

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*

AGENDA

Town of Crested Butte

Regular Town Council Meeting

Monday, June 18, 2018

Council Chambers, Crested Butte Town Hall

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

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

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

- 1) June 4, 2018 Regular Town Council Meeting Minutes.
- 2) 4th of July Special Event Application for July 4, 2018.
- 3) Crested Butte Art Market Special Event Application for Sundays Starting June 24, 2018 through October 7, 2018 Except During Arts Festival and ARTumn Special Events.
- 4) Black and White Ball Special Event Application and Special Event Liquor Permit for June 30, 2018 through July 1, 2018.
- 5) Gunnison Car Show Breakfast Cruise Special Event Application for August 19, 2018.
- 6) Appointment of BOZAR Member.
- 7) Resolution No. 7, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of Revocable License to Kurt Preston and Melissa Preston to Encroach into the Maroon Avenue Right of Way with a Wastewater Line Adjacent to the East 5'6" feet of Lot 28 and 44'6" of Lots 29-30, Block 18, Town of Crested Butte.

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 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.

7:15 STAFF UPDATES

7:20 PUBLIC HEARING

1) Ordinance No. 16, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 15 of the Crested Butte Municipal Code to Include New Regulations for the Removal of Trees.

7:30 2) Ordinance No. 18, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 716 Elk Avenue to High Country Conservation Advocates.

7:35 3) Ordinance No. 19, Series 2018 - An Ordinance Amending Chapter 6, Article 4 of the Crested Butte Municipal Code to Include Regulations for Merchandise Trucks.

7:50 NEW BUSINESS

- 1) Presentation by Municipal Court Judge Eden.

- 8:00** 2) Update from Doug Shaw and Dr. Melanie Armstrong on Monitoring and Analyzing Winter Backcountry Use in the Upper Gunnison Valley 2017-2018.
- 8:10** 3) Discussion on Trash and Recycling Facilities for the Public.
- 8:25** 4) Resolution No. 8, Series 2018 - A Resolution of the Crested Butte Town Council Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018.
- 8:40** 5) Discussion and Possible Direction on Decisions Related to Policy.
- 9:00** **OLD BUSINESS**
1) Discussion on The Corner at Brush Creek Housing Project.
- 9:40** **LEGAL MATTERS**
- 9:45** **COUNCIL REPORTS AND COMMITTEE UPDATES**
- 9:55** **OTHER BUSINESS TO COME BEFORE THE COUNCIL**
- 10:05** **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**
- Monday, July 2, 2018 - 7:00PM Regular Council
 - Monday, July 16, 2018 - 7:00PM Regular Council
 - Tuesday, August 7, 2018 - 7:00PM Regular Council
- 10:10** **ADJOURNMENT**

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 4, 2018
Council Chambers, Crested Butte Town Hall

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

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

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, Community Development Director Michael Yerman, and Public Works Director Rodney Due

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

Schmidt reviewed the topics covered during the Work Session.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) May 21, 2018 Regular Town Council Meeting Minutes.**
- 2) Bridges of the Butte 24-Hour Townie Tour Special Event Application for June 23-24, 2018.**
- 3) Crested Butte Bike Week Special Event Application for June 21-24, 2018 and Special Event Liquor Permits for June 22-24, 2018.**
- 4) Tri-State Corvair Display Special Event Application for a Car Show on June 9, 2018.**
- 5) Alpenglow Special Event Application and Special Event Liquor Permit for Mondays from June 18 - August 13, 2018.**
- 6) Restaurant/Bar Seating on Public Sidewalks for Happy Place LTD DBA Django's Located at 209 Elk Avenue.**
- 7) Appointment of Two Commissioners to the Crested Butte Creative District.**

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

PROCLAMATION IN HONOR OF DAVE OCHS

Schmidt explained the reasoning behind proclamations honoring citizens. John Chandler read his letter elaborating upon contributions and accomplishments of Ochs. He thanked Ochs. Schmidt then read the proclamation thanking him on behalf of the citizens of Crested Butte.

PUBLIC COMMENT

David Leinsdorf

- He was stunned, surprised, and disappointed by the discussion at the end of the Brush Creek meeting.
- It was clear the County was asking the Town to engage.
- He suggested the Council endorse Option #4 (mediated discussion as referenced in MacDonald's memo), and they should hold as many public meetings with Mr. Gates between now and the 29th of June.
- The County was asking the Town to step up and make the monstrosity happen.
- He proposed an alternative put together by Friends of Brush Creek.
- There were options for the project besides 220 units.

Roland Mason - 501 5th St

- He announced that he was running for District 3 County Commissioner.
- He wanted to sit down with Council members concerning issues going on around Town.
- He asked the Council to revisit the situation at Red Lady/135/7th Street. There was a line beyond the hill this morning.

Robert McCarter - 1251 Skyland

- He thanked the Council, Mayor, and Town Manager in an effort to do what they thought was right for the Brush Creek Corridor.
- He believed a project could be built that would be compatible.
- He told the Council to continue to be strong in the matter.

STAFF UPDATES

- Schmidt referred to the memo from MacDonald. He brought up the question posed in the memo on policy decisions. The Council decided to include the discussion on the next agenda.
- MacDonald reported on the meeting held by the Forest Service concerning the dry year and wildfires.
- MacDonald received an email from the mine's project manager offering an open house to report on progress and an update on Mt. Emmons.

- Schmidt asked Due about the paving around Town. Due elaborated on the striping of parking lots and on Elk Avenue.
- Hansen mentioned the opening ceremony for softball would be at Pitsker tomorrow.

PUBLIC HEARING

1) Ordinance No. 15, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Land Use Conditions and Restrictive Covenants.

Schmidt confirmed proper public notice had been given. Yerman explained the reason for the ordinance. Petito confirmed Town was not losing a unit. Cowherd wondered if the building would maintain its historical significance. No one from the public wanted to comment.

Merck moved and Haver seconded a motion to approve Ordinance No. 15, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Transfer of the Soupcon Hotel and Restaurant Liquor License Located at 127A Elk Avenue from J&A Cuisine Inc to Fatdog LLC.

Stanford stated nothing had changed from the time the staff report was written and that Staff recommended approval of the transfer. David Wooding, from Soupcon, was present. Stanford confirmed proper public notice was given. There was no one present who wanted to comment.

Mitchell moved and Merck seconded a motion to transfer the Soupcon Hotel and Restaurant Liquor License located at 127A Elk Avenue from J & A Cuisine to Fatdog LLC. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

NEW BUSINESS

1) Community Grant Funding Recommendations.

Zillioux explained that the committee reviewed 17 grant requests for a proposed total of \$45,280. If approved, there would be a budget deficit since 82% of the budget had been spent in the fall. Merck asked if they could transfer funds from the General Fund in order to award the total of \$45,280. Mitchell recognized the requests were worthy. There was a brief discussion on where the funds could come from. Merck didn't think the spring cycle should be lessened because they gave out too much in the fall. Schmidt summarized the options. Haver acknowledged it was hard to say no, and he asked how the algorithm worked. Zillioux reminded the Council of two \$15K requests that were funded last fall. Merck encouraged the Council to consider funding the full amount. Petito was okay with approving the grants as proposed, but moving forward they needed to set two budgets, one for each cycle.

Merck moved and Dujardin seconded a motion to approve the community grant funding recommendations with money from the General Fund. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Appeal by Laura Silva on Behalf of Colorado Jazz Musicians Festival for the Use of Town Park for an Event on September 8 - 9, 2018.

Silva explained the inception of the non-profit and the concept for the event that was envisioned. She reviewed their cooperation with other entities. She learned the lawn space at The Center for the Arts stage was no longer available for reservations after August 20th because of the soccer season. She provided a management plan, which had been turned down by Staff. The options presented by Staff were not viable.

Hansen confirmed the communications with Staff were accurately portrayed by Silva. She explained background on the decision, including that another event had been turned down and concern of precedent set for future years. Hansen acknowledged that weather could provide difficulty in turning the space back to soccer fields. She referred to Town Code that had been cited in her staff report. Hansen explained issues Staff had with the proposed management plan. There was a brief discussion on staffing.

MacDonald asked the Council what their priority was for the space. Petito liked the idea of the festival, and he wanted to help it happen. He didn't know how to address the precedent question. He would love to find a way to make it work. There was a discussion on the requirements for liquor permitting. Silva elaborated upon the vision she wanted to promote as part of the event. Haver supported locally grown events. He wanted to find a way to make the event work. Mitchell liked the idea based on the time. They would have to be comfortable with possible damage to the field. She agreed with Haver that it was unfortunate for the field to not be used for the festival because of striping. Cowherd wanted to stick with the standards and timeframe, and he recommended Big Mine for this year. Dujardin disagreed with Cowherd. He suggested they look at allowing for this year for this event. Schmidt did not want to see an event comparable to the one in Telluride. Silva described their target demographic.

Roger Conn spoke as a representative of the event:

- The event was a Colorado Jazz musicians' festival.
- He described how their festival was unique.
- Recalled grants to the Crested Butte Mountain Theatre and to the first Arts Festival.

Merck thought it was worthy to give the organizers a shot. It was not a major conflict with soccer. They had to look at how it worked the first time. He was happy to grant an application. Schmidt wouldn't want to see 5,000 people trampling on the soccer fields. Roland Mason recommended the Council reconsider the August 20th date and make it later. Petito asked for a commitment in turning the field back to its original condition and Silva affirmed. He added they would have to see how it worked out to revisit next year.

Merck moved and Dujardin seconded a motion to approve the appeal by Laura Silva for the Colorado Jazz Musicians Festival for the use of Town Park for an event on September 8 – 9, 2018. A roll call vote was taken with all voting, “Yes,” except Cowherd voted, “No.” **Motion passed.**

3) Bid Award for Wildcat Creek Waterline Stabilization Project.

Due informed the Council that the pipeline carried the main water coming into Town. Ninety feet of the pipeline were now exposed. He was concerned about the pipeline freezing and the pipeline breaking. There were funds in reserve for instances such as this one. He recommended that the Council accept the bid from Geostabilization International (GSI). He described details to the work proposed by GSI. Zillioux explained the mechanics to the budget amendment.

Mitchell moved and Petito seconded a motion to approve the award of a construction contract for the Wildcat Creek Waterline Slope Stabilization Project to GSI at a cost of \$188,164.69 not to exceed \$207,000.00 and authorizing the Town Manager to enter into a contract between the Town of Crested Butte and GSI. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

4) Update on the Process and Stages for Fire Restrictions.

Reily explained that Stage 1 fire restrictions closely mirrored what was already restricted within Town. For public information and consistency, it was best for County and Town to go into Stage 2 at the same time. Stage 2 could have economic impacts on contractors, which was the only real downside. The decision to go into Stage 2 would not be a snap decision. Petito questioned specific limitations listed within Stage 2 restrictions.

Dujardin moved and Mitchell seconded a motion to authorize the Town Manager to adopt Stage 2 Fire Restrictions for Crested Butte when/if Gunnison County goes into State 2 Fire Restrictions in 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) Introduction of Standard Sales Tax Definitions.

Zillioux reviewed the background of municipalities adopting the standard sales tax definitions, as defined by the Colorado Municipal League. Town could adopt the definitions that were relevant to what Town did. It would be much easier for businesses that operate in multiple municipalities. He explained the process that he would go through with the Council. He listed municipalities that had adopted. The definitions had to remain tax neutral. The Council supported Zillioux moving forward in the process.

6) Ordinance No. 16, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 15 of the Crested Butte Municipal Code to Include New Regulations for the Removal of Trees.

Schmidt read the title of the ordinance. Hansen provided history on the agenda item. One standard of being a Tree City USA was to have a tree care ordinance. Hansen introduced Sam Pankratz from the Forest Service. She reviewed the process for removing trees. Hansen explained changes being made to the Code per the ordinance. She specified requirements related to replacement trees. She pointed out a new provision relevant to the business zone districts. They expanded to impose more stringent regulations for tree preservation during construction. Schmidt questioned the section that addressed attaching rope and wire to trees related to people who were slack lining. He asked if they wanted to allow slack lining, assuming the person was providing protection for the tree. Pankratz agreed there was potential, and a fatter band would not damage an aspen tree. There was a discussion on the prohibition of slack lines and enforcement of the ordinance.

Mitchell moved and Dujardin seconded a motion to set Ordinance No. 16, Series 2018 for public hearing at the June 18th, 2018 meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Ordinance No. 18, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 716 Elk Avenue to High Country Conservation Advocates.

Schmidt read the title of the ordinance. There was no one present who wanted to comment and no further discussion amongst the Council.

Mitchell moved and Petit seconded a motion to set Ordinance No. 18, Series 2018 for public hearing on June 18th, 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

8) Ordinance No. 19, Series 2018 - An Ordinance Amending Chapter 6, Article 4 of the Crested Butte Municipal Code to Include Regulations for Merchandise Trucks.

Schmidt read the title of the ordinance. Stanford reviewed changes to the Code that would be enacted by the ordinance. Schmidt questioned the limit of six vendors at the Four Way. He did not like the idea of a merchandise truck at the Four Way. Haver did not have any problem with the merchandise truck on private property, and he liked the 10 foot set back. Haver identified that mobile vendors were competing with business rentals, and allowing mobile vending on public property was one more leg up with free to almost free rent. He would strike the section permitting operation at the Four Way and Big Mine Ice Arena. Dujardin disagreed with Haver. He suggested a condition that if the snow was a certain height, they not be allowed to vend, or allowing mobile vending starting on May 1st, with the contingency of snow depth. Schmidt agreed with Haver on eliminating the truck on public property. There was a discussion on truck vending at the Four Way contrasted with vending on private property. Cowherd specified that other businesses paid for parking.

Mitchell moved and Merck seconded a motion to set Ordinance No. 19, Series 2018 for public hearing at the meeting on June 18th. A roll call vote was taken with Merck, Mitchell, Petito, and Dujardin voting “Yes,” and Schmidt, Haver, and Cowherd voting, “No.” **Motion passed.**

LEGAL MATTERS

Sullivan reported the plaintiffs in The Heights case filed reply to Town’s counter claim on Friday. Pre-trial deadlines would start to run. Both parties would file disclosures. Judge Patrick set a case management conference for July 6th.

COUNCIL REPORTS AND COMMITTEE UPDATES

Laura Mitchell

- Attended a Mountain Express meeting. RTA approached them about purchasing an industrial lot in Riverland. There could be residential with the commercial on the lot. The second bus was being painted. They increased the pay for painting the busses.
- Dujardin added that they approved truck deliveries in the turnaround at Mountaineer Square. Breckenridge was adopting electric busses, and they would monitor.

Jackson Petito

- Attended Housing Foundation meeting. Housing solutions in Gunnison help in Crested Butte and vice versa. They talked about their role concerning the affordable housing tax on the ballot.

Will Dujardin

- Attended a Mountain Express meeting.
- Attended Upper Gunnison River Water Conservancy District meeting in Lake City. The area was in a drought. The Gunnison Basin was a bright spot in the region. There would be a pump house going up in Mt. Crested Butte.
- Went to a meeting where they were updated on the Energy Action Plan. Residential electricity intensity in Town was twice the average in the area.
- Vail had a program that put deed restrictions on housing. People would sell the deed restriction to the town to keep the house in stock in perpetuity. It could be useful for the Housing Foundation to consider.

Kent Cowherd

- Attended Creative District meeting. There were two new commissioners appointed on the Consent Agenda. They had on their radar a location for a fairy house walk, and they were having a hard time finding a place. They were looking at an area above Red Lady Estates and would be coming to the Council for permission.

- Attended DOLA Region 10 meeting. They talked about the building they were renovating, and a discussion came up on the phone line. Everyone was gearing up for the summer.
- Attended Brush Creek meeting on Friday. It did not go as anticipated.

Jim Schmidt

- The Housing Authority had a conference call on a proposed LIHTC project. The company out of Oklahoma was buying a piece of land in Gunnison. The conference was regarding negotiation with the company.
- Went to the bill signing at the I Bar.
- Attended the Forest Service presentation on wildfires.
- Went to the Brush Creek meeting last Friday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt reviewed what occurred at the Brush Creek public hearing last week. John Messner stated that the Town of Crested Butte should negotiate with Gatesco. Messner also suggested a deal that the Town could provide water and sewer service, and Gatesco would reduce density. MacDonald provided a memo explaining the next steps in the sketch plan process at Brush Creek. Haver recapped what he understood of the process. He would like to ask the County to provide direction on how the Town should follow their LUR process. Cowherd thought it was weird the County questioned Town on not providing a subsidy when the developer had never asked for one. Cowherd said the small changes were not enough to address what Town was pointing out, which were the density and scale of the project. Schmidt would suggest considering a different developer. MacDonald recognized the process was clearly defined in the LUR, and Messner went off the intended path as far as the process was concerned. It felt like Town was being attacked in a formal land use hearing. She identified that Town had no obligation to do anything. However, the Council was not in a quasi-judicial role, so the options were open. Schmidt liked the idea of opening a planning process, but he recognized there was a timeline before June 29th. Yerman was concerned about how it would affect a process of discussion in August on Block 76. Haver preferred item number four referenced in MacDonald's memo, which was a mediated discussion. Dujardin said they were tearing apart their whole process. He favored number one, do nothing further at this point, or number five, acquire the land. Mitchell suggested number four or number one. Schmidt acknowledged the topic of Brush Creek was not on the published agenda.

John O'Neal, representing Gatesco, was at the meeting. They were as surprised as the Town was. Talking was a good thing. A public process did not excite Gatesco. Haver thought it was important for discussions to be held in the public realm. Schmidt agreed it was inevitable that it was a public process. Petito agreed the public needed to be involved. MacDonald asked O'Neal if Gatesco would be open to participating in a public process. O'Neal reiterated they would talk. Cowherd said it was not substantial enough to talk about unless they talked about density. MacDonald suggested they consider a special meeting. Petito said it made sense if their decision hinged on Town's decision. Mitchell pointed out there were other stakeholders. Merck said Town could provide

water, which could reduce density. Schmidt stated that the Commissioners at the meeting decided to bust the process. The Council directed Sullivan to contact the County Attorney to find out where it fit in the land use process, and MacDonald would look at the agenda for the next meeting.

Cowherd brought forth a number of topics:

- He suggested clarifying the Town's position with ICElab contrary to the thought that Town declined to fund and did not want to participate with other entities. He suggested they clarify at the upcoming meeting with the other entities.
- Cowherd identified the lack of trash and recycling available for visitors. He thought each municipality should have a trash and recycling station.
- He had a hard time keeping up with the happenings in the County. He suggested other agendas be included in their packets. The Council asked that agendas for the County Commissioners, City of Gunnison, and Mt. Crested Butte be added to the meeting packets.
- He mentioned the letter from Nancy Essex regarding John Murphy. Cowherd said they had to acknowledge that a mistake happened. They should publicly apologize. Mitchell agreed. MacDonald would draft a letter for the Mayor to sign.

Schmidt revisited the trash and recycling idea. He recalled that the one that had been located at the Four Way was abused. Merck pointed out there was a transfer station located in Riverland. Mitchell was willing to try for the summer. Staff would bring back numbers from Waste Management for the next meeting.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, June 18, 2018 - 7:00PM Regular Council
- Monday, July 2, 2018 - 7:00PM Regular Council
- Monday, July 16, 2018 - 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 Slate River Annexation.

Merck moved and Mitchell 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 Executive Session at 10:55PM. The Council returned to open meeting at 11:32PM. Mayor Schmidt made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:33PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

June 18, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: 4th of July Special Event Application
Date: June 6, 2018

Summary:

Scott Stewart and Ashley UpChurch, event organizers for the 4th of July, submitted the special event application on behalf of the Crested Butte/Mt. Crested Butte Chamber of Commerce. The festivities would include a parade, food vendors, and a musical performance. Elk Avenue would be closed starting at 5AM on July 4th. Floats for the parade would begin lining up at 9AM at 6th Street and Elk Avenue, with the line forming to the east until 8th Street and 9th Street, both of which would be closed from Elk Avenue to Red Lady Avenue. Food vendors would open for business at 10AM. The food vendors and live music are proposed to be located on both but opposite sides of 3rd Street. The parade is proposed to start at 11AM. After the parade, from about 12:30PM to 2:30PM, the event organizers proposed a carnival and live music. Clean up is planned to be completed by 4PM.

Recommendation:

To approve the 4th of July special event application as part of the Consent Agenda.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: 4th of July

Date(s) of Event: Wednesday, July 4, 2018

Location(s) of Event: Elk Avenue + 3rd Street, Crested Butte, CO 81224

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/Mt. Crested Butte Chamber of Commerce

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	Time: From	To
<u>Wed, July 4</u>	<u>10 am</u>	<u>3 pm</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Date	Time: From	To
<u>Wed, July 4</u>	<u>6:30 am</u>	<u>4 pm</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Expected Numbers: Participants: NA Spectators: 10,000

Name of Event Organizer: Scott Stewart

Phone: 349-6438 Cell Phone: 720-480-8668

E-Mail: events@cbchamber.com Fax Number: _____

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

Phone: 349 6438 Cell Phone: _____ E-Mail: director@cbchamber.com

Mailing Address of Organization Holding the Event: P.O. Box 1288, Crested Butte, CO 81224

Email Address of Organization: events@cbchamber.com Phone Number: 349-6438

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):

Coordinated w/ Marshals at town meeting.

(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: Elk Avenue ^{from 7th} ~~to 1st~~ ^{street} Date: July 4 Time: From 5am To: 12:30pm

Streets: Elk Avenue ^{from 4th Street} ~~to 2nd~~ ^{Street} Date: July 4 Time: From 5am To: 4pm

Streets: 3rd Street ^{Alley to} ~~Alley~~ Date: July 4 Time: From 5am To: 4pm

Streets: 8th to Red Lady Date: July 4 Time: From 8am To: 11am

Streets: 9th from Elk to Red Lady Date: July 4 Time: From 8am To: 11am

Streets: E Date: _____ Time: From _____ To: _____

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

If Yes, Explain Impact (include times): During the parade starting @ 9am until
12:30 pm

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: Elk Avenue will not be open for parking. Vehicles will need to utilize other public parking around town

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):

Barricades will be needed for all road closures
Police escort will be required (front + back) during the parade (11am-12:30pm)

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]
Signature of Event Coordinator

4. AMPLIFIED SOUND AND NOTIFICATION:

Will There Be Amplified Sound at This Event? Yes No

If Yes, Describe: PA announcing, PA music, Live Band

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: All affected businesses and residents will be notified 1 week before the event. Additionally there will be ample advertisement locally (KCBT, Online, CB News)

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? A considerable amount

What recyclable products will be generated at the event? Very little

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:

Waste management will provide a dumpster for the parade as well as trash + recycling for the 3rd + Elk vendor village

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)

We will provide 7 standard and 1 ADA unit. The units will be placed on the west side of the fire station lot parallel to the CB land Trust building. (diagram attached)

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.

This information will be available once we finalize our vendor list. All vendors will be distributed proper paperwork before July 4th.

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.

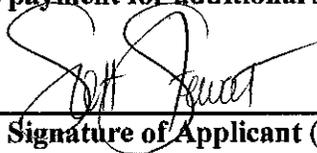
8. PLEASE REVIEW, SIGN, AND DATE:

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.

Scott Stewart

Print Name Clearly



Signature of Applicant (Permittee)

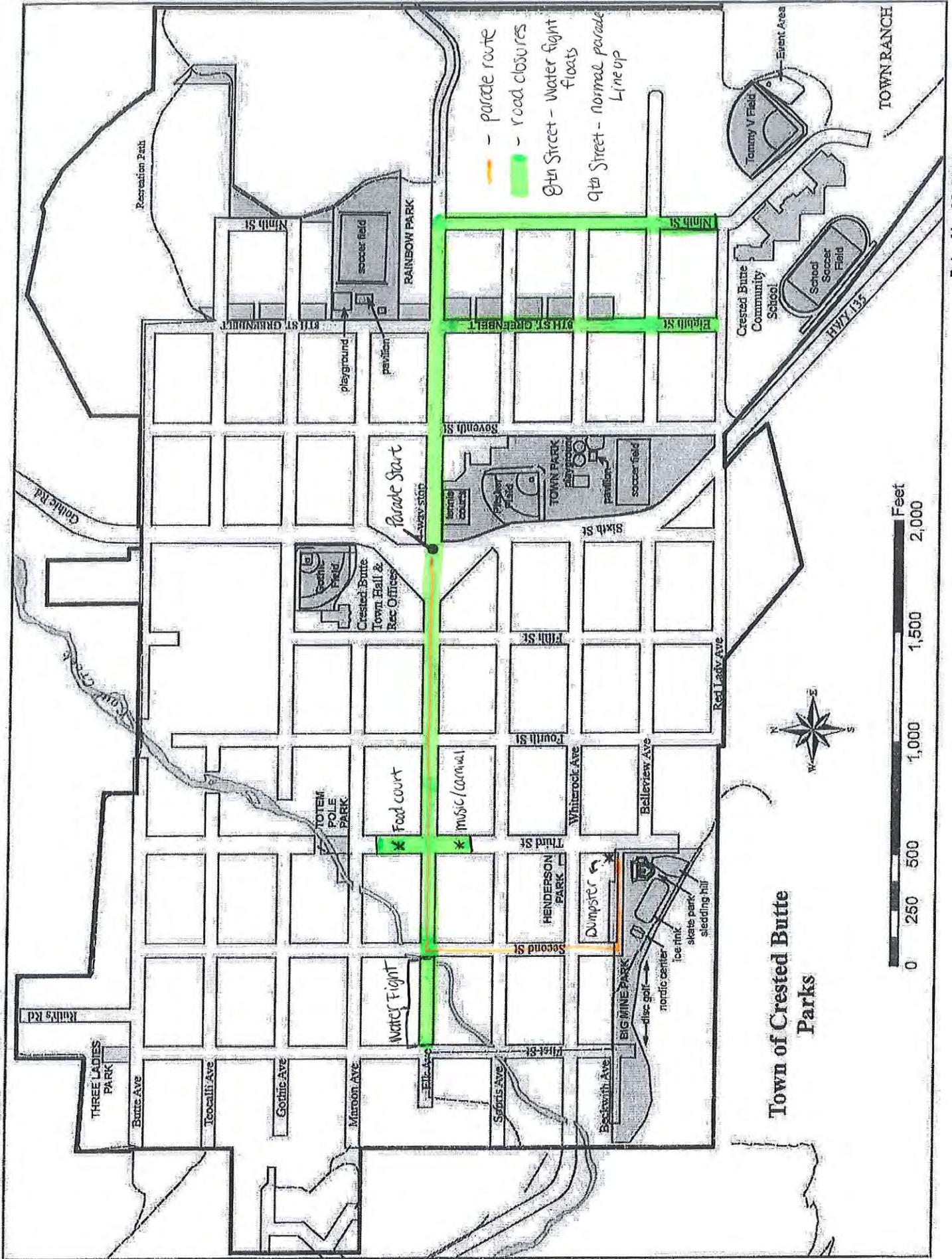
5/31/18

Date

2017 4th of July - Event Schedule

Wednesday, July 4th

6am	Food Vendors Load-In
9am	Floats begin lining up, all water fight floats at the rear
10am	All floats are checked in Food vendors Open
10:45am	Parade MC begins commentary
11am	Parade Starts
12pm	Parade ends, clean up begins RBML marathon awards
12:15	gO Marathon Awards
12:25	Band Starts
12:30pm	Carnival Begins
1:15 pm	Band Ends
1:30	2 nd Band starts Starts
2:30pm	Carnival Ends, 2 nd Band Ends, Clean-up Begins
4pm	Everything cleaned up 3 rd Street re-opened



- parade route
 - road closures
 8th Street - Water fight floats
 9th Street - normal parade line up

Town of Crested Butte Parks





© 2018 Google

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

Crested Butte / Mt. Crested Butte Chamber of Commerce

is a

Nonprofit Corporation

formed or registered on 12/29/1980 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 19871420932 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/22/2018 that have been posted, and by documents delivered to this office electronically through 02/26/2018 @ 16:49:16 .

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 02/26/2018 @ 16:49:16 in accordance with applicable law. This certificate is assigned Confirmation Number 10744926 .



A handwritten signature in blue ink that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

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

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the 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."

4TH OF JULY PARADE (JULY 4, 2018)

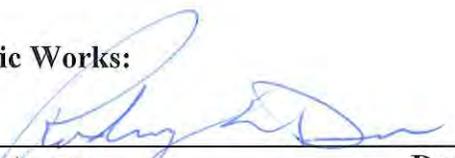
DEPARTMENT APPROVALS (For Official Use Only)

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

From: Michael Reily
Sent: Tuesday, June 12, 2018 8:05 AM
To: Betty Warren
Subject: RE: 4th of July Parade

OK per CBMO.
Mike

Public Works:



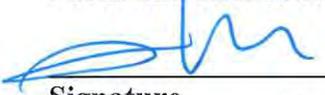
Signature **Date**
Rodney E. Dine 6/12/2018

Name (Printed)

Conditions/Restrictions/Comments:

OK will work with organizers and Marshal's to make it work

Parks and Recreation:



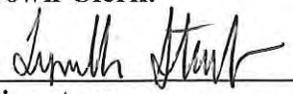
Signature **Date**
Janna Hansen 6/13/18

Name (Printed)

Conditions/Restrictions/Comments:

Dumpsters + portos have been ordered, will drop 6 picnic tables @ Bra + Elk, will move flower boxes from Bra + Elk, trailer w/ camp chairs/buckets will be left e shop

Town Clerk:

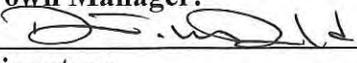


Signature **Date**
Lynelle Stanford 6.13.2018

Printed Name (Printed)

Conditions/Restrictions/Comments:

Town Manager:



Signature **Date**
DARA MACDONAGH 6/13/18

Printed Name (Printed)

Conditions/Restrictions/Comments:



Staff Report

June 18, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Crested Butte Art Market Special Event Application
Date: June 6, 2018

Summary:

Heather Bischoff and Adam Freed, from Artists of Crested Butte, proposed the Crested Butte Art Market to run Sundays in the 0 Block of Elk Avenue. The Crested Butte Art Market is a weekly street art festival hosting a variety of local artists, and it is intended to run in conjunction with the Crested Butte Farmers Market. The dates proposed for the Crested Butte Art Market are starting June 24th to October 7th, 2018, except for August 5th during the Arts Festival and September 16th during ARTumn. The 0 Block of Elk would be closed from 8AM to 4PM on Sundays to allow for set up and take down.

Recommendation:

To approve the Crested Butte Art Market special event application as part of the Consent Agenda.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: Crested Butte Art Market
 Date(s) of Event: Sundays June 24th - October 7th Except for 8:5 2018
 Location(s) of Event: Zero Block of Elk Arts Fest and 9-16 2018 for
ARTUMN

- 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"): Artists of Crested Butte
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>Sundays</u>	Time: From <u>10 am</u>	To <u>2 pm</u>
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____

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

Date _____	Time: From <u>8 am</u>	To <u>3 pm - 4 pm</u>
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____

Expected Numbers: Participants: 10-16 Spectators: 300

Name of Event Organizer: Heather Bischoff MARY SCHMIDT
 Phone: 518-573-3151 Cell Phone: _____ (703) 517-9883
 E-Mail: artistsofcrestedbutte@gmail.com Fax Number: _____ EXTRA CONTACT

Name of Assistant or Co-Organizer (if applicable): Adam Freed
 Phone: 349-6860 Cell Phone: _____ E-Mail: adamandkathy@adelphia.net

Mailing Address of Organization Holding the Event: PO 1702
CB, CO 81224

Email Address of Organization: artistsofcrestedbutte@gmail.com Phone Number: 518-573-3151

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):

cell phones available in case of emergency.

(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:

EXCEPT 8/5/18 & 9/16/18

Streets: zero Block Elk Date Sundays Time: From 8am To 3-4pm

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: Free lot on 1st & Elk; Most patrons walk, bus, or bike.

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):

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: acoustic solo folk artists, single amp

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 make a notice to post at home/businesses adjacent to event.

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? minimal - none

What recyclable products will be generated at the event? minimal - none

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:

Recepticles available at 2nd St. Bus Stop

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)

Bathrooms available at 2nd St. Bus Stop

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.

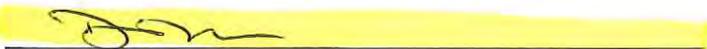
Town of Crested Butte Sales Tax Application is Attached.

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.

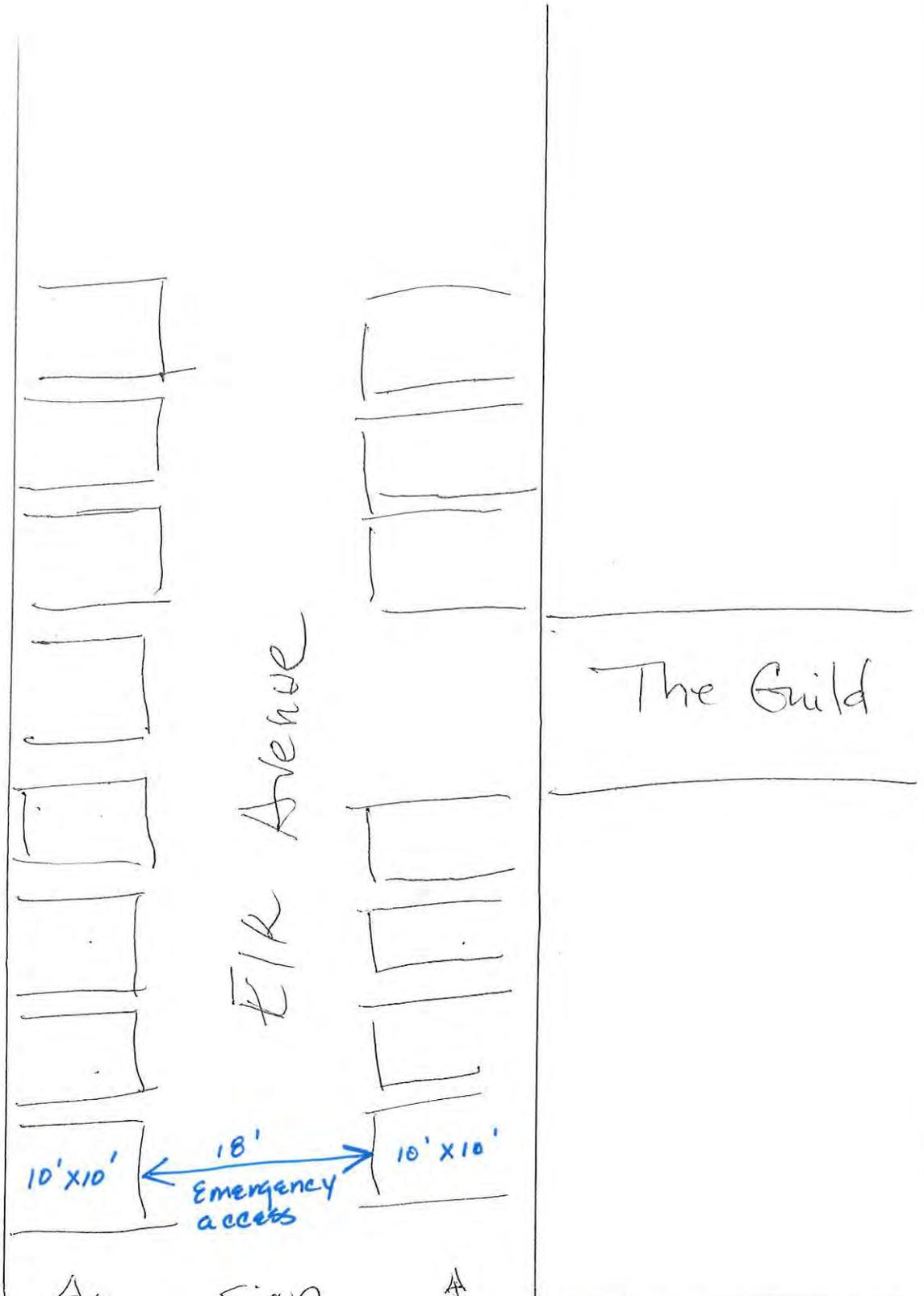
8. PLEASE REVIEW, SIGN, AND DATE:

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.

Heather Bischoff / 
Print Name Clearly / Signature of Applicant (Permittee)

3/19/18
Date



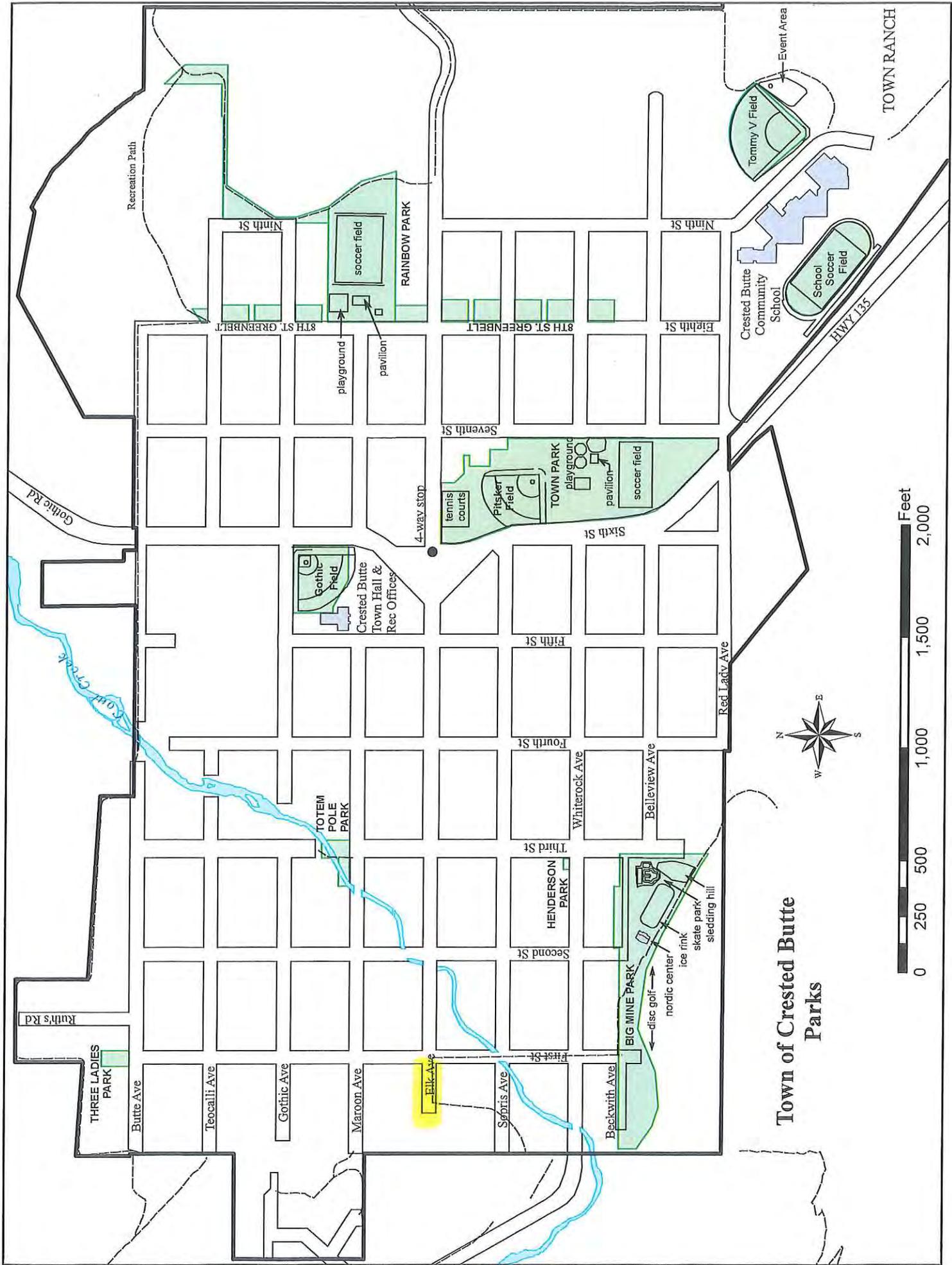
↑
ingress

Sign
3' x 4'

↑
egress

no canopies

1st Street



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

Artists of Crested Butte

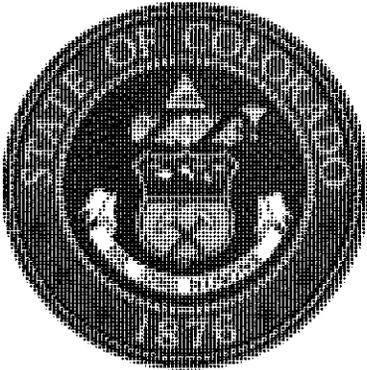
is a

Nonprofit Corporation

formed or registered on 09/03/2004 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 20041306257 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/15/2018 that have been posted, and by documents delivered to this office electronically through 03/19/2018 @ 14:58:04 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/19/2018 @ 14:58:04 in accordance with applicable law. This certificate is assigned Confirmation Number 10787623 .



