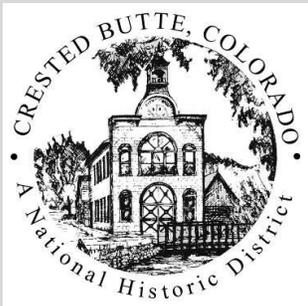


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Tuesday, July 2, 2019
Council Chambers, Crested Butte Town Hall



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

Town Council Values

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

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

6:00 WORK SESSION

Update from Matt McCombs, District Ranger with the Forest Service, on Ohio Pass Logging and the Use of Whiterock Avenue.

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 17, 2019 Regular Town Council Meeting Minutes.

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.

7:12 STAFF UPDATES

7:20 PUBLIC HEARING

1) Ordinance No. 27, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Chapter 11 of the Crested Butte Municipal Code to Include New Regulations in Article 1 Thereof, Requiring Removal of Snow and Ice Build-Up From Roofs to Prevent Snow Shed.

7:25 2) New Hotel and Restaurant Liquor License for Three Taurus LLC DBA Tin Cup Pasty Co Located at 425 Elk Avenue.

7:35 NEW BUSINESS

1) Ordinance No. 28, Series 2019 - An Ordinance of the Crested Butte Town Council Approving: (1) the Assignment of the Town's Conservation Easement in Kikel Parcel A to Crested Butte Land Trust, (2) the Termination of the Town's Covenant to Limit Development on Kikel Parcel A, and 3) Granting New Conservation Easement to Crested Butte Land Trust in Exchange for the Conveyance of Kikel Parcel A from Crested Butte Land Trust to the Town of Crested Butte.

7:45 2) Ordinance No. 29, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Transfer of Town-Owned Property Legally Described as Lot 6 Block 78 and Lots 4, 10, and 11 Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Bywater, LLC for the Construction of Affordable Housing.

7:50 3) Ordinance No. 30, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Plat of Jebez Townhouses Lot 6, Block 79, Replat of Blocks 79 and 80 Paradise Park, Town of Crested Butte, County of Gunnison, State of Colorado Reception No. 659963 Unit B to Jeff Koether for the Sale Price of \$275,000.00.

7:55 4) Ordinance No. 31, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Ordinance No. 1-2019 to Add an Exception to the Temporary

Moratorium for the Demolition of Any Non-Historic Multi-Family Structure of Three or More Units, All Non-Historic Commercial Structures, and the Partial Demolition of Less Than 25% of Any Non-Historic Structure Within the Town of Crested Butte.

8:15 5) Discussion on Alley Paving Request South of Elk Avenue Between 2nd and 3rd Streets.

8:30 6) Resolution No. 11, Series 2019 - A Resolution of the Town Council of the Town of Crested Butte, Colorado, Submitting to the Electorate of the Town of Crested Butte a Question Seeking Authority to Increase Taxes On the Sale of Cigarettes and Other Tobacco and Nicotine Products.

8:45 7) Resolution No. 12, Series 2019 - A Resolution of the Crested Butte Town Council Amending Town of Crested Butte Affordable Housing Guidelines Adding Section 8 Regulations for Employer Rentals Units to Part III Purchasing Affordable Housing.

8:50 8) Appointments to Boards and Committees.

9:00 **LEGAL MATTERS**

9:05 **COUNCIL REPORTS AND COMMITTEE UPDATES**

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

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

- *Tuesday*, July 9, 2019 - 6:00PM Demolition Moratorium Work Session
- Monday, July 15, 2019 - 7:00PM Regular Council
- *Tuesday*, August 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, August 13, 2019 - 6:00PM Council to Meet as Planning Commission
- Monday, August 19, 2019 - 6:00PM Work Session - 7:00PM Regular Council

9:30 **ADJOURNMENT**

News From:



<https://flh.fhwa.dot.gov/projects/co/little-blue/>
Email: us50@dot.gov

May 29, 2019

COLORADO
Department of Transportation

CONTACT: Raelene Shelly, P.E., CDOT Resident Engineer
970-683-6420 | us50@dot.gov

U.S. 50 project requires closures between Montrose, Gunnison

Tentative plan for daily open travel times

Montrose-Gunnison – Roadway improvements on U.S. 50 through the Little Blue Creek Canyon (30 miles east of Montrose between mile points 123 and 127) are scheduled to begin in the spring of 2020.

This work will require closures of U.S. 50, however, access will be provided on a daily basis. Based on feedback from the traveling public, local elected officials and businesses, and the Colorado Motor Carriers Association, project access will be provided every weekday morning, midday, and evening during the first year of construction (April 2020 to April 2021) and fully open on the weekends to two-way traffic starting 5:30 p.m. Friday until 8:30 a.m. Monday. These weekday openings will be reduced to a single lane of travel, so drivers should allow extra time while pilot cars lead vehicles one direction at a time. The following is the planned schedule of weekday openings:

- 6:30 to 8:30 a.m.
- 12:30 to 1:30 p.m.
- 5:30 to 7:30 p.m.

During the first year of construction, rock blasting, securing rock excavation areas, and retaining wall construction will require closing U.S. 50 full time each weeknight and in 4-hour blocks each weekday. These closures are needed to ensure safety of the traveling public and construction workers and to reduce the overall inconvenience to drivers. Daytime closures on the west end of the project corridor will only be in place until the end of July 2020 at which time a single lane of travel will open up between Montrose and Arrowhead Road.

To further accommodate travelers, there will be no night closures during the winter, approximately mid-October to early-April. The following is the current proposed schedule for travel impacts during the first year of the project:

--more--

Year 1 (April 2020 to April 2021)

- Two, 4-hour closures from 8:30 a.m. to 12:30 p.m. and from 1:30 to 5:30 p.m.
- Overnight closures from 7:30 p.m. to 6:30 a.m. outside the winter season

In the second year of construction (May 2021 to April 2022), U.S. 50 will remain open to single-lane travel each weekday and two-way travel on the weekends. On weekdays, drivers should still allow extra time for pilot car escorts through the project area. Travel impacts during the second year of the project will be limited to:

Year 2 (May 2021 to April 2022)

- Overnight closures only from 7:30 p.m. to 6:30 a.m.
- All night closures will be completed by approximately mid-October 2021, weather dependent

These times are subject to change based on the selected contractor's schedule and individual planned activities. In the event that unplanned or unforeseen circumstances are encountered during construction, public notice will be given.

The project is expected to take about two years to complete, but should a third year of work be required, travel restrictions will be similar to what is planned for the second year. When U.S. 50 is closed, passenger vehicles and small trucks will be able to use State Highway 92, while trucks and recreation vehicles over 40 feet will need to use I-70 to the north or U.S. 160 to the south.

This project is designed to improve the driver experience and safety with wider shoulders, better roadway alignment, improved guardrail, better sight lines, and more reliable travel times. Between 2000 and 2018, 209 crashes occurred in this area resulting in 58 injuries, 145 instances of property damage and 8 fatalities. Improving safety on this section of U.S. 50 is a top priority for the Colorado Department of Transportation (CDOT).

