Unit for the amount due to any holder of a promissory note secured by a first deed of trust on the Unit (the "**Lienholder Amount**"). The Town shall have the following rights and obligations respecting its exercise of the Option:

- a. Owner shall permit a final walk-through of the Unit by the Town during the final three (3) days prior to Closing.
 - b. Upon payment of the Lienholder Amount by the Town, Owner shall cause to be delivered to the Town a general warranty deed for the Unit, free and clear of all liens and encumbrances.
 - c. Normal and customary Closing costs shall be shared equally by Owner and the Town. Owner shall be responsible for, at its cost, any and all title insurance fees, document fees and recording fees for the deed. Taxes shall be prorated based upon taxes for the calendar year immediately preceding Closing. Any fees incident to the issuance of a letter or statement of assessments by an association shall be shared paid by Owner. Owner shall receive a credit for that portion of association assessments paid in advance from date of Closing.
 - d. Closing on the purchase of the Unit by the Town shall occur expeditiously, but in any case, within sixty (60) days of the Town's exercise of the Option at a date and time to be mutually agreed upon by the Town and Owner (the "Closing"). The location of the Closing shall be the title company closing the transaction, said title company to be selected by the Town. Possession shall be delivered to the Town at Closing, unless otherwise agreed between Owner and Town.
12. **Termination of Deed Restriction.** In the event of a sale in foreclosure or acceptance of deed in lieu of foreclosure by the holder of a deed of trust where the Town does not exercise the Option or otherwise fails to close on the Option as provided herein, this Deed Restriction shall automatically and permanently terminate and be of no further force and effect as respects the subject Unit. In the event of the termination of this Deed Restriction, the Town shall cause to be recorded in the real property records of the Clerk and Recorder of Gunnison County, Colorado a full and complete release of this Deed Restriction.
13. **Run with the Land; Binding.** Subject to Section 13 hereof, this Deed Restriction shall be a perpetual covenant that shall run with the land as a burden thereon for the benefit of the Town, its designees and assigns, and shall be binding on Owner, its heirs, personal representatives, successors, assigns, lessees, licensees and transferees.

The Town shall have the right to terminate this Deed Restriction as to any Unit when the Town is the fee title owner of such Unit by recording an instrument

reflecting such termination in the real property records of the Clerk and Recorder of Gunnison County, Colorado. Upon such termination, as to the effected Unit, this Deed Restriction shall be null and void.

14. **Transfer and Conveyance.** In the event the Unit is sold, transferred, encumbered or otherwise conveyed without complying with this Deed Restriction, such sale, transfer, encumbrance or conveyance shall be wholly null and void *ab initio* and shall confer no title or other interest whatsoever upon the purported transferee. Each and every encumbrance or conveyance of the Unit shall be deemed, for all purposes, to include the Affordable Housing Guidelines.
15. **General Provisions.** The following terms and conditions shall apply to this Deed Restriction:
 - a. **Notices.** Any notice, consent or approval that is required to be given hereunder shall be given by either: mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid, to any address provided herein; or hand-delivering the same to any address provided herein. Notices shall be considered delivered on the date of delivery if hand-delivered or if both hand-delivered and mailed; or three (3) days after postmarked, if mailed only. Notices, consents and approvals shall be sent to the parties at the addresses last of record for the parties.
 - b. **Severability.** Whenever possible, each provision of this Deed Restriction and any other related document shall be interpreted in such manner so as to be valid under applicable law; but, if any provision of any of the foregoing shall be invalid or prohibited under applicable law, such provisions shall be ineffective only to the extent of such invalidity or prohibition without invalidating the remaining provisions of such document.
 - c. **Attorneys' Fees.** If the Town is required to enforce any provision of this Deed Restriction or the Affordable Housing Guidelines, the Town shall be entitled to collect any and all costs and expenses in connection therewith including, without limitation, reasonable attorneys' fees.
 - d. **Choice of Law; Venue.** This Deed Restriction and each and every related document shall be governed and construed in accordance with the laws of the State of Colorado. Venue for any legal action arising from this Deed Restriction shall be in Gunnison County, Colorado.
 - e. **Assignment and Transfer.** This Deed Restriction and the rights, benefits and obligations contained herein may be assigned and transferred, in whole or in part, by the Town without notice to Owner or any lienholder. Such right of assignment and transfer shall include, without limitation, the rights of

performance and enforcement of the terms hereof.

- f. **Successors and Assigns**. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to and be binding upon all heirs, personal representatives, successors, assigns, lessees, licensees and transferees.
- g. **Section Headings**. Section headings within this Deed Restriction are inserted solely for convenience of reference and are not intended to and shall not govern, limit or aid in the construction of any terms or provisions contained herein.
- h. **Recitals**. The Recitals herein contain material terms to this Deed Restriction.
- i. **Waiver**. No claim of waiver, consent or acquiescence with respect to any provision of this Deed Restriction shall be valid against any party hereto except on the basis of a written instrument executed by the parties. The party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition in writing, however.
- j. **Gender and Number**. Whenever the context so requires herein, the neuter, male or female gender shall include any or all genders and vice versa and the use of the singular shall include the plural and vice versa.
- k. **Construction**. None of the provisions of this Deed Restriction shall be construed against or interpreted to the disadvantage of a party by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured or dictated such provisions.
- l. **Amendments in Writing**. This Deed Restriction may only be modified or amended in writing by the Town. No such modification shall be effective until an instrument in writing is executed and recorded in the official real property records of the office of the Clerk and Recorder of Gunnison County.
- m. **Conflict**. In the event of any conflict or inconsistency between this Deed Restriction and the Affordable Housing Guidelines, this Deed Restriction shall in all cases prevail and control.

IN WITNESS WHEREOF, the Town has made this Deed Restriction effective as of Effective Date.

TOWN:

EXHIBIT "A"**Property**

Block 77, Lot 3, Unit B Peeler Town Houses, Town of Crested Butte, Gunnison
County, State of Colorado Reception No. 543195

EXHIBIT "B"**DR Acknowledgement Form****RECORDING REQUESTED BY:****WHEN RECORDED RETURN TO:**

Town of Crested Butte
 Attn: Town Clerk
 P.O. Box 39
 507 Maroon Avenue
 Crested Butte, CO 81224

**ACKNOWLEDGEMENT OF DEED RESTRICTION
 AND MAXIMUM RESALE PRICE**

By execution of this **ACKNOWLEDGEMENT OF DEED RESTRICTION AND MAXIMUM RESALE PRICE** (this "**DR Acknowledgement**"), the undersigned fee title owner ("**Owner**") of the following real property and improvements thereon:

Block 77, Lot 3, Unit B Peeler Town Houses, Town of Crested Butte, Gunnison County, State of Colorado Reception No. 543195

(the "**Unit**"), and the Owner's Lender, Community Bank ("Lender") hereby acknowledges, confirms and agrees to be bound by the terms, agreements, conditions, covenants and requirements of that certain Master Deed Restriction (the "**Deed Restriction**") dated _____, 2019, and recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado on _____ at Reception No _____, respecting the Unit, as and when the circumstances may dictate. For purposes hereof, the contents, terms and conditions of the Deed Restriction are hereby incorporated herein as if fully set forth verbatim herein. Lender agrees to subordinate its Deed of Trust encumbering the Unit to this Deed Restriction. In addition, the following matters shall also apply to the Unit:

1. (a) \$240,189.47 represents the "**Maximum Sales Price**" as of the effective date of this DR Acknowledgement.

2. In no event shall the Unit be sold for an amount in excess of the following:

(a) The Maximum Sales Price plus an increase of three percent (3%) of such price per year from the date of Maximum Sales Price listed above and of Owner's notice of intent to sell (prorated at the rate of .25 percent for each whole month for any part of a year) plus an amount (based upon the Consumer Price Index, Seasonally-adjusted Housing Category, U.S. City Average, Urban Wage Earners and Clerical Workers (Revised), published by the U.S. Department of Labor, Bureau of Labor Statistics) calculated as follows: Owner's purchase price divided by the Consumer Price Index published at the time of Owner's purchase stated on the Settlement Statement, multiplied by the Consumer Price Index current at the date of intent to sell. In no event shall the multiplier be less than one (1). For purposes hereof, the "date of intent to sell" or Owner's notice shall be the date of execution of a listing contract, or if a listing contract is not otherwise necessary, the date shall be determined to be the date upon which an Owner provides written notice of intent to sell to the Town or a requirement for Owner to sell is first applicable (the "**Maximum Resale Price**").

3. Subject to the limitations of this Section, for the purpose of determining the Maximum

Resale Price in accordance with this Section, Owner may add to the amount specified above, the cost of Permitted Capital Improvements as described in the Affordable Housing Guidelines.

4. For the purpose of determining the Maximum Resale Price, Owner may also add the cost of any permanent improvements constructed or installed as a result of any requirement imposed by any governmental agency, provided that written certification is provided to the Town of both the applicable requirement and the information required in the Affordable Housing Guidelines.

5. In order to obtain Maximum Resale Price, Owner must ensure that the Unit meets the Town's generally applicable minimum standards for a seller of a deed-restricted unit to receive full value as determined by the Town in its discretion. This shall include requirements to clean the home, ensure that all fixtures are in working condition and to repair damage to the Unit beyond normal wear and tear and as stated in the Minimum Standards for Seller to Receive Full Value at Resale as set forth in the Affordable Housing Guidelines. If the seller does not meet this requirement, the Town may require that Owner escrow at closing a reasonable amount as determined by the Town to achieve compliance, or reduce the Maximum Resale Price accordingly.

6. Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Deed Restriction and the Affordable housing Guidelines.

7. In the event of any inconsistency between this DR Acknowledgement, the Deed Restriction and the Affordable Housing Guidelines, this DR Acknowledgement shall control, then the Deed Restriction, then the Affordable Housing Guidelines.

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

IN WITNESS WHEREOF, the Town and Owner have entered into this DR Acknowledgement effective as of the date of Owner's signature set forth below (the "Effective Date").

TOWN:

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

Date: _____

By: _____
Dara MacDonald, Town Manager

ATTEST:

Lynelle Stanford, Town Clerk (SEAL)

OWNER:

Date: _____

By: _____
Name: _____

By: _____
Name: _____
Address: _____

Attn: _____
Phone: _____
E-mail: _____

LENDER:

Date: _____

By: _____
Name: _____

By: _____
Name: _____
Address: _____

Attn: _____
Phone: _____
E-mail: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Acknowledgement of Deed Restriction and Maximum Resale Price was acknowledged before me this __ day of _____, 20__, by Dara MacDonald, Town Manager, Town of Crested Butte, Colorado, a Colorado home rule municipal corporation on behalf of said entity.

Witness my hand and official seal.
My commission expires _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Acknowledgement of Deed Restriction and Maximum Resale Price was acknowledged before me this __ day of _____, 20 __, by _____ as the Owner.

Witness my hand and official seal.
My commission expires _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Acknowledgement of Deed Restriction and Maximum Resale Price was acknowledged before me this __ day of _____, 20 __, by _____ as the Lender.

Witness my hand and official seal.
My commission expires _____

As



Staff Report Text Amendment Application

March 18, 2019

To: Mayor Schmidt and Town Council
Thru: Michael Yerman, Community Development Director
From: Bob Nevins, Town Planner
Subject: **Proposed Text Amendments**
Date: March 18, 2019

1.0 Introduction: The Town of Crested Butte Community Development Department is proposing text amendments related to Municipal Code Chapter 16, Article 12-Condominiums and Townhouses and Chapter 17, Article 3-Major and Minor Subdivisions Generally, pursuant to Sec. 16-23-20 Initiation and Sec. 17-1-80 Amendments.

On February 19, this text amendment application was presented to Town Council for its consideration as an item on the Consent Agenda. By approving the Consent Agenda, Town Council acted to further consider the proposed amendments by referring the application to the Board of Zoning and Architectural Review (BOZAR) for its study. BOZAR, after receipt of the referral, has up to forty-five (45) days to submit its recommendation to Town Council.

2.0 BOZAR Recommendation: BOZAR reviewed the proposed text amendments at a regular public meeting on February 26, 2018; four (4) members were in attendance and three (3) members were absent. Staff presented the proposed text amendments concerning specific Articles in Chapters 16 and 17 of the Municipal Code. BOZAR members had questions about why Condominiums and Townhouses were being re-codified within Subdivision and they wanted to ensure that there would be proper oversight in terms of review and approval of condominium and townhouse plats by the Community Development Director instead of Town Council. BOZAR then voted 4-0 in favor of recommending that Town Council approve the proposed text amendments as written by the Community Development Department.

Following the BOZAR meeting, Community Development staff and Town Attorney conducted a final review of the proposed text amendments and made the following modifications:

- Sec. 17-3-20 Minor subdivisions was rewritten to more accurately describe activities that are to be reviewed as minor subdivision applications;
- Sec. 17-3-40 Condominium and Townhouse subdivisions deleted subsections (18) Fees and (19) Paradise Park Subdivision; and
- Sec. 17-3-50 Exemptions was revised to include the replatting of up to eight (8) existing lots, tracts or parcels.

3.0 Purpose and scope: The intent of these text amendments is to: 1) include condominiumization and townhouse subdivisions within Chapter 17 Subdivision; 2) expand the types of activities that are exempted from the terms of the subdivision regulations with administrative approval; and 3) more clearly define the review standards, application requirements and review procedures for condominiumization, townhouse plats, minor subdivisions and subdivision exemptions. The proposed text amendments include:

- Chapter 16, Article 12-Condominiums and Townhouses (*to be deleted and re-codified*)
- Chapter 17, Article 1, Sec. 17-1-100 Definitions (*added: definitions for townhouse and condominium*)
- Chapter 17, Article 3, Sec. 17-3-10 Types of Subdivisions (*formerly titled: Descriptions with revisions*)
- Chapter 17, Article 3, Sec. 17-3-20 Characteristics of minor subdivisions (*with revisions*)
- Chapter 17, Article, Sec. 17-3-40 Condominiumization and Townhouse subdivisions (*formerly titled: Exemptions; re-codified from Chapter 16, Article 12 with revisions*)
- Chapter 17, Sec. 17-3-50 Exemptions (*formerly Sec. 17-3-40 Exemptions with revisions*)

4.0 Text Amendment application. The Town of Crested Butte Community Development Department is submitting this Text Amendment application in accordance with Municipal Code Sec. 16-23-30 Application and contains the following required information:

(a) *“Any application for an amendment of these Chapters shall contain the following information.”* The Municipal Code requirements are shown below in *italics*, followed by Town staff’s response:

(1) *“A legal description of any land to be rezoned, together with a diagram drawn to scale showing the boundaries of the area requested to be rezoned.”*

Response: Not applicable. There is no request to rezone any areas within the Town.

(2) *“A statement of the present zoning and the requested new zoning.”*

Response: Not applicable. The proposed text amendment does not change or affect any of the present zoning districts; and the application is not requesting any new or amended zoning.

(3) *“A statement of justification for such action, including facts concerning any change of conditions, an error in the original zoning or the unusual or peculiar suitability of a lot to a certain use.”*

Response: The current Municipal Code includes Condominiums and Townhouses in Chapter 16 Zoning; and the Code requires certain minor insubstantial activities to be processed as Minor Subdivisions with review by BOZAR and certification of the final plat by BOZAR and Town Council. The proposed text amendment seeks to: 1) re-codify Condominiums and Townhouses within Chapter 17 Subdivision of the Municipal Code; 2) expand the types of minor activities that can be processed administratively as subdivision exemptions; and 3) more clearly identify the submittal requirements, review standards and approval processes for these kinds of subdivision applications.

(4) *“A description of the land and uses thereof within two hundred (200) feet of the boundary lines of the proposed area of change in all directions; and*

Response: Not applicable.

(5) *“A statement as to the effect that the new zoning or changes would have on adjacent areas or uses.”*

Response: The proposed text amendments will: 1) re-codify Condominiums and Townhouses within Chapter 17 Subdivision; 2) expand the types of minor activities that are exempt from the subdivision regulations; and 3) allow certain subdivision activities and exemptions to be reviewed and approved administratively instead of having to be processed as Minor Subdivisions with final plat certification by BOZAR and Town Council. These amendments should be beneficial to property owners/applicants, Town Council, BOZAR and staff by being able to process certain lesser applications as subdivision exemptions; establishing application requirements and review standards; and making the overall application and review process more thorough and efficient.

(b) *“Any application to create or amend the zoning of a parcel of land containing more than fifty thousand (50,000) square feet of land shall be subject to the requirements set forth in Chapter 17 of this Code and reviewed for approval as a subdivision under said regulations.*

Response: Not applicable. This text amendment application does not create or amend the zoning of any parcel of land.

4.0 Proposed Text Amendments. The proposed Text Amendments are included Attachment 1. The existing Municipal Code text is shown in regular type; existing text to be deleted is shown in blue type and crossed-out; and proposed new text is underlined in black or blue type. The proposed final amended text is included within Ordinance No. 13, Series of 2019.

5.0 Recommended Action.

A Council member make a motion to approve first reading and to set a public hearing date for second reading of Ordinance No. 13, Series of 2019, followed by a second.

Attachments:

- 1- Proposed Text Amendments
- 2- Ordinance No. 13, Series of 2019

ATTACHMENT 1

**PROPOSED TEXT AMENDMENTS CONCERNING
SUBDIVISION, CONDOMINIUMIZATION AND TOWNHOUSES**

*Text Amendment No. 1:***Chapter 16, Article 12 Condominiums and Townhouses.**

Chapter 16, Article 12 Condominiums and Townhouses is hereby deleted in its entirety. Condominiumization and Townhouse subdivisions are re-codified and amended under Chapter 17, Article 3, Sec. 17-3-40.

Text Amendment No. 2:

Sec. 17-1-100 Definitions. The following definitions will be added in alphabetical order:

Condominium or condominium project means a building or buildings consisting of separate fee simple estates to an individual air space unit of a multi-unit property, together with an undivided fee simple interest in common elements, as further defined in the Colorado Common Interest Ownership Act (CCIOA).

Townhouse or townhouse project means a building or buildings consisting of fee simple estates to individual units having common vertical walls, together with fee simple title to the land on which each unit is built and any yard and parking space appurtenant to said unit; and any easements for ingress and egress and for installation, replacement, repair and maintenance of utilities appurtenant to a unit. No townhouse or townhouse project shall have common horizontal walls.

*Text Amendment No. 3:***Sec. 17-3-10 ~~Descriptions~~ Types of subdivisions.**

~~There are two (2) types of subdivision review processes in the Town. They differ in terms of scale, the number of steps involved in the review process and the materials which must be submitted for review. All subdivision activities fall within one (1) of these subdivision types. Condominiumization and the creation of townhouses are not subdivision activities. The minor subdivision review process shall not be used to circumvent the requirements of the major subdivision review process. The two (2) types of subdivisions are characterized in Sections 17-3-20 and 17-3-30 below.~~

Subdivision types are characterized as minor subdivisions under Sec. 17-3-20 or major subdivisions under Sec. 17-3-30. Condominiumization and Townhouse subdivisions are under Sec. 17-3-40; and activities that are exempt from these subdivision regulations are included under Sec. 17-3-50.