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."



ARTIOFT-01

LSALEE

CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 06/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0757776 HUB International Insurance Services (COL) 1125 17th Street, Suite 900 Denver, CO 80202	CONTACT NAME: PHONE (A/C, No, Ext): (303) 893-0300 FAX (A/C, No): (866) 243-0727 E-MAIL ADDRESS:												
INSURER(S) AFFORDING COVERAGE													
INSURED	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">INSURER A : Alliance of Nonprofits for Insurance, Risk Retention Group (ANI)</td> <td style="width: 20%;">NAIC # 10023</td> </tr> <tr> <td>INSURER B : Pinnacle Assurance Company</td> <td>41190</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER A : Alliance of Nonprofits for Insurance, Risk Retention Group (ANI)	NAIC # 10023	INSURER B : Pinnacle Assurance Company	41190	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER B : Pinnacle Assurance Company	41190												
INSURER C :													
INSURER D :													
INSURER E :													
INSURER F :													
Artists of Crested Butte PO Box 1702 Crested Butte, CO 81230													

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			2018-20980	06/01/2018	06/01/2019	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
							MED EXP (Any one person) \$ 20,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							LIQUOR LIAB \$ 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			2018-20980	06/01/2018	06/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						OCCUR \$
							CLAIMS-MADE \$
							AGGREGATE \$
B	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			4183016	05/01/2018	05/01/2019	PER STATUTE \$
							OTH-ER \$
							E.L. EACH ACCIDENT \$ 100,000
							E.L. DISEASE - EA EMPLOYEE \$ 100,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

re: Art Market, 2018

The Town of Crested Butte is listed as Additional Insured for their interest in General Liability.

CERTIFICATE HOLDER

CANCELLATION

Town of Crested Butte P.O. Box 39 Crested Butte, CO 81224	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

CRESTED BUTTE ART MARKET (SUNDAYS 6/24-10/7 EXCEPT 8/5 & 9/16)

DEPARTMENT APPROVALS (For Official Use Only)

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

Marshal's Department :

Signature: [Signature] Date: 6/11/18
Name (Printed): MICHAEL REAY

Conditions/Restrictions/Comments:
MUST KEEP BACK FROM FIRST ST RIGHT-OF-WAY. - ONLY ON ECK.

Public Works:

Signature: [Signature] Date: 6/11/2018
Name (Printed): Rodney E. Dur

Conditions/Restrictions/Comments:
OK

Parks and Recreation:

Signature: [Signature] Date: 6/11/18
Name (Printed): Janna Hansen

Conditions/Restrictions/Comments:
OK

Town Clerk:

Signature: [Signature] Date: 6-13-2018
Printed Name (Printed): Wynelle Stanford

Conditions/Restrictions/Comments:

Town Manager:

Signature: [Signature] Date: 6/13/2018
Printed Name (Printed): DARA MacDONALD

Conditions/Restrictions/Comments:

CRESTED BUTTE ART MARKET (SUNDAYS 6/24-10/7
EXCEPT 8/5 & 9/16)

Crested Butte Fire Protection District:

[Signature] 6/11/18
Signature Date
ROBERT WEISBAUM
Printed Name (Printed)

Conditions/Restrictions/Comments:
OK

Mt. Express Bus Service:

[Signature] 5/3/18
Signature Date
Chris Larsen
Printed Name (Printed)

Conditions/Restrictions/Comments:
OK

Official Use Only:

Application Received 3/19/18 Date Distributed 5/3/18

Council Date (if applicable) JUNE 18, 2018

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$25 Check # 2018 Date Paid 3/19/18

Permit Fee \$50 Check # 2018 Date Paid 3/19/18

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 # 2018 Date Paid 3/19/18 Date Returned: _____



Staff Report

June 18, 2018

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: June 6, 2018

Summary:

Shelley Popke and Bailey Valian submitted the special event application and special event liquor permit for 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 30, 2018 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 on June 30th to 9AM on July 1st, 2018.

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 and White Ball

Date(s) of Event: 6/30/2018 - 7/1/2018

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

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>6/30/18</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>6/30/18</u>	Time: From	<u>9am</u>	To	<u>12:00am</u>
Date	<u>7/1/18</u>	Time: From	<u>12am</u>	To	<u>9am</u>
Date	_____	Time: From	_____	To	_____
Date	_____	Time: From	_____	To	_____

Expected Numbers: Participants: 400 Spectators: _____

Name of Event Organizer: Shelley Popke

Phone: 349-1880 Cell Phone: _____

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

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

Phone: 349-1880 Cell Phone: 303-910-4286 E-Mail: museumstore@crestedbuttemuseum.com

Mailing Address of Organization Holding the Event: P.O. Box 2480

Email Address of Organization: director@crestedbuttemuseum.com Phone Number: 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):

Shawn McKeag Security

(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 + Maroon Date 6/30/18 Time: From 9am To 12pm

Streets: " " Date 7/1/18 Time: From 12:01am To 9am

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: most people walk. There will be street parking

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):

barricades and two portable toilets (Town uses toilets for 4th + summer festivities please move to 4th + Elk on July 3rd to make more visible)

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 band

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 Sound Form to residents + businesses within 250' one week before event

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:

We work w/ Waste Management to have trash + recycle bins placed at the event. We try to eliminate waste by using recyclable or reusable materials.
We rent a dumpster from Waste Management + who removes our trash + recycling

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)

Guests will use the restrooms located in the museum and two portable toilets which the town has dropped off in previous years + left adjacent to our property for the summer

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

5/4/18
Date

Maroon

Security

Security

Need Entry for food

Food Tent 16X16

X2 8' Tables

X1 6' Table

X1 Card Table

X8 5' Round tables

Need X3 pop-up tents in case of rain

Silent Auction Tent 20X20

X4 8' Tables

X1 5' Round Table

X8 Cocktail Tables

Electricity

Alley

Dumpster

Emergency Access

Need Entry for Trash and Emergency

Alley

Emergency Access

Need Entry for Trash and Emergency

Back Door/ Party Entrance

Electricity

Museum

Entrance

Bar Table 6'

Bar Table 6'

Bar Tent

Bar Table 6'

Bar Table 6'

Pop up tents

Dance Tent 20X20

Stage

Stage Tent 20X20

Raffle & Sponsor Stuff

Kid's Table 6'

Photo Booth

Tent 16X16

Electricity

Card Table W/ Umbrella

security

security

Light Piece

Light Piece

Elk Ave.

Maroon Ave

Paradise Place Preschool

4th St

Alley

Alley

Crested Butte Mountain Heritage

Tees

4th St

Crested Butte Sotheby International Realty

Elk Ave

Four Eighteen Parad



APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" 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 Crested Butte Mountain Heritage Museum, Inc.	State Sales Tax Number (Required) 749385-00-0-001
---	---

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)

**PO Box 2480
 Crested Butte, CO 81224**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)

**331 Elk Ave.
 Crested Butte, CO 81224**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Ellen Osterling	12/21/1962	160 B Aspen Lane #1 CB, CO 81224 <i>Crested Butte</i>	970-209-2926
5. EVENT MANAGER Shelley Popke	01/07/1972	622 Teocalli Ave. 2A CB, CO 81224 <i>Crested Butte</i>	303-746-1999

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?

NO YES HOW MANY DAYS? **4**

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?

NO 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	Date	Date	Date	Date
Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.
6/30/2018 From 6pm .m. To 10pm .m.				

OATH OF APPLICANT

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

SIGNATURE <i>Ellen Osterling</i>	TITLE President	DATE 5/15/18
-------------------------------------	--------------------	------------------------

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, Wayne W. Williams, 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.

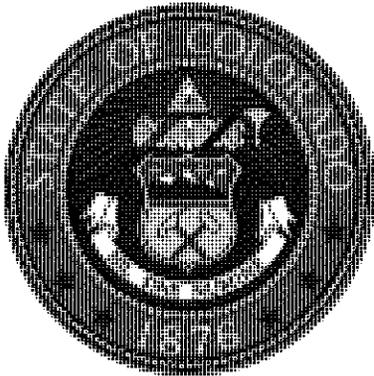
is a

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 04/30/2018 that have been posted, and by documents delivered to this office electronically through 05/01/2018 @ 14:36:55 .

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 05/01/2018 @ 14:36:55 in accordance with applicable law. This certificate is assigned Confirmation Number 10875058 .



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-JULY 1, 2018)

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: Tuesday, May 29, 2018 9:32 AM
To: Betty Warren
Subject: RE: Special Event: Black and White Ball

Ok per CBMO.
Mike

Public Works:

 5/21/18 OK
Signature **Date**
Rodney E Due
Name (Printed)

Conditions/Restrictions/Comments:

CALL to coordinate for barricade
truck prior for event.

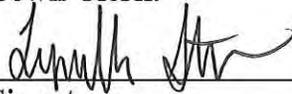
Parks and Recreation:

 5/17/18
Signature **Date**
Janna Hansen
Name (Printed)

Conditions/Restrictions/Comments:

The Town provides one porta,
not two, and it will be there
early June through the summer.

Town Clerk:

 6-6-2018
Signature **Date**
Lynelle Stanford
Printed Name (Printed)

Conditions/Restrictions/Comments:

Town Manager:

 5/31/18
Signature **Date**
DARIA MACDONALD
Printed Name (Printed)

Conditions/Restrictions/Comments:

BLACK & WHITE BALL (JUNE 30 - JULY 1, 2018)

Crested Butte Fire Protection District:

Robert Weisbaum 05.29.2018
Signature Date
Robert Weisbaum
Printed Name (Printed)

Conditions/Restrictions/Comments:
Assure all cables/cords are secured to ground to prevent tripping hazards.
Make sure any kind of cooking (if any) under the tents are well ventilated and no high potential for fire (deep friers are managed and controlled, etc)

Mt. Express Bus Service:
Signature Date
Chris Larsen
Printed Name (Printed)

Conditions/Restrictions/Comments:
OK

Official Use Only:

Application Received 5/4/18 Date Distributed 5/17/18

Council Date (if applicable) JUNE 18, 2018

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$25 Check # 3876 Date Paid 5/10/18

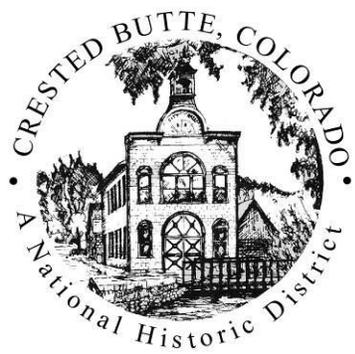
Permit Fee \$50 Check # 3877 Date Paid 5/10/18

Local Liquor License Fee \$25 Check # 3878 Date Paid 5/10/18

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

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$50 Check # 3891 Date Paid 6/12/18 Date Returned: _____



Staff Report

June 18, 2018

To: Mayor and Town Council
From: Lynelle Stanford, Town Clerk
Thru: Dara MacDonald, Town Manager
Subject: **Gunnison Car Show Breakfast Cruise Special Event Application**
Date: June 6, 2018

Summary:

Beckett Tyrer submitted the special event application for the Gunnison Car Show Breakfast Cruise on behalf of Gunnison Car Club, Inc. The event is proposed for Sunday, August 19, 2018 from 7:30AM to 11AM. The event organizer requested that Elk Avenue be closed from 2nd Street to 5th Street, starting at 6AM and reopening at Noon. Car owners participating in the breakfast run would park their cars diagonally leaving a 20 foot lane running through the middle of Elk Avenue to allow access for emergency services.

Recommendation:

To approve the special event application for the Gunnison Car Show Breakfast Cruise as part of the Consent Agenda.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: GUNNISON CAR SHOW BREAKFAST CRUISE

Date(s) of Event: 8-19-2018

Location(s) of Event: SECOND AND THIRD BLOCK OF
ELK AVE AND FOURTH BLOCK

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"): GUNNISON CAR CLUB, 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>8-19-2018</u>	Time: From <u>9:30 A.M</u>	To <u>11 A.M</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>8-19-2018</u>	Time: From <u>6:00 A.M</u>	To <u>12 P.M</u>
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____

Expected Numbers: Participants: 110 Spectators: 100

Name of Event Organizer: BECKETT TYLER

Phone: _____ Cell Phone: 970-596-6286

E-Mail: BZTMCB@YAHOO.COM Fax Number: _____

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

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

Mailing Address of Organization Holding the Event: BECKETT TYLER

111 ALPINE COURT CRESTED BUTTE, CO. 81224

Email Address of Organization: GUNNISONCARCLUB.COM Phone Number: 970-596-6286

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):

NONE REQUIRED FOR EVENT

(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: SECOND BLK OF ELK Date 8-19-2018 Time: From 6:AM To 12 P.M

Streets: THIRD BLOCK OF ELK Date 8-19-2018 Time: From 6:AM To 12 P.M

Streets: FOURTH BLOCK OF ELK Date 8-19-2018 Time: From 6:AM To 12 P.M

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): YES, SECOND AND THIRD

BLOCK OF ELK WILL BE CLOSED FROM 6 A.M TO 12 P.M AND FOURTH

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: DIAGONAL PARKING ON ELK WITH
FIRE LANE DOWN THE MIDDLE

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):

BARRICADES WILL BE REQUIRED TO ISOLATE
THE BLOCKS OF ELK IN QUESTION

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: _____

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: _____

WRITTEN NOTIFICATION DOOR TO DOOR

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? NONE

What recyclable products will be generated at the event? NONE

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:

NONE CREATED, WILL USE EXISTING TRASH RECEPTACLES

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)

NOVE REQUIRED
USE RESTROOMS

6. SALES TAX: NIA

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. NIA

List of Vendors with your Crested Butte Sales Tax Application. NIA

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.

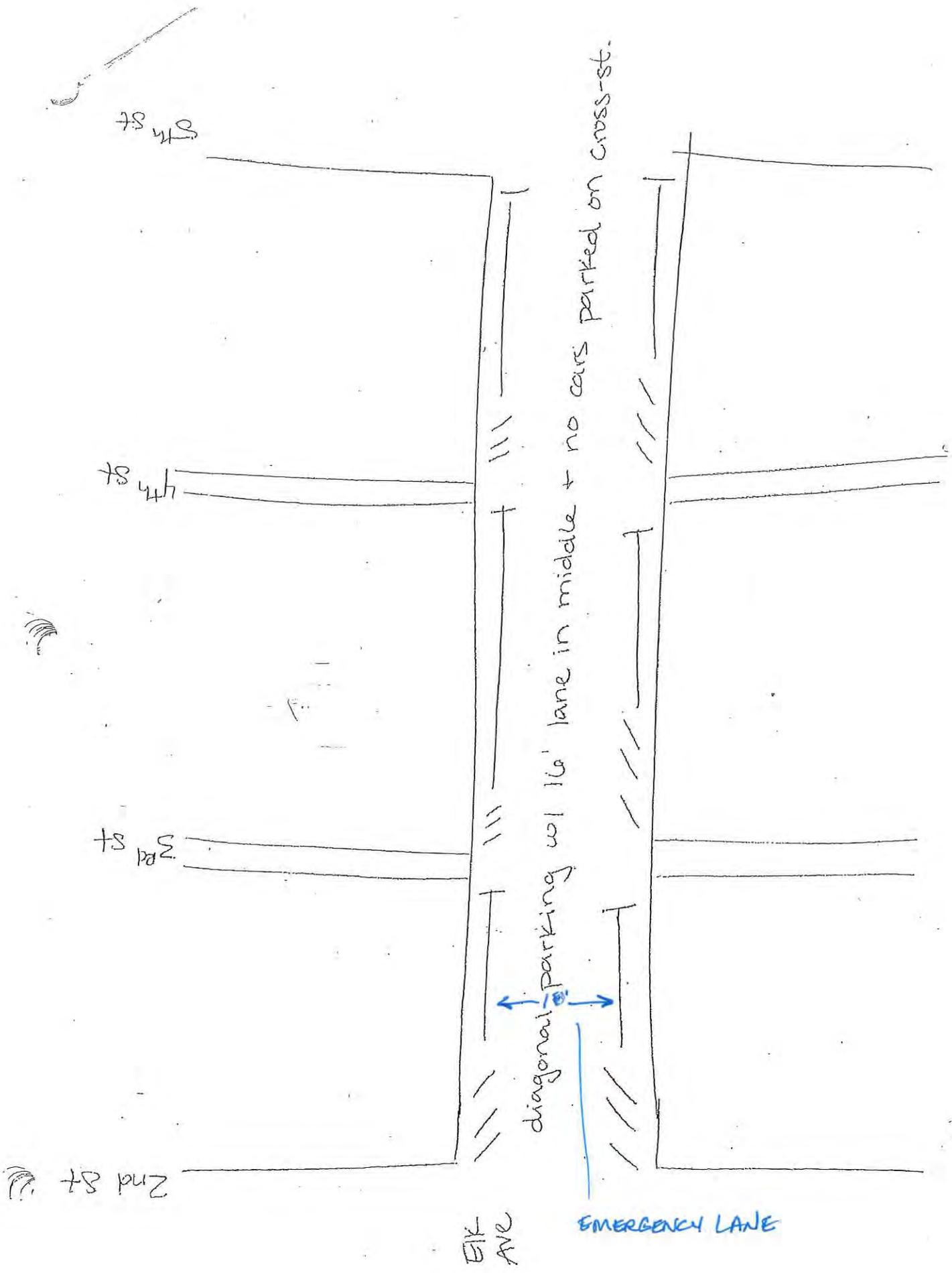
BECKETT TRER

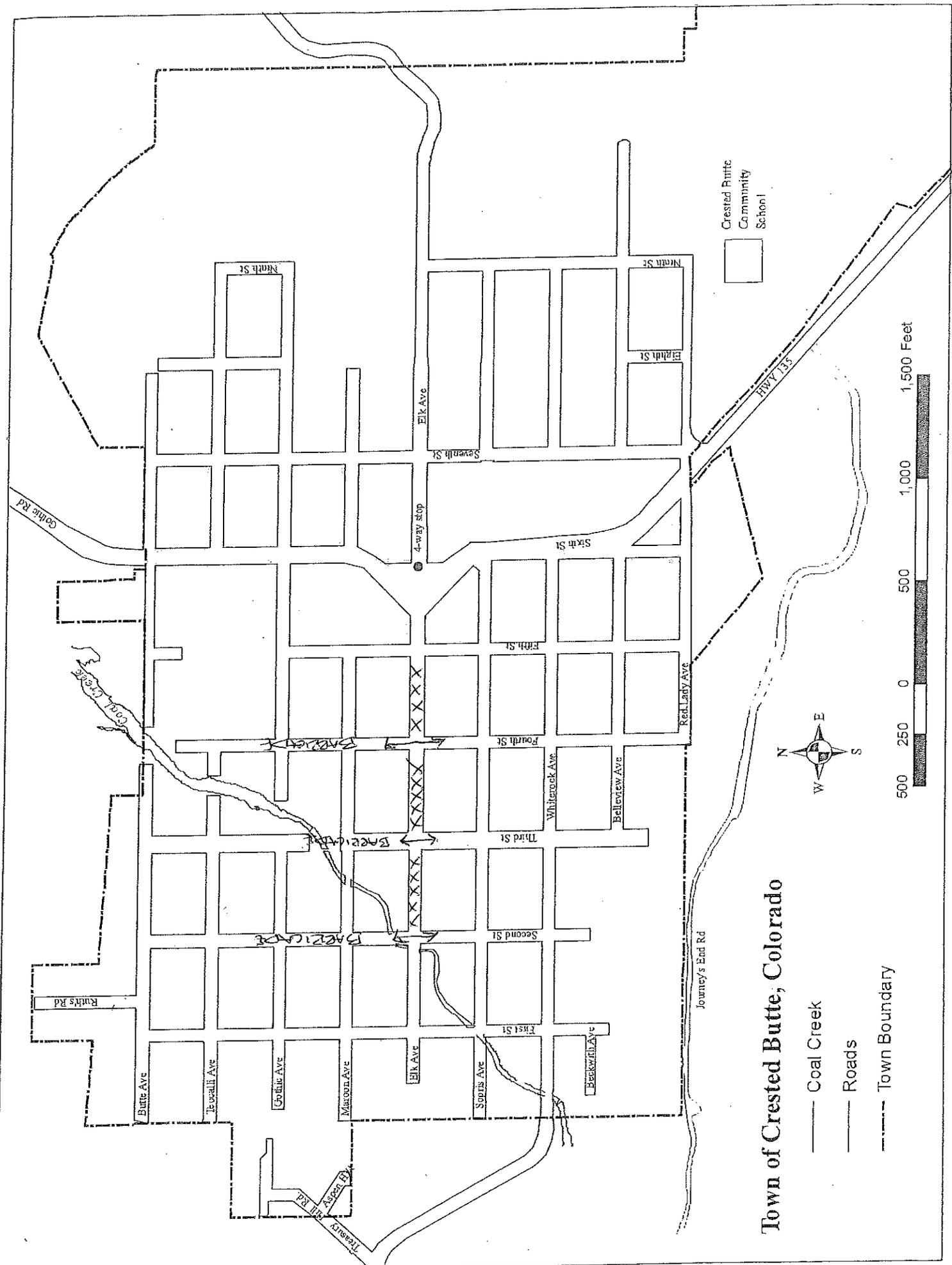


Print Name Clearly / Signature of Applicant (Permittee)

5-8-2018

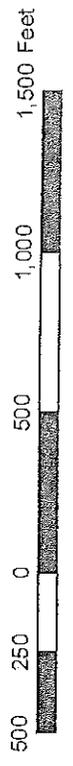
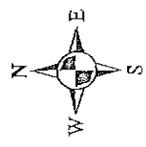
Date





Town of Crested Butte, Colorado

- Coal Creek
- Roads
- - - Town Boundary



Crested Butte
Community
School

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

GUNNISON CAR CLUB, INC.

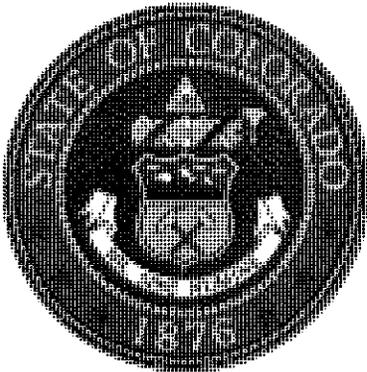
is a

Nonprofit Corporation

formed or registered on 08/15/1994 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 19941090592 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/08/2018 that have been posted, and by documents delivered to this office electronically through 05/09/2018 @ 13:29:08 .

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 05/09/2018 @ 13:29:08 in accordance with applicable law. This certificate is assigned Confirmation Number 10891129 .

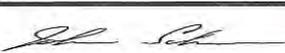


Handwritten signature of Wayne W. Williams in cursive script.

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
SPECIAL EVENT LIABILITY GROUP INSURANCE TRUST, A RISK PURCHASING GROUP

FACILITY OWNER: (Additional Insured)		PRODUCER:		Certificate #	81191	
Town of Crested Butte P.O. Box 39 Crested Butte, CO 81224 Attn: 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				
Gunnison Car Club, Inc. 111 Alpine Ct. Crested Butte, CO 81224 Attn: Beckett Tyrer		TYPE OF EVENT:	Car Show			
		EVENT DATE(S):	August 19, 2018			
		EVENT LOCATION:	2nd, 3rd & 4th Block of Elk Crested Butte, CO			
		ATTENDANCE:	110-120	CLASS:	I	
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	1/1/2018	1/1/2019	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 not contributing with any insurance held by the "ADDITIONAL INSURED", WHEN REQUIRED BY WRITTEN CONTRACT. The limits of insurance apply separately to each event insured by this policy as if a separate policy of insurance has been issued for that event. Who is an insured is amended to include as an additional insured the "Facility Owner - Additional Insured" above and any person or organization shown in the schedule below. This insurance does not apply to: any "occurrence" which takes place after the event holder ceases to be a tenant in that premises. This insurance applies only to: an "occurrence" which takes place during the dates indicated under "Event Information" above.				
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:	June 7, 2018	

Entity Copy

GUNNISON CAR SHOW BREAKFAST CRUISE (AUG 19, 2018)

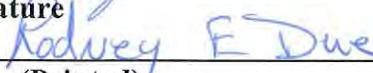
DEPARTMENT APPROVALS (For Official Use Only)

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

M From: Michael Reily
Sent: Tuesday, June 12, 2018 8:08 AM
To: Betty Warren
Subject: RE: Gunnison Car Show Breakfast Run

Si:
N: OK per CBMO.
Mike

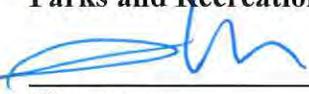
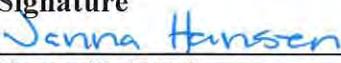
Public Works:


Signature _____ Date 5/21/2018

Name (Printed) _____

Conditions/Restrictions/Comments:

OK, Can we get a call back
prior as a reminder
Thank you,

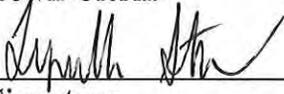
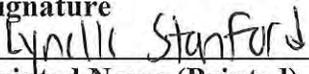
Parks and Recreation:


Signature _____ Date 5/18/18

Name (Printed) _____

Conditions/Restrictions/Comments:

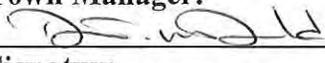
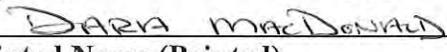
OK - Permit Attached

Town Clerk:


Signature _____ Date 6-13-2018

Printed Name (Printed) _____

Conditions/Restrictions/Comments:

Town Manager:


Signature _____ Date 6/13/2018

Printed Name (Printed) _____

Conditions/Restrictions/Comments:

GUNNISON CAR SHOW BREAKFAST CRUISE (AUG 19, 2018)

Crested Butte Fire Protection District:

Robert Weisbaum 06/12/2018
Signature **Date**
Robert Weisbaum
Printed Name (Printed)

Conditions/Restrictions/Comments:
 Ensure that the fire lane is in fact 16' in width
 Ability to move barricades to access 2nd - 4th streets
 Ensure cars are not parked blocking access on
 2nd - 4th streets

Mt. Express Bus Service: L 6/12/18
Signature **Date**
Chris Larsen
Printed Name (Printed)

Conditions/Restrictions/Comments:
 will reroute bus
 onto mason Ave
 during event

Official Use Only:

Application Received 5/8/2018 Date Distributed 5/18/18

Council Date (if applicable) JUNE 18, 2018

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$ 25 Check # 1530 Date Paid 6/4/18

Permit Fee \$ 50 Check # 1530 Date Paid 6/4/18

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 \$ 50 Check # 1530 Date Paid 6/4/18 Date Returned: _____

CIRSA PAID:
\$109.31
 CK # 1530



Staff Report

June 18, 2018

To: Mayor and Town Council

From: Molly Minneman, Design Review and Historic Preservation Coordinator

Thru: Michael Yerman, Community Development Director

Subject: **Appointment of Board and Architectural Review Commissioner**

Proposal:

The Board of Zoning and Architectural Review (BOZAR) has a vacancy following the resignation of Mel Yemma before she started her position as the Town's OpenSpace/Creative District Coordinator on April 30. Donny Davol submitted an application to serve as the seventh member to the BOZAR. His appointment will be for a three-year term.

Background:

The position for a new BOZAR member was posted on the Town's website, and in the Classified ads of the Crested Butte News during the month of May. The code requires that applicants must have residency in the Town of Crested Butte for at least 12 months. The Applicants are also encouraged to have interest or experience in historic preservation, construction, landscape design, architecture, or planning.

Discussion:

Donny Davol has lived in Town since 2014. His educational background is in engineering with a B.S. from Trinity University in engineering sciences, and went on to start a career in the design and construction of wind/solar systems which he was engaged for nine years. Upon moving to Crested Butte, he worked construction engaging in multiple remodels and additions, and during 2017 worked for Laggis Design and Construction that includes the residence located at 915 Teocalli in Paradise Park where he lives with his partner Beth Goldstone. Davol is currently working for Nunatak Alternative Energy Solutions.

Davol's engineering and construction background will be valuable as a new board member with the profession background to read and interpret building plans together with construction methods. His knowledge in alternative energy systems will be very useful as a Board member. Davol is detail oriented with excellent communication skills. He is motivated to engage in the zoning and historic preservation aspects in his role as BOZAR member.

Recommendation: Staff recommends that the Council makes a motion to appoint Donny Davol to the Board of Zoning and Architectural Review to a three-year term expiring June 18, 2021.

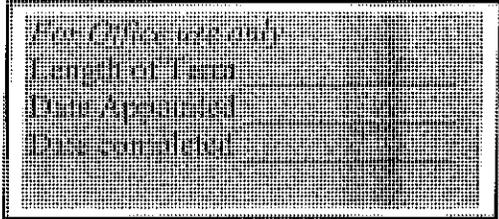
APPLICATION
BOARD OF ZONING AND ARCHITECTURAL REVIEW
(BOZAR)
Town of Crested Butte, Colorado

Name: Donny Davol

Address: 915 Teocalli 1743
Physical PO Box

Phone: _____ 303-717-2503
Home Work Cell

E-mail: donald.davol@gmail.com



How long have you been a resident of the Town of Crested Butte? 2014
(one year is required)

What kind of experience do you have in reading building plans? BS. Engineering Sciences
Designed/Built Wind/Solar Systems for 9 years

What kind of experiences do you have that relating to the design or construction fields that will help you in fulfilling the duties as a BOZAR member?
Worked Summer 2017 for Laggis D+C. Multiple remodels and additions from small rooms to complete houses.

Why are you interested in being on BOZAR? It directly affects where I live.

What do you feel are important issues facing the Town of Crested Butte that can be addressed through the BOZAR process?
Affordable housing, energy efficiencies, permeable spaces

Identify one to two of the most effective projects of the last several years, and why:
- Public house, In need of repair, good use of space on Elk for all to access.
- 4 way stop, bathrooms were a great addition

Identify one or two of the least effective building projects of the last several years, and why:
Synergy building on Elk (Green Drake) would have been more beneficial for locals to have multiple studio apartments instead of one luxury apartment that still hasn't sold.
I have no problem with a Gym on 3rd Floor, but it limits use of the building to ~~only~~ gym


Signature

5-20-18
Date



Staff Report

June 18, 2018

To: Town Council

Thru: Dara MacDonald, Town Manager and Michael Yerman, Community Development Director

From: Jessie Earley, Assistant Design Review and Historic Preservation Coordinator

Subject: Revocable License Agreement, Kurt Preston and Melissa Preston, 21 Maroon Avenue, East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18

SUMMARY:

On April 25, 2017, the BOZAR approved the plans for the 21 Maroon Avenue. After construction began, meetings with Town Staff and the dirt worker and general contractor made it apparent that the wastewater line would need to be laid in the Maroon Avenue right-of-way adjacent to the East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18.

The use of public property in this manner requires that the Town Council grant a license for such usage. Attached you will find the license agreement. Exhibits identifying the area are included.

RECOMMENDED MOTION:

A Councilmember make a motion followed by a second to approve Resolution 7, Series 2018 for a license agreement with Kurt Preston and Melissa Preston to allow the wastewater line in the Maroon Avenue right of way adjacent to the East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18, as part of the consent agenda.

RESOLUTION NO. 7

SERIES NO. 2018

A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE GRANT OF A REVOCABLE LICENSE TO KURT PRESTON AND MELISSA PRESTON TO ENCROACH INTO THE MAROON AVENUE PUBLIC RIGHT OF WAY WITH A WASTEWATER LINE ADJACENT TO THE EAST 5'6" OF LOT 28 AND 44'6" OF LOTS 29-30, BLOCK 18, TOWN OF CRESTED BUTTE

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

WHEREAS, the Town staff has recommended to the Town Council that it grant a revocable license to Kurt Preston and Melissa Preston to encroach into the Maroon Avenue public right of way with a wastewater line adjacent to the East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18., Town of Crested Butte; and

WHEREAS, the Town Council hereby finds that granting a revocable license to Kurt Preston and Melissa Preston to encroach into the Maroon Avenue public right of way with a wastewater line adjacent to the East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18., Town of Crested Butte, 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 Town Council hereby finds that granting a revocable license to Kurt Preston and Melissa Preston to encroach into the Maroon Avenue public right of way with a wastewater line adjacent to the East 5'6" of Lot 28 and 44'6" of Lots 29-30, Block 18., Town of Crested Butte, is in the best interest of the Town.

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

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS ____ DAY OF _____, 2018.

TOWN OF CRESTED BUTTE

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

EXHIBIT "A"

Revocable License Agreement

[attach approved form here]

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

Town of Crested Butte
Attn: Town Clerk
502 Maroon Avenue
Crested Butte, CO 81224

REVOCABLE LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT (this "**Agreement**") is made and entered into this ___ day of _____, 20___, by and between the TOWN OF CRESTED BUTTE, COLORADO ("**Licensor**"), a Colorado home rule municipality with an address of 507 Maroon Avenue, P.O. Box 39, Crested Butte, CO 81224 and KURT PRESTON and MELISSA PRESTON ("**Licensee**"), 1901 Vista Ln., Austin, TX 78703-2953.

RECITALS:

Block 18,
East 12 and a half feet of Lot 25 and all Lots 26-28,
Town of Crested Butte,
County of Gunnison,
State of Colorado,

commonly known as 21 Maroon Avenue, Crested Butte, Colorado 81224 (the "**Premises**").

B. The Premises is bound by that certain public right of way known as Maroon Avenue (the "**Public Property**").

C. Licensee has requested the right to construct and install, and keep and maintain certain improvements in the Public Property.

D. The Town is willing to allow Licensee to keep and maintain such improvements in the Public Property, subject to certain conditions and requirements.

NOW, THEREFORE, for and in consideration of the covenants, terms, conditions and requirements set forth herein, the sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

AGREEMENT:

1. **Grant of License.** Licensor hereby grants to Licensee and its successors in interest a revocable license (the "**License**") to keep and maintain the improvements, which are a wastewater line in the Maroon Avenue right-of-way adjacent to East 12 and a half feet of Lot 25 and all of Lots 26-28, Block 18, as described in **Exhibit "A"** (the

“**Improvements**”) attached hereto on the Public Property in the location set forth on **Exhibit “B”** attached hereto.

2. **Permit for Construction and Maintenance.** Licensee shall obtain permits from the Town pursuant to Chapter 11, Article 2 of the Crested Butte Municipal Code relative to all construction, installation and maintenance activities relative to the Improvements.

3. **Term of License; Revocation.**

3.1. The License shall exist and continue until the happening of either the following events, which such event shall automatically terminate and extinguish the License:

(a) the Improvements are demolished, removed or damaged by fire or other casualty such that such Improvements cannot be reasonably repaired in their present location; or

(b) the Town Council finds at a regular, public meeting that (i) the Improvements must be removed in order to make the Public Property available for public use or for such other reason as determined by the Town Council in its sole discretion, or (ii) Licensee is in default of this Agreement.

3.2. The License is made subordinate to the right of Licensor to use the Public Property for any public purpose, including, without limitation, public pedestrian uses, surface and subsurface improvements and public utilities. In addition to Licensor’s revocation rights set forth in Section 3.1, Licensee agrees that if Licensor subsequently determines to, without limitation, install, modify or change the grade of any street or sidewalk, or to modify, repair or install any underground utility, or to effect any other work in connection with any other public or utility improvement, or to use or occupy the area of the encroachment by the Improvements, then the License hereby authorized must be modified and the Improvements removed completely or otherwise relocated to a location acceptable to Licensor, and the Public Property shall be restored to its pre-existing and/or unobstructed condition to the satisfaction of Licensor at Licensee’s sole cost and expense. Licensor’s decision as to the necessity of such public use, occupancy or improvements shall be final and binding upon Licensee.

4. **Assumption of Risk.** Licensee assumes the risk of damage to the Improvements and agrees to repair any damage to the Public Property, Licensor property and any third party’s property arising from or relating to Licensee’s use of the Public Property. Additionally, Licensee assumes all risk of damage to property or injury to persons, including death, in connection, whether directly or indirectly, with the License and the Improvements. In the event of any such damage or injury, Licensee agrees to pay all costs related thereto, including, without limitation, reasonable attorneys’ fees.

5. **Indemnification.** By execution of this License, Licensee, for itself and its successors, hereby agrees to indemnify, defend and hold harmless Licensor, its elected

officials, employees, contractors, agents, insurers, insurance pools and attorneys against any and all claims, suits, damages, costs, losses and expenses, including reasonable attorneys' fees, in connection with any personal injury, including death, or property damage, arising out of or connected in any way with, whether directly or indirectly, the License, Licensee's use of the Public Property and the Improvements.

6. **Insurance.**

6.1. At its sole cost and expense, Licensee shall obtain and keep in force during from the date first written above until the Improvements are removed or relocated from the Public Property "all-risk" property coverage naming Licensee and Licensor as their interests may appear.

6.2 At its sole expense, Licensee shall obtain and keep in force from the date first written above until the Improvements are removed or relocated from the Public Property commercial general liability insurance with a combined single limit of not less than \$2,000,000.00 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 Licensee and Licensor, including, without limitation, coverage for contractual liability, broad form property damage and non-owned automobile liability, with respect to the Public Property. The insurance shall be noncontributing with any insurance that may be carried by Licensor and shall contain a provision that Licensor, although named as an insured, shall nevertheless be entitled to recover under the policy for any loss, injury, cost or damage to Licensor, or the property of the same.

6.3. All insurance required herein and all renewals thereof 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 otherwise approved by Licensor in writing. All insurance policies shall be subject to approval by Licensor as to form and substance, shall expressly provide that the policies shall not be canceled without 30 days' prior written notice to Licensor and shall provide that no act or omission of Licensor that 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. Licensee may satisfy its obligation under this Section by appropriate endorsements of its blanket insurance policies.

6.4. All policies of liability insurance that Licensee is obligated to maintain according to this Agreement (other than any policy of workmen's compensation insurance) shall name Licensor as an additional insured. Originals or copies of original policies (together with copies of the endorsements naming Licensor as an additional insured) and evidence of the payment of all premiums of such policies shall be made available to Licensor on the date first written above. All public liability, property damage liability and casualty policies maintained by Licensor shall be written as primary policies, not contributing with and not in excess of coverage that Licensor may carry.