The project received funding from the Federal Lands Access Program and is being developed, administered, and constructed by the Federal Highway Administration-Central Federal Lands Highway Division with cooperation from CDOT.

REMEMBER: SLOW FOR THE CONE ZONE

The following tips are to help you stay safe while traveling through maintenance and construction work zones.

- Do not speed in work zones. Obey the posted speed limits.
- Stay Alert! Expect the unexpected.
- Watch for workers. Drive with caution.
- Don't change lanes unnecessarily.
- Avoid using mobile devices such as phones while driving in work zones.
- Turn on headlights so that workers and other drivers can see you.
- Be especially alert at night while driving in work zones.
- Expect delays, especially during peak travel times.
- Allow ample space between you and the car in front of you.
- Anticipate lane shifts and merge when directed to do so.
- Be patient!

--more--

WHOLE SYSTEM. WHOLE SAFETY.

To heighten safety awareness, CDOT recently announced its *Whole System – Whole Safety* initiative. This project takes a systematic statewide approach to safety combining the benefits of CDOT's programs that address driving behaviors, our built environment and the organization's operations. The goal is to improve the safety of Colorado's transportation network by reducing the rate and severity of crashes and improving the safety of all transportation modes. The program has one simple mission—to get everyone home safely.

ABOUT CDOT

CDOT has approximately 3,000 employees located throughout Colorado, and manages more than 23,000 lane miles of highway and 3,429 bridges. CDOT also manages grant partnerships with a range of other agencies, including metropolitan planning organizations, local governments and airports. It also administers Bustang, the state-owned and operated interregional express service. Governor Polis has charged CDOT to further build on the state's intermodal mobility options.

#

From: [J Schmidt](#)
To: [Lynelle Stanford](#)
Subject: Fwd: Logging trucks on Whiterock
Date: Sunday, June 23, 2019 7:51:38 AM

For our records.

Sent from my iPad

Begin forwarded message:

From: <cara_stiles@comcast.net>
Date: June 22, 2019 at 8:54:42 PM MDT
To: <jschmidt@crestedbutte-co.gov>
Subject: Logging trucks on Whiterock

Cara Stiles
303-786-9342
Patricia Zishka
303-444-9146
OWNERS--417 ½
Whiterock
Crested Butte,
CO 81224
RESIDENCE--3877
75th St Boulder,
CO 80301

Dear Mr. Schmidt—

I have been horrified to learn of the proposal to bring, over time, 700 logging trucks from Kebler Pass through town on Whiterock, interfering with the life that brings people to Crested Butte whether to live or visit. Tourism financially supports the town. It's beauty, quaintness and national historical significance are clearly jeopardized by this logging/trucking plan. We completely support the idea of selectively logging trees that are potential fire hazards. There is an obvious alternative however. I have read nothing that truly supports reasons for not using Ohio Pass Road. Yes, tricky road. Well, welcome to the reality of logging roads. Make it more accommodating for what it needs to be, a logging road.

We are well aware of how busy Whiterock is currently. It is used as a walking, riding, skiing road for those living and visiting CB. Lots of dogs are walked on the road. Given that it is the route up Kebler Pass, there is already a lot of summer traffic. Add logging trucks.....BAD IDEA!!

Thank you for reconsidering this crazy idea—

Cara Stiles
Patricia Zishka

Logging Letter

Howdy Neighbor,

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The logging company doesn't want to use Ohio Pass Road due to concerns with "narrow width, tight switchbacks, heavy traffic, rough road, encroaching aspens, and steep terrain" (CB News). The other likely reason is because the logging company has to maintain and repair the road they use, and Ohio Pass Rd would likely need more maintenance.

It's outrageous that the forest service and the logging company seem completely indifferent to the concerns of sending 700 logging trucks through the residential streets of Crested Butte. On my block alone, there are 6 kids who live here and they ride bikes on Whiterock almost every day of logging season. Whiterock is their bike route to school, the school bus route, and the town bus route. **I don't want my 6-year-old to wind up under the wheels of one of these trucks.** The forest service needs to prioritize these concerns too. I know three people killed by trucks while riding their bikes - one was my friends son under the rear wheels of a commercial truck - this is a real risk.

Is Ohio Pass "too narrow" as they say? Our roads are narrow too - when you consider parked cars, people on bikes, people walking, and the busy summer traffic. We may not have switchbacks, but we have seven stop signs on that route, a sharp turn onto Gothic/135, the entrance to the arts center, and the entrance to the Community School on that truck route. "Heavy Traffic"? It is just insulting to say Ohio Pass Rd has heavy traffic compared to our town. Consider too the traffic these trucks will create all the way down 135 to Gunnison. Ohio Pass Rd may be "rough", but better to have washboard under their wheels than kids. Encroaching aspens? We have encroaching cars, bikes, people, animals, and little ones. If they say they can't avoid aspen trees, how will they avoid *the people* here in town? Steep terrain? Ohio Pass isn't very steep. Last I heard, the term "Logging Road" means - by definition - a horribly steep rough road. Using a road like Ohio Pass is absolutely routine for a logging company. Driving through our town might seem *convenient* to them, but **our safety is far more important.**

This 2,000 acre sale is part of larger plans to sell 135,000 acres of timber in the greater area, which, if the truck burdens are similar, would amount to over 43,000 trips by logging trucks. Good forest management, loggers, and truck drivers are all welcome here, but their logging trucks are not.

Please join me in strongly suggesting the logging trucks stay off our residential streets, and use Ohio Pass to get their logs to Montrose.

What you can do:

1. Sign this sheet of paper, and drop it by my house: 132 Whiterock on the corner of 2nd and Whiterock. I will deliver it to the town.

OR 2. Sign this letter and mail/email it to the town and Forest Service.

3. Voice your concerns directly to the town council and the town manager.

P.O. Box 39; 507 Maroon Ave, Crested Butte

970-349-5338

3. Voice your concerns directly to Matt McCombs, Gunnison District Ranger: 216 N Colorado St,

Gunnison, CO 81230

(970) 641-0471.

Thanks a bunch,

Alan Peterson (and Tory, age 6), 132 Whiterock Ave, 970 389-5393, mail.alan.alan@gmail.com

*To whom it may concern:
We strongly oppose logging trucks using Whiterock
Ave as their route. This is a residential neighborhood.
Matt Stroud*

ALAN PETERSON

9703895393

Logging Letter

Howdy Neighbor,

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Is Ohio Pass "too narrow" as they say? Our roads are narrow too - when you consider parked cars, people on bikes, people walking, and the busy summer traffic. We may not have switchbacks, but we have seven stop signs on that route, a sharp turn onto Gothic/135, the entrance to the arts center, and the entrance to the Community School on that truck route. "Heavy Traffic"? It is just insulting to say Ohio Pass Rd has heavy traffic compared to our town. Consider too the traffic these trucks will create all the way down 135 to Gunnison. Ohio Pass Rd may be "rough", but better to have washboard under their wheels than kids. Encroaching aspens? We have encroaching cars, bikes, people, animals, and little ones. If they say they can't avoid aspen trees, how will they avoid *the people* here in town? Steep terrain? Ohio Pass isn't very steep. Last I heard, the term "Logging Road" means - by definition - a horribly steep rough road. Using a road like Ohio Pass is absolutely routine for a logging company. Driving through our town might seem *convenient* to them, but **our safety is far more important.**

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Gunnison, CO 81230

(970) 641-0471.