*Text Amendment No. 4:***Sec. 17-3-20 ~~Characteristics of minor~~ Minor subdivisions.**

(a) A minor subdivision is any one (1) or more of the following activities:

- ~~(1) A minor relocation or adjustment of an easement on a final plat or a building site or parcel line.~~

~~(2) A correction of an engineering or survey error or other minor change to a recorded plat which has no effect on the representations made and conditions applied for approval of the recorded plat.~~

~~(3) A vacation of a building site, lot, parcel or tract line.~~

~~(4) A re-subdivision creating eight (8) or fewer parcels from lots if:~~

~~a. — No new public dedications are necessary for public or private services as determined by the Town;~~

~~b. — The property is zoned;~~

~~c. — Each building site is adjacent to a street, thereby having access to such street; and~~

~~d. — Each resulting parcel conforms to the dimensional requirements of the existing zone district.~~

~~(5) A re-subdivision creating four (4) or fewer parcels from tracts if:~~

~~a. — No new public dedications are necessary for public or private services;~~

~~b. — The property is zoned;~~

~~c. — Each building site is adjacent to a public street, thereby having access to such street; and~~

~~d. — Each resulting parcel conforms to the dimensional requirements of the existing zone district.~~

~~(6) A subdivision or re-subdivision of land zoned public.~~

~~(b) — No more than one (1) such minor subdivision shall be approved in any twelve-month period for the same land owner or his or her representative.~~

~~(c) This process may result in the creation of parcels described as parts of lots or tracts.~~

(1) Any application that requires Board review of a Certificate of Architectural Appropriateness, rezoning or a PUD in association with the proposed subdivision.

(2) Any application that is requesting more than one (1) subdivision exemption.

(3) An application that may result in the creation of parcels described as parts of lots or tracts.

(4) An appeal of a subdivision exemption decision by the Community Development Director.

*Text Amendment No. 5:***Sec. 17-3-40 Exemptions. Condominiumization and Townhouse subdivisions.**

~~The following divisions of unimproved land shall be exempt from these subdivision regulations: the separation of up to six (6) existing platted lots, tracts or parcels separated by an existing platted lot, tract or parcel line if:~~

- ~~(1) All of the new building sites meet all requirements for the zoning district in which the land is located; and~~
- ~~(2) If all new building sites will have access to an existing dedicated public street.~~

(a) Purpose and intent. For the purpose of this Section, the word condominium shall be deemed to include the word townhouse, as both are defined in Sec. ~~16-1-20-17-1-100~~ of this Chapter. These regulations are intended to set forth requirements for the construction of condominiums and townhouses within the Town, and the requirements for information to be supplied to the Town when the construction or approval of condominiums or townhouses or changes to existing condominiums or townhouses within the Town is requested. These regulations shall also include the requirements for consolidation of residential condominiums and townhouses.

(b) Plat requirements. Prior to submittal for approval, any condominium or townhouse plat shall conform to the following requirements:

- (1) Mylars. There shall be at least one (1) mylar and two (2) full sets of blue line prints, the size to be twenty-four (24) inches by thirty-six (36) inches, with a one-half inch border on the top, bottom and right-hand side, and a one-and one-half inch border on the left-hand side. As many sheets as may be necessary may be submitted for a single plat or filing.
- (2) Cover sheet. The cover sheet shall contain the full name of the condominium or townhouse project.
- (3) Legal opinion. The cover sheet shall contain a legal opinion, executed by an attorney licensed to practice in the State, evidencing title of the property being dedicated to be in the owner, and showing all exceptions to the title, if any. Such opinion shall be substantially in the following form:

Attorney's Opinion

I, (printed name of the attorney), being an attorney duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

(Herein list all exceptions)

Dated this _____ day of _____, 20__.

/s/ _____
Attorney-at-law

Supreme Court Reg. No.

(4) Dedication. The cover sheet shall contain a notarized dedication of the full legal description of the parcel being dedicated, executed by the owner, as such owner is identified in the legal opinion. Such dedication shall be substantially in the following form:

(FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION
IN CAPITAL LETTERS)

KNOW ALL PEOPLE BY THESE PRESENTS: That (Full name of Owner), being the owner of the following described real property, hereby declares and executes this Condominium or Townhouse Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), Town of Crested BUTTE, County of Gunnison, State of Colorado, as follows:

- a. DESCRIPTION. The property description of the real property laid out and platted as (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) shown on this Plat is:

PROPERTY DESCRIPTION
(Full Legal Description)

- b. CONDOMINIUM DECLARATION OR PARTY WALL AGREEMENT. The real property aid out as (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), Town of Crested Butte, Gunnison County, Colorado, is platted and dedicated pursuant to the terms and conditions of the Condominium Declaration or Party Wall Agreement for (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) dated _____, 20____ and recorded _____, 20____ in Book _____ at Page _____ of the official records of Gunnison County, Colorado.

IN WITNESS WHEREOF, (Full name of Owner), executed this dedication this ____ day of _____, 20____.

(Full name of Owner)

By: _____

ATTEST
s/s _____
(Notary Public)

(5) Survey certificate. The cover sheet shall contain a certificate prepared by a person licensed in the State as a land surveyor, to the effect that he project is completed as shown on the Plat. Such certificate shall be in substantially the following form:

LAND SURVEYOR'S CERTIFICATE

I, (Full name of the Land Surveyor), being a registered land surveyor in the State of Colorado, do hereby certify that this Condominium or Townhouse Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and is accurate to the best of my knowledge, that the improvements as constructed conform substantially to this plat, and that this plat fully and accurately depicts the layout, measurements and location of all of the improvements on the real property, the Condominium or Townhouse unit designations, the dimensions of such units and the elevations of the unfinished floors and ceilings (if a Condominium Project).

Dated this ____ day of _____, 20____.

/s/ _____
(Full Name and Address of Land Surveyor with
Colorado Registration No. _____)

(Seal)

(6) Government approval form. The cover sheet shall contain printed provisions for the acceptance and approval of the plat by the Town Council Community Development Director and by the County Clerk and Recorder, in substantially the following form:

TOWN OF CRESTED BUTTE APPROVAL

The within Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), is approved for filing this ___ day of _____, 20__.

/s/ _____
By: Mayor Community Development Director

ATTEST:

s/s _____ (Seal)
Town Clerk

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
(To be placed in the lower right-hand corner of the cover sheet)

This Plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado on this ___ day of _____, 20__.

Reception No. _____ Time: _____ Book No. _____ Page No. _____
Date: _____
/s/ _____
County Clerk

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

(8) Scale. All buildings and improvements shall be drawn to scale, and the scale, both written and graphic, is to be identified on each sheet.

(9) Location map. The plat shall contain a location map, identifying a sufficient part of the surrounding land and streets so as to easily determine the location of the subject parcel within the Town.

(10) Site plan. There shall contain a site plan, including at least the following information, which shall include the accurate dimensions for all lines, angles and curves used to describe:

- a. The exterior boundaries of the entire dedication site, with all courses and distances noted thereon, which must conform to the requirements of the zone district or approved general P.U.D. plan within which the project is located;
- b. For townhouses, the boundaries between units, the unit designation for each unit and all courses and distances noted thereon;

- c. The outline or building footprint for all buildings, structures and improvements located on the property, with the linear measurements of all exterior walls of each building;
- d. The shortest distances between all buildings and between the buildings and the nearest project perimeter property line, which must conform to the setback requirements for the zone district or approved general P.U.D. plan within which the project is located;
- e. All parking spaces, including properly sized required handicapped accessible spaces, if any, as determined by the Town;
- f. The ingress and egress to the subject property and to the buildings located thereon, and from each townhouse unit to the off-street parking spaces appurtenant to that unit, with easements to the same townhouses, if applicable;
- g. The location of any overhanging features, exterior stairs and decks on any buildings, and the appropriate linear measurements thereof;
- h. If a centralized trash storage or dumpster area is to be utilized for the project, the location of an on-site, open and unoccupied area at least twelve (12) feet by twelve (12) feet in size, which is accessible at all times;
- i. If common off-street parking areas are to be utilized for the project, the location of an adjacent area equal in size to at least thirty-three percent (33%) of the off-street parking area, including the driving area within the parking lot and driveways, for snow storage;
- j. The location of all utility easements; and
- k. The location and extent of possible future development on the site.

(11) Designation of direction. Both the location map and site plan shall have north arrows indicated thereon (designating true and magnetic north).

(12) Improvements. There shall be appropriate additional sheets portraying the floor plans of all buildings, structures or other improvements located upon the property, containing at least the following:

- a. All exterior walls, bearing walls and/or party walls, long with the thickness of such walls;
- b. All exterior doors, windows and sliding or French doors;
- c. The appropriate identification of each individual condominium along with the general and limited common elements appurtenant to each condominium unit; or the appropriate identification of each individual townhouse lot and unit;

- d. The location of all walls enclosing any condominium or townhouse unit, or other enclosure, such as a manager's unit, employee unit or amenities;
- e. Cross-sections of all condominium units, showing the elevation above sea level of each floor as finished; cross-sections and the elevation of each floor for townhouses shall not be required;
- f. The minimum exterior wall height, minimum vertical distance from the eave line of the roof to the finished grade level and the maximum building height as finished, all of which must conform to the requirements of the zone district or approved general P.U.D. plan within which the project is located;
- g. The linear measurements of all of the above;
- h. The location of water and sewer tap-ins to the Town's main lines and of water shut-off valves, all of which shall be readily accessible by the Town; townhouse units must each have separate water shut-offs, sewer cleanouts and electrical meters, which shut-offs and cleanouts shall be readily accessible by the Town, and the location of which shall be approved by the Town; and
- i. Landscaping Landscaped areas and the location of any retaining walls.