6.5. Licensee waives all rights to recover against each other, or against

the elected and appointed officials, employees, contractors, agents, advisors, attorneys, insurers, insurance pools, shareholders, directors, members, managers, officers, suppliers, agents or servants of the Town, for any loss or damage arising from any cause covered by any insurance required to be carried pursuant to this Section or any other insurance actually carried by Licensee. Licensee shall cause its insurer to issue an appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with Licensee's operations and Licensor's operations and property.

7. **Licensee Obligations Upon Revocation; Remedies.** Upon notice to Licensee of the Town Council's decision to revoke this License, the Improvements must be promptly removed. In the event that the Improvements are not so removed by Licensee, Licensor may remove the Improvements and restore the location to its original condition at Licensee's sole cost and expense. In such case Licensor shall have no responsibility for damage to the Improvements or Licensee's other property, whether personal or real property, located on Public Property and the Premises. Licensee shall immediately reimburse Licensor such costs and expenses incurred by Licensor in such removal. Licensor shall have the right to make an assessment against the Premises and collect the costs of removal and restoration in the same manner as general taxes are collected under State and local laws. Such rights shall be in addition to any rights available at law or in equity. All remedies may be applied concurrently and not to the exclusion of any other remedy. In the event of any legal action or advice necessary to execute such removal, Licensee shall pay Licensor all reasonable costs and expenses in connection therewith, including, without limitation, reasonable attorneys' fees.

8. **Responsibility for Maintenance; Damage to Improvements.** Licensee assumes and accepts sole responsibility for the maintenance and upkeep of the Improvements, which shall be performed only upon receipt of permits from Licensor as required by applicable law. Further, Licensor shall not be liable for any damage to the Improvements caused by Licensor's operations, including, without limitation, snow removal, street or alley maintenance, street or alley repairs and improvements and utility installation, maintenance and repairs.

9. **No Assignment.** This Agreement and the License granted hereunder shall not be assignable or transferrable by Licensee without Licensor's prior written consent. Failure to obtain Licensor's consent to such assignment or transfer as required shall make such assignment or transfer void *ab initio*.

10. **Subject to Laws.** This License is subject to all State and municipal laws as they now exist or may hereafter be amended.

11. **Licensee Representations.** Licensee represents and warrants that: (a) it is duly qualified to do business and is in good standing in the State of Colorado; (b) it has full power and authority to execute, deliver and perform its obligations under this Agreement; (c) the individual executing this Agreement has the full power and authority to do so; and (d) the Agreement does not violate any other obligation of Licensee.

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

13. **Prevailing Party.** In the event of any dispute between the parties in connection with this License, the non-prevailing party shall pay the prevailing party all costs and expenses, including, without limitation, reasonable attorneys' fees, costs and expenses, incurred in such dispute.

14. **Entire Agreement; Amendment.** This Agreement represents the entire agreement of the parties respecting the subject matters addressed herein. This Agreement may be amended only in writing by properly executed agreement.

15. **Successors and Assigns.** The rights and obligations of the parties shall inure to the benefit and burden to the parties' successors and permitted assigns.

16. **No Waiver.** No waiver by either party of any breach of, or of compliance with, any condition or provision of this Agreement by the other party shall be considered a waiver of any other condition or provision or of the same condition or provision at another time.

17. **Photo-static Copies.** For purposes of enforcement of the terms hereof, photo-static reproductions shall be deemed to be originals.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized representatives effective as of the date first written above.

LICENSOR:

TOWN OF CRESTED BUTTE,
a Colorado home rule municipality

By: _____
James A. Schmidt, Mayor

Attest:

By: _____
Lynelle Sanford, Town Clerk

[SEAL]

LICENSEE:

Kurt Preston

Melissa Preston

STATE OF _____)
) ss.
COUNTY OF _____)

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

WITNESS my hand and official seal.
My commission expires: _____

Notary Public Signature

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing Revocable License Agreement was acknowledged before me this _____ day of _____, 20__ by _____.

WITNESS my hand and official seal.
My commission expires: _____

Notary Public Signature

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing Revocable License Agreement was acknowledged before me this _____ day of _____, 20__ by _____.

WITNESS my hand and official seal.
My commission expires: _____

Notary Public Signature

EXHIBIT "A"

A 5'2" by 73'9" section of the Maroon Avenue right-of-way adjacent to the East 12 and a half feet of Lot 25 and all of Lots 26-28, Block 18 .

EXHIBIT "B"

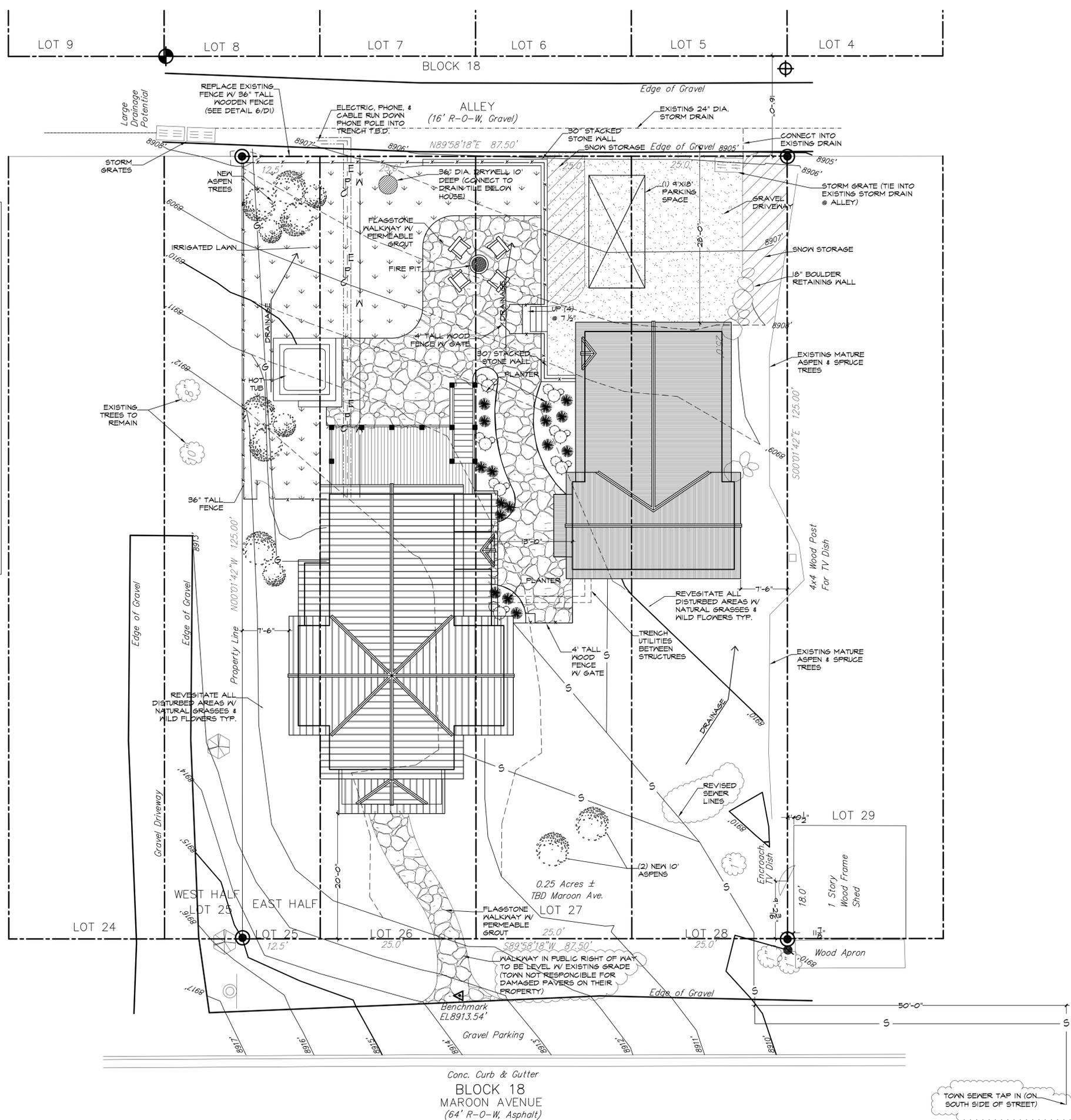
CONTENTS:

- 1 SITE PLAN**
- 2 LOWER LEVEL PLAN**
- 3 ENTRY LEVEL PLAN**
- 4 UPPER LEVEL PLAN**
- 5 ELEVATIONS**
- 6 SECTIONS**
- 7 SECTIONS**
- C1 LOWER REFLECTED CEILING PLAN**
- C2 ENTRY REFLECTED CEILING PLAN**
- C3 UPPER REFLECTED CEILING PLAN**
- D1 DETAILS**
- D2 DETAILS**
- D3 DETAILS**
- S1.0 STRUCTURAL NOTES & DETAILS**
- S1.1 FOUNDATION & LOWER FRAMING PLAN**
- S1.2 ENTRY FRAMING PLAN**
- S1.3 UPPER FRAMING PLAN**
- S1.4 ROOF FRAMING PLAN**
- S2.1 STRUCTURAL DETAILS**
- S2.2 STRUCTURAL DETAILS**
- G1 GARAGE PLANS**
- G2 GARAGE ELEVATIONS**
- G3 GARAGE SECTIONS**
- GC1 GARAGE REFLECTED CEILING PLANS**
- GS1.0 GARAGE FOUNDATION & ENTRY FRAMING PLAN**
- GS1.1 GARAGE UPPER FRAMING PLAN**
- GS1.2 GARAGE ROOF FRAMING PLAN**

Exhibit B

SITE PLAN
SCALE: 1"=10'

LEGEND	
NEW CONTOURS	—————
OLD CONTOURS	- - - - -
DRAINAGE	←
WATER	— W —
SEWER	— S —
GAS	— G —
ELECTRIC	— E —
TELEPHONE	— P —
CABLE	— C —
PROPERTY BOUNDARY	— · — · —
GRAVEL	[Pattern]
SNOW STORAGE	[Pattern]
ASPEN	[Symbol]
EVERGREEN	[Symbol]
DECIDUOUS SHRUB	[Symbol]
EVERGREEN SHRUB	[Symbol]



REVISIONS:

- 06-14-17: FLAGSTONE ON TOWN PROP. NOTE ADDED
- 06-14-17: CURVED DECK REMOVED
- 06-12-18: REVISED SEWER LINES

1

Drawing: SITE PLAN
Date: 06-12-2018
Scale: 1"=10'-0"
Drawn By: *Sylvia Rogers*

PRESTON RESIDENCE

EAST HALF OF LOT 25 & ALL OF 26, 27, 28; BLOCK 18; CRESTED BUTTE, CO 81224

ANDREW HADLEY ARCHITECT
POST OFFICE BOX 1294
CRESTED BUTTE, CO. 81224
(970) 349-0806



Conc. Curb & Gutter
BLOCK 18
MAROON AVENUE
(64' R-0-W, Asphalt)

TOWN SEWER TAP IN (ON SOUTH SIDE OF STREET)



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: June 18, 2018

Town Manager

- 1) GCEA discussion items
 - Expansion of community solar garden / Town Council agenda – 20, 250W panels existing, 50 or more additional 280W panels. Likely coming back to the Council for formal approval in the Fall.
 - Second EV charging station in Crested Butte – Working with GCEA, Rodney has identified two spaces in the 1st and Elk public parking lot that could work as a location. Staff is assuming that the Council is willing to allocate two more spaces for this purpose. If that is not the case, please let me know.
 - Changes to green power program and Town's options – Town will roll our accounts into the Green Power Plus Program, including 130% Offset option, with green power charges remaining the same at \$00012 per kWh based on monthly usage.
 - Eventually charging rates for use of the EV station and options – GCEA had committed to not collecting fees for use of the charging stations at the tennis courts for 3 years. They are now considering if or how they may charge for use of the stations in the future. As use of the stations increases one thing they may take into consideration is longevity of charges and incentivizing users to not leave their vehicles at the station for long periods of time, i.e. offer the first hour or two for free then begin charging.
- 2) Meeting with David Baumgarten – Mayor Schmidt and I are scheduled to meet with David Baumgarten on Friday, June 15th regarding Brush Creek We will provide an update to the Council during the meeting on the 18th.
- 3) Meeting with Chris Jarnot, Exec. VP of Mountain Division for Vail Resorts – Mayor Schmidt and I are scheduled to meet with Chris Jarnot on Friday, June 15th. We will provide an update to the Council during the meeting on the 18th.
- 4) Stage 2 fire restrictions – Gunnison County as well as the Gunnison and Uncompahgre National Forests have entered Stage II fire restrictions. As directed by the Council, the Town also went into Stage II restrictions on Thursday following the County's action. Mt. Crested Butte also follows the County's actions in these matters.

Public Works

- 1) Road striping – scheduled for June 18 and 19. Elk Ave will be closed for a few hours the morning of June 18th. Should be opened by 10:00 a.m.

- 2) Updates to the Public Works Criteria for Design and Construction have been completed. The updated manual is available on the Town's website.
- 3) Installation of the fencing around the wastewater and public works yard is underway.

Marshals

- 1) The Marshals are still seeking an officer to replace Dan.

Parks & Rec

- 1) Town Picnic –
 - o We had 350 burgers and 400 hot dogs and ate it all! We originally ordered 300 and 300 and I had to run to Clarks and buy everything else they had. Thankfully the end of the crowd and the end of the food coincided. I debriefed with Rodney and Deli and we're thinking next year we'll order 500 each. This event will likely continue to grow as it becomes a CB tradition.
 - o Many, many thanks to the elected officials and staff who volunteered to make the event a success!
- 2) Weed update –
 - o All of the street and alley rights of way have been treated for noxious weeds. We are moving on to trails and open space. We are hoping to accomplish multiple treatments this year.
 - o The County will be asking all of the participating municipalities to contribute for a share of the 9 month position in 2019.
- 3) Summer recreation programs are rolling out including baseball, gymnastics, tennis and softball.
- 4) The recreation intern has started – Hunter Grant. He will be working out of Town Hall through the summer.
- 5) Bike Park grand opening is scheduled for Saturday, June 23rd at 2:00 p.m.
- 6) Go Staff Infections!

Community Development

- 1) High Mountain Concepts – Final, updated plans have been received from the architect and HMC is in the process of rebidding and finalizing the construction numbers. Depending on the outcome, we may need to amend the construction agreement to reflect updated pricing on the final plans.
- 2) Slate River Working Group
 - o Based upon the consensus of the group a variety of signs have been ordered and will be placed immediately in appropriate locations.
 - o In response to numerous complaints and confusion due to construction along 10th Street, temporary signs have been placed near the recreation path bridge to remind people of normal traffic rules. **Draft** signs are attached.
 - o A temporary bathroom will be installed near the recreation path bridge for the summer to address concerns about human waste.
- 3) The Community Survey will be released the week of June 18th.

Town Clerk

- 1) Staff suggests setting the July 2nd meeting for 4:30. We feel we can reasonably limit the agenda to no more than an hour so that people can enjoy Alpenglow and the holiday week. Council should discuss if they would like to adjust the meeting schedule.

Finance

- 1) Working to improve access to the Accufund accounting system for department heads and supervisors so that they will have direct access to financial reports for tracking budgets and vendor payments.
- 2) Working through some glitches with the new time tracking system and integration with Accufund. Beginning training with department heads the week of June 18th.
- 3) Phone system – We are currently reviewing proposals for a new phone system to bring the Town into the 21st Century. A selection will be made the week of June 18th with implementation to follow in the coming weeks.

Intergovernmental

The next joint meeting with other elected officials in the County will be held in October at the Avalanche in Mt. Crested Butte. Additional details will be provided as the meeting approaches.

Upcoming Meetings or Events

June 23rd – Bike Park grand opening, 2:00 p.m.

August 1st – Celebration of the Permanent Protection of Trampe Ranch, 5:00 – 6:30, The Depot

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

ATTENTION

ARE YOU FLOATING THE RIVER TODAY?

The Slate River is a wild and special place—to ensure it remains this way, please adhere to these river manners:

- **Only use designated river access points** to put-in and take-out on the river. Your next take out is at Gunsight Bridge.
- Be a good neighbor—**no amplified music.**
- **Do not litter**, pack out trash. No glass containers.
- **Do not use river bank as a toilet**, know where to go to the bathroom before you float! The next public bathroom is at River Flats.

Be Prepared Dress for cold water swim and changing weather. Wear a life vest and secure foot gear. You may encounter logs, beaver dams, rocks and strong currents. Make sure your craft won't pop on river strainers. There are no lifeguards out here.

See a cow? We share this area with local ranchers and their cattle. If you encounter any cows near the river, show them the same respect you would any other user.

ATTENTION

ARE YOU FLOATING THE RIVER TODAY?

The Slate River is a wild and special place—to ensure it remains this way, please adhere to these river manners:

- **No amplified music**—from Gunsight Bridge to the Rec Path Bridge is a *quiet float zone* to avoid disturbances to wildlife.
- Respect private property and **do not trespass**.

In Colorado, private property includes the shore, bank and river bottom. Dodge a hefty fine by staying on your water craft and respecting private land while floating through.

Go with the flow—Ensure that the flow is high enough to safely make it to the next access point without trespassing on private property.

Please watch for this sign to know when on private property:



- **Dogs must stay on river craft**—dogs are subject to same trespass parameters as humans.
- **Only use designated river access points** to put-in and take-out on the river. **Your next take out is at the Rec Path Bridge** in the Town of Crested Butte.
- **Do not litter**, pack out trash.
- **Do not use river bank as a toilet**, know where to go before you float! The next bathroom is located at River Flats Campground.

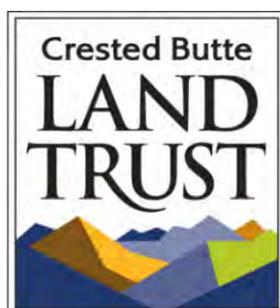


ATTENTION RIVER USERS

Go with the flow- The Slate River is a snow-melt driven river. Water levels can decrease rapidly during the summer months. When this occurs, floating the river from Gunsight Bridge to the Rec Path is impossible without trespassing on downstream private property.

**It is recommended that
this stretch of river is
now too low to float
without trespassing on
downstream private property.**

Thank you for understanding.



ATTENTION

ARE YOU FLOATING THE RIVER TODAY?

The Slate River is a wild and special place—to ensure it remains this way, please adhere to these river manners:

- Be a good neighbor—**no amplified music.**
- Respect private property and **do not trespass.**

In Colorado, private property includes the shore, bank and river bottom. Dodge a hefty fine by staying on your water craft and respecting private land while floating through.

Go with the flow—Ensure that the flow is high enough to safely make it to the next access point without trespassing on private property.

Please watch for this sign to know when on private property:



- **Dogs must stay on river craft**—dogs are subject to same trespass parameters as humans.
- **Only use designated river access points** to put-in and take-out on the river. **Your next take out is at the Skyland Bridge.**
- **Do not litter**, pack out trash.
- **Do not use river bank as a toilet**, know where to go before you float! The nearest bathroom is four blocks behind you at Rainbow Park.

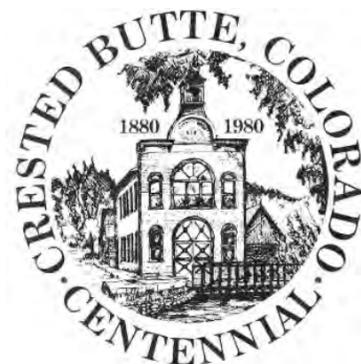
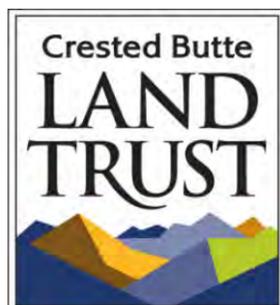


ATTENTION RIVER USERS

Go with the flow- The Slate River is a snow-melt driven river. Water levels can decrease rapidly during the summer months. When this occurs, floating the river from the Rec Path Bridge to the Skyland Bridge is impossible without trespassing on downstream private property.

**It is recommended that
this stretch of river is
now too low to float
without trespassing on
downstream private property.**

Thank you for understanding.



SLATE RIVER INFORMATION

Be Prepared Dress for cold water swim and changing weather. Wear a life vest and secure foot gear. You may encounter logs, beaver dams, rocks and strong currents. Make sure your craft won't pop on river strainers. There are no lifeguards out here.

River Fences and Cows

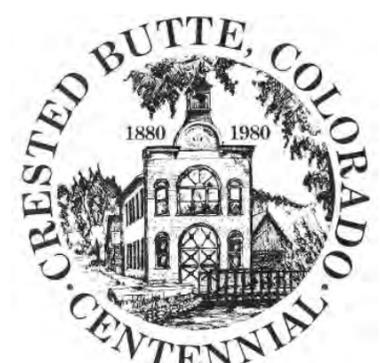
We share this area with local ranchers and their cattle. Fences are needed to keep cattle from wandering into Town. When you encounter a river fence (made of white plastic), please stay on your craft and float ***under*** the fence- it's fun! If you encounter any cows near the river, show them the same respect you would any other user.

Wildlife The Slate River wetlands provides a fragile refuge for resident and migratory wildlife, including Great Blue Heron, Elk and waterfowl. To help uphold this habitat, please float respectfully and quietly.

Map insert to go here... coming soon

Simple map to include current:

- Bathrooms
- Parking
- Fences/bridges (i.e. caution points)
- Access points
- Private property



ATTENTION FLOATERS

TAKE OUT HERE

ON THE LEFT BANK

AFTER THE BRIDGE

SWIFT WATER DOWNSTREAM

**ENTERING
PRIVATE PROPERTY**



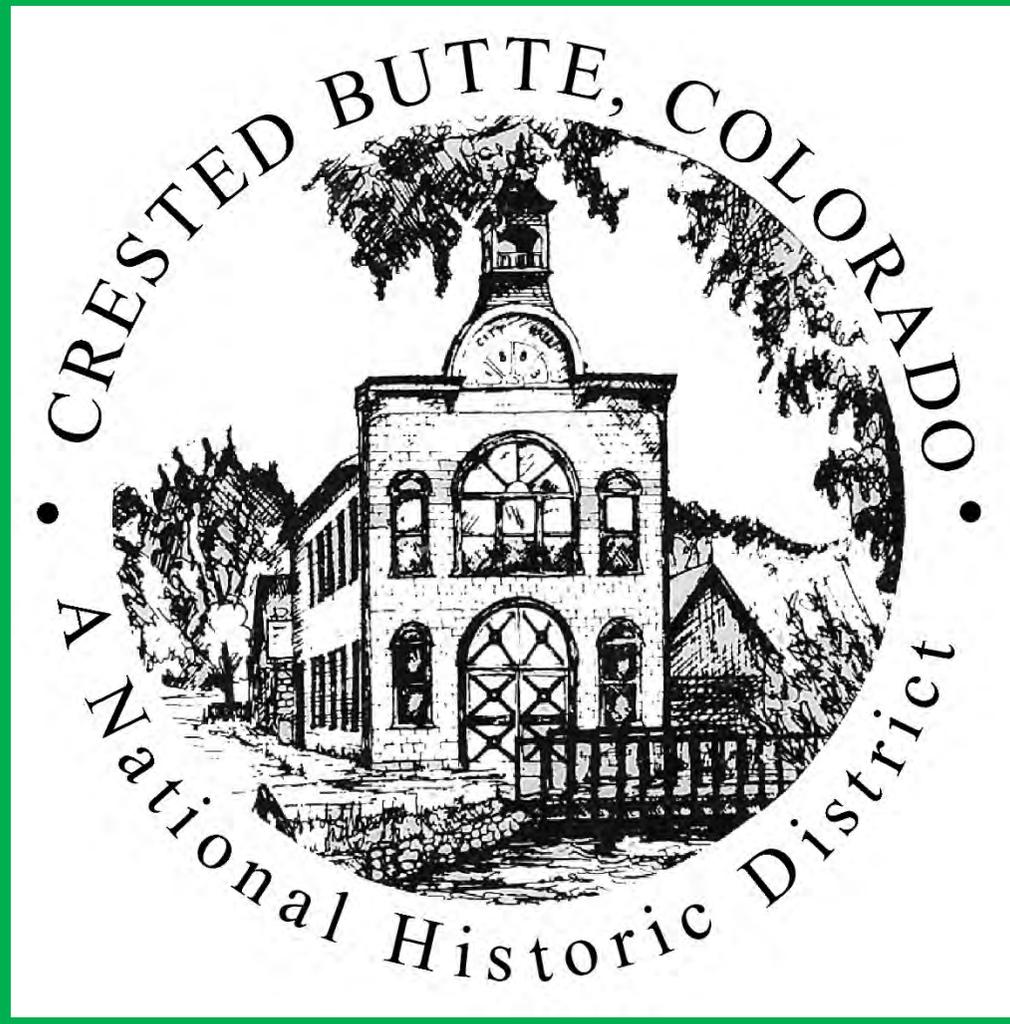
NO TRESPASSING
DO NOT LEAVE CRAFT

**STILL ON
PRIVATE PROPERTY**



**NO TRESPASSING
DO NOT LEAVE CRAFT**

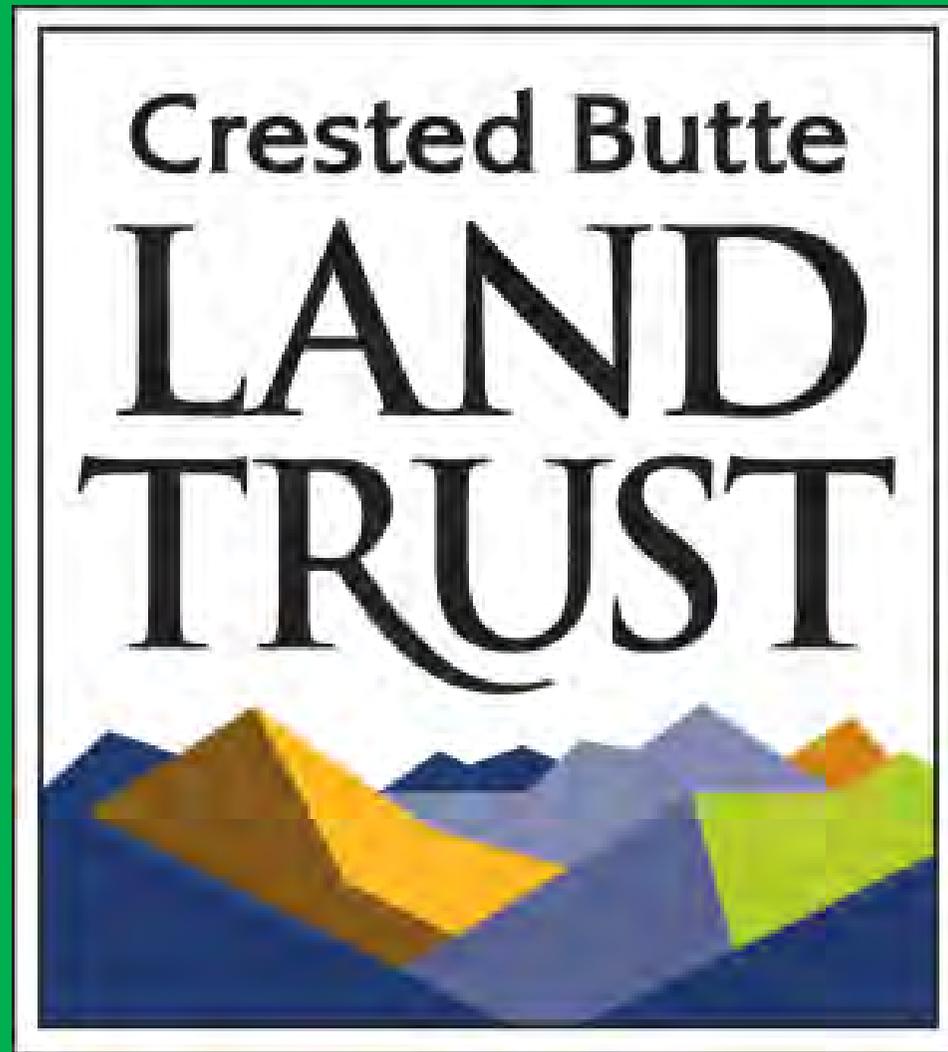
ENTERING TOWN OF CB PROPERTY



PUBLIC WELCOME

PLEASE ENJOY RESPECTFULLY

**ENTERING
CB LAND TRUST PROPERTY**



CONSERVED PROPERTY

THIS IS NOT A TAKE-OUT



Staff Report
June 18, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Janna Hansen, Parks and Recreation Director
Subject: Ordinance No. 16, Series 2018 – An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 15 of the Crested Butte Municipal Code to Include New Regulations for the Removal of Trees

Background: The Town of Crested Butte has achieved a Tree City USA certification every year since 2001. To qualify as a Tree City USA community, a municipality must apply annually and meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. Standard 2 requires that each certified municipality have a tree care ordinance. The Town adopted § 16-15-10 et seq. “Landscaping” in 2009, and the existing code has not been reviewed in the 9 years since its adoption. On February 20, 2018, Town Council approved Resolution No. 3 thereby entering into a Service Agreement with the Colorado State Forest Service for the purpose of providing community forestry assistance to the Town. One of the services defined in the Service Agreement was assistance with updating the Town’s tree code.

Summary: The intent of Ordinance No. 16, Series 2018 is to amend Town code § 16-15-10 et seq. (2009). The proposed amendments provide clarity and consistency that will enable tree removal regulations to be administered more easily and fairly while promoting best practices for forestry standards. The proposed amendments would make changes to the following sections:

- Sec. 16-15-10: The term for “tree” was added for clarity.
- Sec. 16-15-20: The intent was expanded to include language about the intrinsic value of trees and added language regarding “landscaping” and the importance of landscaping.
- Sec. 16-15-30: Was expanded to include the landscaping requirements in Chapter 17 Subdivision so that these standards also apply to already platted lots.
- Sec. 16-15-40: Was expanded to include (a) landscaping in the public right-of-way, and (c) park property.
- Sec. 16-15-50 (a): Was amended to update tree measurements to align with forestry industry standards for how trees are measured. This measurement change is seen in multiple places throughout this Article.
- Sec. 16-15-50 (c): Was added to include language prohibiting damage to trees.
- Sec. 16-15-50 (e): The “factors” in the granting or denial of a tree removal permit application were reformatted for consistency and clarity.

- Sec. 16-15-50 (e) (1): Was added to include language taking into consideration tree removal for the purpose of protecting person and or property.
- Sec. 16-15-50 (e) (6): Was amended to include language to promote increased diversity of tree species.
- Sec. 16-15-50 (e) (9): Was added to address corroboration between tree removal permit applications and existing landscape plans as approved by BOZAR.
- Sec. 16-15-50 (f): Was amended to require a permit for the removal of dead trees.
- Sec. 16-15-50 (g): Was amended to require that the Marshal be notified prior to the removal of a hazard tree and that a replacement plan be submitted.
- Sec. 16-15-60 (c): Was amended to change the definition of a “comparable substitute” for replacement trees to better align with forestry best practices.
- Sec. 16-15-60 (e): Was added to create a provision in the business zone districts in the event that a suitable location for a replacement tree is unavailable on the original site thereby allowing for a replacement tree to be planted on another property in a business zone of Town owned by the permittee, or on Town property in a location to be determined by the Town Manager or designee.
- Sec. 16-15-70: Was expanded to impose more stringent regulations for tree preservation during construction.
- “Building Official” and “Director of Parks and Recreation” were replaced with “Town Manager or designee” throughout the Article.

BOZAR reviewed the proposed changes at their May 29th meeting and made a recommendation that Council approve Ordinance No. 16, Series 2018.

Recommendation: Staff recommends the adoption of Ordinance No. 16, Series 2018 thereby amending Chapter 16, Article 15 of the Crested Butte Municipal Code to Include New Regulations for the Removal of Trees.

Proposed Motion: I move to approve Ordinance No. 16, Series 2018.

ORDINANCE NO. 16

SERIES 2018

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLE 15 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW REGULATIONS FOR THE REMOVAL OF TREES

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

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

WHEREAS, pursuant to Chapter 16, Article 15 of the Crested Butte Municipal Code (the “**Code**”), the Town Manager possesses the authority to set forth regulations for the care and removal of Trees on lots and tracts of land within Crested Butte;

WHEREAS, the Town of Crested Butte has been a certified Tree City USA since 2001 and that the Arbor Day Foundation and the National Association of State Foresters require that each certified municipality have a Tree care ordinance;

WHEREAS, in adopting such legislation, the Town Council recognizes the environmental, aesthetic, and health benefits of landscaping, and Trees in particular, to the residents and guests of the Town of Crested Butte;

WHEREAS, the Town Council’s intent in adopting the Landscaping Article was to maintain, to the fullest extent possible, the number of existing Trees and the maximum diversity of Tree species in the Town by encouraging proper care and maintenance, and minimizing property management, development and construction activities that may result in the damage or loss of large Trees;

WHEREAS, the Town Staff has recommended to the Town Council that to better uphold § 16-15-10 et seq. “Landscaping”, the Town Council adopt regulations to be included in the Code further addressing the management of Trees;

WHEREAS, the Town Council finds that in order to maintain, to the fullest extent possible, the number of existing Trees and the maximum diversity of Tree species in the Town, the Town Council should amend the Code to include regulations addressing the management of Trees; and

WHEREAS, the Town Council supports adoption of regulations addressing the management of Trees, such regulations being in the best interest of the health, safety and welfare of the residents and visitors of the Town.

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

Section 1. Chapter 16, Article 15 of the Code is hereby repealed and replaced and shall read as follows:

ARTICLE 15

“Landscaping”

Sec. 16-15-10. - Terms and provisions.

The terms and provisions of this Article shall apply to all real property presently situated in or subsequently annexed to the corporate limits of the Town. The term “Tree” for the purposes of this Article shall include all coniferous and deciduous Trees having a trunk diameter of two inches (2”) or more when measured at four feet six inches (4’-6”) from ground level.

Sec. 16-15-20. - Intent.

Landscaping and Trees in particular provide important environmental, aesthetic, and health benefits to the residents and guests of the Town of Crested Butte. Landscaping enhances the quality of life and real estate values of property upon which it exists and other neighboring properties. Large Trees are a resource that cannot be fully replaced if they become dead, diseased, damaged or removed. The intent of this Article is to maintain, to the fullest extent practicable, the number of existing Trees and the maximum diversity of Tree species in the Town by encouraging proper care and maintenance, and minimizing property management, development and construction activities that may result in the damage or loss of large Trees.

Sec. 16-15-30. - Landscaping and site development.

- (a) Landscaping subject to regulation. Landscaping shall conform to the landscape plan submitted pursuant to Section 18-13-20(a) of this Code and guaranteed to be completed and maintained in a healthy living condition. The Design Guidelines Town of Crested Butte shall guide the property owner on all topics that are not included in this Article. *Ref: Sec 17-13-40(a)*
- (b) Existing Trees and shrubs. The landscape plan shall demonstrate that a reasonable effort has been made to preserve all existing healthy Trees and shrubs. *Ref: Sec 17-13-40(b)*
- (c) Appropriate vegetation. The landscaping plan shall provide for planting of indigenous plant materials or such other vegetation recommended by the BOZAR Guideline Plant List of Trees and Shrubs in the Design Guidelines Town of Crested Butte. All exposed ground surfaces shall be revegetated. *Ref: Sec 17-13-40(c)*

- (d) Obstruction of signs and fire hydrants. Vegetation shall not be located so as to interfere with the ability of motor vehicle operators to have unobstructed views of traffic signs, street signs and intersecting streets. Fire hydrants shall not be obstructed by landscaping. *Ref: Sec 17-13-40(d)*
- (e) Protection of landscaping. Installation of vegetation protection devices shall be required during any excavation or construction activities. *Ref: Sec 17-13-40(e)*
- (f) Landscaping installation. All landscaping and site development of a property shall be installed in accordance with the plans submitted pursuant to Subsection 18-13-20(a) of this Code and completed not later than the end of the first planting season following the issuance of the temporary certificate of occupancy for any building on the site; or in accordance with a Board-approved phased plan that shall as a minimum establish a vegetative ground cover in the first growing season.
- (g) Landscaping guarantee. All landscaping, including relocated Trees, planted in accordance with this Article shall live for a minimum of two (2) years after the installation. All landscaping shall be properly maintained in a healthy living condition by the owner of the property. Any landscaping that dies within the initial two (2) year period shall be replaced to the original specifications during the next available planting season and shall be required to live for a minimum of two (2) years from the time it is replanted. *Ref: Sec 17-13-40(f)*

Sec. 16-15-40. – Trees and landscaping on public property.

- (a) Any Trees, shrubs and other landscaping planted in the public right-of-way and sidewalk area or other public property shall be approved prior to installation as to location and type by the Town Manager or designee(s).
- (b) No person, other than a Town employee under the direction of the Town Manager or designee(s), shall plant, trim, prune, transplant or remove Trees situated upon Town property, streets or other public rights-of-way.
- (c) No person using Town park property shall damage, cut, carve, transplant or remove any Tree or plant; or injure the bark of Trees or pick flowers or seeds of any plant; attach any rope, wire or other contrivance to any Tree; dig or otherwise disturb planter or grass areas; or in any other way harm or impair the usefulness or natural beauty of any public area. *Ref: Sec. 11-3-209(b)*

Sec. 16-15-50. – Removal of Trees on public and private property; permit required.

- (a) No person, without first obtaining a permit for Tree removal as herein provided, shall remove, cause to be removed or effectively remove through damaging any Tree.
- (b) No person, without first obtaining a permit from the Town Manager or designee(s), shall remove or cause to be removed any Tree. Said Tree removal application shall contain such information as the Town Manager or designee(s) may require to enable them to adequately enforce the provisions of this Article. A request to remove Trees or other landscaping that is part of a site development plan shall be reviewed by the Board as part of the building application process in conformance with Paragraph 18-13-20(a)(11) of this Code.
- (c) No person, without first obtaining a permit, shall top, damage, girdle, limb up, or poison any living Tree. “Topping” is defined as the removal of more than five percent

(5%) of the height from the top of any deciduous Tree or the removal of the terminal bud from a coniferous Tree. The “terminal bud” of a coniferous Tree is defined as the highest bud on the Tree. “Limb-up” is defined as the removal of more than one third (1/3) of the live crown or branches of a Tree within one growing season.

- (d) The Town may request, when necessary, to adequately evaluate the intended Tree removal proposal, a site plan drawn to scale showing the following:
 - (1) The location of the driveway, parking areas, all paving, walkways, trash or dumpster locations and other structures on the site.
 - (2) The location of all Trees shall be identified as to type, species and size of trunk diameter measured at four feet six inches (4'-6") from ground level.
 - (3) The identification of all diseased Trees and any Trees damaging or threatening to damage any buildings, structures, roadways, sidewalks, paved surfaces or utility service lines.
 - (4) The identification of any Trees to be relocated and/or removed, Trees to be retained and areas which will remain undisturbed.
 - (5) The identification of any proposed grade changes which might adversely affect or endanger any Trees on the site, with details and specifications as to how the Trees will be protected and preserved.
- (e) After the application for a Tree removal permit is filed, the Town Manager or designee shall review the application (and site plan if required) and determine what effect the intended removal of the Tree(s) will have upon the natural resources, aesthetic qualities and safety of the area. The following factors shall be considered in determining whether a Tree removal permit shall be granted or denied:
 - (1) Whether removal of the Tree(s) is necessary to protect human safety, buildings, structures, utilities and other improvements.
 - (2) Whether removal of the Tree(s) will increase the potential for flooding, snowslides, landslides or other natural hazards.
 - (3) Whether removal of the Tree(s) will increase excess soil erosion, water runoff or otherwise negatively impact the watershed.
 - (4) Whether the removal of the Tree(s) will increase the potential of wind erosion, create dust during winds, or otherwise adversely affect air quality.
 - (5) Whether the removal of the Tree(s) is necessary due to insect infestation or disease.
 - (6) Whether the removal of the Tree(s) will substantially decrease the quantity of species and diversity of Trees in the immediate neighborhood, detract from the aesthetic qualities of the area, or adversely affect the reasonable use and enjoyment of property in the area.
 - (7) Whether the removal of the Tree(s) is necessary in order to construct proposed improvements and to allow reasonable use and enjoyment of the property.