Thanks a bunch,

Alan Peterson (and Tory, age 6), 132 Whiterock Ave, 970 389-5393, mail.alan.alan@gmail.com

I Agree w/ Alan - Thank you for your consideration
Best, KATE SEELEY (516 2nd street)

Logging Letter

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Alan Peterson (and Tory, age 6), 132 Whiterock Ave, 970 389-5393, mail.alan.alan@gmail.com

The block contains two handwritten signatures. The top signature is written in purple ink and appears to be 'Alan Peterson'. The bottom signature is written in black ink and is more stylized, possibly reading 'Alan Peterson' or similar.

FROM 215 WHITEROCK

Logging Letter

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The logging company doesn't want to use Ohio Pass Road due to concerns with "narrow width, tight switchbacks, heavy traffic, rough road, encroaching aspens, and steep terrain" (CB News). The other likely reason is because the logging company has to maintain and repair the road they use, and Ohio Pass Rd would likely need more maintenance.

It's outrageous that the forest service and the logging company seem completely indifferent to the concerns of sending 700 logging trucks through the residential streets of Crested Butte. On my block alone, there are 6 kids who live here and they ride bikes on Whiterock almost every day of logging season. Whiterock is their bike route to school, the school bus route, and the town bus route. **Don't want my 6-year-old to wind up under the wheels of one of these trucks.** The forest service needs to prioritize these concerns too. I know three people killed by trucks while riding their bikes - one was my friends son under the rear wheels of a commercial truck - this is a real risk.

Is Ohio Pass "too narrow" as they say? Our roads are narrow too - when you consider parked cars, people on bikes, people walking, and the busy summer traffic. We may not have switchbacks, but we have seven stop signs on that route, a sharp turn onto Gothic/135, the entrance to the arts center, and the entrance to the Community School on that truck route. "Heavy Traffic"? It is just insulting to say Ohio Pass Rd has heavy traffic compared to our town. Consider too the traffic these trucks will create all the way down 135 to Gunnison. Ohio Pass Rd may be "rough", but better to have washboard under their wheels than kids. Encroaching aspens? We have encroaching cars, bikes, people, animals, and little ones. If they say they can't avoid aspen trees, how will they avoid *the people* here in town? Steep terrain? Ohio Pass isn't very steep. Last I heard, the term "Logging Road" means - by definition - a horribly steep rough road. Using a road like Ohio Pass is absolutely routine for a logging company. Driving through our town might seem *convenient* to them, but **our safety is far more important.**

This 2,000 acre sale is part of larger plans to sell 135,000 acres of timber in the greater area, which, if the truck burdens are similar, would amount to over 43,000 trips by logging trucks. Good forest management, loggers, and truck drivers are all welcome here, but their logging trucks are not.

Please join me in strongly suggesting the logging trucks stay off our residential streets, and use Ohio Pass to get their logs to Montrose.

What you can do:

1. Sign this sheet of paper, and drop it by my house: 132 Whiterock on the corner of 2nd and Whiterock. I will deliver it to the town.

OR 2. Sign this letter and mail/email it to the town and Forest Service.

3. Voice your concerns directly to the town council and the town manager.

P.O. Box 39; 507 Maroon Ave, Crested Butte
970-349-5338

3. Voice your concerns directly to Matt McCombs, Gunnison District Ranger: 216 N Colorado St,
Gunnison, CO 81230
(970) 641-0471.

Thanks a bunch,

Alan Peterson (and Tory, age 6), 132 Whiterock Ave, 970 389-5393, mail.alan.alan@gmail.com

Thank you, Alan!

Signed Bailey Hoster

Bailey Hoster 210 Whiterock Ave.
970 275 3142

Logging Letter

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Gunnison, CO 81230

(970) 641-0471.

Thanks a bunch,

Alan Peterson (and Tory, age 6), 132 Whiterock Ave, 970 389-5393, mail.alan.alan@gmail.com

X Name: Katie Franzmann

Signed: 

Date: 05/25/2019

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 17, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:04PM.

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

The Council appointed Mallika Magner at the beginning of the meeting. She voted on motions after her appointment, starting with approval of the agenda.

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, and Community Development Director Michael Yerman

Chief Marshal Mike Reily, Finance Director Rob Zillioux, Public Works Director Shea Earley, Parks and Recreation Director Janna Hansen, Town Clerk Lynelle Stanford, and Open Space/Creative District Coordinator Mel Yemma (for part of the meeting)

Schmidt mentioned the work session on deed restriction purchase programs, and he thanked George Ruther and Willa Williford.

SWEARING IN OF NEW MARSHAL RYAN DAWES

Schmidt administered the oath of office to Ryan Dawes. Both Schmidt and Dawes executed a hard copy of the oath.

INTERVIEWS FOR COUNCIL MEMBER APPOINTMENT

Mallika Magner hoped to be appointed to the empty seat. She reviewed her experiences with the Town. She thought her talents and skills would assist the Council. Merck questioned Magner regarding her BOZAR seat. Schmidt asked if she would have conflicts, being the former Town Attorney. Dujardin wondered about her accomplishments as the Town Attorney. Magner identified the Verzuh Annexation.

Schmidt acknowledged Jerry Lund. Lund reviewed his background in Crested Butte. He would be honored to join the group to help guide the city. Dujardin asked Lund about his experiences that he could draw upon. Lund stated it was better to have collaborative agreement. He was looking for a place to contribute. Merck appreciated Lund coming forward. Schmidt asked if he had strong feelings on the direction of affordable housing. Lund thought everything should be pursued to potentially solve the gap.

APPOINTMENT OF COUNCIL MEMBER

Dujardin moved and Merck seconded a motion to appoint Mallika Magner as Council member until the next election. A roll call vote was taken with all voting, “Yes.”

Motion passed unanimously.