(13) Condominiumization within "M" Mobile Home District. The plats of properties being condominiumized within the "M" District, because of the unique character of mobile homes, are exempt from all requirements contained within this Article that otherwise require the depiction of all buildings and improvements located on the property being condominiumized.

(14) Declaration requirements. Prior to review by the ~~Town Council~~ Community Development Director of any plat, the owner of the property being dedicated shall fully execute and cause to be properly acknowledged a declaration (or party wall agreement for townhouses), prepared in compliance with the purpose, intent and requirements of the Colorado Common Interest Ownership Act, which declaration or party wall agreement shall also contain the following:

- a. A provision for the ultimate obligation by the condominium association to pay all water and sewer charges for all individual units within the project, and any common element charges in accordance with the rules and regulations of the Town.
- b. A clear definition and description of the rights, duties and liabilities of unit owners with respect to the general common elements and the limited common elements, and easements.
- c. In the event the condominium or townhouse units are expandable, appropriate provisions relating to the phasing of the project, along with the identification, by legal description, of the property onto which the units and/or project will be expanded, identification of the total maximum number of units and/or maximum floor area which

could be constructed within the entire expanded project, and identification of the interest each unit owner will have, by percentages, after the expansion.

d. A provision that, in the event, any unit is owned by more than one (1) person or by a partnership, joint venture, corporation or other such entity, the owners thereof shall designate in writing to the homeowner's association, the name and address of the agent of the owner to whom all legal or official assessments, liens, levies or other such notices may be properly and lawfully mailed, and that, upon failure to so designate an agent, the association shall be deemed to be the agent for receipt of notices to such owners.

e. Where there is additional square footage permitted on the project or units according to the applicable zone district provisions, a provision for the allocation of such square footage between and among the units.

(15) Review of documents.

a. All plats and declarations or party wall agreements shall be filed with the ~~Building Department at least twenty-one (21) calendar days prior to a Town Council meeting~~ Community Development Department for initial review by the Building Department and Town Attorney ~~and for placement upon the Town Council's agenda as to building code requirements, requirements of this Article and other legal requirements.~~

b. The Town Attorney, in his or her review of the plat and declaration or party wall agreement to determine compliance with this Section, shall forward to the ~~Town Council Community Development Director~~, in writing, either his or her recommended approval of such documents or his or her recommendations against such approval. In the event the Town Attorney does not recommend approval of such plat and declaration or party wall agreement, he or she may specify and make such recommendations to the applicant for modifications or changes to the document submittal as he or she deems necessary to assure compliance with this Article. Any such documents may then be resubmitted to the ~~Community Development Building~~ Department as soon as the applicant has made such changes as may be requested.

c. In the event that the Town Attorney, after his or her review of the plat and declaration or party wall agreement, determines that the documents should be approved except for minor adjustments, corrections or modifications, the Town Attorney may conditionally approve them. Any such conditionally approved documents may then be submitted to the ~~Town Council Community Development Director~~ for action only after the specified adjustments, corrections or modifications have been made, and the documentation evidences that either the Building Department or Town Attorney, as applicable, has confirmed that the specified conditions have been met.

d. If there are minor differences in dimensions between the setback distances of buildings or structures from lot lines or distances between buildings required by this Article or other applicable ordinances, the administrative staff may ~~recommend that the Town Council~~ waive these differences, thereby eliminating the requirements of obtaining

a variance, if, in the determination by the administrative staff, these minor differences are negligible and the applicant has met the intent of this Chapter and other applicable ordinances.

(16) Consolidation of residential units. Properties with condominiums and townhouses approved by the Town ~~Council~~ under this Article may be consolidated, provided that the following requirements are met:

- a. Consolidation shall not result in any fewer residential units or reduction in square footages for any existing unit. Such consolidation shall be approved by the ~~Town Council~~ Community Development Director in ~~its~~ his or her sole discretion.
- b. Consolidation shall be reflected in a vacation plat approved in the same manner as the plat creating the condominium or townhouse on the subject property.
- c. Consolidation shall not permit the reduction in parking spaces required by any land use approval or this Code.
- d. Tap fees previously paid shall not be reimbursed to the property owner as a result of a reduction in taps.
- e. The process for consolidation approval shall be the same process as creating a condominium or townhouse on the subject property; provided that, those requirements contained in this Chapter that are uniquely applicable to creating multiple property interests as opposed to one property interest shall be inapplicable as determined by the Town Manager and Town Attorney.

(17) ~~Town Council~~ Community Development Director approval.

- a. Upon receipt of a recommendation by the Town Attorney, the subject plat and declaration or party wall agreement shall be ~~set before the Town Council at its next scheduled meeting, at which meeting the Town Council shall review the plat and declaration or party wall agreement~~ reviewed by the Community Development Director and ~~he or she shall~~ either approve the same and forthwith execute the plat, or disapprove them. The ~~Town Council~~ Community Development Director may waive minor differences, considered to be negligible, under the same criteria in as set forth in Subsection 16-12-70(e) above relating to the Town Attorney's recommendation.
- b. Upon final approval by the ~~Town Council~~ Community Development Director of the plat and declaration or party wall agreement, the owner or his or her agent shall immediately cause the plat and declaration or party wall agreement to be recorded with the County Clerk and Recorder, and shall forthwith thereafter return one (1) full set of mylars, two (2) full sets of blue line prints and one (1) complete copy of the declaration or party wall agreement to the Town, bearing the recording information thereon.

(18) Fees:

~~a. Prior to submission of any plat and declaration or party wall agreement, all applicable Building Department and other fees pertaining to the review of the documents shall be paid.~~

~~b. Each owner or applicant requesting approval of a plat and declaration or party wall agreement shall pay an initial fee as established by resolution of the Town Council to the Town for the initial review of the documents by the Town Attorney. In the event that it is necessary for the Town Attorney to review any changes or amendments to the documents after the initial review, the owner or applicant shall reimburse the Town for all attorney's fees incurred by it, prior to final approval.~~

~~(19) Paradise Park Subdivision. The requirements for the construction of condominiums and townhouses in Block 77, Paradise Park Subdivision, are as follows:~~

~~a. A preliminary plat shall be submitted to the Building Department for approval.~~

~~b. The preliminary plat shall contain all information otherwise required on condominium or townhouse plat, except:~~

~~1) The land surveyor's certificate shall not make reference to improvements located thereon; and~~

~~2) The site plan shall depict the improvements as planned (not as constructed).~~

~~c. The preliminary plat shall be reviewed by the Building Department and the Town Attorney as to building code requirements of this Code and other legal requirements.~~

~~d. The Town Council shall review the preliminary plat and declaration or party wall agreement, and either approve the same and forthwith execute the preliminary plat, or disapprove them. Upon approval by the Town Council, the preliminary plat shall be recorded in the real property records of the County.~~

~~e. Prior to issuance of a certificate of occupancy, a final plat must be approved by the Town Council. The final plat must contain all items set forth in this Article. The final plat must approved in the same manner as otherwise set forth in this Article, and must be executed and recorded as otherwise set forth in this Article.~~

Text Amendment No. 6:**Sec. 17-3-50 Exemptions.**

(a) The following applications shall be exempt from these subdivision regulations:

(1) Lot-line adjustments. Adjustment of lot lines between previously platted contiguous lots that is necessary to correct a survey or engineering error; to allow a boundary change between adjacent lots or parcels to relieve a hardship or practical necessity; or to allow

transfer of land from a larger conforming lot to a smaller non-conforming lot in order to make both lots conforming. The lot lines between contiguous lots that are under single or separate ownership may be adjusted if the following conditions are met:

- a. The property owners whose lot lines are being adjusted shall provide written consent to the submittal of the subdivision exemption application.
- b. The lot line adjustment shall not create the opportunity for further subdivision of either lot to create another new lot for sale or development.
- c. Each of the adjusted lots shall meet the standards of this Chapter. If either of the lots or structures thereon are non-conforming prior to the proposed adjustment, no lot line adjustment shall be allowed that increases the non-conformity of the lot or structure.

(2) Lot combinations. Combinations or mergers of not more than two (2) conforming, previously platted contiguous lots, or two (2) or more non-conforming, previously platted contiguous lots within the same zone district. The lots may be combined or merged if the following conditions are met:

- a. The lots to be consolidated or merged shall be under single ownership.
- b. The resulting combined or merged lot shall meet the standards of this Chapter and other applicable ordinances.

(3) Vacations. A vacation of a building site, lot, parcel or tract line.

(4) Replats. The replatting of up to eight (8) existing platted lots, tracts or parcels if the following conditions are met:

- a. All of the new replatted lots meet all requirements for the zoning district in which the land is located;
- b. All of the new replatted lots will have access to an existing dedicated public street; and
- c. The platting of any utility, drainage, snow storage, parking or other necessary easements.