- (8) Whether the removal of the Tree(s) will result in the implementation of good forestry practices, including consideration to the number and types of healthy Trees that the subject site can support.
- (9) Whether the removal or relocation of the Tree(s) upholds the intent of the original landscape plan as approved by the Board; and whether the methods proposed to be used for the removal or relocation of any Tree is adequate.
- (f) No person shall remove a totally dead Tree without providing prior notice to the Town Manager or designee and obtaining a Tree removal permit. Following such removal, the owner shall replace the dead Tree with a comparable substitute(s), as defined in Subsection 16-15-60(c) below.
- (g) Any person, in the event of an emergency caused by a Tree being in a hazardous or dangerous condition and posing an immediate threat to person or property, may remove such Tree without adhering to the procedures described herein. The Crested Butte Marshal must be notified prior to the removal of a hazard Tree. Following such removal, the owner shall notify the Town Manager or designee within twenty four (24) hours and submit a Tree replacement plan identifying comparable substitute(s) as defined below in Subsection 16-15-60(c).

Sec. 16-15-60. - Maintenance of Trees.

- (a) Within residential zone districts, unless necessary to allow reasonable use and enjoyment of the property, all healthy living Trees at least five (5) feet in height planted within the front yard setback shall remain, whether the subject setback is ten (10) feet or twenty (20) feet. When such setback is "any distance conditionally approved," all such Trees shall remain in the ten (10) feet closest to the street, whether or not in the setback.
- (b) In the business zone districts, unless necessary to allow reasonable use and enjoyment of the property, all healthy living Trees of any size planted in the front yard setback shall remain.
- (c) Where construction of structures or improvements on any property necessitates the removal of any Tree the Town Manager or designee, as a condition of approval for removal, may require that the owner either relocate or replace the Trees with a comparable substitute elsewhere within the building site. Comparable substitute is defined as a Tree with a canopy at maturity being comparable to the canopy at maturity of the removed Tree with no replacement deciduous Tree being less than two inches (2") in diameter measured at the root collar, and no evergreen Tree being less than four feet (4') in height.
- (d) In the business zone districts, if any Tree located within the building site totaling at least six inches (6") in diameter when measured at four feet six inches (4'-6") from ground level are preserved, upon approval of the Board, one (1) required parking space may not have to be provided. Trees having a diameter of less than two inches (2") when measured at four feet six inches (4'-6") from ground level shall not be included in the above computation.
- (e) In the business zone districts, in the event a suitable location for a Tree replacement is not available on the site, the property owner may either plant a comparable

substitute on another property owned by the applicant in a business zone district of Town, or plant a comparable substitute Tree on Town property in a location to be determined by the Town Manager or designee. Any Tree planted on Town property must be warrantied to the Town guaranteeing survival for one (1) year after the time of planting. Substitute Tree(s) must be planted by a professional Tree-planting service provider.

Sec. 16-15-70. - Preservation during construction.

- (a) No person, without first obtaining a permit, shall be allowed to dig, excavate, turn, compact, or till the soil within the dripline of any Tree in such a manner as to cause material damage to the root system of the Tree. Dripline is defined as a cylinder having a radius equal to the length of the longest branch of the Tree, with the center of the cylinder located at the center of the trunk of the Tree and extending from grade level down to a depth of ten feet (10') below grade.
- (b) No person, while constructing any structure or other improvement, shall be allowed to place material, machinery, temporary soil or rock deposits, or any other material within the dripline of any Tree. During construction, the Town Manager or designee may require the erection of suitable barriers around any such Trees to be preserved and to protect existing natural resources as necessary. In addition, during construction, no attachments or wires other than protective guy wires shall be attached to any such Tree.

Sec. 16-15-80. - Relocation of Trees on public and private property; permit required.

- (a) No person, without first obtaining a Tree relocation permit as herein provided, shall relocate any Tree on public or private property. Such application may contain such information as needed by the Town Manager or designee to enable adequate review and enforcement of this Section.
- (b) All relocated Trees shall be maintained in a healthy living condition, and any relocated Tree that is severely injured, damaged or dies within two (2) years of relocation, shall be replaced with a Tree of the same type, species and size during the next available planting season after its demise.

Sec. 16-15-90. – Subdivision approval for relocation and removal.

If a subdivision plat shows each Tree proposed to be relocated or removed is approved by the Town pursuant to Chapter 17 of this Code, such approval by the Town shall constitute a permit to relocate and remove the Trees designated and no application pursuant to this Article shall be required.

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

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

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

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



Staff Report

June 18, 2018

To: Mayor and Town Council

From: Dara MacDonald, Town Manager

Subject: Ordinance 2018-18, An ordinance of the Crested Butte Town Council approving the lease of a portion of the property at 716 Elk Ave to High Country Conservation Advocates

Summary: High Country Conservation Advocates (“HCCA”) has been a long-term tenant of the in the Depot. They were displaced during the renovation of the Depot but returned once construction was complete in the fall of 2016. They have been occupying the space on a month to month lease since September, 2016. 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 HCCA.

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 January, 2017 the Town had 18 tenants with expired or non-existent leases. All of the tenants are current with payments based upon the terms of the expired leases. Staff began reaching out to all of our non-residential tenants with expired leases in February and March to make them aware that the Town would like to enter into new leases. In some cases this also included new proposed lease rates. Since then Dale Hoots has met with each of the Town’s tenants to understand their needs, discuss management of the facility and further negotiate the lease rate. He has also become aware of some immediate maintenance needs which have been addressed and begun making longer term plans for maintenance of each building.

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. There is no increase proposed for any tenants in the first year of their new leases.

Discussion: The space that HCCA leases is approximately 588 sq. ft. They have been paying \$500 per month and will remain at that level with execution of this lease. The lease rate proposed is as follows:

2018	\$500	\$10.20 sq. ft.
2019	\$500	\$10.20 sq. ft.

Beginning in 2020 the lease rate would increase 1% per year. The rental term is for 5 years with an automatic 5 year renewal.

In researching the policy last winter and in speaking with local property managers, town staff found comps for commercial office space in the range of \$2.25 sq. ft. to \$11.00 sq. ft. per year. We found comps for retail space on Elk Ave to range from \$12.00 sq. ft. to \$27.00 sq. ft.

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 High Country Conservation Advocates.

Proposed Motion: Motion and a second to approve Ordinance No. 18, Series 2018.

ORDINANCE NO. 18

SERIES 2018

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE LEASE OF A PORTION OF THE PROPERTY AT 716 ELK AVENUE TO HIGH COUNTRY CONSERVATION ADVOCATES

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 1.4 of the Home Rule Charter for the Town of Crested Butte, 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, the Town Council must approve such lease of more than one year by ordinance of the Town Council; and

WHEREAS, the Town Council and High Country Conservation Advocates wish to enter into a long-term 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 _____, 2018.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

EXHIBIT “A”

[attach form leases agreements here]

BUSINESS LEASE

THIS BUSINESS LEASE (this "**Lease**") is entered into this ___ day of _____, 20___, with an effective date of July 1, 2018 (the "**Effective Date**") by and between the TOWN OF CRESTED BUTTE, COLORADO ("**Landlord**"), a Colorado home rule municipality and HIGH COUNTRY CONSERVATION ADVOCATES, a Colorado nonprofit corporation ("**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 at The Depot, 716 Elk Avenue, Crested Butte, commonly known as an approximately 588 sq. ft. North unit office space portion of The Depot (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 office 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 parking provided on the Premises which is shared among the other uses and occupants of 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) Communications services used by Tenant on the Premises during the Term, regardless of whether the services are billed directly to Tenant or through Landlord, shall be paid by Tenant. Such amounts, where payable to Landlord, shall be payable as additional rent to be paid by Tenant within fifteen (15) days after delivery of an invoice from the Town for such charges and expense.

(f) Landlord shall pay the expenses for gas, electric, water, sewer and trash/recycling services for the Premises during the Term.

(g) 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 five (5) year period (the "**Term**") that shall commence on the Effective Date hereof and expire five (5) years following the commencement of the Term. The Term shall automatically be extended for an additional five (5) years, unless the Lease is terminated in writing by either party at least 90 days prior to the expiration of the initial Term.

(b) Either party may terminate this lease agreement for any reason upon 180 days written notice to the non-terminating party.

(c) 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 \$500.00 on the Effective Date of this Lease and each month thereafter during the first year of the Term (the "**Rent**"). If the Tenant chooses they make pay the full amount for the coming year on the Effective Date and subsequent anniversaries. Rent shall thenceforth increase 1% each year as follows:

1 st anniversary (2019):	\$6,000.00 annually / \$500.00 per month
2 nd anniversary (2020):	\$6,060.00 annually / \$505.00 per month
3 rd anniversary (2021):	\$6,120.60 annually / \$510.05 per month
4 th anniversary (2022):	\$6,181.81 annually / \$515.15 per month
5 th anniversary (2023):	\$6,243.62 annually / \$520.30 per month
6 th anniversary (2024):	\$6,306.06 annually / \$525.50 per month
7 th anniversary (2025):	\$6,369.12 annually / \$530.76 per month
8 th anniversary (2026):	\$6,432.81 annually / \$536.07 per month
9 th anniversary (2027):	\$6,497.14 annually / \$541.43 per month
10 th anniversary (2028):	\$6,562.11 annually / \$546.84 per month

(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**"). Tenant's security deposit is \$500.00. 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.

(e) This lease will maintain Tenant at an annual lease rate of \$10.20 per sq. ft. with 1% annual increases beginning in 2020.

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 venturers, 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: High Country Conservation Advocates
 P.O. Box 1066
 Crested Butte, CO 81224
 Attn: Executive Director

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:

HIGH COUNTRY CONSERVATION ADVOCATES, a
Colorado Non-Profit Corporation

By: _____
Name: _____
Title: _____



Staff Report

June 18, 2018

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Ordinance No. 19, Series 2018 - An Ordinance Amending Chapter 6, Article 4 of the Crested Butte Municipal Code to Include Regulations for Merchandise Trucks.

Date: June 12, 2018

Summary:

Laci Wright has proposed that the Council consider her request to vend retail items from a truck in the Town of Crested Butte. Wright desires to sell locally designed and printed t-shirts, hoodies, hats, patches, stickers and tumblers. She would use a converted 1972 GMC milk truck style van. Wright proposed operations in the summer, from June through the end of September, 4 days a week, from Noon to 5PM. In her letter to the Council, Wright specified private, commercially zoned properties, and in a follow-up email from Wright, she asked for consideration of the use of Town property around Big Mine Ice Arena.

Background:

The Council directed Staff to draft an ordinance to address the idea expressed by Wright. The Council agreed to consider allowing a truck, by adding it to the definition of merchandise cart and booth. The Council would allow only two merchandise carts, booths, or trucks. They would consider expanding into private property, or vending could take place in the designated zone at the 4 Way and at Big Mine, other than during special events, and only from the calendar dates from Memorial weekend to the end of September. The size limit would be the same as what it is for food trucks. On private property, Staff recommends a set back from the sidewalk of 10 feet, in order to not impede the sidewalk.

At the Council meeting on June 4, 2018, the discussion amongst the Council was focused on the allowed locations for a retail truck. Haver suggested the Council strike the section of the ordinance that permitted a retail truck to operate at the Four Way and Big Mine Ice Arena. The Council split with a 4-3 vote to set the ordinance for public hearing as it was presented at the last meeting.

Discussion:

- 1) Does the Council want to allow a retail truck to vend in Town?
- 2) If so, the current ordinance would allow up to two merchandise carts, booths, or trucks in Town. The public property at the 4 Way, at Big Mine, and private property would be the permitted locations. Does the Council agree to the above named locations?
- 3) What other limitations should be considered?

Recommendation:

Council should maintain the limitation on the number of merchandise vendors permitted. The Council should also consider impacts to the area that retail vending is allowed. A retail truck would attract people for a longer period of time, compared to the time it takes to transact at a food truck. The Council should consider the balance between mobile vending and brick and mortar businesses.

Recommended Motion:

Motion to approve Ordinance No. 19, Series 2018. Or, motion to approve Ordinance No. 19, Series 2018 with amendments.

ORDINANCE NO. 19

SERIES 2018

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 OF
THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE
REGULATIONS FOR MERCHANDISE TRUCKS**

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, Chapter 6, Article 4 of the Crested Butte Municipal Code (the "Town Code") contains regulations adopted by the Town Council that govern, among other things, the licensing and operation of vending, merchandise carts, food trucks and special events in Town;

WHEREAS, Chapter 6, Article 4, Sec. 6-4-10 of the Town Code contains definitions applicable to licensing and operations of the types of business and activities regulated by Article 4 of the Town Code;

WHEREAS, Chapter 6, Article 4, Sec. 6-4-70 of the Town Code contains regulations applicable to merchandise carts;

WHEREAS, the Town Council finds that certain amendments to these Sections of the Town Code to allow "merchandise trucks" to operate in Town would be in the best interest of the health, safety, and general welfare of the residents and visitors of Crested Butte and, therefore is appropriate for adoption.

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

Section 1. **Amendment of Section 6-4-10.** Section 6-4-10 of the Town Code is hereby amended by adding a new definition of "Merchandise truck" that shall read as follows:

Sec. 6-4-10. Definitions.

Merchandise truck means a licensed motor vehicle no greater than eight (8) feet wide by twenty (20) feet long that is mobile and is used for vending merchandise.

Section 2. **Amendment of Section 6-4-70.** Section 6-4-70 of the Town Code is hereby amended by deleting the section in its entirety and replacing it with a new section that shall read as follows (**changes highlighted in yellow**):

Sec. 6-4-70. - Merchandise cart **and truck** regulations.

Merchandise carts **and trucks**, merchandise cart **and truck** vendors, and merchandise cart **and truck** vending are subject to the following regulations:

- (1) Merchandise carts **and merchandise trucks** may not occur on public streets, sidewalks, alleys or other public rights-of-way except as specified in (3) below. **Merchandise trucks and carts on private property shall be located at last 10 feet away from any sidewalk adjacent to the property.**
- (2) A merchandise cart may only operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness.
- (3) **A merchandise truck may operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness. A merchandise truck may also operate in the designated zone at the 4 way intersection at 6th and Elk Avenue, or at the Big Mine Ice Arena. A merchandise truck may only operate starting on the Friday of Memorial Day weekend until September 30 of a calendar year.**
- (4) A merchandise cart **or merchandise truck** may be required to move at the request of Town officials for health, sanitation and safety reasons, upon verifiable complaint from the public related to unfair or improper business practices, or for failure to comply with the requirements of this Chapter.
- (5) Merchandise cart **or merchandise truck** vendors may not attract attention by noise-making devices, voice calls, flags, banners, balloons or other such devices.
- (6) Signs must be limited to the cart **or truck** itself and may not extend beyond the cart **or truck** (except for the area of the umbrella).
- (7) Advertising is limited to the product sold, the name of the business and a price list.
- (8) No more than a single cart **or truck** (whether a food cart or merchandise cart) may operate on any individual Town lot. In the event a property has a legal description describing it in terms as other than a lot, in order to determine what is a lot for purposes of this Section, reference shall be made to the official plat of the Town. Where property is depicted thereon as a lot, such property shall be considered a lot.
- (9) No more than two (2) licenses for either merchandise carts **or merchandise trucks** may be issued in any one (1) calendar year.

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 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 _____, 2018.

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

TOWN OF CRESTED BUTTE, COLORADO

By _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

From: [Missy Ochs](#)
To: [Lynelle Stanford](#)
Subject: Vending Trucks.
Date: Tuesday, June 05, 2018 8:06:42 PM
Attachments: [PastedGraphic-1.tiff](#)

Hi Lynelle!

I wanted to let you know my feelings about Laci's idea. I love the idea of the free enterprise system, however, I feel like ELK Ave is SEVERELY congested in the summer months. The amount of cars is NUTS. It is sad and wrong that we allow so many people to DRIVE into our paradise. It is crazy to add to the traffic scene on Elk Ave. Cars and trucks need to park at an outlying area and tourists should WALK into the town core. To add to the ridiculousness of the traffic problem that we have on our main pedestrian thoroughfare seem ludicrous to me.

I love Laci and want her to do whatever it takes to fulfill her life dreams. Maybe the town would consider a "cart/truck" area on Whiterock where the old Academy was???

Thanks for listening! See you in the Hood!

Missy Ochs
970-349-2107
missy@milkywayboutique.com
www.milkywayboutique.com



From: [Carson West](#)
To: [Lynelle Stanford](#)
Subject: Letter of Support - Laci Wright
Date: Tuesday, June 05, 2018 12:22:59 PM

Dear Lynelle and CB Town Council,

I am writing to quickly convey my support for the idea of mobile retail vending in the Town of Crested Butte. I feel this is a unique approach that is inline with the character of our vibrant town. I support expanding the current regulations for tents and carts to include trucks, as is currently approved for food vendors. I think it adds a nice mix of opportunity without taking away from other business establishments and I support such creative approaches.

Thank you for your consideration

Carson West
Bonez - Owner
Secret Stash - GM

From: [Andrew Haverkamp](#)
To: [Lynelle Stanford](#)
Subject: CB South - in support of mobile vending....
Date: Thursday, June 07, 2018 3:16:06 PM

Hi Lynelle,

I'm just writing a quick note of support for mobile type vending, like the opportunity presented by Laci Wright, for Crested Butte. Full disclosure: I live in CB South - but - I do go to town a lot, and think something like this would be interesting for locals and visitors alike.

Enjoy the sun!

Andrew

--

Andrew Haverkamp
Crested Butte CO
C - 970-209-2826
andrewhaverkamp@gmail.com

May 30, 2018

Town of Crested Butte Town Council
Town of Crested Butte
PO Box 39
507 Maroon Avenue
Crested Butte, CO 81224

Dear Mr. Schmidt, Mr. Merck, Ms. Mitchell, Mr. Petito, Mr. Haver, Mr. Cowherd, and Mr. Dujardin,

Please accept this letter as my formal request to renew my term as Municipal Judge for the Town of Crested Butte for another two years. As most of you know, I have been in the position since May 2005. It remains interesting, challenging, and enjoyable to me. I especially enjoy working with the Town staff and the Marshal's office. I view the rule of law as being of prime importance for any community, but especially for a small community since often a municipal court is the only involvement some persons have with the system.

There have not been a great deal of legal changes in how municipal court works. The only exception is a change in bonding practices based on the passage of CRS 13-10-111.5. I believe the solution we have developed will ultimately save the Town money and time though conceivably some sanctions will be lessened for defendants who fail to appear.

As for the case load, it remains somewhat variable. While there are seasonal (and even annual) fluctuation, the actual raw numbers remain about the same from year to year.

There have, however, been some changes in the types of cases we see. Public consumption of marijuana cases are increasing (as would be expected) as are False ID cases with defendants trying to purchase marijuana rather than alcohol.

I look forward to speaking with you on June 18th.

Sincerely,



Ben F. Eden
Crested Butte Municipal Judge

Ben F. Eden
221 South Main Street
Gunnison, Colorado 81230



Our Mission: "To protect and promote human-powered recreation in the backcountry of the Gunnison Valley"

June 7, 2018

Town of Crested Butte
Town Council
Crested Butte, CO 81224

Dear Mayor and Town Council:

Silent Tracks is grateful for the \$2,500 grant we received from the Town of Crested Butte to help fund the Data Collection Initiative (DCI) conducted by the Masters of Environmental Management (MEM) program at Western State Colorado University (WSCU) in the winter of 2018. The graduate student conducting the research, Doug Shaw, has recently completed his master's thesis and final presentation in fulfillment of graduation requirements. He and his supervising professor, Dr. Melanie Armstrong, are scheduled to present his findings via a power point presentation at the upcoming June 18, 2018 Town Council meeting.

We were granted an extension to submit a Use of Funds report, due to timing of the DCI analysis completion and master's thesis presentation being longer than 90 days after receipt of funds. As requested in your letter dated November 21, 2017, we are hereby submitting a Use of Funds report and the data that was collected in the DCI study.

We have attached a summary of how funds were spent, as well as Mr. Shaw's final report and appendices. We are providing a paper copy as well as two CD's with the digital files.

Thank you, once again, for this generous grant and also for the extension for submitting the Use of Funds report and the results of the DCI. Please contact us if you have further questions or need more information.

Sincerely,

Catherine A Frank,
Treasurer

Attachments:

Town of Crested Butte Community Grant Use of Funds Report 2018

Monitoring and Analyzing Winter Backcountry Use in the Upper Gunnison Valley, 2017-18, Douglas Shaw (CD and paper copy of master's thesis)

Town of Crested Butte, Community Use of Funds Report 2018

June 7, 2018

Page 2

TOWN OF CRESTED BUTTE

Community Grant Use of Funds Report 2018

(Report is due 90 days from receipt of money or by 12/31/2018 whichever is earlier)

Organization Name: Silent Tracks, Inc.

Contact Person: Maureen Hall (President) or Catherine Frank (Treasurer)

Total Amount of Grant: \$2,500

Total Project/Program Cost: \$4,000 (Revised Budget per Dr. Melanie Armstrong)

Total Number of People Served by the Project/Program: Entire Gunnison Valley, especially winter backcountry recreationists

Number of Crested Butte Residents Served: Entire CB community

Impact of Project/Program within Crested Butte:

The Data Collection Initiative (DCI) program collected winter use data at six trailheads near Crested Butte in the winter of 2018. This year's project expanded on a related winter use pilot project that began in the winter of 2017 conducted by Brian Lieberman (also a WSCU MEM graduate). The lead investigator for the winter 2018 DCI data collection program was WSCU MEM graduate student Doug Shaw, as part of his master's thesis. The data collected included the number and types of users. In 117 days of monitoring (variable periods of record at different trailheads), a total of 24,413 users (motorized, non-motorized and mechanized) were recorded via motion detector infrared sensors. Mr. Shaw will make a presentation of his findings at the June 18, 2018 Town Council meeting. A digital and paper copy of his report and appendices is attached.

The type of user data collected to date will be helpful for making future management decisions and assessing impacts and issues of concern. It will also be useful for marketing and other purposes. If the DCI program is continued over multiple years (as intended in its design and depending on future program funding), it will be useful for defining existing (baseline) conditions, demonstrating important trends, and detecting issues such as trailhead parking and areas of potential conflicts between users. Collecting pertinent data on winter recreation use for multiple successive years will also be indispensable for the Forest Plan and winter travel management plan revision process with the US Forest Service.

Please attach a list of expenditures for which the Service Grant funds were used. The list should include: Expenditure Date, Vendor, Description and Amount

See attached pages.

"I certify that the above information and the attached list of expenditures are true and accurate and the expenditures were made only for the program/project as state in the 2018 Community Grant Request. I understand that failure to use the funds for the stated purpose may result in forfeiture of grant, repayment of funds and may affect future eligibility for grants."

By: Catherine A Frank Title: Treasurer
Signature

Catherine A. Frank Date: 6-7-18
Print name of person who signed

Please return to: Town of Crested Butte, Attn: Finance Dept, PO Box 39, Crested Butte, CO 81224 or email to loisr@crestedbutte-co.gov

The 2018 total project budget was revised to \$4,000, based on actual funds raised per Dr. Melanie Armstrong, WSCU MEM. \$2,500 of the grant funds were from the Town of Crested Butte, an additional grant donation of \$1,500 was from Silent Tracks. The expenses were allocated according to the following budget summary.

231236 Silent Tracks						
Melanie Armstrong (January 2018 - March 2018)						
Expenses	Budget	Town of CB Expenditures	Silent Tracks Expenditures	Total Expenditures		
MEM Students 65 hours @\$10/hr.	\$ 1,500.00	\$ -	\$ -	\$ -		
Printing needs and research supplies	\$ 200.00	\$ 364.16	\$ 305.46	\$ 669.62		
Travel	\$ 1,200.00	\$ 937.86	\$ -	\$ 937.86		
ENVS Undergrad Fellowship for Field Work	\$ 1,100.00	\$ 1,197.98	\$ -	\$ 1,197.98		
Total Program Costs	\$ 4,000.00	\$ 2,500.00		\$ 2,500.00		
Award Amount		\$ 2,500.00	\$ 1,500.00			
Reported Expenditures		\$ 2,500.00	\$ 305.46			
Grant Balance		\$ -	\$ 1,194.54			
Updated 3/30/18						
* Includes \$2,500 from Town of CB, plus \$1,500 from Silent Tracks						

Source: Dr. Melanie Armstrong

As shown below, the Town of Crested Butte expenditures were for project supplies including infrared motion detector cameras and straps, locks, mileage reimbursement to the lead investigator (Doug Shaw), and costs for assistants. The supplies were purchased from Amazon.com on January 12, 2018. The remaining grant funds (Silent Tracks expenditures) will be allocated in the Fall Semester 2018.

WSCU MEM
 Data Collection Initiative (DCI)
 Spending Summary Jan-March 2018

	Vendor	Date of Purchase	Item	Description	#	Unit Cost	Extended Cost	Town of CB Expenditures	Silent Tracks Expenditures	Comments
Supplies	Amazon.com	1/12/2018	Camera	TEC Bean SG-009	3	\$110.00	\$ 330.00	\$ 330.00		
			SD Card	4 pack	2	\$ 53.00	\$ 106.00		\$ 106.00	
			Batteries	24 pack	2	\$ 36.00	\$ 72.00		\$ 72.00	
			Cable Lock	Master Lock, Python 84170	3	\$ 13.00	\$ 39.00		\$ 39.00	
			Pad Lock	Master Padlock 4688D	3	\$ 7.00	\$ 21.00	\$ 21.00		
			Camera Strap	2 per pack	2	\$ 9.00	\$ 18.00	\$ 13.15	\$ 4.84	
							\$86.00		\$ 221.84	
Other Expenses										
Printing and Misc		Misc Dates							\$ 83.62	
Travel (mileage reimbursement)		Misc Dates						\$ 937.86		
EMVS Undergrad #										
fellowship	Kendall Cox							\$ 517.50		
	Hailey Horvart							\$ 313.90		
	Andrew White							\$ 371.58		
MEM Student 65 hours @10/hr								\$	\$	
Total Program Costs								\$ 2,500.00	\$ 305.46	
Grant Balance								\$	\$ 1,194.54	Balance \$1194.54 to be utilized in Fall 2018 semester

Monitoring and Analyzing Winter Backcountry Use in the Upper Gunnison Valley 2017-2018

Douglas Shaw

Abstract

Crested Butte and the Upper Gunnison Valley (UGV) are renowned for backcountry access which is revered by, and beneficial to, innumerable winter recreation groups. Certain characteristics of the valley, including the long winters, exceptional snowfall, and extremely cold temperatures have turned the area from a mining town to a tourist destination that thrives due to its outdoor opportunities. Currently, the UGV's backcountry is regulated by a Winter Travel Management Plan (WTMP) that was designed and created more than twenty years ago. Since its implementation, the tools available for backcountry access have improved dramatically. Coupled with a 2015 United States Forest Service ruling that declared, "a system of routes and areas to provide for over-snow vehicle use" must be established for all winter use areas, this study set out to collect a baseline dataset concerning the recreational use of winter trailheads in the UGV.

To do this, game-style digital trail cameras were installed at eight locations from which the UGV backcountry is traditionally accessed. Data was downloaded from the cameras often, saved on an external hard drive, images were filed by trailhead and date, and analyzed. This information is presented in both spreadsheet and graph forms, providing data for individual forms of recreation as well as similar user groups (e.g., non-motorized, mechanized, motorized). In addition to the electronic monitoring, students were enlisted to perform real-time data acquisition in the field in order to help verify the accuracy of the cameras. This study presents a broad view of local backcountry use trends, while also providing valuable lessons learned during the introductory study. Finally, teaching aids have been included that can bolster future studies of this nature.

Introduction

Crested Butte and the Upper Gunnison Valley (UGV) are well known for broad backcountry opportunities available to diverse recreational groups throughout the seasons. Above all, the region is renowned for the ease with which one can access backcountry for innumerable winter recreational activities. Outdoor recreation is a major draw for both locals and tourists while also being a significant driver of the local economy. The tourism industry alone is the single largest contributor to Gunnison County's economy, responsible for nearly 36% of the accrued capital. Although summer generates approximately half of the region's tourism, winter recreation is unquestionably essential to the economic survival of the town's contemporary character (Gunnison County Community Development and Geographic Information Services, 2014).

This was not always the case. Beginning in the late 1800's, Crested Butte saw an influx of people from all over the world who came chasing their dreams of striking it rich in the silver and gold mining industry. Not long after, the area became an important hub for the

Denver and Rio Grande Railroad, which was fundamental to mining in the West Elk Mountains and the development of other mining towns on the Western Slope. Not long after the silver and gold reserves dried up, coal mining became an essential industry in Crested Butte. Mining and related operations continued in one form or another until the middle of the 20th century.

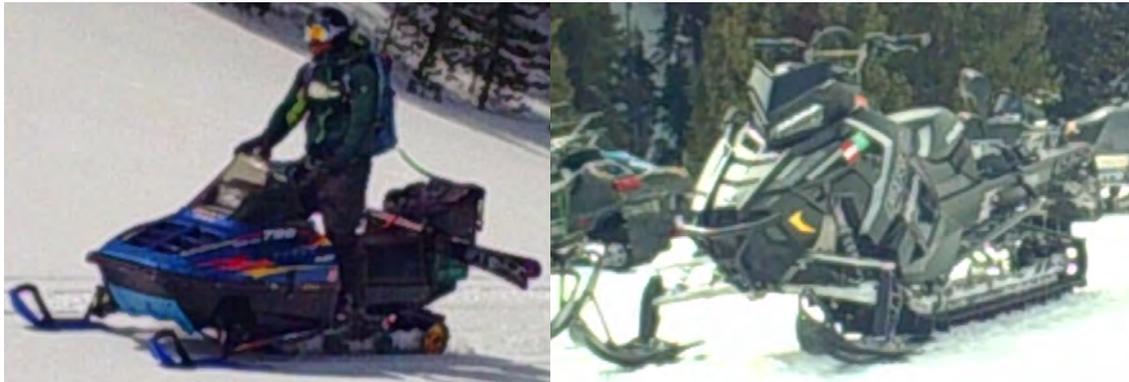
1960 saw an extreme reversal of fortune for Crested Butte and the UGV when legend Dick Eflin and colleague Fred Rice formed Crested Butte LTD, acquired the Malensek Ranch (later to be *Mount Crested Butte*), and began the task of obtaining permits to operate a ski area from the Gunnison National Forest Supervisor E.W. Stein. The ski area at Mt. Crested Butte opened for business on Thanksgiving Day, 1961 with nothing more than a rope tow on loan from Western State College and a Doppelmeier T-bar. 1962 saw the addition of base area facilities, a gondola, and the realization that Crested Butte's destiny would be in great contrast to its recent past (Miller, 2005 and Colorado Ski and Snowboard Hall of Fame, 2005).

Due to the efforts of Eflin and Rice, Crested Butte is now the destination haven for a diverse range of enthusiast groups during both the winter and summer seasons. Although visitation rates are historically at a maximum during the summer months, concerns regarding the future of winter backcountry recreation, access, and opportunities were the motivation for the following research. Local conditions such as long winters, plenty of snowfall, extremely cold temperatures, and easy access for all sorts of activities have attracted enthusiasts forming myriad special interest groups. Attractions like Crested Butte Nordic (50 km of groomed trails) and the Crested Butte Mountain Bike Association (CBMBA) network of groomed fat bike trails (>80 km) further solidify the town's draw. Pastimes include, but are not limited to, skiing (Nordic and Alpine Touring (AT)), snowboarding and noboarding, snowshoeing, fat biking, and snowmobiling.

At present, dispersed winter recreation throughout the UGV backcountry is regulated by a Winter Travel Management Plan (WTMP), enforced by the United States Forest Service (USFS). The plan was designed and implemented more than twenty years ago (Storch, 1995). Since its introduction, the technologies supporting backcountry travel have advanced immensely; snowmobiles have become drastically lighter and more powerful, splitboard and AT equipment are becoming commonplace, entire new forms of backcountry travel have been developed (e.g., fat bikes, snow bikes, tracked side by sides', more), and avalanche safety gear is more effective and available than ever (Figures 1-4). This has created an environment in which habitual resort skiers and snowboarders are more likely to access backcountry terrain due to the ease with which that terrain can be accessed and powder can be skied (Rivers and Menlove, 2006).

Moreover, a 2015 United States Forest Service (USFS) ruling that declared, "a system of routes and areas to provide for over-snow vehicle use" must be established for all winter use areas (USDA, 2015). Although the UGV has an existing WTMP, it is reasonable to believe that the plan will be reevaluated to create a new travel management rule (TMR) for the area. Quantitative data regarding backcountry travel and use in the UGV will be a

valuable resource to help inform this decision-making process (Svajda, et al., 2016). This study was designed to collect such data in the most comprehensive manner possible.



Figures 1 and 2. Shown for contrast is a mid-1990's Polaris RMK700 snowmobile (above, left); once the pinnacle of snowmobile technology. Today these are noteworthy because of their “lead sled” moniker which illustrates the machines disproportionate power to weight rating, a direct byproduct being the undesirable characteristic of sinking in snow. Capabilities are not enhanced by the short track and paddle (~133x1.25”), conventional equipment of the day. Beside the lead sled (above, right) is essentially a modern incarnation of the same machine; this 2017 Polaris RMK800 is inordinately more effective for backcountry travel. Note the elongated track (163x2.6”) and increased suspension travel (illustrated by the distance from the snow to the bottom of the machine/tunnel). Numerous improvements over the years have made these machines far more capable than their predecessors.



Figure 3. An example of over-snow vehicle progression. Pictured is a Geo Tracker which has been modified through the addition of Side by Side/UTV tracks for the purpose of shuttling owners to and from Irwin, CO.



Figure 4. Avalanche recovery gear is far more advanced than could have been imagined when the current WTMP was designed. Shown above is an avalanche airbag; an airbag typically charged with gaseous carbon-dioxide that can instantly be deployed in the event of an avalanche to keep the user above moving snow.

Methods

In order to create the most complete dataset possible, trailhead monitoring was carried made possible through the use of infrared/motion activated cameras that served as an indirect-counting method. This technique has been formally defined as “using electrical and mechanical counting devices, self-activated or time-lapse photography, and remote sensing techniques” (James, 1971). Motion-activated photography also produced accurate total counts (daily, user group, trailhead), information about direction of movement, method of travel and propulsion, user type, and even group size. In addition, the equipment required little maintenance once calibrated, produced well-defined results, and ultimately was relatively inexpensive (Hollenhorst et al., 1992).

Game-style digital trail cameras were installed at eight locations from which the UGV backcountry is traditionally accessed (Figure 5). The total number of days monitored varied between each location due to a number of reasons, including limited equipment, technical difficulties, and incorrect setup (these will be discussed further in the results section). For future work, Appendix A includes pictures of camera placement and a detailed description about the best practices for each location.

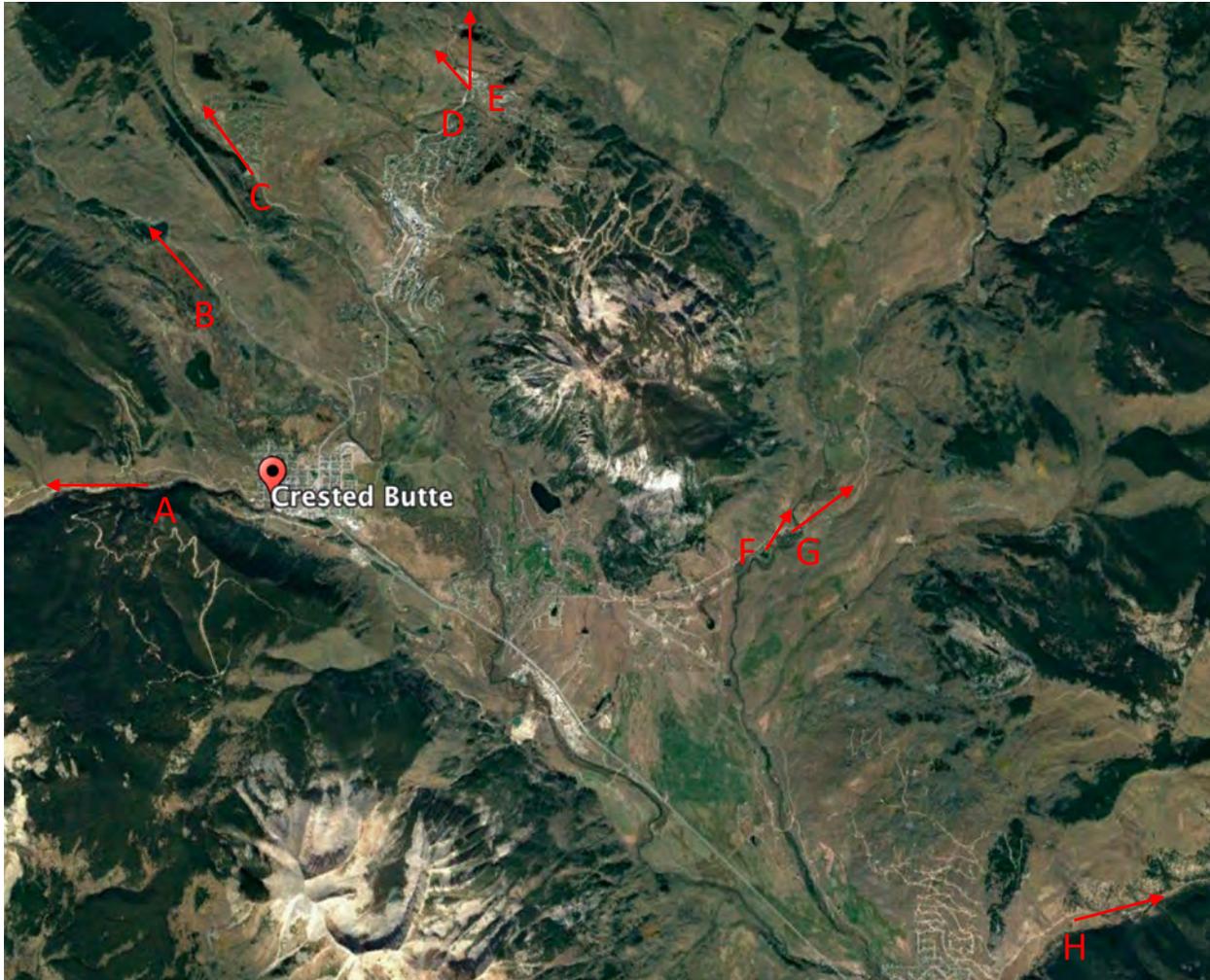


Figure 5. Locations at which data was collected. A. Kebler Pass Trailhead B. Slate River Road Trailhead C. Washington Gulch Trailhead D. Snodgrass Trailhead E. Gothic Corridor Trailhead F. Brush Creek Trailhead G. Brush Creek Road H. Cement Creek Road Trailhead (Image: Google Earth, 2018).