Stanford administered the oath of office to Magner, and Magner signed the hard copy.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) **June 3, 2019 Regular Town Council Meeting Minutes.**
- 2) **Award of Contract to Lacy Construction Ltd for Block 76 Water Line Project.**
- 3) **New Opening Parade for The Center for the Arts Special Event Application for a Rolling Closure on Elk Avenue from the 1st and Elk Parking Lot (Also to be Used for Staging) to the Four Way with the Parade Ending at The Center on July 1, 2019.**
- 4) **Bridges of the Butte Special Event Application for Base Camp at Town Park on June 29th and June 30th and Race Route with No Hard Road Closures and Special Event Liquor Permit at Town Park on June 30th.**
- 5) **Crested Butte Arts Festival Special Event Application Closing Elk Avenue from 1st Street to Mid-Block Between 5th Street and 6th Street, 2nd Street from Alley to Alley, and 3rd Street from Alley to Alley from August 2nd to August 4th, 2019.**
- 6) **Restaurant/Bar Seating on Public Sidewalks for Happy Place LTD DBA Django’s Located at 209 Elk Avenue.**
- 7) **Resolution No. 10, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Ann C. Hill and Dewain V. Hill to Encroach Into the Right-Of-Way Adjacent to Sopris Avenue and part of Lot 13 and All of Lot 14, Block 32, Town of Crested Butte.**

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

PUBLIC COMMENT

Margot Levy - 118 7th Street, Unit G

- She thanked the Council for their service.
- She was surprised to see a curb rather than a ramp at a point of access at The Center for the Arts.
- She asked for the entry to the Alpenglow field be more accessible.

Kristi Miller - 526 Teocalli Road in CB South

- She named people who stepped down from Council because of relocation.
- She read values from the side of the agenda.
- She identified population numbers from areas surrounding Town.
- People who moved outside of Town moved because they had to, and their voices were being diluted.
- She suggested there be an at-large position for people who lived outside of Town to serve.
- They wanted to protect the Town.

Jim Starr - 323 Gothic

- He asked the Town to consider expanding two-hour parking to businesses within a block of Elk Avenue.

STAFF UPDATES

- Schmidt referred to questions posed in MacDonald's staff report, and he asked for any other updates from Staff.
- Yerman was super stoked they could proceed with Phase 2 (of the Bywater project). They would bring forward an amendment to the (affordable housing) guidelines.
- Yerman stated Staff was asking for a work session on July 9th to discuss demolition. The Council confirmed the date would work.
- Schmidt mentioned the agenda for the meeting with Mt. Crested Butte. He talked with Janet Farmer about including discussion on CDOT projects.

PUBLIC HEARING

1) Ordinance No. 24, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the North Unit (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to the Crested Butte Arts Festival.

Schmidt read the title of the ordinance. Zillioux confirmed nothing had changed from the last meeting. Schmidt opened the public hearing. Executive Director Chelsea Dalporto-McDowell said that the Arts Festival really appreciated use of the space. Zillioux agreed to update the title of the ordinance to reflect the proper name of the entity. The public hearing was closed. There was no further discussion amongst the Council.

Merck moved and Bradley seconded a motion to approve Ordinance No. 24, Series 2019 as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 25, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of 814 Teocalli Ave (a Town Owned Building) to Matthew Davis.

Schmidt read the title of the ordinance. Zillioux confirmed there were no changes from the last meeting. Schmidt opened the public hearing. No one chose to comment, and the public hearing was closed.

Merck moved and Haver seconded a motion to approve Ordinance No. 25, Series 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 26, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of 812 Teocalli Ave (a Town Owned House) to Dylan Bova.

Schmidt identified that Bova was an employee of the Town. Schmidt confirmed proper public notice had been given for all of the public hearings on the three ordinances. The public hearing was opened. No one commented. The public hearing was closed.

Merck moved and Bradley seconded a motion to pass Ordinance No. 26, Series 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

OLD BUSINESS

1) Big Mine Hockey Changing Rooms Update.

Hansen updated the Council that BOZAR approved the plans for the changing rooms. She pointed out two roof spectator areas. They hoped to go out for bid in July. She reported on budget numbers. Hansen said the project fell under the public arts policy. The bid award would be the next item the Council would see on an agenda.

NEW BUSINESS

1) Ordinance No. 27, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Chapter 11 of the Crested Butte Municipal Code to Include New Regulations in Article 1 Thereof, Requiring Removal of Snow and Ice Build-Up From Roofs to Prevent Snow Shed.

Reily explained that there were near misses in Town this last winter, and they were concerned about the public safety aspect. The ordinance addressed who should deal with the snow. Reily said the Town would need to meet the same standard as the public. Reily assumed the Marshals’ Office would take point on enforcement.

Schmidt read the title of the ordinance and reminded the Council they were setting the ordinance for public hearing. Dujardin was considering worst-case scenario in the situation no manpower was available. Reily said there were measures, such as closing the right of way.

Merck moved and Bradley seconded a motion to set Ordinance No. 27, Series 2019 for public hearing on July 2nd. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Discussion of Enforcement of 2-Hour Parking on Elk Avenue.

Reily explained the reasoning behind two-hour parking. He reviewed the past enforcement done by the former community service officer. He stated the enforcement was not as effective as they had hoped. The proposed parking program was an open plan that the Town could decide how to implement, and it was a good comprehensive plan. If they knew people who were abusing two-hour parking, the Marshals would address targeted complaints.

The discussion became focused on the required credentials of the person doing enforcement. Reily elaborated upon enforcement and explained that tires could no longer be chalked. From the report from the parking plan, Merck recalled that rotating and getting people to move was the key. Bradley questioned whether there was another solution besides implementing the parking plan. Reily thought there were other plans that would not be punitive.

Reily confirmed for Schmidt that the business owners and employees were the issues. Haver asked that Reily talk to people taking advantage of the public amenity, in order to get them to move. Schmidt suggested the Town contact the Chamber. Reily agreed they could implement an information campaign. Dujardin would rather see something concrete. He needed more public input. Magner heard from an owner on Elk Avenue that it was a problem that customers could not get into the store. She suggested some enforcement of the current Code could help. Haver said they could have the discussion on the parking plan in which people could come to comment. Schmidt returned to the idea of working with the Chamber. MacDonald summarized they would try education and outreach.

3) Appointment of Climate Action Plan Stakeholder Group.

Yemma reviewed the process for kicking off the Climate Action Plan. She explained the role of the committee and whom would be representing certain entities. Yemma outlined the make-up of the committee and the applicants from the community at-large and the building/real estate sector.

Patrick Church handed out resumes. He described past experiences he had. He wanted to become involved in the community. Dujardin asked which position he would prefer. Church saw benefits to both, but he was more interested in community at-large. Kent Cowherd said preparation was the key to success. He thought Town could lead from the front.

Merck moved and Haver seconded a motion to appoint Pat and Jason from the community-at-large and Ben and Kent from the building/real estate sector to the Climate Action Plan Stakeholder Group. A roll call vote was taken with all voting, "Yes."

Motion passed unanimously.

4) Discussion of Tax Question on Tobacco/Nicotine.

Zillioux read a statement from the CDC regarding tobacco as the leading cause of death. Most people who smoked started as children. They were targeting a public health issue preventing children from starting the habit. Zillioux and MacDonald communicated with Aspen and Basalt. Both had about 70% approval when the question went to the ballot. The Town would do something similar to what they were doing. Staff needed direction on how to tax and the age limitation. Haver was not sure what policy the tax would be supporting; it was simply a sin tax. Schmidt had no problem with the tax. It was definitely a health issue. He did have a problem with the age of 21, as 18-year-olds were considered adults for other purposes. Betty Sue Gurk reported that she worked for GCSAPP. It was important to ask why and what the goal was. She cited usage statistics. MacDonald recommended the money be put into the General Fund. She cautioned them against binding the hands of future councils. Dujardin supported a resolution. Magner supported raising the tax and the age to 21. MacDonald explained the processes related to the tax question, age, and licensing requirements.