(b) Subdivision exemption standards. The Community Development Director shall approve an application for a subdivision exemption if it complies with these standards:

- (1) Compliance with all applicable standards. The exemption shall comply with the zone district standards for that specific location and all applicable requirements of the Municipal Code. Exemptions shall not create or increase a non-conforming use, structure or lot.
- (2) No increase in total allowable floor area. The exemption shall not increase the total allowable floor area for the lot or lots greater than the total floor area allowed without the

exemption. Any change in allowable floor area permitted by the exemption within these floor area totals shall be consistent with the adjacent properties.

(3) No subdivision agreement need be prepared or entered into between the applicant and the Town unless the Community Development Director determines such an agreement is necessary.

(4) Limitations. A maximum of one (1) subdivision exemption application may be submitted and approved for a specific lot, parcel or subdivision; multiple subdivision exemption applications or successive individual subdivision exemption applications for a specific lot, parcel or subdivision are not permitted.

(c) Application contents. An application for a subdivision exemption shall contain the following minimum contents:

(1) The required application fee.

(2) A narrative statement explaining why the subdivision exemption is being requested and how it complies with the zoning district standards and applicable conditions or requirements.

(3) A legal description of the Property, proof of ownership acceptable to the Town and properly notarized letter signed by the property owner(s) along with the designation, if any, of the owner representative's name, address and telephone number.

(4) An Improvement Location Certificate (ILC) survey drawn to scale, dimensioned and wet stamped by a Colorado licensed surveyor.

(5) Floor plans of any existing or proposed structures drawn to scale and dimensioned sufficient to allow the Building Official to calculate the Floor Area Ratio (FAR).

(6) A proposed exemption plat that shall be drawn to scale and dimensioned in general accordance with Appendix I Required Wording on Minor Subdivision Final Plat with a certificate showing approval of the plat by the Community Development Director.

(7) Any other information, documents or certificates reasonably deemed necessary by the Community Development Director.

(d) Review procedure. The following procedures shall apply to the review of a subdivision exemption application:

(1) Pre-application conference. A pre-application conference with Community Development staff is recommended, but optional, prior to submission of the application.

(2) Submission of application. Applicant shall submit an application that contains those materials specified above in Sec. 17-3-50(c) to the Community Development Director.

(3) Administrative action. The Community Development Director, Town Attorney and Building Department shall review the application and all relevant materials to determine whether the application complies with the review conditions and standards of this Section and shall issue a written approval, approval with conditions or denial of the application.

(4) Recording of exemption plat. Within ninety (90) days from the date of the subdivision exemption approval, applicant shall submit two (2) mylar copies of the exemption plat, suitable for recording, to the Community Development Director. The Director shall review the exemption plat to ensure that it complies with the terms and conditions of the approval and then shall obtain signatures for all of the certificates on the plat. The signed exemption plat shall be recorded, at applicant's expense, in the records of the Gunnison County Clerk and Recorder.

ORDINANCE NO. 13,**SERIES 2019****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL DELETING AND RE-CODIFYING CHAPTER 16, ARTICLE 12 CONDOMINIUMS AND TOWNHOUSES, AND AMENDING CHAPTER 17, ARTICLES 1-GENERAL PROVISIONS AND ARTICLE 3-MAJOR AND MINOR SUBDIVISIONS GENERALLY.**

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

WHEREAS, the Town has the authority to enact and enforce land use regulations pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter and Code; and Title 31, Article 23, and Title 20, Article 29, C.R.S.; and

WHEREAS, the Town Municipal Code (the “Code”) in Chapter 16, Article 12 currently has provisions for condominium and townhouses; and

WHEREAS, Chapter 17, Article 3 of the Code currently has provisions for major and minor subdivisions; and

WHEREAS, the Town wishes to create more efficient and thorough review and approval procedures for condominium and townhouse plats and subdivision exemptions; and

WHEREAS, the Town Council referred the staff’s request for proposed text amendments regarding condominiums, townhouse plats and subdivision exemptions to the Board of Zoning and Architectural Review (“BOZAR”); and

WHEREAS, BOZAR reviewed the proposed amendments to Chapter 16, Article 12 and Chapter 17, Article 3 pertaining to condominium and townhouses and subdivision exemptions on February 26, 2019 and voted 4-0 to recommend the text amendments to Town Council; and

WHEREAS, the Town Council has taken BOZAR’s recommendation into consideration and reviewed the proposed regulations pertaining to condominiums, townhouses and subdivision exemptions; and

WHEREAS, the Town Council hereby finds that it is in the best interests of the Town to make the proposed text amendments to the Code.

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

Section 1: Chapter 16, Article 12 Condominiums and Townhouses. Chapter 16, Article 12 Condominiums and Townhouses is hereby deleted in its entirety. Condominiumization and Townhouse subdivisions are re-codified and amended under Chapter 17, Article 3, Sec. 17-3-40.

Section 2: Sec. 17-1-100 Definitions. The following definitions will be added to Sec. 17-1-100 in alphabetical order:

Condominium or condominium project means a building or buildings consisting of separate fee simple estates to an individual air space unit of a multi-unit property, together with an undivided fee simple interest in common elements, as further defined in the Colorado Common Interest Ownership Act (CCIOA).

Townhouse or townhouse project means a building or buildings consisting of fee simple estates to individual units having common vertical walls, together with fee simple title to the land on which each unit is built and any yard and parking space appurtenant to said unit; and any easements for ingress and egress and for installation, replacement, repair and maintenance of utilities appurtenant to a unit. No townhouse or townhouse project shall have common horizontal walls.

Section 3: Sec. 17-3-10 Descriptions. Sec. 17-3-10 is deleted in its entirety and rewritten to read as follows:

Sec. 17-3-10. Types of subdivisions.

Subdivision types are characterized as minor subdivisions under Sec. 17-3-20 or major subdivisions under Sec. 17-3-30. Condominiumization and Townhouse subdivisions are subject to Sec. 17-3-40; and activities that are exempt from these subdivision regulations are subject to Sec. 17-3-50.

Section 4: Sec. 17-3-20 Characteristics of minor subdivisions. Sec. 17-3-20 is deleted in its entirety and rewritten to read as follows:

Sec. 17-3-20. Minor subdivisions.

(a) A minor subdivision is any one (1) or more of the following activities:

- (1) Any application that requires Board review of a Certificate of Architectural Appropriateness, rezoning or a PUD in association with the proposed subdivision.
- (2) Any application that is requesting more than one (1) subdivision exemption.
- (3) An application that may result in the creation of parcels described as parts of lots or tracts.
- (4) An appeal of a subdivision exemption decision by the Community Development Director.

Section 5: Sec. 17-3-40 Exemptions. Sec. 17-3-40 is deleted in its entirety and rewritten to read as follows:

Sec. 17-3-40 Condominiumization and Townhouse subdivisions.

(a) Applicability. These regulations set forth requirements for the creation of condominiums and townhouses including the new condominiums or townhouses, changes to existing condominiums or townhouses, and requirements for consolidation of residential condominiums and townhouses.

(b) Plat requirements. Any condominium or townhouse plat shall conform to the following requirements:

(1) Mylars. There shall be at least one (1) mylar and two (2) full sets of blue line prints, the size to be twenty-four (24) inches by thirty-six (36) inches, with a one-half inch border on the top, bottom and right-hand side, and a one-and one-half inch border on the left-hand side. As many sheets as may be necessary may be submitted for a single plat or filing.

(2) Cover sheet. The cover sheet shall contain the full name of the condominium or townhouse project.

(3) Legal opinion. The cover sheet shall contain a legal opinion, executed by an attorney licensed to practice in the State, evidencing title of the property being dedicated to be in the owner, and showing all exceptions to the title, if any. Such opinion shall be substantially in the following form:

Attorney's Opinion

I, (printed name of the attorney), being an attorney duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

(Herein list all exceptions)

Dated this ___ day of _____, 20__.

/s/ _____
 Attorney-at-Law
 Supreme Court Reg. No. _____

(4) Dedication. The cover sheet shall contain a notarized dedication of the full legal description of the parcel being dedicated, executed by the owner, as such owner is identified in the legal opinion. Such dedication shall be substantially in the following form:

(FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION
 IN CAPITAL LETTERS)

KNOW ALL PEOPLE BY THESE PRESENTS: That (Full name of Owner), being the owner of the following described real property, hereby declares and executes this Condominium or Townhouse Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), Town of Crested BUTTE, County of Gunnison, State of Colorado, as follows:

- a. DESCRIPTION. The property description of the real property laid out and platted as (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) shown on this Plat is:

PROPERTY DESCRIPTION
(Full Legal Description)

- b. CONDOMINIUM DECLARATION OR PARTY WALL AGREEMENT. The real property aid out as (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), Town of Crested Butte, Gunnison County, Colorado, is platted and dedicated pursuant to the terms and conditions of the Condominium Declaration or Party Wall Agreement for (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) dated _____, 20__ and recorded _____, 20__ in Book ___ at Page ___ of the official records of Gunnison County, Colorado.

IN WITNESS WHEREOF, (Full name of Owner), executed this dedication this ___ day of _____, 20__.

(Full name of Owner)

By: _____

ATTEST

s/s _____

(Notary Public)

- (5) Survey certificate. The cover sheet shall contain a certificate prepared by a person licensed in the State as a land surveyor, to the effect that he project is completed as shown on the Plat. Such certificate shall be in substantially the following form:

LAND SURVEYOR’S CERTIFICATE

I, (Full name of the Land Surveyor), being a registered land surveyor in the State of Colorado, do hereby certify that this Condominium or Townhouse Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and is accurate to the best of my knowledge, that the improvements as constructed conform substantially to this plat, and that this plat fully and accurately depicts the layout, measurements and location of all of the improvements on the real property, the Condominium or Townhouse unit designations, the dimensions of such units and the elevations of the unfinished floors and ceilings (if a Condominium Project).