Images were downloaded from the cameras two to three times each week. This frequency helped ensure that the memory cards did not become full, the batteries always had power, and the cameras were facing the desired direction. This practice proved to be beneficial after the multiple times that bystanders interfered with the equipment (e.g., covering lenses, moving units). An external hard drive kept by Dr. Melanie Armstrong at Western State Colorado University (WSCU) operates as the storage facility for all images and data associated with this project.

Excel spreadsheets were drafted for each trailhead with day/date on the (-) Y axis and user group on the (+) X axis. Pictures were analyzed in one day increments, making sure to never study less than a full day (this was to avoid double counts if revisiting at a later date). Initially the count was recorded using a classic “tally” in which the number five would be signified by four vertical lines with a slash running through them. This proved to be inefficient due to the paper it would have eventually wasted and the time spent writing and

counting. To streamline the process a dozen *Tally Clicker's* were purchased; these are the small counters that have a loop on top for your finger, a 4-place numeric display above a label indicating user group, top mounted button for raising the number (+1), and a reset knob on the side. A custom tray was then fabricated out of 2" X 1" tubing with the seam side 2" face removed, 3/4" angle iron tacked perpendicular onto the end of the tubing to avoid movement, and a duct tape wrap around all edges to ensure a tight fit and good grip (Figure 6). In this tray, clickers were grouped in the same order as they occurred on the spreadsheets.

User groups were added to each spreadsheet as they appeared at each trailhead. Users were only counted on their way out into the backcountry to avoid counting the same user multiple times during a single outing. On the other hand, if someone made more than one distinct trip during a day, they would be counted as such (e.g., someone goes out in the morning, comes back to the trailhead later, then goes back out for a second trip). Motorized vehicles were given a single count unless the vehicle was determined to be a "hybrid" vehicle (meaning that it was being used as a mode of transport for skiers/snowboarders/etc.), in which case its count reflected the number of skiers/snowboarders/etc. using that vehicle. Appendix B includes detailed descriptions of each user group.

To help verify the legitimacy of collected information, three assistants were enlisted to perform real-time monitoring in the field. Work was generally carried out during the daylight hours (e.g., 0800 – 1530), on weekends, and at the Kebler, Slate, Washington Gulch, Gothic/Snodgrass, and Brush Creek Trailheads. Specific times were chosen by the students, based on availability and known periods of use. For the sake of diversity, a small percentage of the days studied took place during the work week. Worksheets containing the same user groups/categories as the existing database were provided in order to maintain continuity between groups of data. Observations were entered into spreadsheets and compared to data that was collected from the trail cameras during the corresponding time frame. This information can be found alongside comparisons to corresponding time frames in Appendix C.

Finally, trail monitoring took place starting after the first significant snowfall (December 21, 2017) and ended the weekend after the ski area closed (April 16, 2018). These specific dates were established as borders to the study because they represented the limits of suitable backcountry snow. The 2017-2018 winter produced specific difficulties due to less than average snowfall. This issue was apparent by the early emergence of dirt at most trailheads and may have contributed to a low total user count throughout the UGV. On the other hand, it is possible that the total number of users may increase by an order of magnitude during normal snowfall (while the ratio of users across trailheads might stay the same). One consequence of the drought was an earlier than average "shut down" of winter trailheads; as such the cameras at those trailheads were removed from the field earlier than others. Future studies might start earlier and/or end later, snow load dependent.



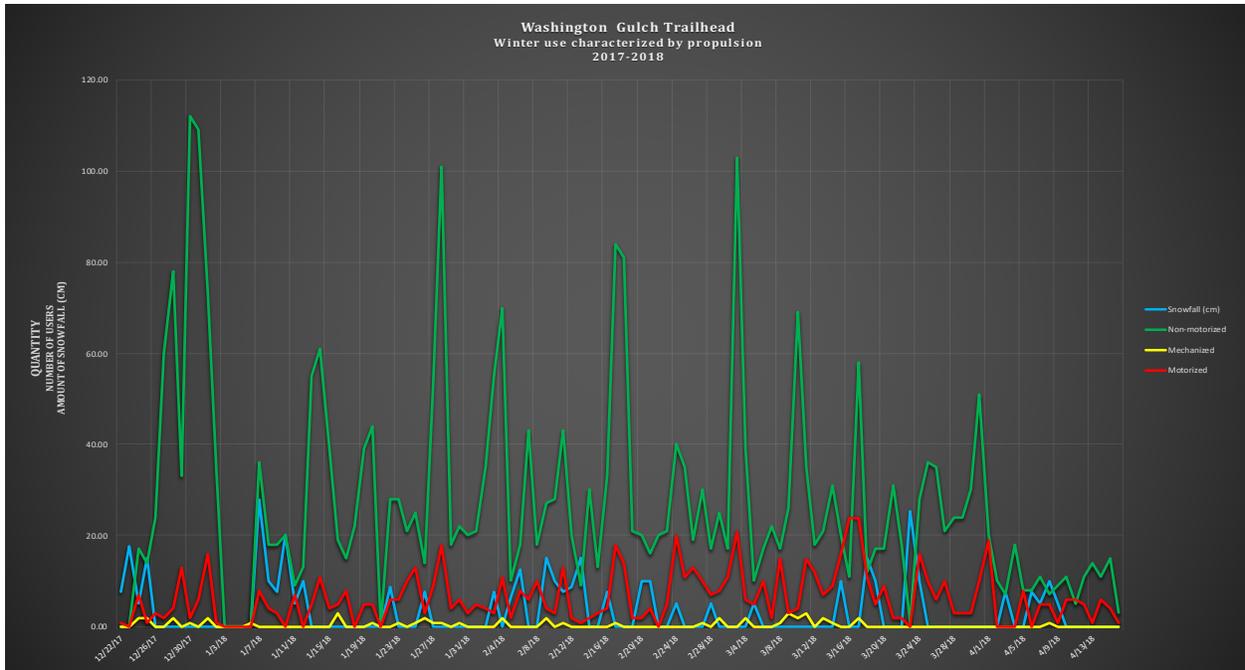
Figure 6. Tally Clickers used to count the data that was collected in the field. After counting a handful of days on paper it was determined that using these tools would be the only efficient way to count the enormous catalogue of figures connected to this project. The tray holding the clickers is made of out 2"x1" tubing with one 2" face removed (the seam side), 3/4" angle iron tacked onto the ends to limit movement, and a duct tape wrap around the edges for a tight fit and finish.

Results

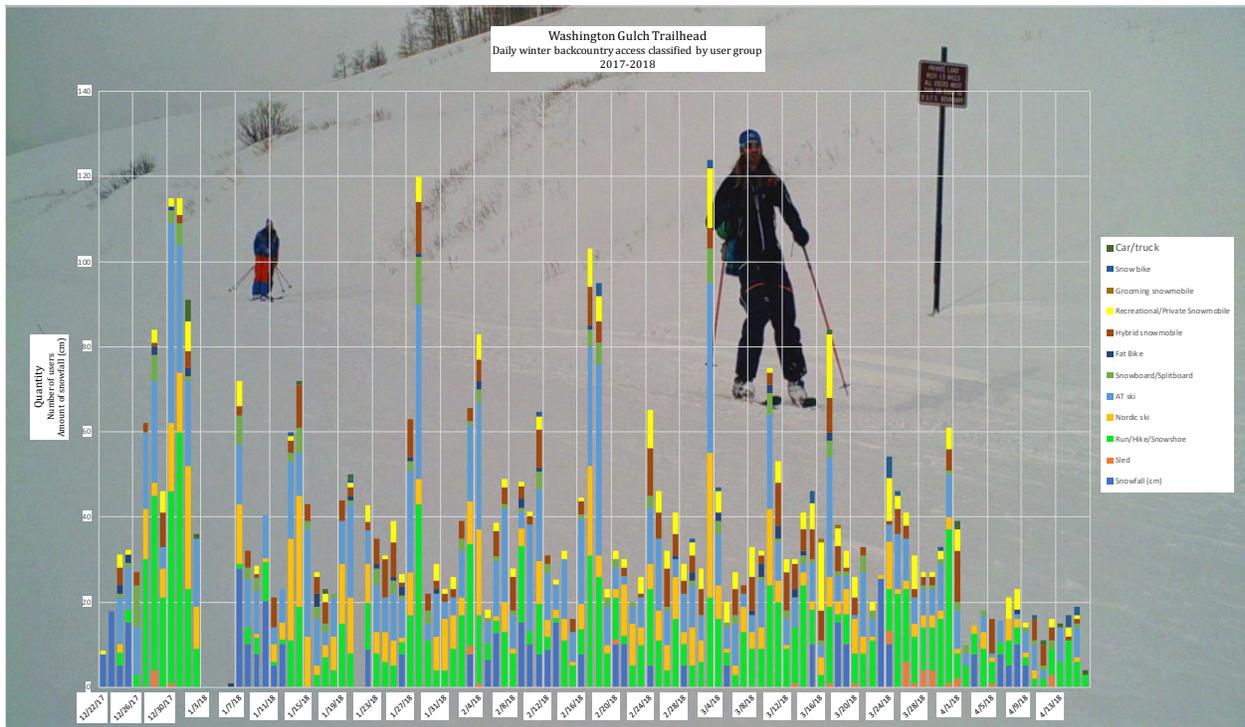
This study set out to collect an exhaustive baseline dataset concerning the recreational use of winter trailheads in the UGV. The collected information may not provide the encyclopedic dataset anticipated, but it does present a broad view of the local trends (Table 1, Graphs 1&2). While initial plans for this work relied solely on the use of digital photography equipment to monitor users, the inclusion of students engaged in intermittent real-time monitoring proved to be indispensable when it came to quality control (Table 2). Complications, issues, and faults identified during the quality control process, and which spawned the incomplete conclusions during the 2017-2018 season, will be valuable lessons learned and teaching aids that can bolster future studies of this nature.

	A	B	C	D	E	F	G	H	I	J	K
1	Compiled winter trailhead use data										
2		Total					Average Daily				
3	Trailhead	Days monitored	All Users	Non-Motorized	Mechanized	Motorized		All Users	Non-Motorized	Mechanized	Motorized
4											
5	Brush Creek Road	41.00	534.00	488.00	18.00	28.00		13.02	8.27	0.31	0.47
6	Brush Creek Trailhead	90.00	1412.00	1392.00	18.00	2.00		15.69	14.97	0.19	0.02
7	Cement Creek	44.00	773.00	557.00	30.00	186.00		17.57	12.66	0.68	4.23
8	Gothic Corridor	84.00	3427.00	3187.00	216.00	24.00		40.80	35.81	2.43	0.27
9	Kebler Pass	60.00	5022.00	372.00	10.00	4640.00		83.70	6.20	0.17	77.33
10	Slate River Road	112.00	3465.00	2514.00	111.00	840.00		30.94	21.67	0.96	7.24
11	Snodgrass	103.00	5776.00	5629.00	120.00	27.00		56.08	48.95	1.04	0.23
12	Washington Gulch	113.00	4004.00	3222.00	47.00	735.00		35.43	27.77	0.41	6.34

Table 1. Highlights of the data collection project. Daily use data broken down by user group can be found for each trailhead in Appendix C.



Graph 1. Washington Gulch Trailhead use as characterized by the means of propulsion for the 2017-2018 winter season. A complete set these graphs for all trailheads can be found in Appendix D.



Graph 2. Washington Gulch Trailhead use broken down by individual user groups, 2017-2018 season. A complete set of these graphs, including all trailheads studied, can be found in Appendix D.

Average percent difference across all trailheads and user groups (Field observations v. IR camera data)																			
	Snowfall	Sled	Walk/Run/	Nordic Ski	AT Ski	Snowboard	Noboard/	Fat Bike	Unknowr	Hybrid Sno	Grooming	Recreation	Rental Sno	Snow bike	Side by Side,	Car/Truck	Snowcat	Total	
Brush Cree	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Gothic/Sno	0.00%	0.00%	0.00%	0.00%	10.00%	-33.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	0.00%	0.00%	2.63%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.92%
Kebler	0.00%	0.00%	-100.00%	0.00%	-100.00%	0.00%	0.00%	0.00%	0.00%	-13.33%	0.00%	7.69%	42.86%	28.57%	0.00%	0.00%	0.00%	0.00%	0.00%
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	14.29%	0.00%	-32.26%	133.33%	0.00%	0.00%	0.00%	0.00%	0.00%	-1.14%
	0.00%	0.00%	0.00%	50.00%	-93.75%	-100.00%	0.00%	0.00%	0.00%	37.50%	0.00%	39.47%	204.76%	400.00%	0.00%	0.00%	0.00%	0.00%	30.19%
Slate	0.00%	0.00%	-82.61%	-58.33%	-75.00%	-100.00%	0.00%	-100.00%	0.00%	-54.55%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-69.64%
	0.00%	0.00%	-18.75%	-100.00%	-36.36%	0.00%	0.00%	-100.00%	0.00%	-61.54%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-46.94%
	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	0.00%	0.00%	15.38%	-10.00%	100.00%	0.00%	0.00%	0.00%	0.00%	16.67%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	15.15%
	0.00%	0.00%	0.00%	0.00%	-100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Washington	0.00%	0.00%	7.69%	16.67%	-21.05%	200.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.85%
	0.00%	0.00%	7.69%	-50.00%	-78.95%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-34.62%
	0.00%	0.00%	16.67%	0.00%	-10.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-100.00%	0.00%	0.00%	0.00%
	0.00%	0.00%	6.25%	-4.76%	0.00%	40.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	0.00%	0.00%	-31.25%	-38.10%	-6.67%	20.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-23.81%
	0.00%	0.00%	11.11%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-20.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Average	0.00%	0.00%	-8.25%	-11.44%	-24.22%	13.33%	0.00%	-11.76%	0.00%	-3.59%	0.00%	-10.59%	22.41%	25.21%	0.00%	-5.88%	0.00%	0.00%	-7.24%

Table 2. Percent difference between real-time monitoring and trail camera data for all possible days during which students worked in the field. Data for individual days and/or trailheads can be found in Appendix D.

Analyzing data proved to be acutely straightforward with a few notable exceptions, such as camera interference, camera placement, and distance to the subject/from the parking area. “Camera interference” relates to a number of different inputs, including nature, bystanders/trailhead users, and even researcher error. The primary way in which nature interfered with the equipment was through snowfall; it was not uncommon for the lens of the camera to end up packed with snow after a storm (Figures 7 & 8). Of course, this was not an issue with all cameras every storm, because they all faced slightly different directions; snow packing was directly related to the direction of incoming wind. In the future, this problem could be mitigated by fabricating a box with a small visor to cover the lens and deflect snow. People interfered in a number of different way; someone covered a lens with mud, another camera was used as a hat rack, cameras were occasionally spun around their mounting post to an essentially worthless angle, and at one time the batteries were removed (Figures 9 & 10). Researcher error was limited to allowing cameras batteries to run flat at one point, and when the problem was discovered there were no new batteries on hand to remedy the issue.



Figures 7 & 8. An example of a camera lens covered in snow after a storm. Not always was the snow translucent; often it was opaque (figure 8).



Figures 9 & 10. An example of someone actively messing with the camera. Finding material on the lens was a rare, and bothersome, problem.

Another obstacle encountered during this season involved camera proximity and angle to the trailhead. The cameras used in this study have to be within 23 meters (75 feet) of the target to capture it. Some trailheads (e.g., Cement Creek, Washington Gulch, Brush Creek Trailhead, Snodgrass, Gothic) provided the ideal infrastructure to setup equipment and fully document users. These areas typically had a post within a few feet of the trailhead/parking area, on which the equipment could be affixed, in order for the camera to function properly. If the camera was too far from the trailhead/road/parking area (approximately more than 7.62 meters or 25 feet), then data acquisition was often poor. This is because the users were able to pick up enough velocity before passing the camera that they would essentially move into- and back out of- frame before the camera was able to take a picture. In many cases this problem could be documented, and the user counted, based off of tracks in the snow and/or roost in the picture (Figures 11, 12, 13). To avoid redundancies, more detailed information can be found in Appendix A.



Figures 11 & 12. The above pictures illustrate an example of the camera shutter speed issue discussed in the text. Note the time, date, and additional snowmobile tracks (indicated in the picture on the right with black dotted lines). These pictures were taken contiguously.



Figure 13. This picture clearly illustrates the roost (snow being kicked up by, and flying behind, the snowmobile) that is often seen in pictures which may not actually contain the machine producing that roost. This characteristic can be used to determine the direction and mode of transportation in pictures with no apparent user.

Conclusion

The aim of the first year of this study was to design a program to monitor trailhead use that could differentiate between user groups in the field. After the design of the study was formulated and finalized, it was put into service for a period of time (up to 117 days, location dependent). Throughout the study, data was accumulated and compiled in a manner which is straightforward and easy to digest and/or reference. That data has since been assembled in the appendices which present the material in easy to read, visual/graphical, and exhaustive forms (See appendices B & C). If this work is continued in the future, it will produce data necessary for statistical analysis of usage as well as a baseline for estimated trends in the future. The information collected thus far, when provided to community sponsors, should be useful when making comments regarding the future of winter travel in the UGV.

Some unintended consequences of hurdles can be seen in the results. While some trailheads were monitored for comparable lengths of time, no two provided reliable data for an equal number of days. Reasons for discrepancies include botched camera placement/orientation, equipment failure due to batteries or incorrect settings, lack of clarity by virtue of snowpack, mud, or other organics interfering with the lens, nonorganic interference (e.g., gear hanging over the camera), and even lack of sufficient equipment.

Concepts and plans have been developed and included in an attempt to minimize these issues during future work, although a season of problem-free data collection may require more testing and tuning.

Finally, it should be noted that this study took place during a season with an abnormally low amount of snowfall. This drought is likely responsible for a lower rate of backcountry travel than during an average season. With this in mind, the assumption could be made that the ratio of backcountry users across trailheads may be similar during average, and even above average, seasons. Future work could benefit from running statistical analyses of use vs. fresh snowfall, use vs. trailhead, user group vs. trailhead, and more.

Acknowledgements

This project would not have come to fruition without the confidence, input, motivation, support, expertise, and insights brought to the table by Dr. Melanie Armstrong of the WSCU MEM program. Thanks Melanie, it seems like last week we were just beginning to kick around the idea of monitoring a few trailheads during limited windows of time. Time flies when there's none of it. I'd also like to thank the project's community sponsors, *Silent Tracks* and *Share the Slate*. Whether you were writing grants to help procure equipment or delineating classic backcountry trends, this work would not have been possible without you. I cannot forget Christina Frank, thanks for putting up with the late nights, stress, and serious lack of skiing this past year; and of course, my family, thanks for always being there when I needed a paper edited at the eleventh hour. And of course, all the other people who helped by providing knowledge, details, connections, and other crucial elements (in no particular order): Michele Veltri, Matt McCombs, Phil Chamberland, William A. (Tony) Smith, Gregg Grossman, the Town of Crested Butte, and many more that I'm certainly forgetting right now.

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Appendix A

Camera setup and field methods

The decision to develop and implement this project relying solely on photographic data came after an extensive look into a diverse selection of previous work, both analogous and tangentially related. By doing this, it was possible to put together baseline information regarding trailhead use and users (broken down by user group). Following is information that may be helpful when setting up equipment to duplicate this study in the future.

Beginning in fall, 2016, the methodology for this project went through a number of incarnations, constantly evolving. In the early stages, efforts were to be limited to working alongside an MEM graduate who had been hired to carry out qualitative and quantitative data collection (winter, 2016-2017). An extensive and in-depth analysis of previous work revealed an appreciable lack of quantitative winter backcountry travel information. With the prospect of a new winter travel management plan imminent, a comprehensive and conclusive baseline dataset would be valuable for both backcountry users and managers. It should be noted that the Lieberman study produced an outstanding and thorough qualitative data set.

Analyzing previous studies of backcountry use and accessibility, recreation, national park visitor satisfaction, reviews of monitoring methods, and a myriad of others, it became clear that there is no quick and easy way to collect this data. Triggered sensors (for this environment the trigger would most likely be an infrared beam) “provide no information about user group, activity, or other vital information,” (Hollenhorst, et al., 1992). Surveys “provide detailed information for individual visitors; total use cannot be determined without including other, often demanding, complex, and expensive sampling techniques,” (Hollenhorst, et al., 1992). On the other hand, “photographic-based monitoring can produce information such as vehicle identification, method and direction of travel, group size, and type of user. In addition, this requires little to no calibration when properly installed and maintained,” (Hollenhorst, et al., 1992). This review also correlated photography to a *moderate cost*; through the introduction of digital technologies and inexpensive trail cameras, expenditures are limited to initial camera purchases (e.g., camera, memory cards, locks). No longer are cameras limited to a few dozen pictures that cost money to develop.

Alongside more traditional and focused studies, this USFS assessment, provided some general concepts that were studied, adapted, fine-tuned, and eventually carried out in order to study backcountry use throughout the UGV. Contained in this appendix are the results of lessons learned, including mistakes and successes, with regards to camera setup, mounting, and placement. If incorporated, these lessons present a considerable time saving opportunity.

1. **Brush Creek Road** – Brush Creek Road does not have a standard USFS kiosk or similar post on which to mount equipment, in fact the road is bordered on one side by the *Cold Spring Ranch* and on the other side by a vacant hill. Upon inquiry, permission to mount a camera on the *Cold Spring Ranch* fence was granted by the land owner (Michele

Veltri). Pictured is a camera mounted on the tallest fence post adjacent to the trailhead. Note that the camera is not perpendicular to the road, rather it functions best at about 315° (NW) (imagine the top of the fence post as a compass). The final photo illustrates the near ideal frame; using a shim to point the angle of the camera down (toward the ground) could improve pictures and equipment identification in the future.

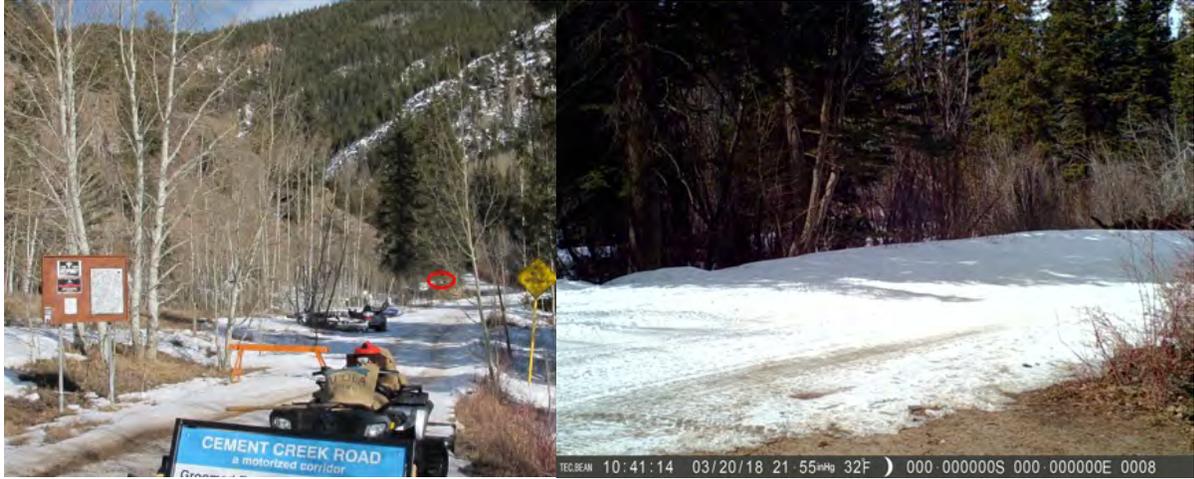


2. **Brush Creek Trailhead** – At this location, there are two possible fixtures on which cameras can be mounted. One is at the end of the green metal fence. This provides a direct line of sight to the trail but did not provide a level of results equal to other option. This second option is the outside leg of the USFS map kiosk (see below). Attach this camera at an angle which produces the frame below. This location takes minimal setup yet provides quality data.



3. Cement Creek Trailhead – Extensive trial and error resulted in the use of a tree roughly 200 meters from the trailhead (below). A rock was used to shim the camera slightly away from the tree in order to get the ideal frame. Notes for the included pictures: red circles indicate the location of the camera, camera faces downhill (toward the trailhead), and ATV in each long-shot can be used as a reference for trailhead location and distance to tree, upon redeployment of cameras. Finally, the last picture of Cement Creek Road shows an ideal window for data collection.





4. **Gothic Corridor Trailhead** – There are two large metal posts at Gothic Road, one on either side of an automotive gate. This study found that the post on the right (as you look down Gothic, from pavement to snow) produces the best data (below, circled). When used, cameras on the other post (on the left) had a tendency to miss users who entered (and stayed to the) from the right. The final picture illustrates what was found to be the most productive frame or window for data collection.





TEC.BEAN 10:54:21 03/16/18 20.98inHg 37°F (000.000000S 000.000000E 0006

5. **Kebler Pass** – Successful deployment at Kebler Pass proved to be a difficult endeavor. Problems affiliated with the study chiefly stem from the *trailhead-to-camera* distance. Kebler Pass has an overall lack of trees, signage, posts, or other infrastructure, as such it was necessary to utilize signage a few hundred meters from the trailhead. As a consequence, it was not entirely uncommon to have pictures taken without a user in the frame. This happened because some of the quicker vehicles (e.g., snowmobiles, snow bikes) could achieve sufficient velocity to enter and exit the productive window before the equipment was able to fully cycle. This problem could be solved through the installation of a post (somewhere near the existing metal signpost, pictured below), perhaps the use of higher end cameras (with a quicker response/diminished lag time), a remote sensor/trigger for the camera (if possible), or some combination of these factors. Included are pictures of some of the locations which were used as part of this study. The wood post worked well for low-speed users (e.g., snowcats, Nordic skiers, cars/trucks, more), while the metal post worked better for the higher-speed users (there was room for improvement). Also, the shape of the metal post really limited the direction which the camera could face, if I were installing a post, it would be round-or-turned at 45° to the road (so that a camera could mount flush to the post and not be perpendicular to the road).



6. **Slate River Road Trailhead** – The USFS information kiosk worked perfectly at this location. Included are pictures of the camera mounted and the optimum data-collection window.



7. **Snodgrass Trailhead** – The wooden ladder at this location, used in the summer for mountain bike access, works extremely well for data collection. In addition to pictures of the mounting location, this report also includes a picture showing the ideal window to capture. Of note is the series of tracks on the right side of this window; this is one of the commonly used fields which people ski in when returning to Gothic Road, after skinning up from the Snodgrass Trailhead.



8. **Washington Gulch Trailhead** – Again, the USFS information kiosk provided the ideal infrastructure on which to mount the equipment. Below are pictures of the camera mounted, as well as pictures showing the ideal left and right boundaries for data collection.





Approximate left side boundary of the optimum Washington Gulch window.

TEC:BEAN 14:01:38 02/09/18 21.09inHg 44F 000.000000S 000.000000E 0003



Approximate right side boundary of the optimum Washington Gulch window.

TEC:BEAN 13:26:05 01/28/18 21.42inHg 41F 000.000000S 000.000000E 0003

Appendix B

User groups defined

- 1. Unknown (Non-Motorized)** – Users who fall into this group do so because they were able to trigger the camera and leave tracks in the snow without having their picture taken. These could be attributed to skiers (e.g., Nordic, AT) or splitboarders, among other groups. When traveling through snow these users all tend to produce similar tracks; this category was created to avoid misplacing users. Those participating in novel/unfamiliar activities also fall into this group (Below, Right).



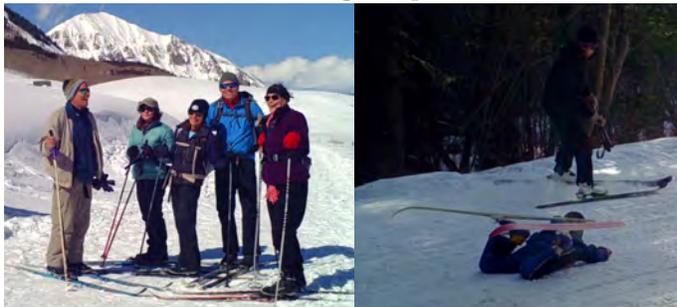
- 2. Sled** – This indicates users who were accessing the backcountry to use saucer sleds (below, left), toboggans (below, middle), tubes (below, right), and more. These typically occurred alongside *Walk/Run/Hike/Snowshoe* users when parents carried sleds for their children.



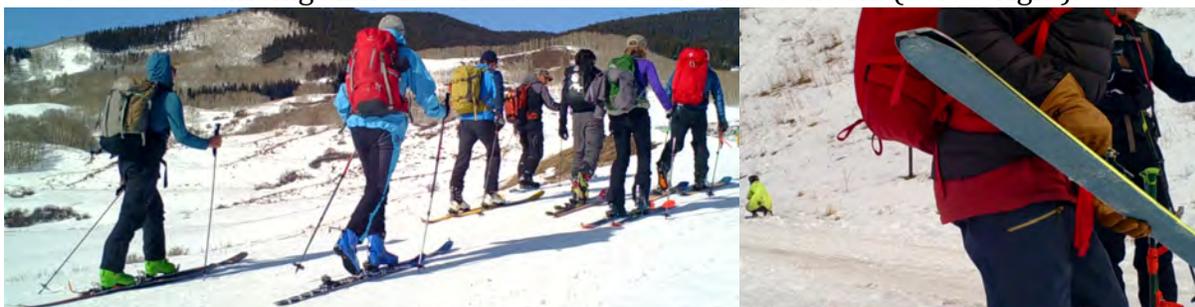
- 3. Walk/Run/Hike/Snowshoe** – These are all who traverse the frozen expanses by foot. Snowshoeing was grouped with walkers, runners and hikers because they essentially serve the same purpose. Cases in which hikers carried ski/snowboard equipment were scrutinized on an individual basis to determine the correct group in which to categorize that user (below, left). In the event that one person is carrying another both users are counted (below, right; four total). The logic behind this decision is that a total of 4 people have passed through the trailhead and are actively using this trail for recreation, even if one is not on their own feet.



4. **Nordic Ski** – Nordic skiers are all users who recreate on skis specifically made for cross-country travel. Nordic skis traditionally have the limited sidecut, lack of heel latch, flat arc, and longer tips than traditional skis (below, right, left).



5. **AT Ski** – Alpine Touring skis allow the user to quickly and easily release their heel in order to travel uphill or across flat ground with the addition of climbing skins (adhesive-backed fabric which attaches to the ski at the tip and tail, sticks to the base, and helps when ascending terrain in snowy conditions). Note the released heel latch which allows the skier to lift their heels similar to a Nordic ski (below left, right hand skier). This feature makes uphill travel possible with downhill skis. When the skier finishes ascending, the climbing skins can be removed and bindings set back up for downhill skiing. Prepping an AT ski for use; note that the base is blue and black where blue is the climbing skin and black is the actual base of the ski (below right).



6. **Snowboard/Splitboard** – A splitboard is a snowboard that can transform into two skis by releasing a couple clips. Once the board is in two pieces, bindings get moved to the center of the board, and skins can be attached to the base for climbing and travel. Included are pictures of a splitboard about to be used (below, left) and being used (below, right).



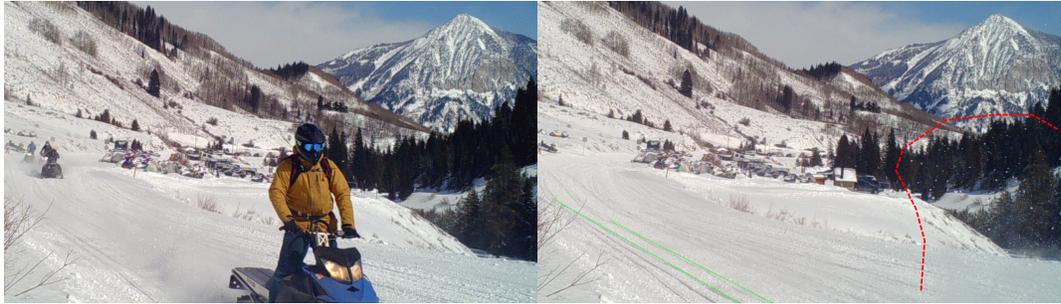
7. **Noboard/snowskate** – Noboarding is a relatively new trend; it started as a backcountry alternative to snowboarding. A handful of companies produce noboard traction pads that can be applied directly to any snowboard (below, left, left of center). Snowskates are included in this category due to the overall similarities (below, right of center) (e.g., both allow movement separate from the equipment while riding).



8. **Fat Bike** – Bikes with extremely wide tires can be used on snow because the tire's large surface area equates to a contact patch significant enough to produce flotation. The Crested Butte Mountain Bike Association grooms a handful of trails throughout the UGV specifically for (but not limited to) fat bikes.



9. **Unknown (Motorized)** – For much of this study, the cameras at Kebler Pass were setup about 1/8th mile from the trailhead. A consequence of this distance is that motorized users were occasionally able to get up enough speed and move through the camera's effective window before a picture could be taken. The resulting vacant picture could be analyzed based on the tracks left in and around the snow (e.g., tracks, roost). The successive pictures below illustrate these products (fresh tracks are highlighted with green dotted lines; airborne snow within the red dashed line is considered roost).



10. Hybrid Snowmobile – Seen in a variety of forms, this study counted hybrid users as anyone using a snowmobile, or similar machine, to access terrain for skiing or snowboarding. Approaches to this include using tow ropes (below, left), a method commonly referred to as *Canadian* (below, middle), and standard two-up riding (below, right). Because this category is analyzing how many hybrid users are accessing the backcountry, each individual person was counted (for example the tow rope picture below was counted as *four* users).



11. Recreational/Private Snowmobile – These are any users who use access backcountry by a snowmobile (below, left). Counted within this group are people who may not have been accessing for recreational purposes (e.g., Irwin, and other, townsite residents) (below, right).



12. Rental Snowmobile – This category represents all snowmobiles being use for guided (below, left) and unguided (below, center, right) rental trips. For the purpose of this study, rental snowmobiles with 2 or more users tallied as a single consumer (below).



13. Grooming Snowmobile – In order to maintain the CBMBA fat bike trail, the organization grooms using a snowmobile with attached grooming device (below). The vast majority grooming done within trails covered by this study was done in the late afternoon and early evening when other users were not on trail.



14. Snow bike – Generally built on around a dirt bike chassis (below, left), snow bikes are made by retrofitting a ski and track (with associated frame, hardware, and tunnel) on a traditional motorcycle (below, middle). These are almost effectively a single-user vehicle (the only exception seen during this study is shown in the *Hybrid User* description).



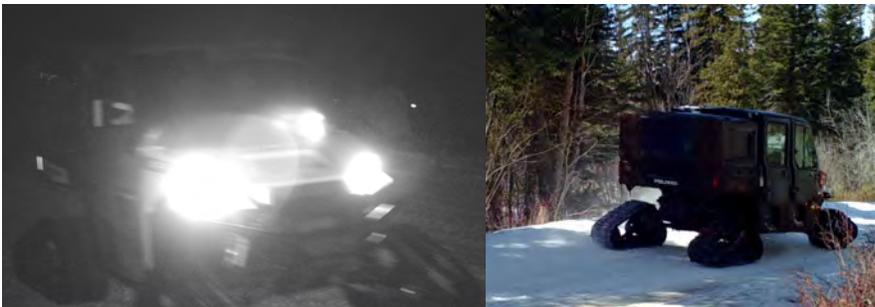
15. Recreation ATV – This study found that all-terrain vehicles (ATV) are essentially unused in the UGV during the winter. Like most things, there are exceptions to the rule (below).



16. Grooming ATV – Use of All-terrain vehicles was limited to maintenance of the Cement Creek fat bike trails, done by Al Smith (below). The tracks are an aftermarket modification to an otherwise stock ATV which performs grooming operations by use of a tow-behind mechanism.



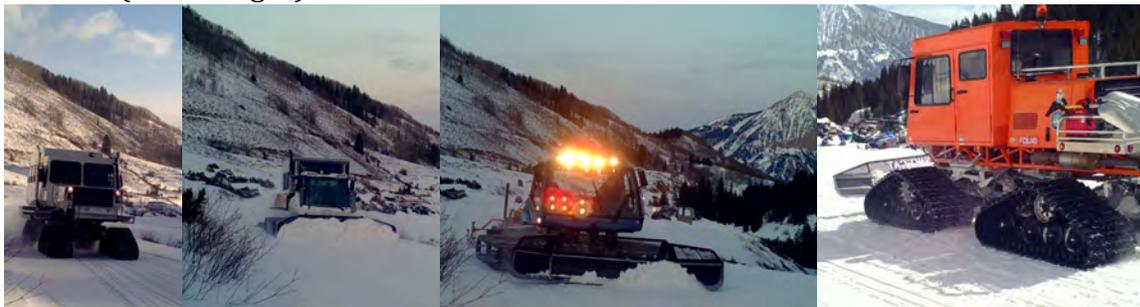
17. UTV/Side by Side – Side-by-side vehicles, commonly referred to as utility task vehicles (UTV), can be modified for over snow use through the addition of track systems similar to those for ATVs and (to a lesser extent) motorcycles. These modified UTVs have introduced an inexpensive method for backcountry travel that allows the operator to remain in a controlled environment no matter the outside conditions (below).



18. Car/Truck – Cars and trucks are not customarily associated with, or used for, over-snow travel, but as the adage goes, necessity is the mother of invention. Working alongside a local snowmobile track designer, some Irwin residents were able to modify UTV track systems to work on Geo Trackers (below, left, left of center). This offers a relatively inexpensive option for enclosed backcountry travel. Traditional cars and trucks were occasionally captured venturing into the backcountry, with mixed results (below, right, right of center).



19. Snowcat – Snowcats are necessary for a range of jobs and activities in the UGV. For example, Irwin Backcountry Guides (IBG) uses a Tucker Sno-cat equipped with a rubber tracks and to pick up skiers from their facility in Crested Butte (below, left). Access beyond the cabin and periodic maintenance is carried out with a more traditional snowcat (below, left of center). Maintenance of Kebler Pass is also taken care of by the Gunnison County Sno Trackers (below, right of center). Other snowcats were rarely seen (below, right).