5) Discussion of Late Night Town Taxi.

Schmidt recused himself and left the room, and Mayor Pro Tem Merck took the Mayor's seat. Zillioux reviewed background on the discussion. There was no formal contract between Alpine Express and the Bartenders Association. In theory, it cost a rider \$5 per leg. Zillioux identified the recommendation was to sit down to discuss with all of the parties. Bradley knew of a company in Telluride, and she suggested they could look at alternatives. MacDonald summarized the direction was to move ahead with the discussion amongst stakeholder groups.

LEGAL MATTERS

Green updated the Council that Staff would be coming forward with a relaxation on the moratorium for demolition. They would ask that on July 2nd the Council do a first reading for the ordinance, then a work session on July 9th, and the second reading of the ordinance on July 15th. Yerman elaborated on the details of the ordinance.

Green reminded the Council they would have a work session on August 6th concerning the role of Council. She would send out a reminder, and she asked for ideas for the session.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He appreciated the report in the packet from Growing Water Smart.
- Went to QQ on Friday. There were good discussions.
- Neither he nor Schmidt could make it to Vail for the CC4CA retreat. They were considering sending Yemma to represent Town. No one voiced disagreement with Yemma attending.
- He pointed out the blinking light at the three-way stop at Belleview and Sixth.

- Called attention to the letter in the packet from the National Energy Resources Company.

Candice Bradley

- They talked about an art and law workshop at the Creative District meeting. The timeline for transition was still underway. A sign was chosen for Town Park.

Chris Haver

- There was a RTA meeting and retreat on the 6th. They were exceeding the maintenance budget. They just received two new natural gas busses. The bus stops along 135 had fallen a bit behind. They had put in new lighting. They renewed the contract with Alpine Express. They purchased a new senior van, and there was one donated.
- Attended a meeting for the Gunnison Valley Housing Authority. Homestead did not have a water line issue. They were shooting for development to start in August. Garden Walk had 36 units. He reviewed the AMI levels and reported on loans.

Will Dujardin

- He suggested a valley wide regional transportation plan.

Paul Merck

- STOR would be coming up, and he would be at CML.
- He was working on the trash can issue at trailheads. Progress was moving slowly.

Jim Schmidt

- He attended mayor/managers meeting. The next meeting would be in Pitkin.
- On the 10th, he had lunch with Tim Baker from CBMR. They were not sure how they would focus their advertising. They opened the Red Lady lift.
- He attended ribbon cuttings at the Gunsight Bridge and at The Center for Mental Health.
- They met with representatives from the school.
- He was at the housing meeting with Haver. The extremely low AMI goals were deemed reasonable.
- They received a response from the Post Office. The Post Office thought the Town opted out of home delivery. They talked about putting package boxes on the outside wall at the Post Office.
- Went to the CDOT meeting in Montrose, and they talked about the plan for the whole district.

Will Dujardin

- He would attend a meeting to start talking about the OVLC fifth pillar. They would work on water, climate, and waste.

- The Mountain Pact emailed a sign-on letter. They were asking the Council to send their own letter to Senators Gardner and Bennet and House Representative Tipton, and they were asking for a local press release. The Council agreed.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Schmidt requested a photo of the current Council.
- There would be a memorial service this Friday at 3PM for Frog.
- Haver brought up the curb mentioned by Levy in public comment. Yerman suggested a solution.
- Haver wondered about two-hour parking on 3rd Street.
- Merck mentioned the trash compactor cans and that they had never been cleaned. MacDonald stated they were Waste Management's responsibility.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, July 2, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 15, 2019 - 7:00PM Regular Council
- *Tuesday*, August 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned the joint meeting with Mt. Crested Butte, CML, and other upcoming meetings.

EXECUTIVE SESSION

Schmidt read the reason for the first 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 open space.

Schmidt read the reason for the second Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

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

The Council went into the first Executive Session at 10:12PM. They returned to open meeting at 10:30PM. Mayor Schmidt made the required announcement upon returning to open meeting.

The Council went into the second Executive Session at 10:30PM. They returned to open meeting at 11:20PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:22PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: July 2, 2019

Town Manager

- 1) 2020 Budget – It's that time again and we are starting to think about the 2020 budget. Staff's objective is to have a completed budget for the Council to adopt prior to the election on November 5th. As always we want to hear from the Council on goals and priorities to incorporate into the annual budget and work plan. **We are proposing August 12th noon – 2 p.m., Council retreat to set goals and priorities for 2020 budget. Will this date/time work for everyone?**
- 2) 2hr parking signs on 3rd – It was asked during the last Council meeting whether or not there are 2hr parking signs in place on 3rd and there are signs for the areas between the alleys between Elk and Sopris and between Elk and Maroon
- 3) QQ Meeting Summary – Attached for your information is the meeting summary from the latest NWCCOG Water Quality/Quantity Committee meeting held on June 14th.

Public Works

- 1) 2019 Paving project – Unfortunately, the Town was unable to coordinate with United Companies to complete the patch that was to be performed on 6th street, in front of the Winehouse. We are working with United at this time to reschedule the work. At this point, due to the 4th of July week, the work will be performed in the 2nd or 3rd week of July. Public Works staff will continue to monitor the area and ensure that a temporary patch stays in place.
- 2) Striping – Due to San Juan Striping's tight schedule and the less than spectacular weather that we had on June 20th and 21st, Town was forced to stripe the essential/critical areas of Town only. This included Elk Ave, 6th street, pedestrian crosswalks, stop bars (52 of 138), STOP, yellow curb, red curb and three quarters of the ADA parking. San Juan Striping is rescheduled to come out on the week of July 8th to complete the ADA parking, stop bars, and parking areas that require re-striping. Stripe-a-lot also needed to push the schedule back a week. They will be here on July 2nd to stripe the parking line on Elk Ave and the striping lanes on 6th Street.
- 3) Update on Kapushion project
 - Completed storm water infrastructure installation at 6th and Teocalli
 - Contractor will be placing sidewalk and paving at 6th and Teocalli over the next two weeks.
 - Contractor is continuing to perform overlot grading, which includes removal of top soil and establishing final subgrade elevations for Teocalli Ave and 5th street.
 - Contractor will commence with water and sewer installations in July.
- 4) Staff graded alleys in Town during the weeks of June 17th and June 24th.

- 5) Staff continue to work on the subsurface work at the Town Park.
- 6) Staff performed the necessary repairs of the fence line on the east side of Town, which is adjacent to the Martens' property and between the rec path bridge and Elk Ave. At this point, staff has not installed the hotwire fence protecting the Town from cattle that are grazed on McCormick Ranch due to the high water on the Slate River.