Dated this ___ day of _____, 20__.

/s/ _____

(Full Name and Address of Land Surveyor with Colorado Registration No. _____)

(Seal)

- (6) Government approval form. The cover sheet shall contain printed provisions for the acceptance and approval of the plat by the Community Development Director and by the County Clerk and Recorder, in substantially the following form:

TOWN OF CRESTED BUTTE APPROVAL

The within Plat of (FULL NAME OF CONDOMINIUM PROJECT OR TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS), is approved for filing this ___ day of _____, 20__.

/s/ _____
By: Community Development Director

ATTEST:

s/s _____
Town Clerk

(Seal)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
(To be placed in the lower right-hand corner of the cover sheet)
This Plat was accepted for filing in the office of the Clerk and Recorder
of Gunnison County, Colorado on this ____ day of _____, 20__.

Reception No. _____ Time: _____ Date: _____
Book No. ____ Page No. ____
/s/ _____
County Clerk

- (7) Lienholder consent. Lienholder consent to the plat as reflected in a title commitment for the property shall be included thereon.
- (8) Scale. All buildings and improvements shall be drawn to scale, and the scale, both written and graphic, is to be identified on each sheet.
- (9) Location map. The plat shall contain a location map, identifying a sufficient part of the surrounding land and streets so as to easily determine the location of the subject parcel within the Town.
- (10) Site plan. The site plan, at a minimum, shall depict with accurate dimensions the following:
 - a. Exterior boundaries of the entire site, with all courses and distances noted thereon, which must conform to the requirements of the zone district or approved general P.U.D. plan within which the project is located;
 - b. Boundaries between townhouse units, the unit designation for each unit and all courses and distances;
 - c. Outline or building footprint for all buildings, structures and improvements located on the property, with the linear measurements of all exterior walls of each building;
 - d. Shortest distances between all buildings and between the buildings and the nearest project perimeter property line, which must conform to the setback requirements for the zone district or approved P.U.D. plan within which the project is located;
 - e. All parking spaces, including properly sized required handicapped accessible spaces, if any, as determined by the Town;

- f. Ingress and egress to the property and to the buildings located thereon, and from each townhouse unit to the off-street parking spaces appurtenant to that unit, with easements to the same townhouses, where applicable;
- g. Location and linear measurements of any overhanging features, exterior stairs, and decks on any buildings;
- h. If a centralized trash storage or dumpster area will serve the project, the location of an on-site, open and unoccupied area at least twelve (12) feet by twelve (12) feet in size, which is accessible at all times;
- i. If common off-street parking areas are to be utilized for the project, the location of an adjacent area equal in size to at least thirty-three percent (33%) of the off-street parking area, including the driving area within the parking lot and driveways, for snow storage;
- j. Location of all utility easements; and
- k. Location and extent of possible future development on the site.

(11) Designation of direction. Both the location map and site plan shall have north arrows indicated thereon (designating true and magnetic north).

(12) Improvements. In addition to the other required on the plat, additional sheets shall be provided portraying the floor plans of all buildings, structures or other improvements located upon the property, depicting at a minimum the following:

- a. All exterior walls, bearing walls and/or party walls, long with the thickness of such walls;
- b. All exterior doors, windows and sliding or French doors;
- c. Identification of each individual condominium unit and general and limited common elements appurtenant to each condominium unit; or the appropriate identification of each individual townhouse lot and unit;
- d. Location of all walls enclosing any condominium or townhouse unit, and any other enclosure, such as a manager's unit, employee unit or amenities;
- e. Cross-sections of all condominium units, showing the elevation above sea level of each floor as finished; cross-sections and the elevation of each floor for townhouses shall not be required;
- f. Minimum exterior wall height, minimum vertical distance from the eave line of the roof to the finished grade level and the maximum building height as finished, all of which must conform to the requirements of the zone district or approved general P.U.D. plan within which the project is located;

- g. The linear measurements of all of the above;
- h. Location of water and sewer tap-ins to the Town's main lines and of water shut-off valves, all of which shall be readily accessible by the Town; townhouse units must each have separate water shut-offs, sewer cleanouts and electrical meters, which shut-offs and cleanouts shall be readily accessible by the Town, and the location of which shall be approved by the Town; and
- i. Landscaped areas and the location of any retaining walls.

(c) Condominiumization within "M" Mobile Home District. The plats of properties being condominiumized within the "M" District, because of the unique character of mobile homes, are exempt from all requirements contained within this Article that otherwise require the depiction of all buildings and improvements located on the property being condominiumized.

(d) Declaration requirements. The owner of the property being dedicated shall execute and cause to be properly acknowledged a declaration (or party wall agreement for townhouses), prepared in compliance with the purpose, intent and requirements of the Colorado Common Interest Ownership Act, which declaration or party wall agreement shall also contain the following:

- (1) A provision for the ultimate obligation by the condominium association to pay all water and sewer charges for all individual units within the project, and any common element charges in accordance with the rules and regulations of the Town.
- (2) A clear definition and description of the rights, duties and liabilities of unit owners with respect to the general common elements and the limited common elements, and easements.
- (3) In the event the condominium or townhouse units are expandable, appropriate provisions relating to the phasing of the project, along with the identification, by legal description, of the property onto which the units and/or project will be expanded, identification of the total maximum number of units and/or maximum floor area which could be constructed within the entire expanded project, and identification of the interest each unit owner will have, by percentages, after the expansion.
- (4) A provision that, in the event, any unit is owned by more than one (1) person or by a partnership, joint venture, corporation or other such entity, the owners thereof shall designate in writing to the homeowner's association, the name and address of the agent of the owner to whom all legal or official assessments, liens, levies or other such notices may be properly and lawfully mailed, and that, upon failure to so designate an agent, the association shall be deemed to be the agent for receipt of notices to such owners.
- (5) Where there is additional square footage permitted on the project or units according to the applicable zone district provisions, a provision for the allocation of such square footage between and among the units.

(e) Submittal review and approval of plats, declarations and party wall agreements for townhouses or condominiums.

(1) All plats, declarations and party wall agreements shall be filed with the Community Development Department for initial review by the Building Department and Town Attorney as to compliance of the document with the Town Code and other applicable law.

(2) All fees as established by resolution of the Town Council must be paid before the Town will review the submittals.

(3) The Community Development Director shall forward the documents to the Town Attorney for review. If the Town Attorney finds that the documents comply with the Town Code and other applicable law, the Town Attorney shall forward to the Community Development Director, in writing, a recommendation of approval of such documents. If the documents do not comply with the Town Code and other applicable law, the Town Attorney will notify the applicant with a copy to the Community Development Director, of modifications to the documents necessary to bring them into compliance. The applicant may then resubmit the amended documents to the Community Development Director after the modifications have been made.

(4) If the Town Attorney determines that the documents should be approved except for minor revisions, the Town Attorney may conditionally approve them and notify the applicant with a copy to the Community Development Director of the minor revisions. The applicant may then submit the revised documents to the Community Development Director after the revisions have been made.

(f) Community Development Director approval.

(1) Upon receipt of a recommendation by the Town Attorney, the Community Development Director will review the subject plat and declaration or party wall agreement and either approve the same and execute the plat, or disapprove the plat if the materials fail to satisfy Code requirements. The Community Development Director may waive minor differences, considered to be negligible, under the same criteria in as set forth in Subsection 16-12-70(e) above relating to the Town Attorney's recommendation.

(2) Upon final approval by the Community Development Director of the plat and declaration or party wall agreement, the owner or his or her agent shall immediately cause the plat and declaration or party wall agreement to be recorded with the County Clerk and Recorder, and shall forthwith thereafter return one (1) full set of mylars, two (2) full sets of blue line prints and one (1) complete copy of the declaration or party wall agreement to the Town, bearing the recording information thereon.

(g) Waivers of setbacks. If there are minor differences in dimensions between the setback distances of buildings or structures from lot lines or distances between buildings and those required by the Town Code, the Community Development Director may waive the requirements if in his discretion he deems the differences to be negligible and the applicant has otherwise complied with the intent of the Code.

(h) Consolidation of residential units. Properties with condominiums and townhouses approved by the Town may be consolidated by following the same process as creating condominiums and townhouses, subject to the Community Development Director's determination that the following requirements are met:

- (1) Consolidation shall not result in any fewer residential units or reduction in square footages for any existing unit.
- (2) Consolidation is reflected in a vacation plat approved in the same manner as the plat creating the condominium or townhouse on the subject property.
- (3) Consolidation does not reduce the number of parking spaces required by any land use approval or the Code.
- (4) Tap fees previously paid are not reimbursable if the number of taps are reduced.

Section 6: Sec. 17-3-50 Exemptions. A new Sec. 17-3-50, Exemptions shall be added to read as follows:

Sec. 17-3-50 Exemptions from subdivision regulations

(a) The following applications shall be exempt from these subdivision regulations:

(1) Lot-line adjustments. Adjustment of lot lines between previously platted contiguous lots necessary to correct a survey or engineering error, to allow a boundary change between adjacent lots or parcels to relieve a hardship or practical necessity, or to allow transfer of land from a larger conforming lot to a smaller non-conforming lot in order to make both lots conforming. The lot lines between contiguous lots that are under single or separate ownership may be adjusted if the following conditions are met:

- a. The property owners whose lot lines are being adjusted shall provide written consent to the submittal of the subdivision exemption application.
- b. The lot line adjustment shall not create the opportunity for further subdivision of either lot to create another new lot for sale or development.
- c. Each of the adjusted lots shall meet the standards of this Chapter. If either of the lots or structures thereon are non-conforming prior to the proposed adjustment, no lot line adjustment shall be allowed that increases the non-conformity of the lot or structure.