Compiled winter trailhead use data

Trailhead	Days monitored	Total			
		All Users	Non-Motorized	Mechanized Motorized	
<i>Brush Creek Road</i>	41.00	534.00	488.00	18.00	28.00
<i>Brush Creek Trailhead</i>	90.00	1412.00	1392.00	18.00	2.00
<i>Cement Creek</i>	44.00	773.00	557.00	30.00	186.00
<i>Gothic Corridor</i>	84.00	3427.00	3187.00	216.00	24.00
<i>Kebler Pass</i>	60.00	5022.00	372.00	10.00	4640.00
<i>Slate River Road</i>	112.00	3465.00	2514.00	111.00	840.00
<i>Snodgrass</i>	103.00	5776.00	5629.00	120.00	27.00
<i>Washington Gulch</i>	113.00	4004.00	3222.00	47.00	735.00

Average Daily

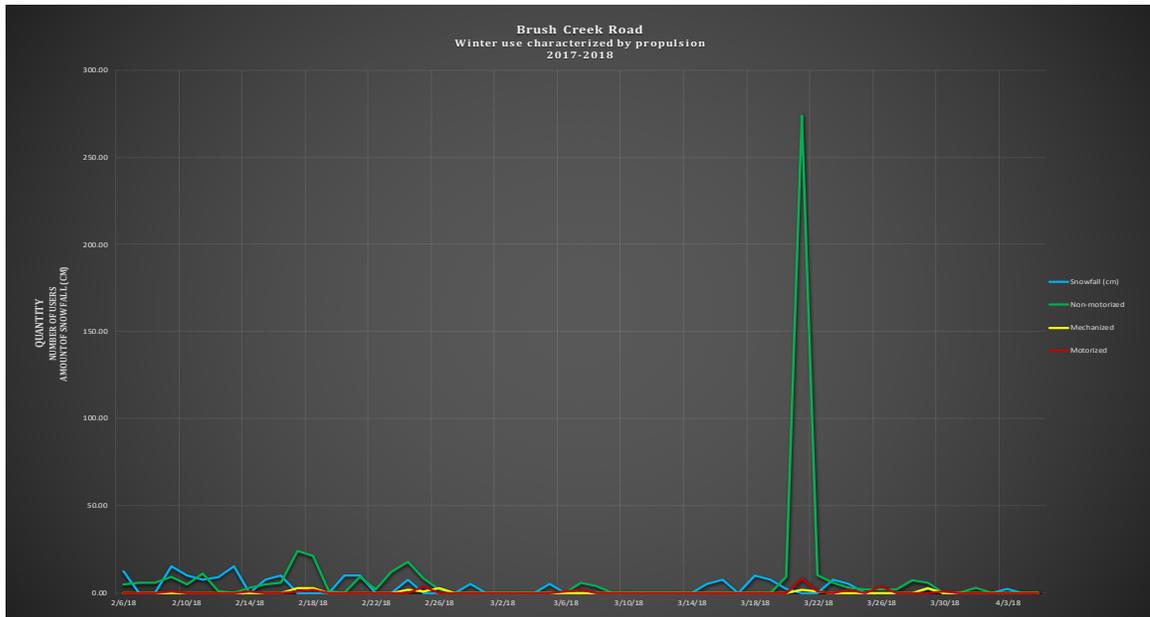
All Users	Non-Motorized	Mechanized	Motorized
13.02	8.27	0.31	0.47
15.69	14.97	0.19	0.02
17.57	12.66	0.68	4.23
40.80	35.81	2.43	0.27
83.70	6.20	0.17	77.33
30.94	21.67	0.96	7.24
56.08	48.95	1.04	0.23
35.43	27.77	0.41	6.34

Appendix D Graphs/Visual aids

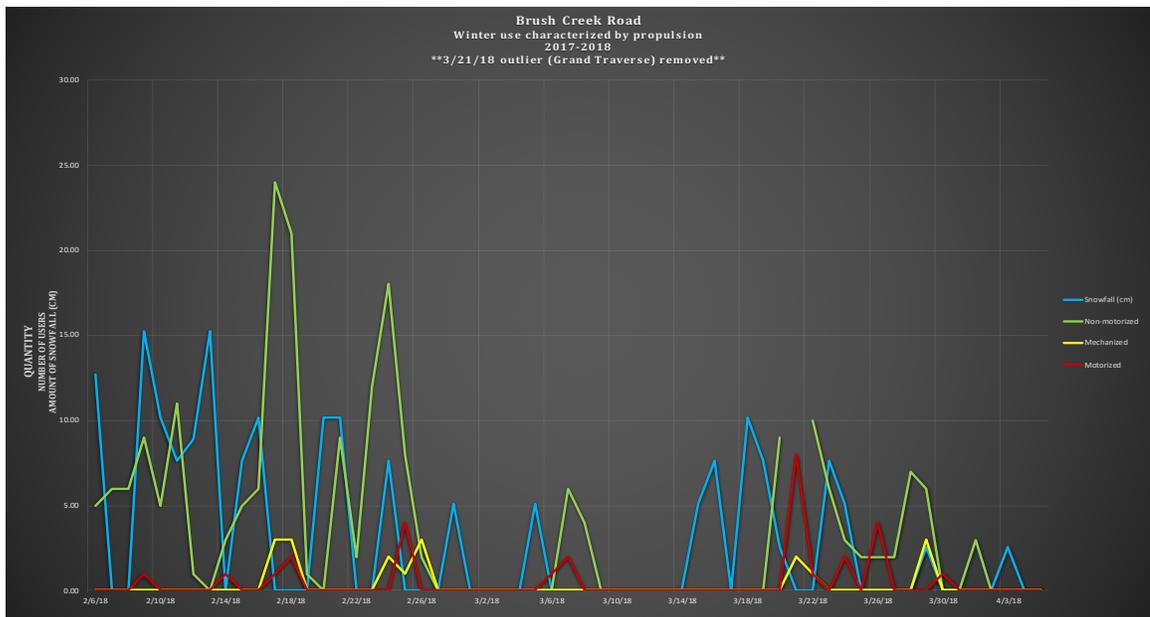
A. Brush Creek Road

Two versions of each Brush Creek Road graph are provided in order to visualize trends with and without the March 21, 2018 outlier, which is significantly greater than any other quantity graphed. This outlier was the result of Grand Traverse racers being turned around half-way to Aspen because of poor conditions and avalanche danger.

1.



2.

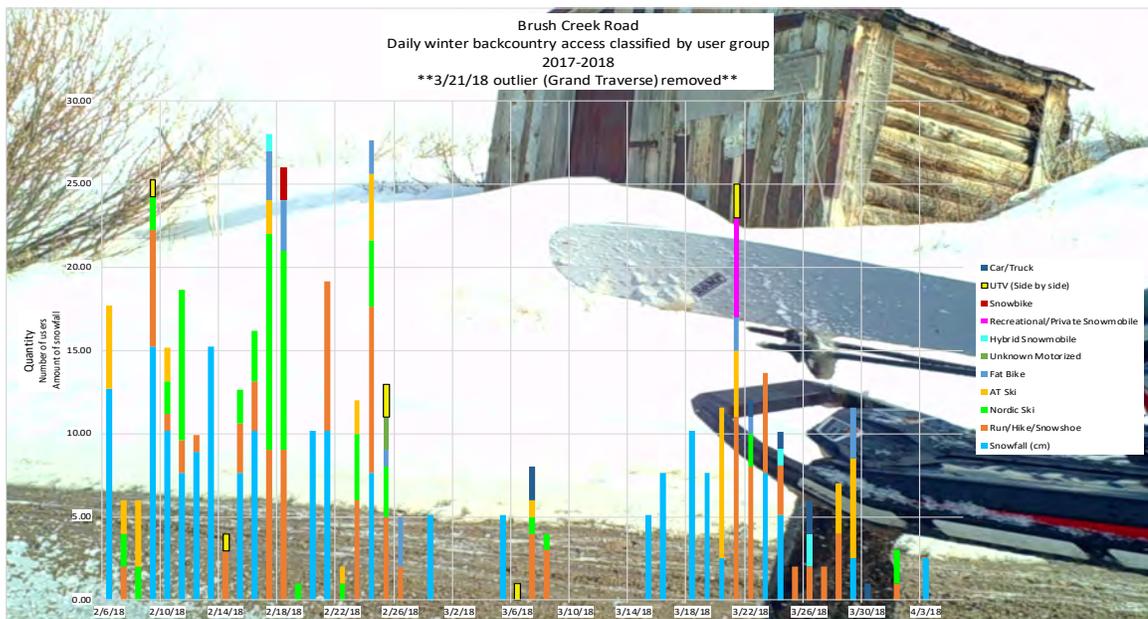


Winter backcountry access via Brush Creek Road, identified by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The top graph includes the March 21, 2018 outlier representing Grand Traverse racers. Traditionally the Grand Traverse starts in Crested Butte and ends in Aspen, CO but this year was turned around midway due to poor conditions including avalanche concerns.

3.



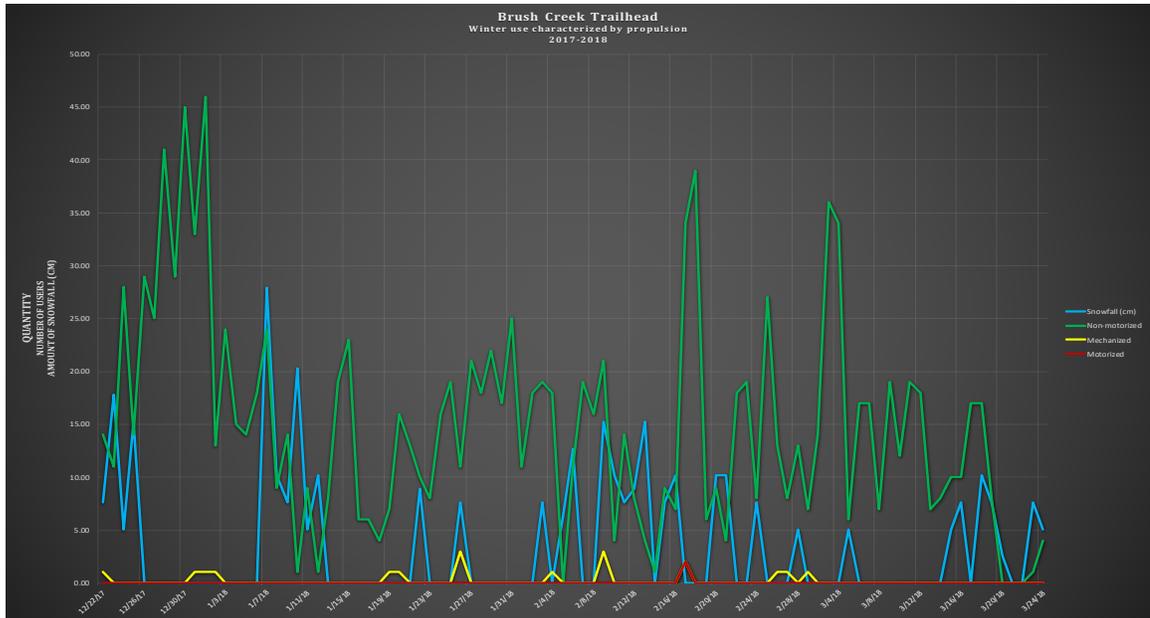
4.



Winter backcountry access via Brush Creek Road delineated by individual user group, 2017-2018. The top graph includes the March 21, 2018 outlier representing Grand Traverse racers. Traditionally the Grand Traverse starts in Crested Butte and ends in Aspen, CO but this year was turned around midway due to poor conditions, including avalanche concerns. Brush Creek Road provides motorized access to immense backcountry opportunities.

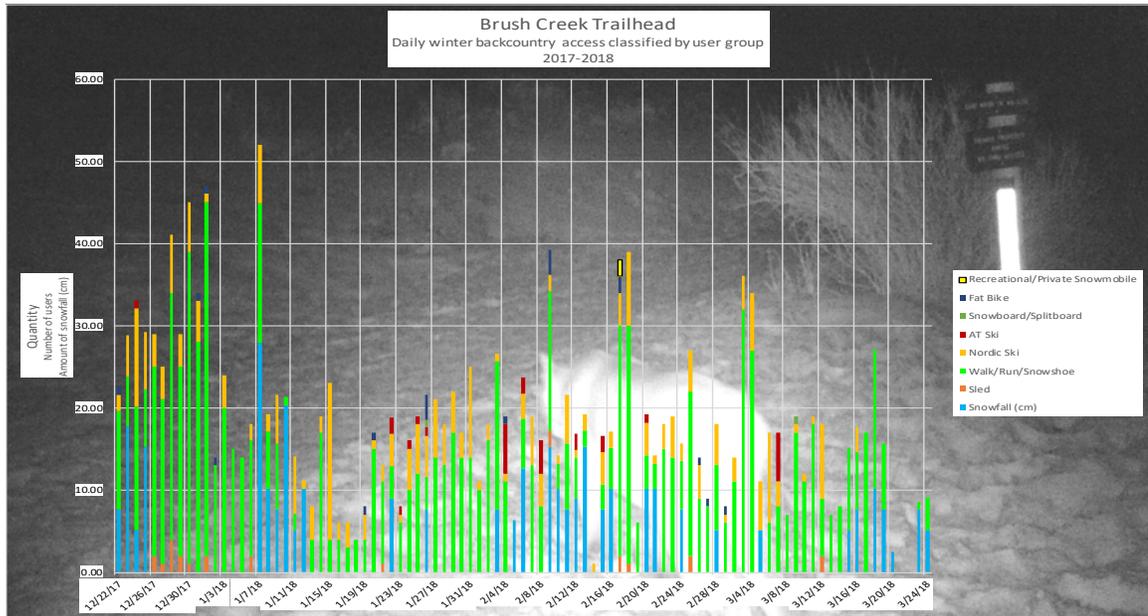
B. Brush Creek Trailhead

1.



Winter backcountry access via Brush Creek Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The Brush Creek Trailhead provides non-motorized access to a limited network of trails on the southeast boundary of Mt. Crested Butte.

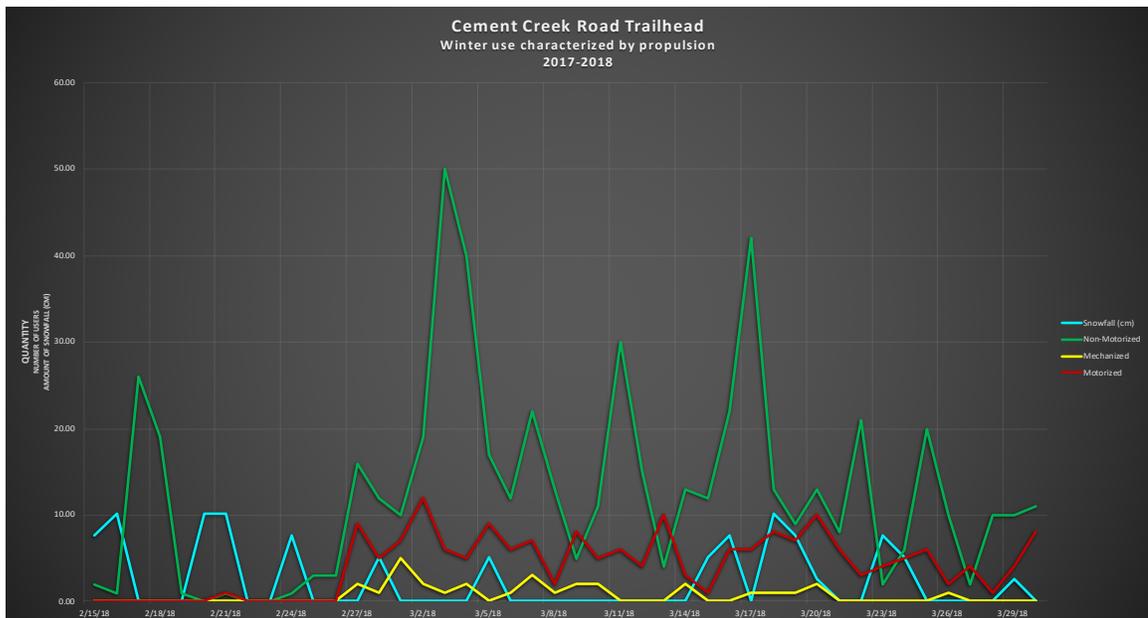
2.



Winter backcountry access via Brush Creek Trailhead, delineated by individual user group, 2017-2018. The Brush Creek Trailhead provides non-motorized access to a limited network trails on the southeast boundary of Mt. Crested Butte.

C. Cement Creek

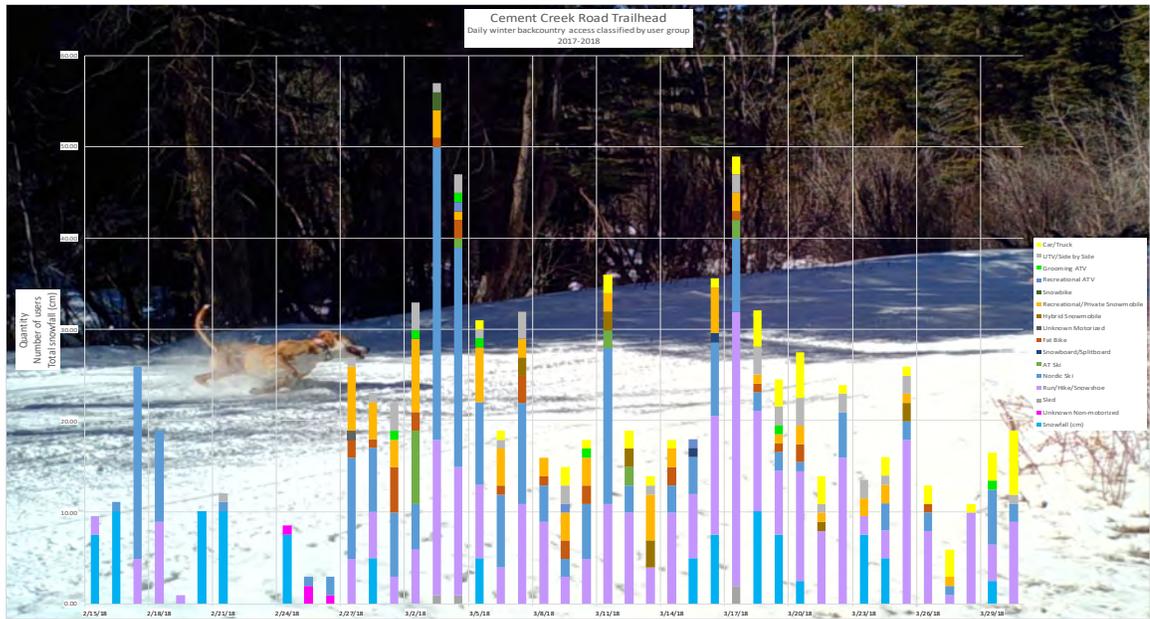
1.



Winter backcountry access via Cement Creek Road Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. Cement

Creek provides access to some residential areas, vast wilderness, Taylor Park, and eventually Aspen, CO.

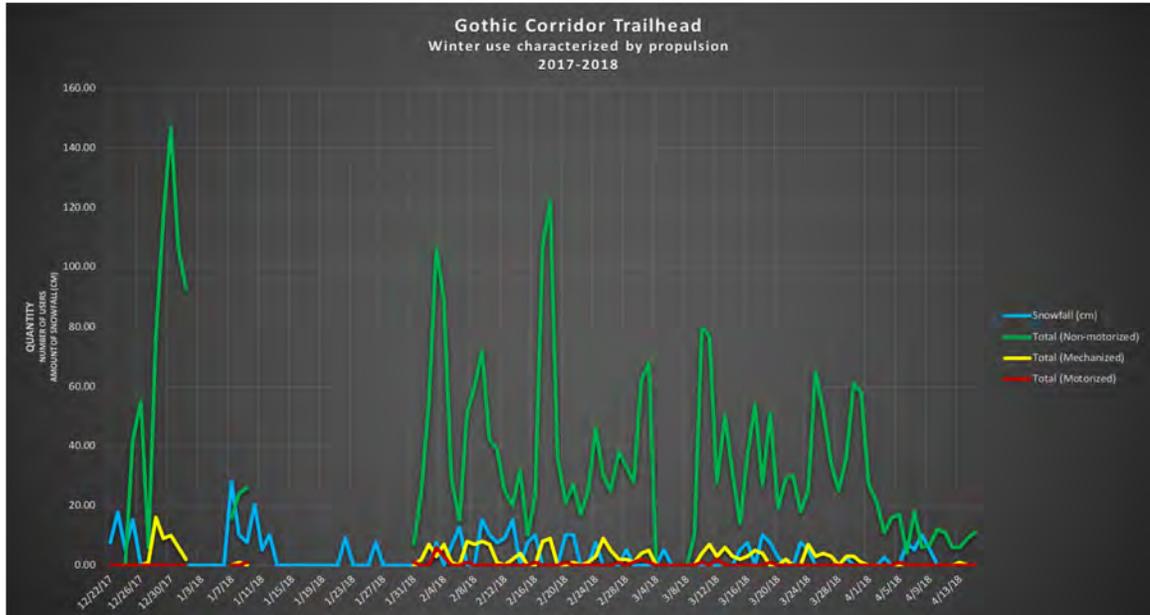
2.



Winter backcountry access via Cement Creek Road Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. Cement Creek provides access to some residential areas, vast wilderness, Taylor Park, and eventually Aspen, CO.

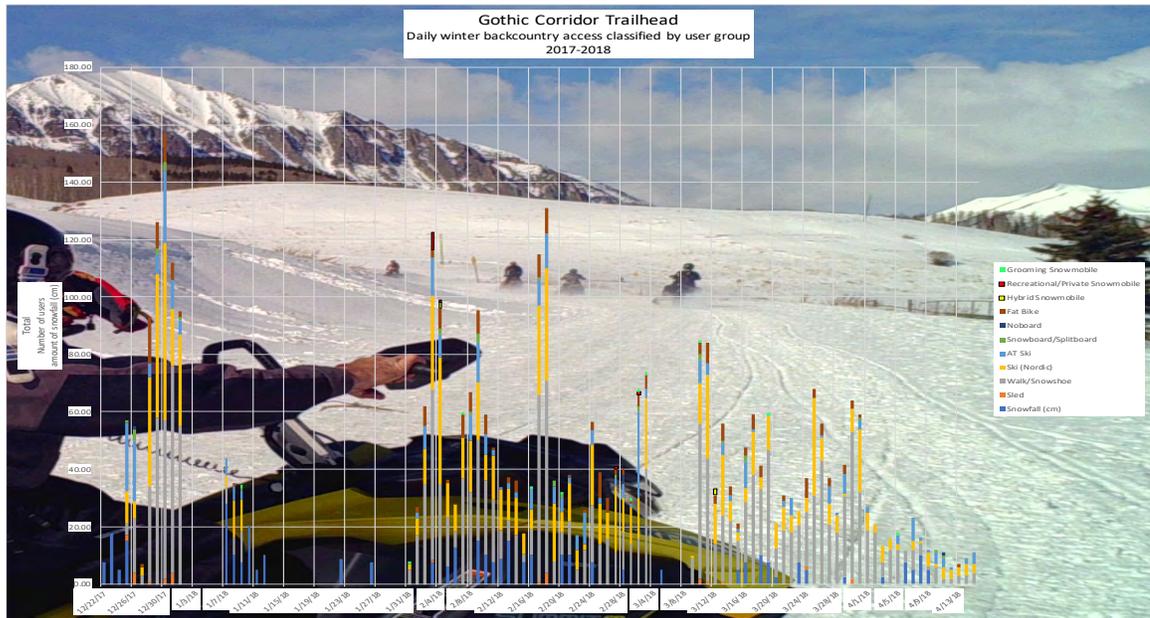
D. Gothic Corridor

1.



Winter backcountry access via Gothic Corridor Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The Gothic Corridor Trailhead provides non-motorized access to the Rocky Mountain Biological Laboratory (including the Maroon and Forest Queen huts), extensive backcountry skiing opportunities, groomed fat biking, and also limited motorized access to residential properties in Schofield Park.

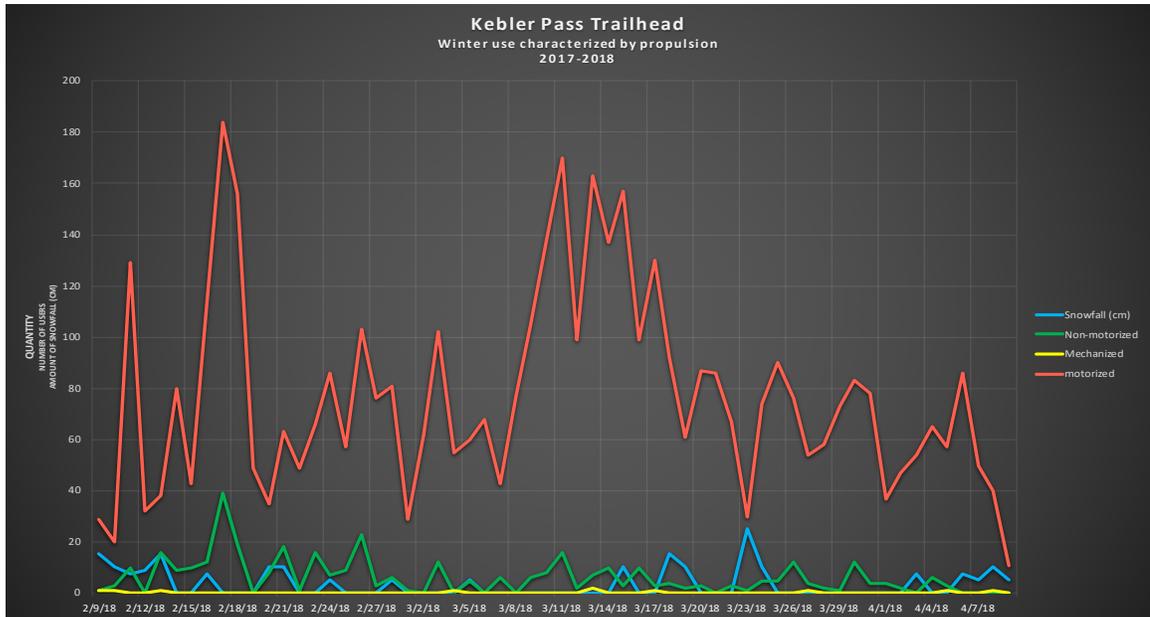
2.



Winter backcountry access via Gothic Corridor Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. The Gothic Corridor Trailhead provides non-motorized access to the Rocky Mountain Biological Laboratory (including the Maroon and Forest Queen huts), extensive backcountry skiing opportunities, groomed fat biking, and also limited motorized access to residential properties in Schofield Park.

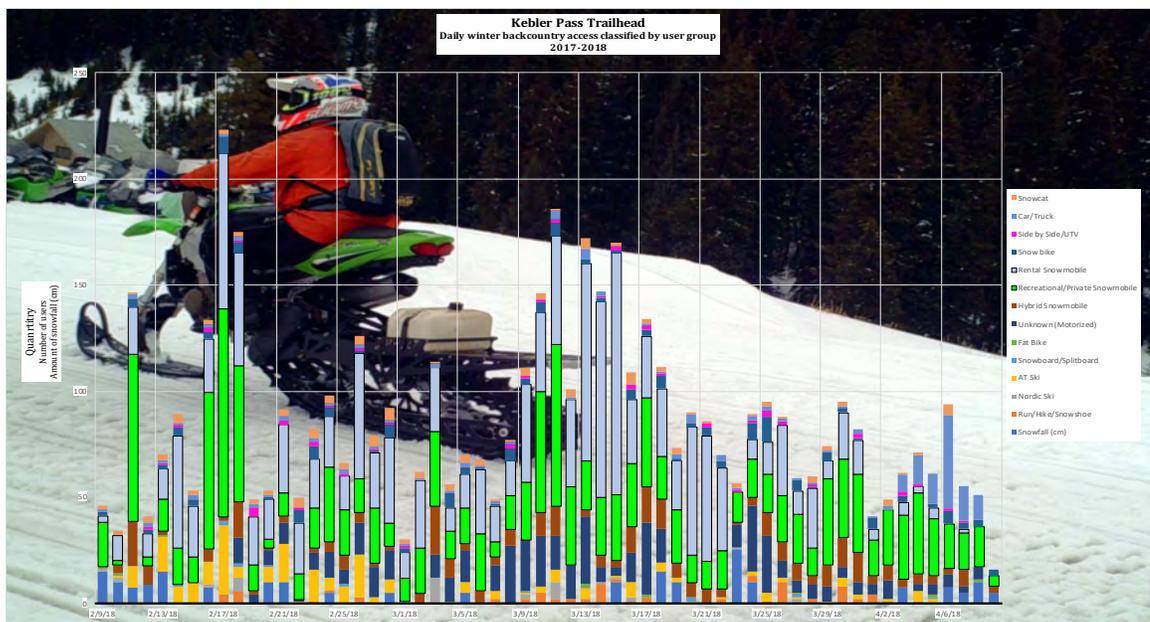
E. Kebler Pass

1.



Winter backcountry access via Kebler Pass Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The Kebler Pass Trailhead provides motorized access to a myriad of recreation opportunities, guided cat skiing, Lake Irwin, the Irwin Townsite, and other residential areas.

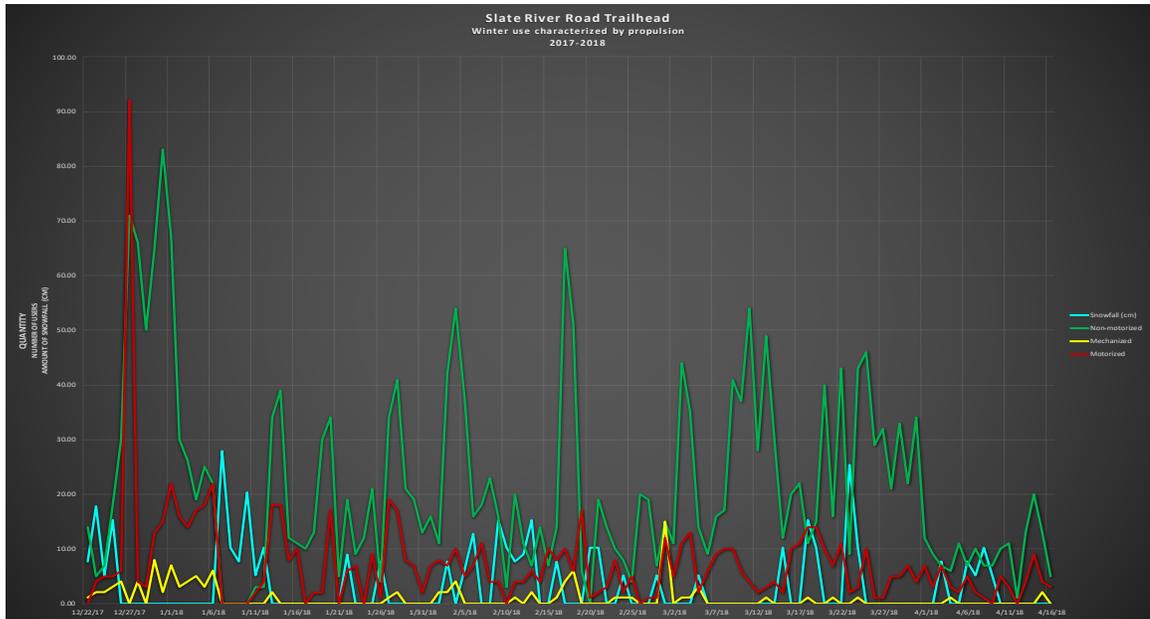
2.



Winter backcountry access via Kebler Pass Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. The Kebler Pass Trailhead provides motorized access to a myriad of recreation opportunities, guided cat skiing, Lake Irwin, the Irwin Townsite, and other residential areas.

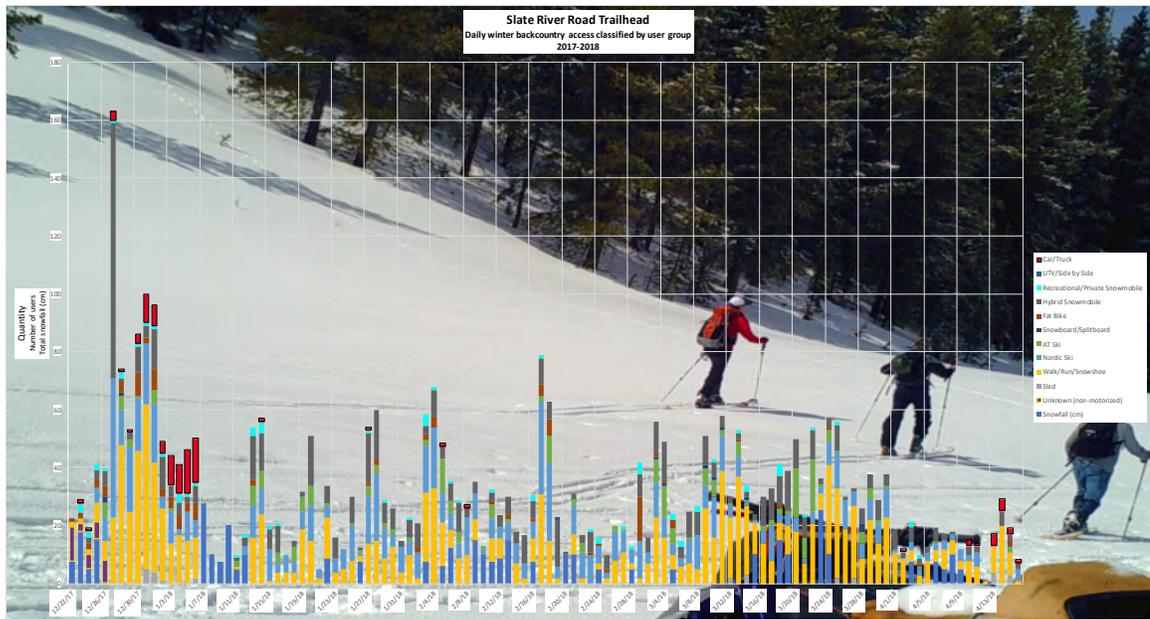
F. Slate River Road Trailhead

1.



Winter backcountry access via Slate River Road Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The Slate River Road Trailhead provides motorized access for all forms of backcountry recreation and to the Pittsburgh Townsite.

2.

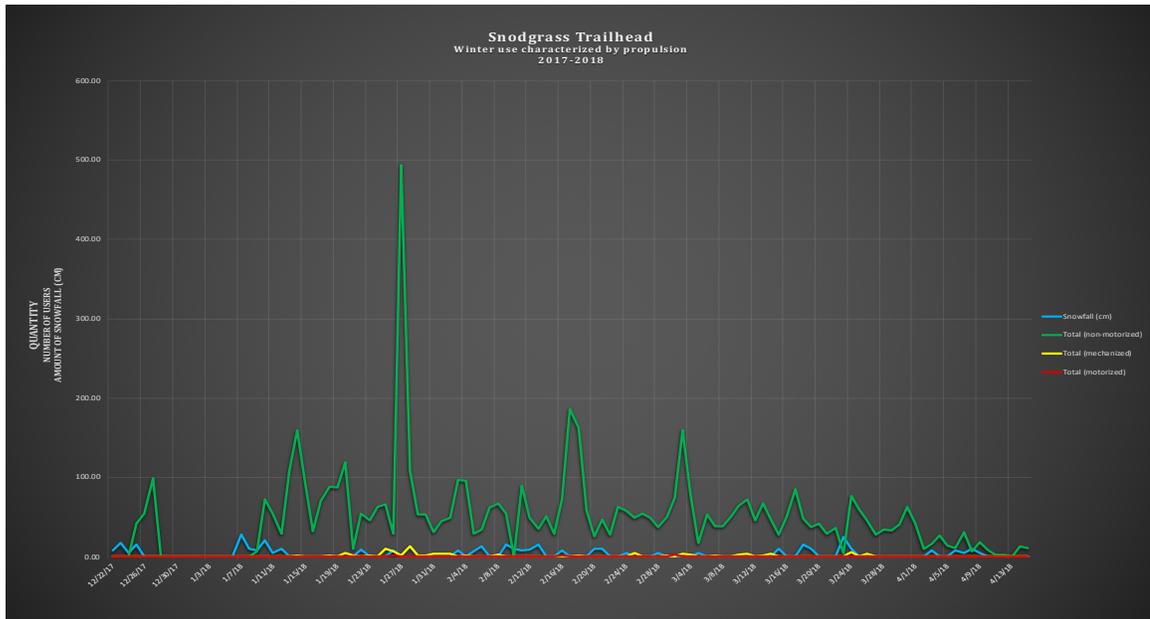


Winter backcountry access via Slate River Road Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. The Slate River Road Trailhead provides motorized access for all forms of backcountry recreation and to the Pittsburgh Townsite.

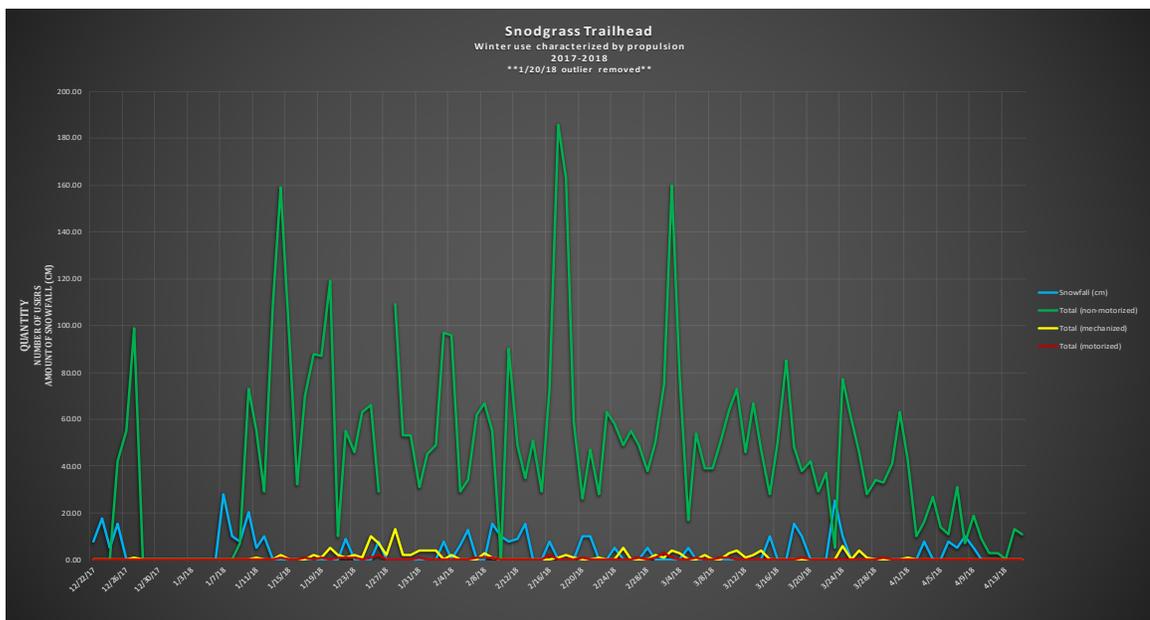
G. Snodgrass Trailhead

Two versions of each graph are provided for the Snodgrass Trailhead in order to visualize trends with and without the 1/20/18 outlier, which is significantly greater than any other quantity graphed.

1.

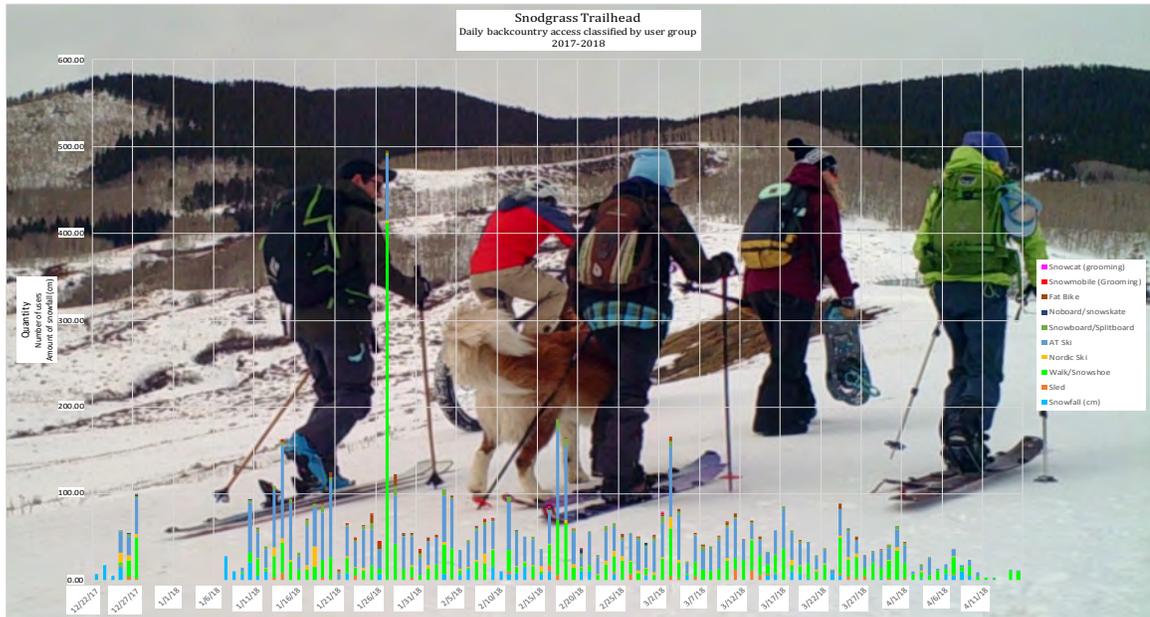


2.