Marshals

- 1) Sean Besecker graduated from the FBI LEEDA Supervisor Leadership Institute in Golden, CO.
- 2) The Marshal's Office is instituting a new Parking Warning form with the intent to inform people of alternative travel and parking options as well as make them aware of any violations they may have committed.

Parks & Rec

- 1) A summer Recreation Intern has been hired. Say hello to Matt next time you are in Town Hall.

Community Development

- 1) Climate Action Plan update – The public kick-off meeting was held on June 26th at the Depot with a good number of people in attendance. The public were able to provide feedback on some initial implementation measures.

Town Clerk

- 1) The first day for election candidates to circulate petitions will be August 7th. Packets for candidates will be available at Town Hall at the end of July.

Finance

- 1) Town sales tax for May was down 13% versus 2018. This is a logical decrease as trails were dry this time last year, whereas May 2019 was cold, rainy and snowy. Bars / Restaurants, Retail and MMJ were all down significantly. However, construction / hardware and lodging were both up.
 - YTD, Town sales tax is up 4% versus 2018. As a result, we are slightly ahead of the related budget.
 - Town expenses continue to track to budget or slightly below.
- 2) Late Night Taxi Service - I spoke to Sutton Schuler with Alpine (Telluride) Express. She is quite amenable to sit down with all necessary parties to hash out an agreement for the late night shuttle. Sutton lives in Telluride, but is happy to visit during the 2nd half of July. I volunteered to organize the meeting, with representatives from the Bartenders Association, Mt Crested Butte, Gunnison County, CB South, Mountain Express and Sutton. In the mean-time, Sutton promised, in good faith, to keep the late night shuttle running.

Intergovernmental

Crested Butte is scheduled to host the next Intergovernmental dinner with all of the municipalities and the County in September.

Upcoming Meetings or Events

July 9th 6:00 p.m. – Work session on proposed changes to regulations regarding demolition of structures, Council Chambers

July 17th 2:00 p.m. – EPA Standard Mine update, Council Chambers

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

P.O. Box 2308 • Silverthorne,
Colorado 80498



970-468-0295 • qqwater@nwccog.org

www.nwccog-qq.org

www.nwccog-qq.org

WATER QUALITY / QUANTITY COMMITTEE

QQ Meeting Summary

June 14, 2019 at Third Street Center, Carbondale

Summary sent out June 25, 2019

QQ MEETING HIGHLIGHTS INSTREAM FLOWS AND THEIR ECONOMIC IMPORTANCE

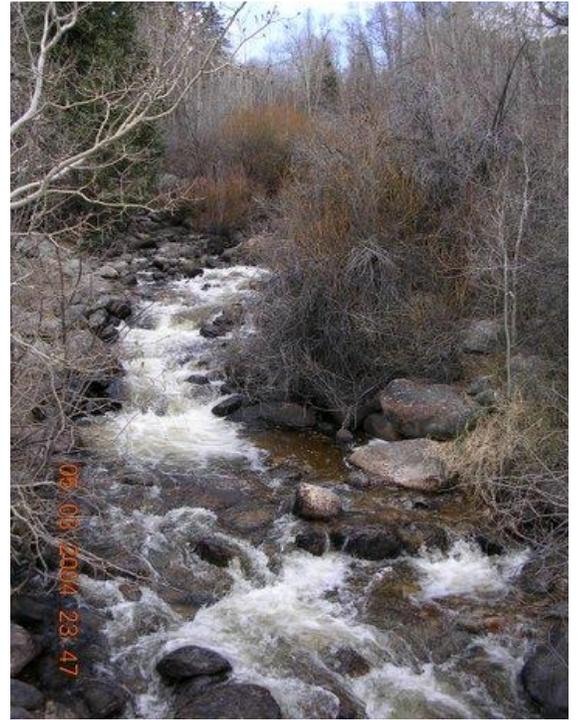
To kick off it's summer meeting, QQ members gathered to learn more about Colorado's instream flow program and the importance of instream flows to the economy of the QQ region.

Linda Bassi, Chief of the Colorado Water Conservation Board (CWCB)'s Stream and Lake Protection Section, joined QQ to discuss the Instream Flow Program, administered by the CWCB since 1973 to, according to the legislature, ". . . appropriate, ...or acquire ... such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree." The CWCB is the only entity that can hold instream flow or natural lake level water rights through a water court appropriation. CWCB also can accept water rights for the program by donation, purchase, lease, or other contractual agreement, always on a voluntary basis.



Go Pro Mountain Games, held annually in Vail, is an excellent example of the QQ region's river-based economy. This competition garnered an estimated \$7.2 million (Denver Post). Photo by Rick Lohre via www.mountaingames.com

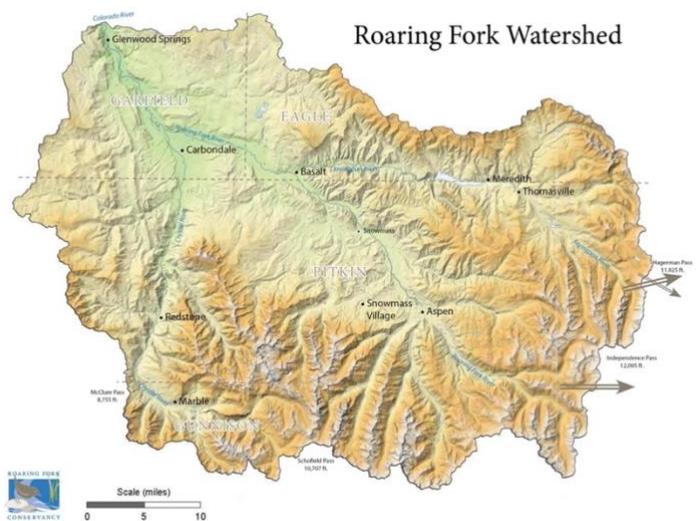
Since members convened in Carbondale for our summer meeting, April Long, Director of the Ruedi Water and Power Authority (RWPA), described the many creative ways that local governments, irrigators, the Colorado Water Trust, the Colorado River Water Conservation District, and other willing partners work together to increase flows throughout the Roaring Fork Basin. Along with the instream flow program, local governments utilize recreational in-channel diversions to build whitewater parks and call water downstream. Many examples of “creative contracts” exist in the Roaring Fork and mainstem Colorado to ensure adequate streamflows. And communities are now about to work jointly through voluntary water conservation plans to reduce water usage during low flow periods without being penalized under Colorado’s “use it or lose it” water law system thanks to Senator Gail Schwartz’ Senate Bill 13-019.



One example of a permanent acquisition of instream flow water rights in Summit County, on Peabody No. 1 Ditch. Retiring rancher sold land to USFS and later sold water right to Colo. Water Trust. CWT donated water right to CWCB for ISF use to preserve and improve 14 miles of the Blue River above Green Mountain Reservoir. After ISF use, historic consumptive use credits remarketed to River District for downstream augmentation uses. Photo and details from Linda Bassi’s presentation to QQ.