(2) Lot combinations. Combinations or mergers of not more than two (2) conforming, previously platted contiguous lots, or two (2) or more non-conforming, previously platted contiguous lots within the same zone district. The lots may be combined or merged if the following conditions are met:

- a. The lots to be consolidated or merged shall be under single ownership.

b. The resulting combined or merged lot shall meet the standards of this Chapter and other applicable ordinances.

(3) Vacations. A vacation of a building site, lot, parcel or tract line.

(4) Replats. The replatting of up to eight (8) existing platted lots, tracts or parcels if the following conditions are met:

a. All of the new replatted lots meet all requirements for the zoning district in which the land is located;

b. All of the new replatted lots will have access to an existing dedicated public street; and

c. The platting of any utility, drainage, snow storage, parking or other necessary easements.

(b) Subdivision exemption standards. The Community Development Director shall approve an application for a subdivision exemption if it complies with these standards:

(1) Compliance with Code. The exemption shall comply with the zone district standards for that specific location and all applicable requirements of the Code.

(2) Exemptions shall not create or increase a non-conforming use, structure or lot.

(3) No increase in total allowable floor area. The exemption shall not increase the total allowable floor area for the lot or lots greater than the total floor area allowed without the exemption. Any change in allowable floor area permitted by the exemption within these floor area totals shall be consistent with the adjacent properties.

(4) No subdivision agreement need be prepared or entered into between the applicant and the Town unless the Community Development Director determines such an agreement is necessary.

(5) Limitations. A maximum of one (1) subdivision exemption application may be submitted and approved for a specific lot, parcel or subdivision; multiple subdivision exemption applications or successive individual subdivision exemption applications for a specific lot, parcel or subdivision are not permitted.

(c) Application contents. An application for a subdivision exemption shall contain the following minimum contents:

(1) The required application fee.

(2) A narrative statement explaining how the subdivision exemption complies with the zoning district standards and the subdivision exemption standards.

(3) A legal description of the property, proof of ownership acceptable to the Town and properly notarized letter signed by the property owner(s) along with the designation, if any, of the owner representative's name, address and telephone number.

(4) An improvement location certificate (ILC) survey drawn to scale, dimensioned and wet stamped by a Colorado licensed surveyor.

(5) Floor plans of any existing or proposed structures drawn to scale and dimensioned sufficient to allow the Building Official to calculate the Floor Area Ratio.

(6) A proposed exemption plat drawn to scale and dimensioned in general accordance with Appendix I Required Wording on Minor Subdivision Final Plat with a certificate showing approval of the plat by the Community Development Director.

(7) Any other information, documents or certificates reasonably deemed necessary by the Community Development Director.

(d) Application, review and approval procedure. Subdivision exemptions shall be approved in accordance with the following procedures:

(1) Pre-application conference. A pre-application conference with Community Development staff is recommended, but optional, prior to submission of the application.

(2) Submission of application. Applicant shall submit an application that contains those materials specified above in Sec. 17-3-50(c) to the Community Development Director.

(3) Review and approval. The Community Development Director, Town Attorney and Building Department shall review the application and all relevant materials to determine whether the application complies with the review conditions and standards of this Section and shall issue a written approval, approval with conditions or denial of the application based on compliance with the requirements of this Sec. 17-5-50.

(4) Recording of exemption plat. Within ninety (90) days from the date of the subdivision exemption approval, applicant shall submit two (2) mylar copies of the exemption plat, suitable for recording, to the Community Development Director. The Director shall review the exemption plat to ensure that it complies with the terms and conditions of the approval and then shall obtain signatures for all of the certificates on the plat. The signed exemption plat shall be recorded, at applicant's expense, in the records of the Gunnison County Clerk and Recorder.

Section 7. 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 8. 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 18th DAY OF MARCH, 2019.

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

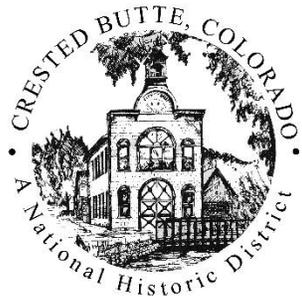
TOWN OF CRESTED BUTTE

James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Subject: **Ordinances 14-17, Series 2019 Duplex Sales**

Date: March 18, 2019

Background:

On February 8, 2019, the Town in conjunction with the Gunnison Valley Regional Housing Authority conducted a lottery for the sale of 4 duplex units located in Block 79. These units are slated to be finished and ready for the new buyers on July 1, 2019.

Ordinances 14-17 Series 2019 authorize the sale of the units in the duplexes for a sales price of \$275,000 each. The following are the winners of the 4 units:

1. Lot 6, Block 79 Unit A, 914 Butte Avenue / Joseph Carpenter and Kathrine Cooke
2. Lot 6, Block 79 Unit B, 916 Butte Avenue / Guy Ciulla
3. Lot 14, Block 79 Unit A, 909 Teocalli Avenue / Elizabeth Philbin
4. Lot 14, Block 79 Unit B, 911 Teocalli Avenue/ Chelsea Dalporto-McDowell

The Ordinances also authorizes the Town Manager and Town Attorney to execute all necessary documents for the sale.

Recommendation:

A Council person make a separate motion for each ordinance followed by a second to set Ordinance 14, 15, 16 and 17, Series 2019 to a public hearing on April 1, 2019. The title of each ordinance must be read into the record before each motion can be made.

ORDINANCE NO. 14

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 6, BLOCK 79, UNIT A, 914 BUTTE AVENUE, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO JOSEPH CARPENTER AND KATHERINE COOKE FOR THE SALE PRICE OF \$275,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Joseph Carpenter and Katherine Cooke for \$275,000.00; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$275,000.00 plus customary closing costs and fees, the real property legally described as Lot 6, Block 79, Unit A, 914 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Joseph Carpenter and Katherine Cooke, for the use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

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

ORDINANCE NO. 15

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 6, BLOCK 79, UNIT B, 916 BUTTE AVENUE, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO GUY CIULLA FOR THE SALE PRICE OF \$275,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Guy Ciulla for \$275,000.00; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$275,000.00 plus customary closing costs and fees, the real property legally described as Lot 6, Block 79, Unit B, 916 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Guy Ciulla, for the use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

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

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

ORDINANCE NO. 16

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 14, BLOCK 79, UNIT A, 909 TEOCALLI AVENUE PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO ELIZABETH PHILBIN FOR THE SALE PRICE OF \$275,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Elizabeth Philbin for \$275,000.00; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$275,000.00 plus customary closing costs and fees, the real property legally described as Lot 14, Block 79, Unit A, 909 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Elizabeth Philbin, for the use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

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

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

ORDINANCE NO. 17

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 14, BLOCK 79, UNIT B, 911 TEOCALLI AVENUE, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO CHELSEA DALPORTO-MCDOWELL FOR THE SALE PRICE OF \$275,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Chelsea Dalporto-McDowell for \$275,000.00; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$275,000.00 plus customary closing costs and fees, the real property legally described as Lot 14, Block 79, Unit B, 911 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Chelsea Dalporto-McDowell, for the use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

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

**Agenda
Design Review Committee
Monday
March 11, 2019**

- 3:00 Consideration of the application of **Bywater LLC in conjunction with the Town of Crested Butte** to construct a triplex and cold accessory building to be located at 8, 10, 12 Ninth Street, Block 79, Lot 10 in the R2A zone. (Barney/Reeser/Wisian)
- Architectural approval is required.
- 4:00 Consideration of the application of **Bywater LLC in conjunction with the Town of Crested Butte** to construct a triplex to be located at 11, 13, 15 Ninth Street, Block 78, Lot 6 in the R2A zone. (Barney/Reeser/Wisian)
- Architectural approval is required.
- 5:00 Consideration of the application of **James Steyaert and Harmony Cummings** to demolish the existing primary and accessory building and site a single family residence and accessory building to be located at 222 Whiterock Avenue, Block 40, Lots 6-7 in the R2C zone. (Vandervoort/Steyaert)
- Architectural approval is required.
- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the R2C zone is required.
- Permission to demolish two non-historic structures is requested.
- 6:15 Consideration of the application of **322 Belleview Avenue, a Colorado LLC** to demolish a portion of the building and reconstruct the second floor and roof of the existing, non-historic commercial building located at 322 Belleview Avenue, Block 46, Lots 5-6 in the C zone. (Hadley/Ryan)
- Architectural approval is required.
- Permission to demolish a portion of a non-historic commercial building is requested.
~~**- A conditional use permit for a retail marijuana store in the C zone 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, March 19, 2019
Council Chambers