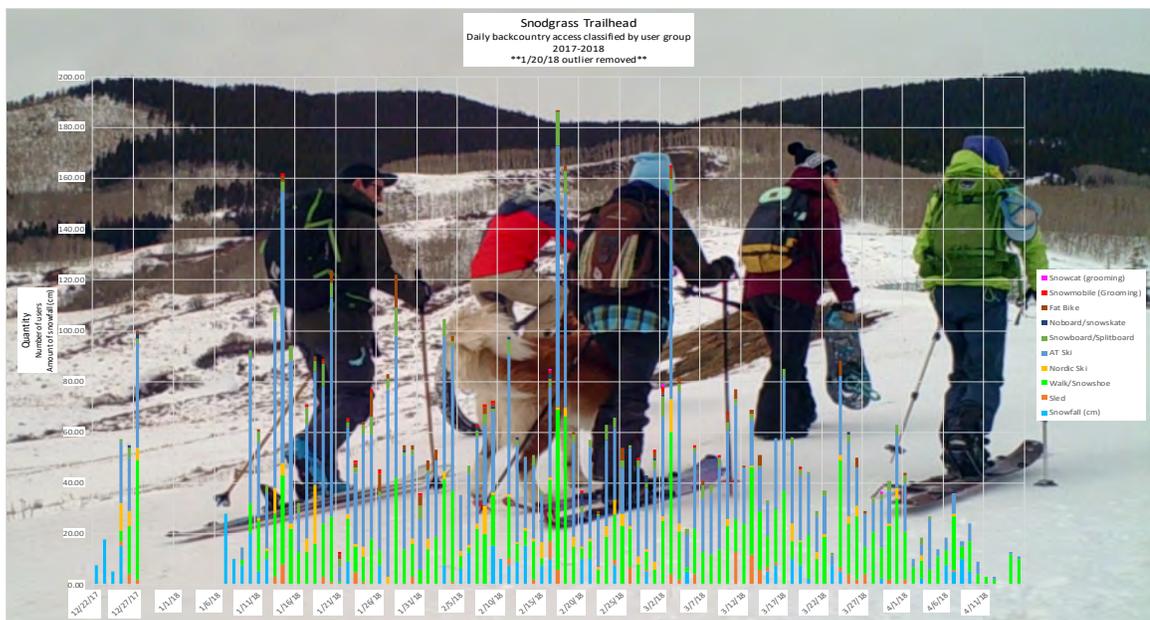


Winter backcountry access via Snodgrass Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. The Snodgrass Trailhead provides non-motorized access to groomed fat biking trails, convenient backcountry skiing, and numerous other recreational activities. This graph is presented with and without the January 20, 2018 outlier in order to accurately visualize the typical trends.

3.



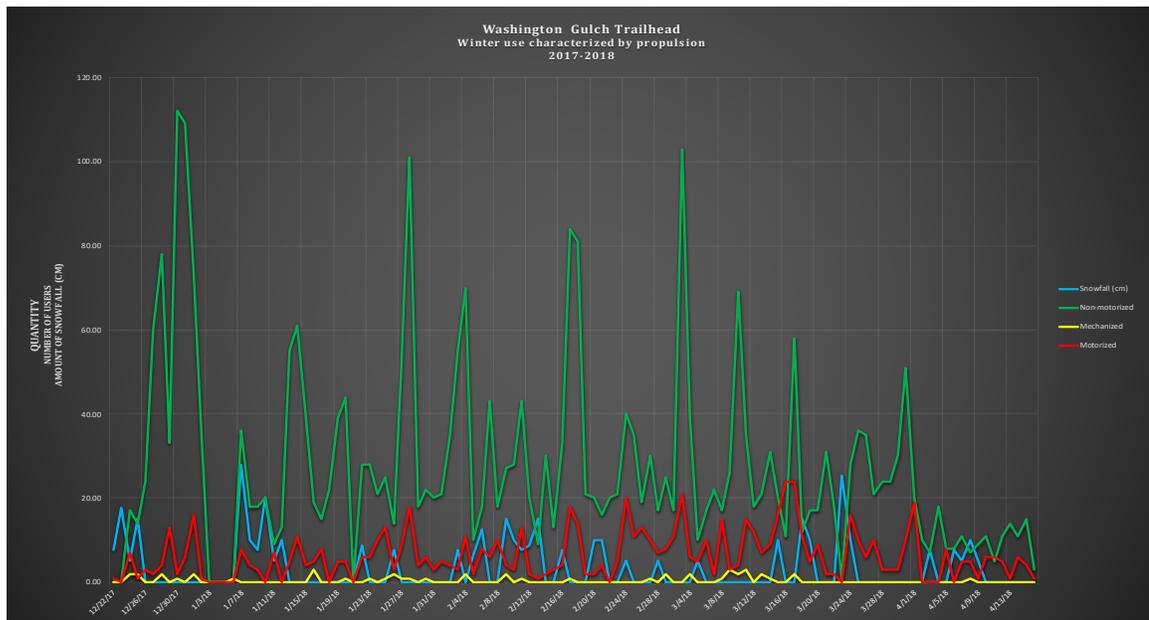
4.



Winter backcountry access via Snodgrass Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. The Snodgrass Trailhead provides non-motorized access to groomed fat biking trails, convenient backcountry skiing, and numerous other recreational activities. This graph is presented with and without the January 20, 2018 outlier in order to accurately visualize the typical trends.

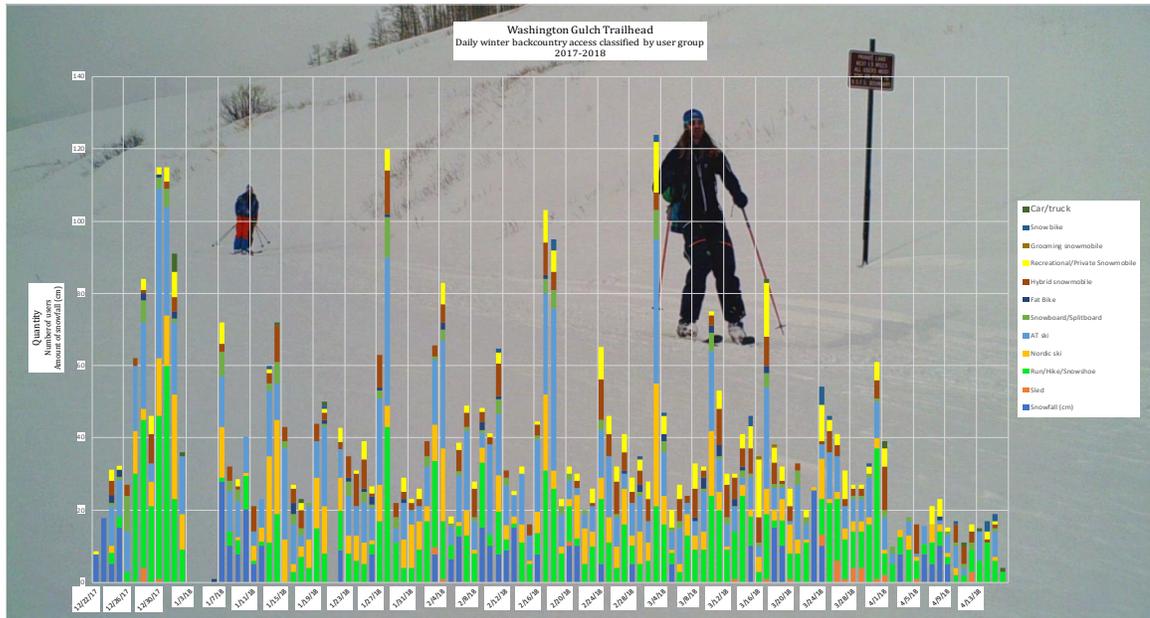
H. Washington Gulch

1.



Winter backcountry access via Washington Gulch Trailhead, characterized by means of propulsion, 2017-2018. Daily snowfall values are also included for reference. Washington Gulch provides restricted motorized access to the Elkton townsite and huts and extensive backcountry recreation opportunities.

2.



Winter backcountry access via Washington Gulch Trailhead, delineated by individual user group, 2017-2018. Daily snowfall values are also included for reference. Washington Gulch provides restricted motorized access to the Elkton townsite and huts as well as extensive backcountry recreation opportunities.



Staff Report June 18, 2018

To: Mayor and Town Council
From: Dara MacDonald, Town Manager
Subject: Resolution 2018-08, A Resolution of the Crested Butte Town Council consenting to the calling of an election by the Gunnison Valley Regional Housing Authority on November 6, 2018.

Summary: On Wednesday, June 13, 2018 the Gunnison Valley Regional Housing Authority (“GVRHA”) approved a resolution calling for a ballot question to be put before the voters this November authorizing an increase in property taxes to fund affordable housing efforts. From the Town of Crested Butte both Mayor Jim Schmidt and Community Development Director Michael Yerman voted in favor of the resolution. In order to allow the election to proceed each of the four Contracting Members of the GVRHA (Crested Butte, Mt. Crested Butte, Gunnison County and the City of Gunnison) must consent for the ballot question to proceed.

Background: In 2017, the GVRHA Board adopted a strategic plan that identified the need for a regional funding source to support the development of work force and affordable housing. The yearly funding need was established at \$1.6 million based upon the housing shortfall identified in the Gunnison Valley Housing Needs Assessment, prepared by Rees Consulting, Inc., November 2016. The strategic plan also identified the role of the GVRHA to primarily establish private/public partnerships for the development of housing in the Gunnison Valley and to administer Housing programs and deed restrictions created by the Authority.

In 2017, polling was conducted to gauge public sentiment on a lodging or property tax. Unfortunately, after polling had commenced, it was discovered pursuant to Colorado Revised Statutes that a lodging tax was not a taxing option available to the Authority. However, it was determined a property or sales tax could be levied by the Authority.

The Board discussed the two taxing options available and determined a sales tax was not a viable option because additional sales tax would push sales tax levels in the municipalities above 10%. Additionally, a sales tax increase can hurt local businesses as higher sales taxes cause people to shop out of valley and online, thereby negatively impacting our local community. Property taxes are a more reliable/steady source of income, as sales (and therefore sales taxes) can vary wildly from month-to-month and year-to-year, dependent on events (economy, price of gas, hurricanes, etc.) that the Gunnison County community has direct connection with and no control over.

Therefore, on April 18, 2018 the Board voted to pursue a 1.5 mill increase in property tax to raise approximately \$880,000 a year. The Board voted to sunset 1 mill after 10 years of the execution of the tax by the voters of Gunnison County and continue up to .5 mills in perpetuity.

The taxing authority for GVRHA is derived from Section 29-1-204.5(2)(f.2), C.R.S. which provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority. Each governmental entity that created the GVRHA must consent to the calling of the election. This includes the Towns of Crested Butte and Mt. Crested Butte, City of Gunnison and Gunnison County.

Discussion: At this time a 1.5 mill property tax will cost residential property owners an additional \$10.80 per assessed \$100,000 while due to the Gallagher Amendment commercial property will be taxed an additional \$43.50 per assessed \$100,000. The proposed tax will fall short of the projected budget need of \$1.6 million over the next ten years, however, the funds generated by this tax could be leveraged by other housing funding generated in each municipality and by state and federal housing funding grants and programs.

There are several immediate needs that will assist in the creation and sustainability of housing for the County's work force. These can be characterized in five categories including:

- (1) the installation of horizontal infrastructure (earthwork, water and sewer service, roads),
- (2) vertical construction (labor, materials, design, permitting required to build housing),
- (3) rehabilitation and energy efficiency of existing housing,
- (4) continued land-banking, and
- (5) the administration of housing programs.

The proposed tax question would allow for funding to be used to address all of these categories.

Regarding (1) - Currently the biggest hurdle to the development of these lands for the County's workforce are the infrastructure and other horizontal costs to allowing development to occur. Horizontal costs are defined as "the costs to make raw land available to builders to begin horizontal construction including the costs for utility extensions, entitlements, roads, intersections improvements, site stabilization, and other services needed for residential development."

Regarding (2) - The average cost to make a block of housing available to begin vertical construction within a housing project has surpassed \$600,000 for a city block. These costs are exacerbated in areas with higher tap fees, for sites with topography, or other geographical limitations. Using proceeds of the ballot initiative to cover these costs would make more homes at lower price points feasible. Any housing produced with support from this tax will have long-term affordability maintained through deed restrictions and voluntary rent limit agreements.

Unfortunately there are significant costs of preparing any of the publicly controlled land to go vertical. This equates to high housing costs which makes housing unattainable for our County's work force. However, if the tax is used to assist with subsidizing the horizontal costs of construction it will benefit both existing residents and utility user rate payers as well as assist with the development of attainable housing. By lowering or even eliminating horizontal costs, this will allow the GVRHA to then engage the private sector to produce housing that only includes the

vertical costs for construction. This should produce both rental and home ownership housing opportunities for the County's work force.

The subsidization of vertical costs can be used to reduce building costs and thus lower the price point per unit for housing projects. It could be a particularly valuable tool to help assist with multi-family rental projects as they break ground. This can help the private sector reduce costs and guarantee lower rental rates. It should be noted, that using tax funding to assist with vertical construction is the most highly visible way to show results and ensure the long-term success of a regional funding source.

Regarding (3) - Existing housing programs and new programs that assist both home owners and renters rehabilitate their units will allow existing housing to function for a longer time, reduce the cost of living, and make households more comfortable and safe in their homes. Much of the existing housing inventory in our valley is in poor condition or is highly energy in-efficient. Some funds for these programs are provided at state and federal levels, but they are not sufficient to meet our local needs. Using the tax to leverage funding for these programs will allow them to serve more people in more phases of life and continues to support our work force once they are successful in securing housing.

Regarding (4) – The opportunities to create public/private partnerships are greatly enhanced by the ability of the public sector to provide land and infrastructure to a project. As the current parcels of land owned by the jurisdictions get built out, it will be prudent to continue to be pro-active in acquiring suitable parcels for development in the long-term.

Regarding (5) – The GVRHA Board recognizes the administration of the housing program is often the most controversial expenditure of the proposed tax. However, it is vital to ensuring that projects move quickly and efficiently as well as ensuring our residents continue to be in successful housing situations well after the project is finished. Home ownership is a major life step in the progression of any of our residents' lifetimes. Having a dedicated staff at the helm to assist buyers in with obtaining good home loans, being ready for the responsibilities of homeownership, or even working through a tough economic period is imperative. Finally, a well-administered housing program ensures fairness and equal opportunities to all of our residents to access the region.

Legal Implications: Without the consent of each of the governmental entities that created the GVRHA, the ballot question cannot move forward.

Financial Implications: There are financial implications for placing the question on the ballot. Costs of the election will be covered through the GVRHA budget.

Recommendation: Staff recommends that the Council approve the resolution consenting to the calling of an election by the GVRHA on November 6, 2018.

Proposed Motion: A motion followed by a second to approve Resolution 2018-07, consenting to the calling of an election by the Gunnison Valley Regional Housing Authority on November 6, 2018.

RESOLUTION NO. 07

SERIES 2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, CONSENTING TO THE CALLING OF AN ELECTION BY THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY ON NOVEMBER 6, 2018.

WHEREAS, Gunnison County, Colorado (the “County”) is a duly created and organized county existing under the Constitution and the laws of the State of Colorado (the “State”); and

WHEREAS, the City of Gunnison, Colorado (“Gunnison”) is a municipal corporation duly organized and existing under the Town’s Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, the Town of Mt. Crested Butte, Colorado (“Mt. Crested Butte”) is a municipal corporation duly organized and existing under the Town’s Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, the Town of Crested Butte, Colorado (“Crested Butte” is a municipal corporation duly organized and existing under the Town Charter adopted pursuant to Article XX of the Constitution of the State; and

WHEREAS, the Town Council of Crested Butte (the “Town Council”) is the governing body of Crested Butte; and

WHEREAS, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the “Act”), the County, Gunnison, and Mt. Crested Butte, the “Contracting Members”) created the Gunnison Valley Regional Housing Authority (the “Authority”), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority, as amended (the “Contract”); and

WHEREAS, the governing bodies of each of the Contracting Members (the “Governing Bodies”) have heretofore approved the Contract for the Authority; and

WHEREAS, the Board of Directors of the Authority has determined that public interest and necessity require an increase in ad valorem property taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the “Projects”);

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any tax increase; and

WHEREAS, pursuant to the Act, no tax increase shall take effect unless first approved by the registered electors of the Authority; and

WHEREAS, the Act provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority; and

WHEREAS, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

WHEREAS, November 6, 2018 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, pursuant to Section 4.2 of the Contract, the Authority shall not submit a tax increase question to the registered electors of the Authority unless it has obtained the prior written consent of the Contracting Members; and

WHEREAS, the Board has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 6, 2018 election; and

WHEREAS, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town Council and the officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The Town Council hereby consents to the participation of the Authority in an election to be held on November 6, 2018, in the manner prescribed by resolution of the Authority attached hereto as **Exhibit A**.

Section 3. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL
THIS 16th DAY OF JUNE, 2018.

TOWN OF CRESTED BUTTE,
COLORADO

James A. Schmidt, Mayor

(SEAL)

ATTEST:

Lynelle Stanford, Town Clerk

EXHIBIT A
FORM OF AUTHORITY RESOLUTION

GUNNISON VALLEY REGIONAL HOUSING AUTHORITY

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE GUNNISON VALLEY REGIONAL AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 6, 2018, A BALLOT QUESTION AUTHORIZING A TAX INCREASE.

WHEREAS, the Gunnison Valley Regional Housing Authority (the "Authority"), is a multi-jurisdictional housing authority formed pursuant to an agreement authorized by Section 29-1-204.5 (the "Act") between Gunnison County, the City of Gunnison, and the Towns of Crested Butte and Mt. Crested Butte, Colorado (the "Contracting Members"); and

WHEREAS, the members of the Board of Directors of the Authority (the "Board") have been duly appointed and qualified; and

WHEREAS, the Contracting Members have previously approved an establishing contract setting forth certain powers and functions of the Authority (the "Contract"); and

WHEREAS, the Board has determined that public interest and necessity require an increase in ad valorem property taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the "Projects"); and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any tax increase; and

WHEREAS, pursuant to Section 29-1-204.5 (7.5), C.R.S., no tax increase shall take effect unless first approved by the registered electors of the Authority; and

WHEREAS, Section 29-1-204.5(2)(f.2), C.R.S. provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority; and

WHEREAS, as required by Section 29-1-204.5(2)(e)(I), C.R.S., the levying of such taxes or fees will fairly distribute the costs of the Authority's activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons and businesses; and

WHEREAS, November 6, 2018 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

Section 2. Pursuant to TABOR, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 6, 2018, as a coordinated mail ballot election (the "Election"). The Board hereby determines that at the Election, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk and Recorder for Gunnison County (the "County Clerk") shall conduct the election on behalf of the Authority. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the designated election official to certify to the County Clerk on or before September 7, 2018, a ballot question in substantially the following form. Such question shall be submitted to the eligible electors of the Authority at the Election:

SHALL THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY TAXES BE INCREASED \$900,000 IN TAX COLLECTION YEAR 2019, AND BY SUCH AMOUNT AS MAY BE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN AD VALOREM PROPERTY TAX OF NOT MORE THAN 1.50 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE AUTHORITY, COMMENCING JANUARY 1, 2019, THROUGH AND INCLUDING DECEMBER 1, 2028, AND CONTINUING AT A LEVY OF NOT MORE THAN .5 MILLS FROM JANUARY 1, 2029 AND THEREAFTER, FOR THE PURPOSES OF PLANNING, FINANCING, ACQUIRING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, MAINTAINING, MANAGING AND OPERATING HOUSING PROJECTS OR PROGRAMS IN GUNNISON COUNTY, INCLUDING THE INCORPORATED JURISDICTIONS, TO PROVIDE THE FOLLOWING:

- (1) DWELLING ACCOMMODATIONS AT RENTAL PRICES OR PURCHASE PRICES WITHIN THE MEANS OF FAMILIES OF LOW- OR MODERATE-INCOME;
- (2) AFFORDABLE HOUSING PROJECTS OR PROGRAMS FOR EMPLOYEES OF EMPLOYERS LOCATED WITHIN THE JURISDICTION OF THE AUTHORITY;

- (3) SENIOR HOUSING FACILITIES;
- (4) ADMINISTRATION OF HOUSING VOUCHER PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR OTHER SIMILAR PROGRAMS; AND
- (5) MIXED INCOME OR MIXED USE PROPERTIES THAT FACILITATE EITHER OF THE PURPOSES SET FORTH IN BULLETS (1) AND (2) ABOVE;

AND SHALL THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE REVENUES COLLECTED FROM SUCH TOTAL PROPERTY TAX RATE, INVESTMENT INCOME THEREON AND ANY OTHER LAWFUL SOURCE AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR), OR ANY OTHER LAW, AND AS A PERMANENT WAIVER OF THE 5.5% LIMITATION UNDER SECTION 29-1-301, C.R.S.?

Section 4. Jennifer Kermode is hereby appointed as the designated election official of the Authority for purposes of performing acts required or permitted by law in connection with the Election. Further, all officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If a majority of the votes cast on the question of increasing Authority taxes for the purposes specified in the Contract submitted at the Election shall be in favor of same, the Authority shall be authorized to proceed with the necessary action to comply with such questions.

Section 6. Any authority to increase taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. The Board hereby determines that the levy of such ad valorem property tax will fairly distribute the costs of the Authority's activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons or businesses.

Section 8. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 9. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

UPON a motion duly made, seconded and carried, the foregoing Resolution was adopted this 13th day of June, 2018.

GUNNISON VALLEY REGIONAL HOUSING AUTHORITY


Chairperson

ATTEST:


Secretary



Staff Report

June 18, 2018

To: Mayor and Town Council
From: Dara MacDonald, Town Manager
Subject: Discussion and possible direction on decisions related to policy

Summary: The Town continues to receive periodic requests to comment on legislation or advocate for particular policy positions. Staff would like direction on how the Council would, or would not, like to consider these and future requests.

Background: Periodically the Council, or individual members of the Council receive requests for the Town to comment on pending legislation or take a policy stance on an issue. Individual members of the Council may certainly take positions as individuals, however the Town Council should act as a body if a position is to be taken by the Town itself.

In the past, these types of requests have been brought forward by one or more members of the Council during meetings and, if agreed upon, are scheduled for discussion at future meetings.

Examples of recent requests include the following:

- The Mountain Pact – Land and Water Conservation Fund Sign on Letter
- CAST/Sen. Bennet – Seeking feedback on the Ski Area Fee Retention Act
- CC4CA – Policy Agenda
 - Advocacy for Clean Car Standards

Information on each of these requests is included in the packet and the Council may direct staff to take action at this meeting if they wish.

Recommendation: Staff recommends the Council discuss:

- 1) How would the Council like these types of requests for input or comments to be brought forward in the future?
- 2) Would the Council like to support the Mountain Pact letter regarding the Land and Water Conservation Fund, or would they like additional information?
- 3) Does the Council wish to comment on Sen. Bennet's proposed Ski Area Fee Retention Act?

- 4) Does the Council support the CC4CA policy agenda?
- 5) Does the Council wish for staff and CC4CA appointees to support the proposed advocacy for Clean Car Standards?



Background - Land and Water Conservation Fund - May 2018

What is the Land and Water Conservation Fund?

The Land and Water Conservation Fund (LWCF) is a federal fund, established in 1964, that is set up to invest in the conservation and preservation of public land and waters. It helps secure and enhance public access, conservation, ecosystem preservation, and outdoor recreation infrastructure. This bipartisan legislation uses zero tax dollars and instead uses royalty payments from offshore oil and gas reserves to protect important land and water resources nationwide. These funds provide grants for conservation and enhancement of outdoor spaces that support diverse opportunities for outdoor recreation and tourism. This investment ensures that visitors, ecosystems, and nearby communities can benefit. The LWCF enhances the protection and management of America's public lands.

What is happening with the Land and Water Conservation Fund now?

Each year \$900 million dollars are paid into the LWCF, however \$20 billion of these funds have been diverted to other uses leaving inadequate funding for conservation projects.^{1,2} Conservation projects supported by LWCF can be found in every state and most counties in the United States. Funding through the LWCF is supported by 85% of Americans.³ Funding for the LWCF was originally approved for 25 years, was reauthorized for another 25 years in 1990, then was reauthorized for three years in 2015 and it is currently set to expire on September 30, 2018.⁴ Permanent reauthorization of LWCF will provide a long-term funding solution to ensure protection of America's natural heritage and outdoor recreation opportunities.

Why is the Land and Water Conservation Fund Important for Mountain Communities?

The LWCF funds have conserved and increased the health of land and water in America's public land system in every state and nearly every county in the United States.⁵ The LWCF has helped create an extensive network of public lands for all Americans to enjoy. Outdoor recreation and proximity to open spaces -many of which have been enhanced through use of the LWCF- draw residents and tourists to mountain communities which provides significant economic support and a distinct way of life. In fact, counties in close proximity to public lands have been found to perform better in several key economic factors than counties without nearby public lands.⁶ Outdoor recreation such as hiking, biking, kayaking, hunting, and fishing contributed and incredible 2 percent of the United States Gross Domestic Product (GDP) in 2016 and is growing faster than the overall United States economy at a rate of 3.8 compared to 2.8 percent.⁷ Additionally, the Outdoor Industry Association found that the outdoor recreation economy contributes \$887 billion to the United States economy, and supports 7.6 million jobs.⁸ Without funding for the further protection and enhancement of America's public lands, the economic success and cultural vitality of mountain communities may be at risk.

¹<https://www.doi.gov/lwcf>

²<https://www.doi.gov/lwcf/about/overview>

³Ibid

⁴<http://thehill.com/policy/energy-environment/263424-conservation-fund-gets-3-year-lifeline-in-spending-bill>

⁵<http://thehill.com/opinion/energy-environment/384469-local-economies-need-the-land-and-water-conservation-fund>

⁶<https://headwaterseconomics.org/public-lands/federal-lands-performance/>

⁷<https://www.bea.gov/newsreleases/industry/orsa/2018/orsa0218.htm>

⁸<https://www.doi.gov/lwcf>

Our Land, Our Water, Our Heritage

LWCF in COLORADO

HELP PROTECT COLORADO'S QUALITY OF LIFE BY SUPPORTING FULL FUNDING FOR THE LAND AND WATER CONSERVATION FUND

LWCF Funded Units in Colorado

Federal Program

Arapaho NF/Arapaho NRA
 Arkansas River SRMA
 Baca Ranch/NWR
 Black Canyon of the Gunnison NP
 Blanca Wildlife Habitat Area
 Canyons of the Ancients NM
 Colorado Canyons NCA
 Colorado NWRs & NFs
 Colorado NM
 CO River/Ruby Canyon NCA
 Comanche Nat Grassland
 Cross Mountain NCA
 Dominguez-Escalante NCA
 Garden Park Fossil Area
 Golden Bair Ranch
 Grand Mesa Slopes SMA
 Great Sand Dunes NP
 Gunnison Basin ACEC
 Gunnison Gorge NCA
 Gunnison NF
 Lake Fork of Gunnison SMA
 McIntire Spring/Conejos River
 Mesa Verde NP
 Perins Peak WHA
 Powderhorn WSA
 Rio Grande NF
 Rocky Mountain NP
 Roosevelt NF
 Ruby Mountain
 Sand Creek Massacre NHS
 San Miguel River
 *Sangre de Cristo CA
 Two Ponds NWR
 Unawep/Tabeguache NSB
 Uncompahgre/San Juan NF
 Upper Huerfano River EMA
 Upper Colorado River SRMA
 White River NF

Federal Total \$ 183,900,000
Forest Legacy Program \$ 22,600,000
Habitat Conservation (Sec. 6) \$ 1,750,000
State Program
 Total State Grants \$60,000,000

Total \$268,250,000

*multistate project

LWCF Success in Colorado

The Land and Water Conservation Fund (LWCF) has provided funding to help protect some of Colorado's most special places and ensure recreational access for hunting, fishing and other outdoor activities. Colorado has received approximately \$268 million in LWCF funding over the past five decades, protecting places such as the Great Sand Dunes National Park, Uncompahgre, Arapahoe-Roosevelt, Gunnison and Rio Grande National Forests, and Canyon of the Ancients National Monument.

Forest Legacy Program (FLP) grants are also funded under LWCF, to help protect working forests. The FLP cost-share funding supports timber sector jobs and sustainable forest operations while enhancing wildlife habitat, water quality and recreation. For example, the FLP contributed to places such as the Catspaw Ranch along the headwaters of the Navajo River in Southern Colorado and Ben Delatour Scout Ranch along the Front Range near Fort Collins. The FLP assists states and private forest owners to maintain working forest lands through matching grants for permanent conservation easement and fee acquisitions, and has leveraged approximately \$22.6 million in federal funds to invest \$25 million in Colorado's forests, while protecting air and water quality, wildlife habitat, access for recreation and other public benefits provided by forests.

LWCF state assistance grants have further supported hundreds of projects across Colorado's state and local parks including trails development in Lory and Cheyenne Mountain State Parks and park acquisitions at Golden Gate Canyon, Boyd Lake, and Roxborough State Parks.

Economic Benefits

Active outdoor recreation is an important part of the Colorado economy. The Outdoor Industry Association has found that active outdoor recreation generates \$28 billion in consumer spending in Colorado, 229,000 jobs which generate \$9.7 billion in wages and salaries, and produces \$2 billion annually in state and local tax revenue. Further, the U.S. Census reports that each year over 2.2 million people hunt, fish, or enjoy wildlife-watching in Colorado, contributing \$3 billion in wildlife recreation spending to the state economy.



Children in Medano Creek, Great Sand Dunes NP Credit: NPS
 Top: Ute Trail, Rocky Mountain National Park Credit: NPS

LWCF in Colorado

Cross Mountain Ranch

LWCF funding in FY2013 was used to acquire the 920 acre Cross Mountain Ranch on the Yampa River in northwest Colorado. Previously, access to the area was difficult at best because the only feasible routes were through private property or by boat. Now, the conservation lands, as well as the access they provide, are open to all hunters, anglers, boaters, hikers and other outdoor recreationists. The project area includes 2.8 miles of frontage on the Yampa River and provides habitat to 400 elk (including a large number of trophy bulls), mule deer and all four species of Colorado warm-water fish.

Fiscal Year 2018 Agency Priority Project List for Colorado

Agency	Project	Amount	Delegation
NPS	Black Canyon of the Gunnison National Park	\$2,636,000	Bennet, Gardner/Tipton
NPS	Great Sand Dunes National Park	\$108,000	Bennet, Gardner/Tipton
FS	Parks and High Points: Grand Mesa NF, Uncompahgre NF & Gunnison NF	\$2,500,000	Bennet, Gardner/Tipton

The Fiscal Year 2018 President's Budget:

The President's Fiscal Year 2018 Budget proposal would virtually eliminate the Land and Water Conservation Fund, reducing the program's budget by nearly 85% from this year's enacted level. Under this proposal, funding for federal land conservation at America's National Parks, National Forests, National Wildlife Refuges and other public lands would be slashed as much as 89%. State grant programs to support local recreation facilities, state parks, wildlife habitat and other community conservation priorities would also be largely wiped out. Working forest protection—which opens up public access and protects drinking water supplies while still keeping jobs in the woods—is eliminated altogether. Without robust LWCF funding in FY 2018, Colorado's conservation and outdoor recreation needs could be put on hold or lost forever.

FY17 Enacted vs. FY18 Budget Request Comparison

Agency/Program	FY17 Enacted Funding	FY18 President's Budget
National Park Service	\$42,023,000	\$14,856,000
Bureau of Land Management	\$31,416,000	\$3,609,000
U.S. Forest Service	\$54,415,000	\$7,000,000
Fish and Wildlife Service	\$49,995,000	\$17,051,000
Sec. 6 Habitat Conservation	\$30,800,000	\$0
Forest Legacy Program	\$62,347,000	\$0
Highlands Conservation Act	\$10,000,000	\$0
American Battlefield Protection	\$10,000,000	\$8,481,000
State & Local Assistance	\$110,006,000	\$3,043,000



Step House, Mesa Verde NP
Credit: NPS

LWCF is a simple idea: that a portion of offshore drilling fees should be used to protect important land and water for all Americans. These are not taxpayer dollars. Unfortunately, the promise of LWCF has been broken. The program is authorized to receive up to \$900 million each year—but most of these funds have been diverted elsewhere. Now is the time to fix this and ensure that funds retained in the LWCF account are used for their intended conservation and recreation purposes.

LWCF supports the acquisition of land and conservation easements to protect our national parks, wildlife refuges, forests, trails, and BLM sites, grants funds to the states for local and state park needs, protects critical wildlife habitat, watersheds and recreational access, and conserves working farms, ranches and forestlands that enhance local economies.



www.lwcfcoalition.org

STAND-ALONE SKI FEE RETENTION BILL SUMMARY

This bill locally retains a portion of the roughly \$37 million in permit fees (5 year average) that ski areas generate annually to improve ski area permit administration, processing of ski area proposals, and address any backlogs in permit administration or processing of ski area proposals. The Forest Service, the 122 ski areas operating on National Forest System lands in thirteen states, and potentially other recreation permittees would benefit from the bill. Approximately \$22-24M would be retained annually by the Forest Service under ski fee retention.

Benefits of Ski Fee Retention

Ski Fee Retention would provide the Forest Service with the capacity it needs to administer ski area permits and review ski area proposals for future improvements. It would also provide ski areas with the certainty they need to make long-term business decisions on making private investments on needed infrastructure on public land; help facilitate implementation of year-round recreation activities, thereby creating year-round jobs, boosting rural economies, and improving the recreation experience for visitors; and ultimately support the Forest Service in fulfilling its recreation mission.

Partial Retention of Fees

Forests with ski area fees in excess of \$15M annually would retain 50% of the fees locally. The remaining 50% would continue to go to the Treasury.

Forests with ski area fees at or below \$15M annually would retain 65% of the fees locally. The remaining 35% will continue to go to the Treasury.

Transfer of Fees to Other Ski Forests

To the extent a forest with greater than \$15M in annual ski area permit fees can't reasonably spend the money retained, the fees may be shared or transferred to other national forests with at least one ski area, however the originating forest is guaranteed a minimum of 35% of those retained fees.

To the extent a forest with \$15 M or less in annual ski area permit fees can't reasonably spend the fees retained, the fees may be shared or transferred to other national forests with at least one ski area, however the originating forest is guaranteed a minimum of 50% of those retained fees.

In transferring fees to other ski forests, the following considerations would be taken into account:

- The number of proposals for ski area improvements on those forests;
- Any backlog in ski area permit administration or processing of ski area proposals; and
- The need for services, training, staffing or contracting in other forests that would improve permit administration.

Other Recreation Permits

In the event that ski area permit administration needs are met across the country, including the transfers or sharing of retained fees to other national forests, the bill allows retained funds to be expended on non-ski area recreation permit administration.

Limits on Expenditures

Retained fees may only be used for ski area permit administration and processing of proposals for ski area improvement projects, training programs for ski area permit administration and processing of proposals, and interpretation, visitor information and visitor services to enhance visitor experience and support delivery of the USFS Avalanche Information and Education Program. They may be spent on other recreation permit administration (non-ski area) to the extent funds exist after all ski area program needs have been met.

Retained fees may not be used for wildfire suppression or preparedness, biological monitoring under ESA except as required by law in conjunction with a ski area improvement project, acquisition of federal land or USFS administrative sites.

Retained ski area permit fees are in addition to appropriated funds, not in lieu of appropriated funds.

115TH CONGRESS
2D SESSION

S. 2501

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2018

Mr. GARDNER (for himself, Mr. BENNET, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ski Area Fee Reten-
5 tion Act”.

6 **SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION AC-**
7 **COUNT.**

8 (a) IN GENERAL.—Section 701 of division I of the
9 Omnibus Parks and Public Lands Management Act of

1 1996 (16 U.S.C. 497e) is amended by adding at the end
2 the following:

3 “(k) SKI AREA FEE RETENTION ACCOUNT.—

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) ACCOUNT.—The term ‘Account’
6 means the Ski Area Fee Retention Account es-
7 tablished under paragraph (2).

8 “(B) COVERED UNIT.—The term ‘covered
9 unit’ means a National Forest which collects a
10 rental charge under this section.

11 “(C) REGION.—The term ‘Region’ means a
12 Forest Service Region.

13 “(D) RENTAL CHARGE.—The term ‘rental
14 charge’ means a permit rental charge that is
15 charged under subsection (a).

16 “(E) SECRETARY.—The term ‘Secretary’
17 means the Secretary of Agriculture.

18 “(2) ESTABLISHMENT.—The Secretary of the
19 Treasury shall establish in the Treasury a special
20 account, to be known as the ‘Ski Area Fee Retention
21 Account’, into which there shall be deposited—

22 “(A) in the case of a covered unit at which
23 not less than \$15,000,000 is collected by the
24 covered unit from rental charges in a fiscal
25 year, an amount equal to 50 percent of the

1 rental charges collected at the covered unit in
2 the fiscal year; or

3 “(B) in the case of any other covered unit,
4 an amount equal to 65 percent of the rental
5 charges collected at the covered unit in a fiscal
6 year.

7 “(3) AVAILABILITY.—Subject to paragraphs
8 (4), (5), and (6), any amounts deposited in the Ac-
9 count under paragraph (2) shall remain available for
10 expenditure, without further appropriation, until ex-
11 pended.

12 “(4) LOCAL DISTRIBUTION OF AMOUNTS IN
13 THE ACCOUNT.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), 100 percent of the amounts
16 deposited in the Account from a specific covered
17 unit shall remain available for expenditure at
18 the covered unit at which the rental charges
19 were collected.

20 “(B) REDUCTION.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), the Secretary may reduce the percent-
23 age of amounts available to a covered unit
24 under subparagraph (A) if the Secretary
25 determines that the rental charges col-

1 lected at the covered unit exceed the rea-
2 sonable needs of the covered unit for that
3 fiscal year for authorized expenditures de-
4 scribed in paragraph (5)(A).

5 “(ii) LIMITATION.—The Secretary
6 may not reduce the percentage of amounts
7 available under clause (i)—

8 “(I) in the case of a covered unit
9 described in paragraph (2)(A), to less
10 than 35 percent of the amount of
11 rental charges deposited in the Ac-
12 count from the covered unit in a fiscal
13 year; or

14 “(II) in the case of any other
15 covered unit, to less than 50 percent
16 of the amount of rental charges de-
17 posited in the Account from the cov-
18 ered unit in a fiscal year.

19 “(C) TRANSFER TO OTHER COVERED
20 UNITS.—

21 “(i) DISTRIBUTION.—If the Secretary
22 determines that the percentage of amounts
23 otherwise available to a covered unit under
24 subparagraph (A) should be reduced under
25 subparagraph (B), the Secretary may

1 transfer to other covered units, for alloca-
2 tion in accordance with clause (ii), the per-
3 centage of the amounts withheld from the
4 covered unit under subparagraph (B), to
5 be expended by the other covered units in
6 accordance with paragraph (5).