Linda highlighted the many benefits of acquiring instream flow water rights. Instream flows can help extend the amount of time water is legally available to existing junior water rights. They can be a way for landowners or communities to maintain flows in local streams, and often serve as an option for irrigators in dry years. Importantly, they help protect health streams and fish populations. All of these drive towards the overall economic benefit of instream flows.

In 2011, QQ commissioned the *Water and Its Relationship to the Economics of the Headwaters Counties study*, which outlined the many ways the economy of the QQ region is connected to healthy flowing rivers and thus instream flows. Our recreation tourism, agriculture, and resource extraction economies all rely on adequate water in rivers. And the state’s economy relies on our rivers and our economy as well. However, the QQ region is the most heavily diverted in the State, sending



Left photo of Ruedi Reservoir, which provides flexible options for instream flows downstream on the Frying Pan River, by Torie Jarvis. Right image of Roaring Fork watershed by Lotic Hydrological via the Roaring Fork Conservancy.

significant amounts of water to aid the Front Range’s growth. Because transmountain diversions are 100% consumptive for the region, the QQ region’s rivers are already compromised. Climate change is only predicted to worsen the situation, as documented in QQ’s 2017 [study](#): *Climate Change in the Headwaters: Water and Snow Impacts*. It’s clear from this presentation and revisiting the study that creative solutions are needed to address reduced streamflows, and we need to utilize every available tool, as different tools work best for different streams and rivers.

QQ PARTY TO RECENT WATER QUALITY CONTROL COMMISSION HEARING

QQ recently participated as a party to the Water Quality Control Commission (WQCC) water quality standards-setting rulemaking for the Upper Colorado Basin (Regulation 33). The process culminated with a hearing to adopt new rules on June 10, 2019. Two primary issues relating to QQ emerged and were resolved at the hearing:

- **Metals standards on French Gulch:** The French Gulch drainage outside of Breckenridge faces considerable degradation from historic dredge and placer mining. Summit County, Breckenridge, and NWCCOG have worked with the EPA and others to understand and address water quality issues for more than 20 years, including a multimillion dollar mine water treatment plan coming online in 2008.

However, with a general view of eliminating narrative water quality standards, the Water Quality Control Division recommended changing the existing “current quality” standard for cadmium and zinc to the statewide table value standards, which everyone agreed were unattainable. While all the parties also agreed to work towards a more appropriate site-specific standard over the next 5 years, QQ opposed the Division’s proposal. QQ, Summit, and Breckenridge were concerned about nonattainment of the new standard, which could implicate various compliance triggers related to commitments made through EPA CERLA

cleanup requirements.

The WQCC made a provisional decision to maintain the existing narrative standard, thus avoiding potential negative impact to Summit and Breckenridge, while all parties work towards developing an appropriate numeric temperature in the near future.

- **Temporary modification (“temp mod”) proposal by Steamboat Springs:** QQ supported Steamboat Springs in its proposal to institute a temp mod for temperature standards on the Upper Yampa. There are predicted compliance issues for Steamboat’s discharge permit, but many signs point to other temperature influences and reasons for temperature



Wellington Oro Water Treatment Facility Vicinity Map

This map is for display purposes only.
Do not use for legal conveyance.
Not necessarily accurate by surveying standards and
does not comply with National Mapping Accuracy Standards.
© 2009 Summit County Government, Open Space and Trails Department.

0 180 360 720 Feet



This bird’s eye view of French Gulch illustrates the degraded, rocky, denuded nature of the area around the mine water treatment plant.

issues—sources which Steamboat is already working to better understand and address

where possible. QQ supported Steamboat's segment-specific and data-driven approach for examining temperature influences to work collaborative towards a solution that protects the river and Steamboat as a discharger.

INTEGRATING LAND USE AND WATER PLANNING

- QQ is finalizing its land use and water assessment project this August!** QQ was awarded a Water Plan implementation grant to assess our local governments' integration of land use and water in land use codes. The project includes an assessment of water savings and water quality measures in member land use codes, which was previewed at this June QQ meeting, and the development of a model code and best practices for water savings measures specific to the headwaters region. Del Corazon Consulting, led by long-time planner and facilitator Marjo Curgus, is the consultant on the project.
- QQ members participate in Growing Water Smart in the Headwaters.** In conjunction with finalizing our land use and water assessment project, many QQ members joined Sonoran Institute and QQ in April for a three-day workshop on integrating land use and water, including local regional teams from Summit and Gunnison Counties, and teams from Grand County, Garfield County, and the Town of Eagle. A more in-depth summary of the workshop is available [here](#).

Our QQ meeting is on the radio!

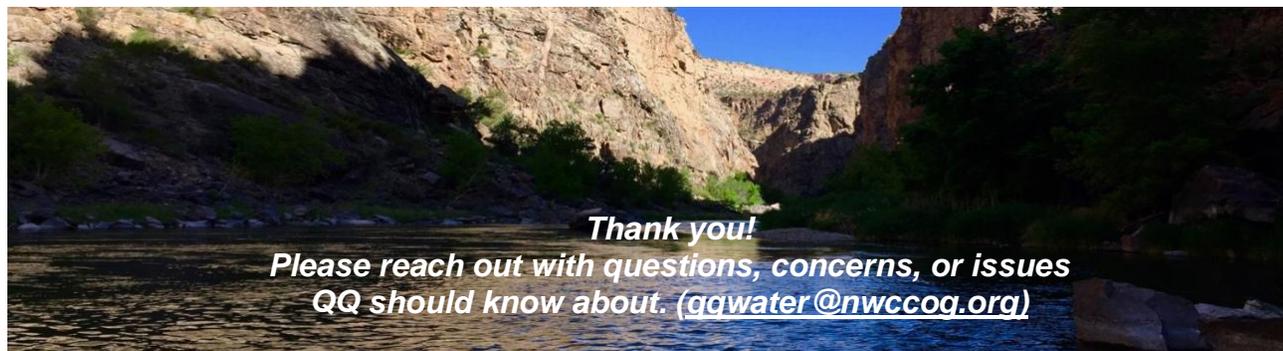
kdnk^{88.1}
community radio

[Click here](#) to listen to Julie Murphy discuss Senate Bill 19-181 and upcoming rulemakings relating to local government and Colorado Oil and Gas Commission (COGCC) regulation of oil and gas development. Julie is the Assistant Director of Minerals and Energy for CO's Dep't of Natural Resources and former Director of the COGCC.

Did you know QQ archives board packets, meeting summaries, and presentations from past meetings?

Just visit

<http://nwccog.org/qq/archived-qq-agendas/>



Thank you!