1. **WORK SESSION - 5:00PM**
Concept Plan Review for a Planned Unit Development for Lots NI-1, NI-2 and ROS-1 Chalet Village Addition 1, AKA 16, 18 and 24 Treasury Road by Pearls Management, LLC
2. **CALL TO ORDER - 6:00PM**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - 4.1. Approval of the February 26, 2019 Special Town Council Meeting Minutes
 - 4.2. Approval of the March 5, 2019 Regular Town Council Meeting Minutes
5. **REPORTS**
 - 5.1. **Town Manager's Report**
 - 5.2. **Department Head Reports**
 - 5.2.1. Community Development Report
 - 5.2.2. Finance
 - 5.2.3. Police Department
 - 5.2.4. Public Works
 - 5.3. **Town Council Reports**
 - 5.4. **Other Reports**
 - 5.4.1. Mt. Crested Butte Water and Sanitation District - Mike Fabbre
6. **CORRESPONDENCE**
7. **OLD BUSINESS**
 - 7.1. Discussion and Possible Consideration of the Date of the 2019 Annual Town Picnic - Tiffany O'Connell
 - 7.2. Discussion and Possible Consideration of Amended and Restated Affordable Housing Deed Restriction for Homestead Subdivision - Carlos Velado
 - 7.3. Discussion and Possible Consideration of Second Amendment to Contract to Buy, Sell and Develop Deed Restricted Housing in Homestead Subdivision - Carlos Velado
8. **NEW BUSINESS**
 - 8.1. Discussion and Possible Consideration of Ordinance No. 3, Series 2019 - An Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado, Amending Chapter 21, Zoning, of the Town Code of the Town of Mt. Crested

Butte, Colorado (Modifying Setback Regulations and Chapter Organization) -
First Reading - Leah Desposato

- 8.2. Discussion and Possible Consideration of the Fifth Amendment to Annexation
and Development Agreement (East Trade Parcel) - Michael Kraatz

9. OTHER BUSINESS

10. PUBLIC COMMENT

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

11. ADJOURNMENT

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

Approximate meeting time: 2.5 hours

TUESDAY

MARCH 12, 2019

REGULAR SESSION

5:30 P.M.

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

II. Public Hearing on Electric Rate Increase.

Background: To receive public input on the proposed increase to the City of Gunnison Electric Rates.

Staff contact: Public Works Director David Gardner and Electric Superintendent Will Dowis

Action Requested of Council: To receive public input on the changes to the City of Gunnison Electric Rates.

Estimated time: 30 minutes

Public Hearings are the formal opportunity for the City Council to listen to the public regarding the issue at hand. Citizens giving input must identify themselves. Anonymous testimony will not be considered. In a quasi-judicial public hearing, the Council is acting in much the same capacity as a judge. Most land use applications including marijuana/liquor license applications are types of quasi-judicial actions. The Council must limit its decision consideration to matters which are placed into evidence and are part of the public record at the hearing. Legislative and administrations public hearings include those that are a formal opportunity for Council to listen to the public regarding the issue at hand, i.e. increases in utility rates or the annual city budget.

III. 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.

IV. Council Action Items

A. Approval of the February 26, 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 follow regular session meetings and become permanent city record. If a city councilor was not present at the meeting, they must abstain in the vote and action on approval of the minutes.

Staff contact: City Clerk Erica Boucher

Action Requested of Council: A motion, second and vote to approve the minutes of the February 26, 2019 Regular Session meeting.

Estimated time: 2 minutes

B. Ordinance No. 2, Series 2019; First Reading: An Ordinance of the City Council of

the City of Gunnison, Colorado, Amending the Rates to be Charged by the City of Gunnison Electric Department for Electricity Consumed.

Background: This ordinance raises electric rates charged by the City of Gunnison for electricity consumed by the customer. This increase will allow the City to cover increased maintenance/operational costs and to replace necessary components and equipment.

Staff Contact: Public Works Director David Gardner and Electric Superintendent Will Dowis

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. 2, Series 2019 on first reading.

Estimated time: 15 minutes

C. **Selection of Lazy K Developer.**

Background: The Lazy K property is 15 acres in west Gunnison. It was purchased in 2015 for multiple purposes including creating a park for the West Gunnison neighborhood, developing affordable housing, and storm water management. After identification of appropriate housing sites on the property in 2018, the City issued a request for proposals to builders to develop affordable and workforce housing units on about 4.3 acres of the property. After two open houses and revisions to the original proposals submitted by the developers, the Lazy K Housing Selection Committee is prepared to make a recommendation to Council.

Staff contract: City Manager Russ Forrest

Action Requested of Council: 1) A motion to direct the City Manager to negotiate a memorandum of understanding that would include; but not be limited to the deal points outline in the memo with High Mountains Concepts; and 2) A motion to authorize the City Manager to enter into an agreement with Willa Williford in an amount not to exceed \$7,800 assist staff with Phase Two of the project.

Estimated time: 30 minutes

V. **Reports:**

Semi-Annual Parks and Recreation Report

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.**

Notice of Public Hearing Changes in City of Gunnison Electric Rates

Pursuant to Sections 40-3.5-104(1) and (2) C.R.S., the City Council of the City of Gunnison hereby gives notice of a Public Hearing to be held on proposed changes to the City of Gunnison Electric Rates. The Public Hearing will be held on Tuesday, March 12, 2019, at 5:30 PM, in the Council Chambers of City Hall, 201 West Virginia Avenue, Gunnison, Colorado 81230. Each municipal utility customer shall have the right to appear, personally or through counsel, at this hearing for the purpose of providing testimony regarding the proposed new schedule. Copies of this proposed rate are available for inspection at the City Clerk's Office, 201 West Virginia Avenue, Gunnison, Colorado during regular business hours. The proposed electric rates are as follows:

| Electrical Rates | Current 2018 Rates | Proposed 2019 Rates |
|---------------------------------|--|--|
| <u>Residential:</u> | | |
| Monthly Service Charge | | |
| Flat Rate | \$10.50 | \$14.75 |
| Time of Day Rate | \$17.00 | \$19.25 |
| Usage Charge | \$0.08395/kWh | \$0.08430/kWh |
| Time of Day Rate | | |
| On-Peak | \$0.10220/kWh* | \$0.10260 /kWh * |
| Off-Peak | \$0.03954/kWh* | \$0.05010 /kWh * |
| <u>Commercial:</u> | | |
| Monthly Service Charge | \$20.00 | \$25.00 |
| Usage Charge | \$0.08211/kWh | \$0.08700 /kWh |
| <u>City Government Service:</u> | | |
| Monthly Service Charge | \$20.00 | \$25.00 |
| Usage Charge | \$0.08211/kWh | \$0.08700 /kWh |
| <u>Western Colorado</u> | | |
| <u>University:</u> | | |
| Monthly Service Charge | \$85.00 | \$95.00 |
| Usage Charge | \$0.05782/kWh | \$0.05840 /kWh |
| Demand Charge | \$7.50/kWh | \$9.50 /kWh |
| <u>Contract Lights:</u> | | |
| Monthly Charge | \$9.25/fixture | \$10.15 /fixture |
| <u>Wind Power Attributes</u> | \$1.70/100 kWh per month added to usage charge* | \$1.70 /100 kWh per month added to usage charge* |

These rates and charges set forth herein, if approved and adopted on second reading or the required ordinance, shall be effective as of April 11, 2019, and thereafter.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

- 8:30
- Call to Order
 - Gunnison River Valley Local Marketing District; 2019 Audit Engagement Approval; McMahan & Associates, LLC
 - Adjourn

GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:

- 8:35
- Call to Order
 - Gunnison County Housing Authority; 2019 Audit Engagement Approval; McMahan & Associates, LLC
 - Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

- 8:40
- Call to Order
 - Agenda Review
 - Minutes Approval:
 1. 2/5/19 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. Gunnison County; 2019 Audit Engagement Approval; McMahan & Associates, LLC
 2. 2019 Gunnison County Annual Operating Plan for Wildfire
 3. Acknowledgment of County Manager's Authorization to Submit the Early Childhood Council Grant Renewal Application
 4. Contract Amendment #3; Title X Family Planning Grant; \$40,357
 5. Special Event Liquor License; Crested Butte Mountain Educational Radio (KBUT); March 14 -15th, 2019
 - Scheduling
- 8:50
- County Manager's Report
- 9:00
- Public Hearing; Amendments to the Gunnison County Land Use Resolution
- 9:15
- Deputy County Manager's Report
- 9:25
- Resolution; A Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes
- 9:30
- Discussion; BOCC Comments Re: GMUG Draft Wild & Scenic Rivers Eligibility Report
- 9:45
- National Forest Foundation; Emily Olsen; Gunnison Stewardship Fund Update

- **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**

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 COUNTY COMMISSIONERS WORK SESSION:

- 9:00 • Gunnison Energy Update
- 10:00 • Discussion; Proposed Senate Bill 19-181 Oil & Gas Legislation
- 10:30 • BOCC Letter of Support; Colorado Opportunity Scholarship Initiative (COSI)
- 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.

April 1, 2019**Work Session**

County Commissioner Update

Consent Agenda

Sidewalk Seating Applications

Noxious Weed List

April 8, 2019

Council meets as Planning Commission to Review Sketch Plan Application for Slate River Annexation

April 15, 2018**Work Session**

Coal Creek Coalition Update

Slate River Working Group Update

Public Hearing

Slate River Annexation (probably continued to subsequent meetings)

New Business

Ordinance – Lease

Briefing of the Legal Implications of Vested Rights

May 6, 2019**Consent Agenda**

Crested Butte Art Market Special Event Application

Future Items

- Quarterly Financial Reports
- Heights Open Space Plat Note and Covenants
- DOLA Update
- Annual Report from the Creative District Commission – October
- Snow Plan – October
- Deadline for Presentation of Annual Budget – October 15th
- Annual Report by the Chair of the Weed Advisory Board o Weed Management in the Town of Crested Butte - November
- Funding Agreement with the Chamber - December