7 “(ii) CRITERIA.—In determining the
8 allocation of amounts to be transferred
9 under clause (i) among other covered
10 units, the Secretary shall consider—

11 “(I) the number of proposals for
12 ski area improvements in the other
13 covered units;

14 “(II) any backlog in ski area per-
15 mit administration or the processing
16 of ski area proposals in the other cov-
17 ered units; and

18 “(III) any need for services,
19 training, staffing, or streamlining pro-
20 grams in the other covered units or
21 the Region in which they are located
22 that would improve the administration
23 of the Forest Service Ski Area Pro-
24 gram.

25 “(5) AUTHORIZED EXPENDITURES.—

1 “(A) IN GENERAL.—Amounts distributed
2 from the Account to a covered unit under this
3 subsection may be used for—

4 “(i) ski area special use permit ad-
5 ministration and processing of proposals
6 for ski area improvement projects in the
7 covered unit, including staffing and con-
8 tracting for such administration, process,
9 or services through the unit or the Region;

10 “(ii) any expenses that the Forest
11 Service would have otherwise applied to ski
12 area permittees through cost recovery pur-
13 suant to part 251 of title 36, Code of Fed-
14 eral Regulations (or successor regulations);

15 “(iii) training programs on processing
16 ski area applications, administering ski
17 area permits, or ski area process stream-
18 lining in the covered unit or the Region in
19 which the unit is located; and

20 “(iv) interpretation activities, visitor
21 information, visitor services, and signage in
22 the covered unit to enhance—

23 “(I) the ski area visitor experi-
24 ence on National Forest System land;
25 and

1 “(II) avalanche information and
2 education activities carried out by the
3 Forest Service.

4 “(B) OTHER USES.—If any amounts are
5 still available in the Account after all ski area
6 permit-related expenditures under subpara-
7 graph (A) are made, including amounts trans-
8 ferred to other covered units pursuant to para-
9 graph (4)(C), such remaining amounts in the
10 Account may be applied to permit administra-
11 tion for other (non-ski area) Forest Service
12 recreation special use permits at the discretion
13 of the Secretary. The Secretary shall first de-
14 termine that all ski area-related permit admin-
15 istration, processing and interpretation needs
16 have been met in all covered units and Regions
17 before applying any remaining amounts in the
18 Account to non-ski area uses.

19 “(C) LIMITATION.—Amounts in the Ac-
20 count may not be used for—

21 “(i) the conduct of wildfire suppres-
22 sion or preparedness activities;

23 “(ii) the conduct of biological moni-
24 toring on National Forest System land
25 under the Endangered Species Act of 1973

1 (16 U.S.C. 1531 et seq.) for listed species
2 or candidate species, except as required by
3 law for environmental review of ski area
4 projects;

5 “(iii) the acquisition of land for inclu-
6 sion in the National Forest System; or

7 “(iv) Forest Service administrative
8 sites.

9 “(6) SAVINGS PROVISIONS.—

10 “(A) IN GENERAL.—Nothing in this sub-
11 section affects the applicability of section 7 of
12 the Act of April 24, 1950 (commonly known as
13 the ‘Granger-Thye Act’) (16 U.S.C. 580d), to
14 ski areas on National Forest System land.

15 “(B) REVENUE ALLOCATION PAYMENTS.—
16 Rental charges deposited in the Account under
17 paragraph (2) shall be considered to be
18 amounts received from the National Forest Sys-
19 tem for purposes of calculating amounts to be
20 paid under—

21 “(i) the Secure Rural Schools and
22 Community Self-Determination Act of
23 2000 (16 U.S.C. 7101 et seq.);

1 “(ii) the sixth paragraph under the
2 heading ‘forest service’ in the Act of May
3 23, 1908 (35 Stat. 260; 16 U.S.C. 500);

4 “(iii) section 13 of the Act of March
5 1, 1911 (36 Stat. 963; 16 U.S.C. 500);
6 and

7 “(iv) chapter 69 of title 31, United
8 States Code.

9 “(C) SUPPLEMENTAL FUNDING.—Rental
10 charges retained and expended under this sub-
11 section shall supplement (and not supplant) ap-
12 propriated funding for the operation and main-
13 tenance of each covered unit.”.

14 (b) EFFECTIVE DATE.—This section (including the
15 amendments made by this section) shall take effect on the
16 date that is 60 days after the date of enactment of this
17 Act.

18 (c) IMPLEMENTATION.—The Secretary of Agriculture
19 shall not be required to issue regulations or policy guid-
20 ance to implement this section (including the amendments
21 made by this section).

○



CC4CA Policy Agenda for 2017–2018

Colorado Communities for Climate Action is a coalition of local governments advocating for policies that protect Colorado's climate for current and future generations. CC4CA's policy priorities for 2017–2018 reflect unanimous agreement among the coalition members on steps that should be taken at the state level, often in partnership with local governments, to enable Colorado and its communities to lead in protecting the climate. These steps would complement the strong local climate actions CC4CA members already have underway. The policy agenda primarily includes specific policies to be undertaken by the state government, but CC4CA will also be active in 2017–2018 in advocating for federal actions.

General Policy Priorities

The following general principles guide the specific policies for which Colorado Communities for Climate Action advocates. CC4CA:

Supports state and federal government collaboration with Colorado's local governments to advance local climate protection action through the provision of information, technical assistance, funding, and other resources.

Supports state and federal programs directly and indirectly related to achieving reductions in heat-trapping emissions, and continued and adequate funding of those programs.

Supports analyses, financial incentives, and enabling policies for the development and deployment of clean energy technologies.

Supports state and federal impact assistance programs requested by affected communities that are impacted by the reduced use of fossil fuels for power production.

Specific Policy Positions

Colorado Communities for Climate Action supports the following policy positions:

Local Climate Programs

1. Supports state-level actions to remove barriers and promote opportunities that allow counties and municipalities to maximize the deployment of local clean energy options.

The deployment of local energy generation and technology will continue to be a critical component of Colorado communities' climate efforts. In many cases, regulatory or legislative limitations exist that will need to be removed for communities to fully explore new local program options and technologies that can effectively reduce fossil fuel use, increase energy resilience, and support community values related to climate protection. For example, the integration of local renewable energy, storage technologies, and microgrids all support a local jurisdiction's ability to address the supply side of energy-related emissions.

2. Supports requiring local governments with adopted building codes to include the 2015 or newer International Energy Conservation Code, or provisions substantially similar to it, in their building codes and to develop a process for updating the energy code on a regular basis.

House Bill 07-1146, adopted in 2007, required cities and counties in Colorado with building codes to adopt and enforce a building energy code at least as stringent as the 2003 International Energy Conservation Code. That law was effective in stimulating local jurisdictions to adopt an up-to-date model energy code, but the 2003 IECC "floor" is now outdated, which could be remedied by amending the legislation to make the 2015 IECC the new minimum standard. The Southwest Energy Efficiency Project estimates that about 40 percent of new construction in the state is being built in jurisdictions where the 2015 IECC (or better) has been adopted. However, numerous jurisdictions in Colorado are still on the 2006 or 2009 IECC. As a result, new construction there is much less energy efficient than it could or should be. SWEEP estimates the incremental cost for building a new home that meets the 2015 IECC is about \$2,400, relative to a home built to the 2006 IECC. The annual energy savings is worth about \$390, meaning a six-year simple payback.

3. Supports state government actions to enable local governments to obtain the energy use and other data they need to effectively address climate change.

Local governments need convenient and consistent access to data that is essential for developing and administering local programs that address clean and efficient energy and reductions in heat-trapping emissions. For example, access to uniform data from electric and gas utilities is critical for implementing building energy use disclosure and benchmarking programs designed to make sure building owners, tenants, and others can be fully informed about energy performance. Local governments also struggle to get consistent data regarding waste collection and disposal, oil and gas operations, and other sources of heat-trapping emissions. CC4CA supports state government actions and policies that lead to uniform systems for collection and distribution of data from investor-owned and public utilities that is easily accessible to local governments, while still protective of data privacy for residents and businesses.

State Climate-Specific Programs

4. Supports statutory codification of aggressive and enforceable goals to reduce net statewide heat-trapping emissions, including the goal of reducing emissions by more than 26 percent by 2025, compared to 2005 levels, as established by Governor John

Hickenlooper through executive order, and including a further goal of reducing emissions by at least 80 percent by 2050, compared to 2005 levels.

In July 2017, Governor Hickenlooper issued Executive Order D 2017-015, which, among other things, set an official state goal of reducing statewide heat-trapping emissions by more than 26 percent by 2025, compared to 2005 levels. This would have Colorado do our share to fulfill the national commitment the United States made under the Paris Agreement. CC4CA has applauded the governor for his action, which provides an essential framework for shaping climate protection actions in Colorado.

CC4CA also supports an additional goal of reducing emissions by at least 80 percent by 2050, building on the goal set in 2008 by then-governor Bill Ritter, Jr., in Executive Order D 004 08. This would have Colorado do our share to achieve the global emission reductions which scientists say must be achieved or even exceeded to protect the climate from dangerous human interference.

CC4CA supports the codification of the state's emission reduction goals in statute, as other states have done, so that they remain the cornerstone of state climate protection actions over time, including following transitions from one governor to another.

5. Supports legislative, regulatory, and administrative actions by the Colorado state government to achieve the state's emission reduction goals and to implement the Colorado Climate Plan, and requests an opportunity for meaningful, sustained engagement by CC4CA in developing those specific steps.

New concrete actions are necessary to achieve the state's emission reduction goals established by Governor Hickenlooper and to carry out the Colorado Climate Plan he released in 2015, which is a high-level overview document of state actions for adapting to future climate change impacts and reducing heat-trapping emissions. The governor and other state officials are now considering a new series of steps to develop concrete policy actions to meet the goals of the executive order and the general goals described in the plan. CC4CA believes it essential that the state government provide an opportunity for meaningful, sustained collaboration with local governments in developing specific climate actions, and proposes that representatives of CC4CA be included in that process. Following the July 2017 release of Governor Hickenlooper's executive order, CC4CA initiated a letter to the governor through which 75 local elected officials expressed support for the executive order and its goals and stated their readiness and willingness to help his administration shape and implement concrete, measurable actions that will be needed to meet these goals.

6. Supports the development of a new forecast of future heat-trapping emissions reflecting Colorado laws and Colorado-specific information by the Colorado Department of Public Health and Environment, with input from local government and other stakeholders.

The "Colorado Greenhouse Gas Inventory: 2014 Update Including Projections to 2020 & 2030," prepared by the Colorado Department of Public Health and Environment, includes a forecast of statewide emissions that utilizes federal Environmental Protection Agency nationwide assumptions about future emissions policies. As a result, the inventory does not reflect currently adopted Colorado laws and policies, such as our Renewable Energy Standard. Without this

information, it is impossible to tell what progress Colorado is already on track to make—or not make—in reducing future heat-trapping emissions. CC4CA in July 2017 sent a letter to CDPHE recommending the development of a new Colorado inventory of heat-trapping emissions that incorporates existing Colorado law and policy in order to more accurately track the state’s progress in achieving its emissions reduction goals, and will continue working for that action.

7. Supports a comprehensive market-based policy to reduce Colorado’s heat-trapping emissions.

Climate change is considered a market failure by economists, because it imposes huge costs on society—so-called external costs—that are not normally reflected in the prices of the goods and services causing the cost. To overcome this market failure, CC4CA supports an effort to internalize the costs, by putting a price on heat-trapping emissions and allowing that price to help drive emission reductions. Such a market-based approach could be undertaken at national, regional, or state levels, and could take different forms. One approach would be a tax on heat-trapping emissions. Another would be a cap-and-trade program that allows trading of limited emission rights that are sold and then could be traded to achieve economically efficient emission reductions. Examples are the Regional Greenhouse Gas Initiative in northeastern U.S. states, which includes both in-state and regional trading via the Western Climate Initiative.

Electricity Generation

8. Supports concrete state government actions to reduce emissions from the electricity sector in Colorado by at least 25 percent by 2025 and at least 35 percent by 2030, compared to 2012 levels, consistent with the goals established by Governor John Hickenlooper through executive order.

Executive Order D 2017-015 establishes new state goals for reducing emissions from the electricity sector that are consistent with what the state had under consideration to comply with the U.S. Environmental Protection Agency’s Clean Power Plan under the Obama administration. CC4CA believes that greater emission reductions are possible than called for in the executive order and that further reductions are needed into mid-century, especially given the more ambitious targets that Xcel Energy has identified as achievable in its Colorado Energy Plan currently under consideration by the Public Utilities Commission. CC4CA supports concrete actions by the Colorado Public Utilities Commission and/or the Colorado Department of Public Health and Environment to ensure the new goals in the executive order are achieved, and to achieve greater reductions beyond them.

9. Supports the early decommissioning and retirement of existing fossil-fuel based generation facilities and their replacement with clean energy supplies, through means that protect both utilities and consumers.

CC4CA supports actions in Colorado to enable the early retirement of fossil-fuel based power plants and their replacement with clean energy sources, while protecting the economic interests of both the utilities owning the power plants and electricity customers.

In the Colorado General Assembly’s 2017 session, CC4CA supported legislation to allow refinancing of older, less efficient power plants, by way of ratepayer-backed bonding, that could make it possible to retire those plants in favor of newer, cleaner sources, while protecting the

economic interests of both utilities and consumers. In August 2017, Xcel Energy and more than a dozen other entities (including the City of Boulder, a CC4CA member) announced an agreement to seek approval from the Public Utilities Commission of a proposal to retire two old, coal-fired generators at the Comanche power plant in Pueblo, to be replaced with newer energy sources with lower (or no) heat-trapping emissions. The coalition said the proposal is predicated on the cost of the new energy sources meeting or beating the current cost of power from the power plants to be retired.

Across the nation, the generation of electricity is rapidly and increasingly shifting from coal-fired power plants to less polluting plants, driven primarily by economic forces but sometimes also by governmental policies and actions, from climate action plans to new authority for refinancing existing plants. The shift to cleaner electricity generation is driving down heat-trapping emissions from that sector and holding down overall national emissions.

10. Supports preservation of the ability of electric cooperatives to independently purchase local renewable electricity, consistent with the decisions of the Federal Energy Regulatory Commission that both direct and indirect restrictions on such ability are in violation of federal law.

Tri-State Generation and Transmission Association, first directly through attempts to impose contractual limitations and then indirectly through attempts to impose fees, has tried to keep its customer electric cooperatives from being able to purchase electricity generated from local renewable sources by other suppliers. In decisions involving Tri-State and Delta Montrose Electric Association, the Federal Energy Regulatory Commission has found these attempts to be in violation of the Public Utilities Regulatory Policy Act, which actually requires a coop to purchase such electricity, and has blocked Tri-State from blocking those purchases, either through direct contractual prohibitions or indirectly through the imposition of fees. CC4CA supports preservation of the ability of coops to purchase non-polluting electricity, free from these or any similar limitations, as allowed under federal law and these FERC decisions.

11. Supports state legislation to incrementally increase the Renewable Energy Standard.

Colorado's current Renewable Energy Standard requires electricity providers to obtain these minimum percentages of their power from renewable energy sources:

- Investor-owned utilities: 30 percent by 2020, of which 3 percent must come from distributed energy resources.
- Large rural electric cooperatives: 20 percent by 2020.
- Municipal utilities and small rural electric cooperatives: 10 percent by 2020.

This standard has been one of the most effective state policies in facilitating the transition from carbon-intensive fossil fuel electricity sources to renewable sources, and CC4CA supports giving consideration to incrementally increasing the standard for all three types of utilities.

12. Supports state legislation to require the Public Utilities Commission to consider all environmental and health costs of the fuels used by investor-owned utilities to generate electricity.

Electric utilities should be required to include the costs of heat-trapping emissions when developing their long-term integrated resource plans, as would have been required under a bill considered in the 2016 session of the Colorado General Assembly. The “social cost of carbon” is the economic cost of the impacts of heat-trapping emissions, which can be used to compare the overall costs and benefits of alternative energy sources. Legislation requiring utilities to generate at least one scenario identifying the impacts of heat-trapping emissions would enable utilities, regulators, ratepayers, and others to better understand the true costs of different choices for electricity generation.

13. Supports state net metering policies that incentivize distributed generation installations, in ways that are consistent with current net metering policies.

Participation and customer survey data demonstrate that metering, billing, and rate policies are important to utility customers who invest in distributed energy technologies. Colorado’s current net metering policies allow electric customers who make such investments, primarily in the form of rooftop solar systems, to net their solar energy production against their consumption. Available in 43 states, this simple billing arrangement is one of the most important policies for encouraging rooftop solar and other on-site clean energy options. Net metering also helps foster the voluntary reduction of heat-trapping emissions, contributes to the reliability of the electricity supply and distribution systems, supports the residential and small-commercial renewable energy industry, and helps to more quickly replace coal-fired power plants with cleaner sources of energy. In recent years utilities have sought approval from regulatory bodies in many states to either abandon or reduce net metering rates. CC4CA supports Colorado’s existing net-metering protocols, and opposes efforts to weaken or eliminate this important clean energy incentive.

Energy Efficiency

14. Supports legislative, regulatory, and administrative actions for electric utilities to achieve energy-efficiency savings of 2 percent per year beyond 2020, building on the 2020 goal established by Governor Hickenlooper through executive order. Municipal and cooperative utilities should also adopt and achieve similar efficiency targets.

In the 2017 session of the Colorado General Assembly, CC4CA supported HB 17-1227, which was enacted to extend an existing law, requiring regulated utilities to achieve electricity savings of 5 percent of retail sales from 2018–2028. Colorado utilities have already demonstrated that they can readily exceed this modest goal. The Southwest Energy Efficiency Project reports that from 2008–16 Xcel Energy and Black Hills Energy achieved 10 percent savings, well over 1 percent per year, with an overall benefit-to-cost ratio of more than two-to-one, and saving households and businesses nearly \$1.4 billion net over that time period. Governor Hickenlooper’s Executive Order D 2017-015 set a new goal to achieve 2 percent per year-energy efficiency by 2020, which is readily achievable and should be extended beyond that date.

15. Supports ongoing and sustainable funding for the Weatherization Assistance Program.

Low-income and vulnerable households spend a disproportionately large share of their income on energy utility bills. The federal Weatherization Assistance Program was created in 1976 to address this problem. Administered here by the Colorado Energy Office, WAP provides funding to locally administered home weatherization programs to provide free weatherization services to Colorado's low-income residents in order to improve the energy efficiency of their homes. Colorado supplements its annual federal WAP allocation with state severance tax dollars, both of which can be volatile sources of revenue. A stable revenue stream for Colorado's eight WAP programs would support the dual goals of assisting families in reducing their energy bills while promoting safe, comfortable, and energy-efficient housing.

16. Supports state enabling legislation to provide counties and statutory cities and towns with the same authority held by home rule cities to implement local energy conservation policies and programs.

Unlike their home rule municipal peers, Colorado counties and statutory cities and towns in many cases lack authority to adopt and implement energy conservation policies and programs. For example, only Colorado home rule cities have statutory authorization to enact such ordinances, but energy conservation ordinances are proven policy tools for improving the energy efficiency and performance of existing residential and commercial buildings. Enabling legislation is needed to provide Colorado's counties and statutory cities and towns with the authority necessary to enact policies and programs that can support and promote energy conservation within their jurisdictions.

Transportation

17. Supports adoption by the Colorado Air Quality Control Commission of California's motor vehicle emission standards, including requirements for zero-emission vehicles, as allowed by the federal Clean Air Act and as already done by many other states.

The federal Clean Air Act provides authority for California to adopt its own emission standards for new motor vehicles, if at least as stringent as federal standards, and for other states to adopt the California standards. Twelve states plus Washington, D.C., have adopted California's basic emission standards. These states represent about 35 percent of the nation's population and the same share of new motor vehicle sales. Also, nine states have adopted the specific California standards requiring manufacturers to achieve specified sales of zero tailpipe-emission vehicles (battery-only electric vehicles). CC4CA supports Colorado adopting the California vehicle standards, including those for zero-emission vehicles.

The separate California vehicle standards have enjoyed unusual bipartisan support, including among Colorado's congressional delegation, both as an example of cooperative federalism among federal and state governments and as important for protecting the climate. A June 2017 letter to the Administrator of the U.S. Environmental Protection Agency supporting continuation of the EPA waivers under the Clean Air Act for the California standards was signed by Rep. Mike Coffman, Republican of Colorado, and Rep. Jared Polis, Democrat of Colorado, along with other Congressmen of both parties.

In recent years, the basic California standards have been synchronized with federal emission and fuel efficiency standards. The Trump administration is now considering rolling back the federal standards, which would make the California standards even more important in reducing

heat-trapping emissions. Reducing emissions from the transportation sector is increasingly important as emissions from electricity generation have fallen, and transportation is now the sector producing the most heat-trapping emissions.

18. Supports new state government incentives for the purchase and use of zero emission vehicles, and the development of the infrastructure needed to support the use of those vehicles across Colorado.

Nationally, transportation has become the sector responsible for the most heat-trapping emissions. Colorado's recent population growth has led to a commensurate increase in vehicle miles traveled, which has overtaken the emissions reductions made possible through the increasing fuel efficiency of the statewide vehicle fleet. Electrification of light- and heavy-duty vehicles, as well as other emerging zero-emissions technologies, holds perhaps the greatest promise for emissions reductions in this sector. CC4CA supports legislative, regulatory, and administrative action to increase the adoption of electric vehicles by investing in electric vehicle charging stations, educating customers about EVs, and providing customer incentives. CC4CA also supports committing a portion of Colorado's share of the Volkswagen emissions control violations settlement to the construction of electric vehicle charging infrastructure across Colorado, an expressly approved use of these funds, as CC4CA urged in comments it submitted to the state in 2016. CC4CA also supports Colorado adoption of the California motor vehicle emission standards (see #17 above), including their provisions on sales of zero-emission vehicles.

Methane

19. Supports additional Air Quality Control Commission action to reduce emissions of methane from oil and gas operations.

Methane has a much more potent (although short-lived) heat-trapping effect than carbon dioxide, and reducing methane emissions is a highly effective way to buy some time for more comprehensive actions to reduce carbon dioxide emissions. In 2014 Colorado became the first state in the nation to limit methane emissions from oil and gas operations when the Air Quality Control Commission (AQCC) adopted rules that require oil and gas companies to find and fix methane leaks, as well as install technology that captures emissions of both methane and volatile organic compounds, which contribute to ground-level ozone pollution. Pending is a decision by the AQCC, following an October 2017 hearing, on whether to adopt proposed revisions to these regulations to increase hydrocarbon emission reductions in the Denver Metro Area/North Front Range non-attainment area for inclusion in Colorado's state implementation plan to meet federal ground-level ozone air quality standards. The revisions, which would improve on existing requirements to control equipment leaks at natural gas processing plants and well production facilities, would also reduce methane emissions. The AQCC may also consider adopting similar requirements on facilities on a state-wide basis.

Solid Waste Reduction

20. Supports adoption and implementation of a plan by the Colorado Department of Public Health and Environment to achieve the statewide waste diversion goals established by the Solid and Hazardous Waste Commission.

Recycling and composting reduce emissions of both methane and carbon dioxide. Colorado has a low solid waste diversion rate of 19 percent, compared with the national average of 35 percent. In August 2017, the Colorado Solid and Hazardous Waste Commission adopted new statewide and regional municipal solid waste diversion goals, including separate goals for 11 Front Range counties and for the remainder of the state for the years 2021, 2026, and 2036. Statewide, the goal is to increase the diversion rate to 45 percent by 2036.

CC4CA supports:

- The development and implementation of a plan to achieve at a minimum the diversion rates adopted by the Commission.
- Colorado Department of Public Health and Environment evaluation of whether additional legislative authority is needed to effectively manage diversion programs, including but not limited to economic and technical assistance for local and regional waste diversion programs and facilities, a concern identified in the 2016 Integrated Solid Waste & Materials Management Plan.
- Consideration of statewide bans of specific materials from landfills, such as the prohibitions now in place on electronic devices and paint products, and advanced disposal fee policies for certain products, such as those already enacted for paints and waste tires.

Vehicle Emissions Standards in Colorado

Background

- In 2012 the Obama administration [alternatively: the Environmental Protection Agency] adopted updated vehicle emissions standards that would progressively and predictably improve fuel efficiency across the U.S., nearly doubling the fuel economy of cars by 2025.
- These standards would make new cars a little more expensive – about \$1,000 on average. But these standards would also save drivers roughly \$4,000 on average over the life of the car because of fuel savings.
- The standards are estimated to save consumers \$50 billion a year by 2030; reduce oil consumption by 23 billion gallons per year; and reduce greenhouse gas emissions by 270 millions tons per year. [cite: <https://www.ucsusa.org/sites/default/files/attach/2016/06/Fuel-Economy-Standards-2017-2025-summary.pdf>] [alternative: These standards [would also prevent more than 6 billion metric tons of carbon pollution hitting our atmosphere](#). That is roughly equivalent [to an entire year's worth of carbon emissions in the U.S.](#)]
- [Recent polling](#) [October 2017] found that 78 percent of Colorado voters strongly support maintaining strong fuel efficiency standards, not weakening them. The same polling found comparable support in other states around the country, including [Michigan, Ohio, Pennsylvania, and Virginia](#).
- However, the Trump administration [or you can say “the Environmental Protection Agency”] is planning to roll back those improved standards.
- These new standards are driving important technological improvements in auto design and safety, job creation, and substantial air pollution reductions.
- These emissions standards were adopted with broad public and political support including support from the auto industry. A rollback - moving backward on improving vehicle efficiency and reducing pollution - makes no sense.

Impacts of the Fuel Efficiency Rollback

- [An Environmental Defense Fund analysis found that carbon pollution in Colorado would increase by up to 4.3 million tons](#), nearly the amount produced annually by Comanche Units 1 and 2. [Alt: It will nearly wipe out

the carbon pollution gains from the retirement of the Comanche 1 and 2 coal-fired power plants in Pueblo.]

- A projected 15% increase in nitrogen oxide pollution from cars – one of the major contributors to smog. [cite: Environmental Defense Fund analysis]
- On average, each car buyer in Colorado consumers would lose more than \$3,000 in net fuel savings.
- It will make it much more difficult to achieve Governor Hickenlooper's climate goals for Colorado. It will weaken Governor Hickenlooper's legacy of leaving Colorado in better shape than when he became the governor.

What Governor Hickenlooper and the State of Colorado Can Do

- Governor Hickenlooper has been a strong leader on this issue in Colorado. His administration [or you can say "the Colorado Department of Public Health and Environment"] has pushed for strong national vehicle emissions standards.
- Under the Clean Air Act, individual states can adopt their own advanced clean car standards. In fact, twelve other states and the District of Columbia have already done this. [FYI: More precisely, individual states can adopt a set of standards based specifically on California's standards.]
- Whatever the Trump administration does, Colorado has the option of adopting our own statewide emissions standards that preserve those fuel efficiency and pollution improvements. This would be a powerful opportunity for the governor to continue exercising strong leadership on this critical issue. On behalf of my constituents, I thank the Governor for his leadership on this issue and encourage/urge/etc. him to preserve the existing efficiency standards at least here in our state.

Why Individual Local Elected Officials Might Care

If Colorado adopts advanced clean car standards, it will mean:

- The families/residents and businesses you represent will save money
- Substantially less toxic air pollution in your community
- Substantially less carbon pollution, helping to reduce the impacts of climate change
- This helps Colorado [or communities across Colorado] position itself to be competitive in the coming decades

Also

- **DEFINITELY** highlight that you are an elected official representing whichever community you represent and you spend a lot of time talking to and listening to your constituents about their priorities, their aspirations, and their fears. Or something like that. You can point out that this issue is so important in communities like the one you represent [citing whatever your most resonant issues are ... maybe air pollution from inversions in the valley, reducing the cost of transportation for people that have to commute longer and longer distances, you were elected in part because you committed to making sure our community does its part to achieve the goals of the Colorado Energy Plan, etc.].

GUNNISON COUNCIL AGENDA – AMENDED
MEETING IS HELD AT CITY HALL, 201 W. VIRGINIA
AVENUE GUNNISON, CO, IN THE 2ND FLOOR COUNCIL
CHAMBERS

Approximate meeting time: 3.5 hrs.

June 12, 2018 **REGULAR SESSION** **5:30 P.M.**

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

II. PUBLIC HEARINGS - 5:30 P.M.

Please see the e-packet for each Public Hearing's format.

- A. **Public Hearing to receive input on Retail Marijuana Products Manufacturer License Application from Cosmic Foods Holdings LLC dba Cosmic Kitchen, 419 S. 10th Street, Gunnison, CO 81230**
Staff contact: City Clerk Erica Boucher
Estimated time: 10 minutes

- B. **Public Hearing to receive input on a Transfer of Ownership for a Retail Marijuana Products Manufacturer License Application and to receive input on a Transfer of Ownership Retail Marijuana Cultivation Establishment License Application from Cosmic Foods to Cosmic Culture LLC**
Staff contact: City Clerk Erica Boucher
Estimated time: 10 minutes

- C. **Public Hearing to present the findings and recommendations of the Project Needs Assessment (PNA) on the Wastewater Treatment Plan facility and to update council on the general status of the Wastewater Treatment Plant (Infrastructure Result #4).**
Staff contact: Public Works Director David Gardner
Estimated time: 30 minutes

- D. **Public Hearing to receive input on City's Text Amendment application ZA 18-1, proposing to amend Sections: 2.4 Principal Use Table, 2.6 Base Zone District Dimensional Standards, 3.3 Residential Use Standards, 3.7 (B) Retail Sales Establishment Standards and 4.4 Off-Street Parking and Loading with the *Land Development Code*.**
Staff contact: Interim Community Development Director Andie Ruggera
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 mins.)

At this agenda time, non-agenda scheduled citizens may present issues of City concern to Council on topics that are not to be considered later in the meeting. Per Colorado Open Meetings Laws, 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. Action on Retail Marijuana Products Manufacturer License Application**
from Cosmic Foods Holdings LLC dba Cosmic Kitchen, 419 S. 10th Street, Gunnison, CO 81230
Background: On June 23, 2015, City Council passed Ordinance No. 5, Series 2015, establishing the regulations and process for approving medical and retail marijuana establishments in Gunnison. The State Marijuana Enforcement Division (MED) has approved a Conditional Retail Marijuana Products Manufacturing License for the above-sited application. City Staff has reviewed and processed all local requirements for Cosmic Foods Holding LLC and they have received departmental approval.
Staff Contact: City Clerk Erica Boucher
Action Requested of Council: A motion to approve or deny the Retail Marijuana Products Manufacturer License Application from Cosmic Foods Holdings LLC dba Cosmic Kitchen, 419 S. 10th Street, Gunnison, CO 81230
Estimated time: 10 minutes
- B. Action on a Transfer of Ownership for a Retail Marijuana Products Manufacturer License Application and on a Transfer of Ownership Retail Marijuana Cultivation Establishment License Application from Cosmic Foods LLC to Cosmic Culture LLC.**
The State Marijuana Enforcement Division (MED) has approved the requested Change of Ownership application.
Background: On June 23, 2015, City Council passed Ordinance No. 5, Series 2015, establishing the regulations and process for approving medical and retail marijuana licenses in Gunnison. The State Marijuana Enforcement Division (MED) has approved the requested Change of Ownership application and his has received departmental approval.
Staff contact: City Clerk Erica Boucher
Action Requested of Council: A motion to approve or deny a transfer of owner for a Retail Marijuana Products Manufacturer License Application and a Transfer of Ownership Retail Marijuana Cultivation Establishment License Application from Cosmic Foods to Cosmic Culture LLC
Estimated time: 10 minutes

- C. Action on approval of May 22, 2018, Regular Session meeting minutes**
Background: per City Charter, the city clerk produces minutes of the Council actions for all regular and special session meetings. Minutes are approved or amended at the following regular session meeting and become a permanent city record. If a city councilor was not present at the meeting, they must abstain in the vote and action on approval of the minutes.
Staff contact: City Clerk Erica Boucher
Action Requested of Council: Approval of the May 22, 2018 Regular Session meeting minutes
Estimated time: 0 minutes
- D. Excuse Councilor Miles from the May 22, 2018 Regular Session meeting**
Staff contact: City Clerk Erica Boucher
Action Requested of Council: To excuse Councilor Miles from the May 22, 2018 Regular Session meeting.
Estimated time: 0 minutes
- E. Multi-day Event Application for Gunnison Farmers' Market**
Background: The Gunnison Farmers' Market is scheduled for Saturdays, from June 16, 2018, through October 6, 2018, from 6:00am (set up) to 3:00pm, on the 1st three quarters of the 100 block of East Virginia Avenue and the IOOF Park. The Farmers' Market is also scheduled for Wednesdays, from July 11, 2018 through September 12, 2018 from 3:00pm (set up) to 7:00pm in IOOF Park.
Staff contact: City Clerk Erica Boucher
Action Requested of Council: Approve the multi-day event applications for the Gunnison Farmers' Market to be held on Saturdays from June 16 through October 6, 2018, AND on Wednesdays from July 11 through September 12, 2018 and authorize the Mayor to sign applications.
Estimated time: 5 minutes
- F. Elections Discussion with Gunnison County Clerk's Office**
Background: To gather information about the current election processes and requirements. Diane Folowell, Chief Deputy Clerk and Election Specialist, will give a presentation on the state of elections with topics including, but not limited to, cost, security, personnel, equipment, processes, responsibility/accountability, legislation, and execution.
Staff contact: Erica Boucher
Action requested of Council: No action is requested of Council. No packet information is included.
Estimated time: 30 minutes
- G. Text Amendment application ZA 18-1, proposing to amend Sections: 2.4 Principal Use Table, 2.6 Base Zone District Dimensional Standards, 3.3 Residential Use Standards, 3.7 (B) Retail Sales Establishment Standards and 4.4 Off-Street Parking and Loading with the *Land Development Code*.**
Background: These purposed text amendments have been recommended through

the Gunnison Vibrancy Initiative. A draft ordinance is provided for reference only in the packet materials.

Staff contact: Interim Community Development Director

Action requested of Council: To review and discuss text amendments and to provide direction to staff on next steps. A draft ordinance is provided as reference.

H. Main and Tomichi Discussion

Background: Staff will discuss with City Council accident history at Main and Tomichi and potential next steps for improving safety at this intersection.

Staff contact: City Manager Russ Forrest

Action Requested of Council: No formal action is requested. No packet materials are included.

Estimated time: 15 minutes

I. Ordinance No. 7, Series 2018: An Ordinance of the City Council of the City of Gunnison Amending Title 5 General Offenses, Chapter 5.20 Traffic, Section 5.20.020 of the Gunnison Municipal Code, Additions or Modifications

Background: On May 22, 2018, Council discussed modification to the City of Gunnison Municipal Ordinance addressing the use of sidewalks in the downtown area by bicycles and wheeled devices.

Staff contact: Police Chief Keith Robinson

Action Requested of Council: Introduce, read by title only, motion, second, and vote to pass and order to publish Ordinance No. 7, Series 2018 on first reading.

Estimated time: 15 minutes

V. Council Work/Discussion Items:

A. Property Maintenance and Nuisance Code
Staff contact: Building Inspector Eric Jansen

B. Update on Hazard Mitigation
Staff contact: Police Chief Keith Robinson

VI. Reports:

City Attorney Report:

City Manager Strategic Projects Update and Report

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

Meeting Adjournment

The City Council Meeting agenda is subject to change. The City Manager and City Attorney reports may include administrative items not listed. Regular Meetings and Special 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.**

GUNNISON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA

DATE: Tuesday, June 12, 2018

Page 1 of 1

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

- 8:30 am • Gunnison County Strategic Plan Implementation Update; Measures; B3 – Energy Savings, B4 – Fleet Conversion, B5 – Greenhouse Gas Emissions
- 9:15 • Request to Join Colorado Communities for Climate Action
- 9:30 • Impacts of Infiltration on Wastewater Treatment
- 9:50 • Break
- 10:00 • HB 1177 Roundtable Report
- 10:30 • Colorado River Water Conservation District Report
- 11:00 • Visitor; Scott Armentrout, Forest Supervisor; Grand Mesa, Uncompahgre and Gunnison National Forests; Forest Plan Revision Update
- Adjourn

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA

DATE: Thursday, June 14, 2018

Page 1 of 1

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

- 12:00 pm
- Call to Order
 - Potential Implementation of Stage 2 Fire Restrictions in Gunnison County Including Resolution Regarding Same
 - Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings>.

5:00PM – Work Session – Discussion regarding the Corner at Brush Creek

6:00 PM – Public Hearing - Public Input on the Subdivision Sketch Plan Application of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge.

Call to Order

Roll Call

Approval of the June 5, 2018 Regular Town Council Meeting Minutes

Reports

Manager's Report
Department Head Reports
Town Council Reports

Crested Butte Nordic Council – 2017/2018 Winter Admissions Tax Follow Up Report – Drew Holbrook

Travel Crested Butte – 2017/2018 Winter Admissions Tax Follow Up Report - Colorado Powder Playground/ Airline Marketing - Skip the Traffic, Stay for Free – Josh Futterman

CORRESPONDENCE -

OLD BUSINESS -

Discussion and Possible Consideration of Ordinance No. 2, Series 2018 - An Ordinance Of The Town Council Of The Town Of Mt Crested Butte, Colorado, Approving A Final Plan Application To Rezone 3.319 Acres Located At 16, 18, 22, And 24 Treasury Rd (Inn Sites 4 & 5, Lots 1-2, And 3 Block D, And Lot 1 Block 1 Chalet Village Addition 1) From High Density Multiple Family, Low Density Multiple Family, And Single Family Residential To Planned Unit Development (PUD) As Submitted By Pearls Management, LLC And Amending The Official Zoning Map Of The Town To Designate The Zoning As PUD – Second Reading - The application includes a vested property right of 5 years - Carlos Velado

Discussion and Possible Consideration of Ordinance 3 Series 2018 an Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado Amending Ordinance No. 2, Series 1996, to Extend the Boundaries of the Downtown Development Authority Pursuant to C.R.S. 31-25-822 – Second Reading – Carlos Velado

Discussion and Possible Consideration of a Planning Commission Recommendation on the Subdivision Sketch Plan of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge – Carlos Velado

NEW BUSINESS –

Discussion and Possible Consideration of a Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018 – Jennifer Kermode

Discussion and Possible Consideration of a Cluster Agreement for Units C2 and C3, Three Seasons Condominiums – Todd Carroll

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

Discussion and Possible Consideration of a Planning Commission Recommendation on the Subdivision Sketch Plan of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge – Carlos Velado

OTHER BUSINESS –

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

ADJOURN

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

July 2, 2018

4:30 to 5:30PM?

July 16, 2018**Work Session (Start at 7PM)**

Update on Big Mine Warming House Project Scope of Work

Proclamation for a Citizen**Public Hearing**

- Transfer Application for The Eldo Liquor License

New Business

- Presentation of the Audit
- Abel Chavez and Presentation on the Energy Action Plan Update
- Approval of Updated McCormick Ditch Agreement
- Purchase Contract with School District for Duplex Units
- First Reading of Standard Sales Tax Definitions
- Mallardi Theatre Public Art Project
- Ordinance No. , Series 2018 – School District for Duplex Units
- Ordinance No. , Series 2018 – License Agreement with Schumacher

Future Items

- Charter Franchise Agreement
- Heights Open Space Plat Modification
- Heights Open Space Conservation Covenant
- Retreat Update – Mid Summer
- Project Update – Mid Summer
- Bid Award Emergency Service Facilities Design/Planning
- License agreement with Cypress for dump clean-up
- Beer in Parks