Please reach out with questions, concerns, or issues QQ should know about. (gqwater@nwccog.org)



Staff Report

July 2, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Michael Reily, Chief Marshal
Subject: Snow Shed Ordinance

Summary:

Concerns have been expressed regarding winter public safety, parking and sidewalk maintenance related to snow loading and snow shedding onto public rights of way from buildings adjacent to roads, parking, sidewalks and public areas. While the problem of snow progressively shedding and encroaching onto the Town's right-of-way seems to be less of a public safety concern than heavy snow loads which suddenly cause an urban avalanche; both slow accumulations, and sudden releases, which end up in the right-of-way, are nonetheless a winter safety concern. Additionally, snow which sheds onto maintained roads, sidewalks and parking has to be eventually cleared by Public Works or Parks and Recreation at the Town's expense.

While there appears to be a limited number of current buildings which have potential right-of-way shedding issues and a slightly larger number of buildings which eventually progressively shed onto public rights-of-way; all of these building require some level of remediation.

Discussion:

Built-up snow and ice on the roofs of buildings located within or adjacent to public area and public streets and rights-of-way maintained by the Town is a hazard for pedestrians which should be removed relatively soon after a snowstorm to ensure public safety and welfare. After identifying potential areas of concern, the Town Council decided to address the issue with a Snow Shed Ordinance which would require property owners to take care of problem buildings which shed onto public rights-of-way.

Background:

The following existing regulations cover some aspects of snow shedding, sidewalk maintenance and depositing of snow.

1. BOZAR regulations
Design Guidelines Town of Crested Butte, Chapter 2 DRAINAGE / SNOW SHEDDING
2. Crested Butte Municipal Code with regard to snow. These are currently enforceable and being enforced as needed.
Sec. 11-1-10 Ordinary and normal maintenance of sidewalks.

Sec. 11-1-50 Failure to comply with snow removal requirements.

Sec. 10-3-60 Depositing of snow, ice and building materials.

Legal Implications:

To expand on the existing regulations and ensure public safety, potential areas of concern will be addressed with the attached Snow Shed Ordinance which requires property owners to take care of problem buildings which shed onto public rights-of-way or face financial responsibility for the timely removal by a third party vendor.

Financial Implications:

While the Town does routinely address the snow which sheds from town owned buildings, we should plan financially to meet the requirements for snow removal which we are imposing on other property owners. The Town should act in an exemplary manner with regard to shedding snow which could present additional cost in high snow years.

Recommendation:

Staff recommends approving the snow shed ordinance.

Recommended Motion:

A Council member should make a motion “to approve Ordinance No. 27, Series 2019” followed by a second a roll call vote.

ORDINANCE NO. 27

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 11 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW REGULATIONS IN ARTICLE 1 THEREOF, REQUIRING REMOVAL OF SNOW AND ICE BUILD-UP FROM ROOFS TO PREVENT SNOW SHED.

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, pursuant to Article XX of the Colorado Constitution and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to exercise its police powers to protect the health, safety, and welfare of the community and its citizens;

WHEREAS, the shedding of built-up snow and ice from the roofs of buildings located within or adjacent to public areas and public streets and rights-of-way maintained by the Town is a hazard for pedestrians and travel;

WHEREAS, the Town Council has determined that regulations to help ensure removal of the snow and ice build-up on the roofs of such buildings relatively soon after a snowstorm are necessary for public safety and welfare;

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

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

Section 1. **Revising the Title of Chapter 11, Article 1.** The title of Article 1 shall be revised to read as follows:

ARTICLE 1 - Streets, Sidewalks, Snow Management, and Snow Shed Remediation

Section 2. **Adding a New Section to Chapter 11, Article 1 of the Code.** A new Section is added to Chapter 11, Article 1 of the Code and shall read as follows:

Sec. 11-1-70. Snow Shed Remediation.

(a) **Purpose.** The purpose of this Section shall be to protect public health, safety, and welfare by preventing built-up snow and ice on the roofs of buildings from shedding onto public areas and public streets and rights-of-way maintained by the Town.

(b) **Removal of snow and ice from roofs.** The owner or other person in charge of or having control and supervision of any building located within or adjacent to public areas and public streets and rights-of-way maintained by the Town shall remove snow and ice build-up from

the building's roof within a reasonable time, but no more than 24 hours, following a snowstorm to ensure that each roof plane of the building does not shed snow or ice onto such public areas or public streets and rights-of-way.

(c) **Roof snow and ice management.**

(1) During months that snow accumulates, all eaves and other roof areas of a building that could result in shedding of snow and ice onto public areas and public streets and rights-of-way maintained by the Town shall be inspected on a weekly basis, at a minimum.

(2) Upon identifying a potentially hazardous build-up of snow or ice as a result of inspections or upon receiving notice by a representative of the Town:

(i) The hazard area shall be immediately cordoned off using appropriate fencing or Town approved barriers. In the event that the cordoned off area is an entrance or egress, directions to the alternate entrance or egress area shall be clearly posted.

(ii) Appropriate work crews shall be immediately scheduled to remove the built-up snow or ice. Diligent and reasonable efforts shall be made to complete the snow and ice removal activity within 24 hours of identifying the hazard or receiving notice from the Town.

(iii) All snow and ice removal activities shall be safely completed. At all times during the removal activities there shall be at least one worker posted at ground level to monitor pedestrian safety.

(d) **Failure to comply and notice of violation.** Failure to remove potentially hazardous snow and ice build-up from a building's roof within 24 hours following a snowstorm shall constitute a violation of this Section 11-1-70. The Town shall give written notice to the owner or other person in charge of or having control and supervision of the building, delivered to the party's last known local address, requiring that the built-up snow and ice be removed within 24 hours of receiving notice. Upon failure or refusal to timely remedy or otherwise respond to the notice, the Town may, at its election, remove the snow and ice build-up on the building's roof at the owner's expense.

(1) If the Town determines the snow and ice build-up on a building's roof poses an immediate threat to public safety, the Town may, at its election, remove the snow and ice build-up at the owner's expense.

(e) **Town's election to remove the snow and ice build-up as described in Section 11-1-70(c) is not a waiver.** Notwithstanding the Town's undertaking to remove the snow and ice build-up on a building's roof, neither the Town's election to perform such work nor the Town's actual undertaking to perform such work shall limit the responsibility of the owner or other person in charge or having the control and supervision of the building to remove the snow and ice build-up on the building's roof as required under this Section 11-1-70.

(f) **Liability for property damage and injury to pedestrians.**

(1) The building owner is liable for any damages caused to Town property or private property, or injury to pedestrians from snow and ice falling off the building's roof.

(2) It is the building owner's responsibility to repair, at owner's expense, any damage to Town property or private property resulting from roof snow and ice removal operations.

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 _____, 2019

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

TOWN OF CRESTED BUTTE, COLORADO

By _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



Staff Report

July 2, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: New Hotel and Restaurant Liquor License for Three Taurus LLC DBA Tin Cup Pasty Co Located at 425 Elk Avenue.
Date: July 2, 2019

Summary:

Three Taurus LLC DBA Tin Cup Pasty Co has applied for a new Hotel and Restaurant Liquor License at 425 Elk Avenue. Staff submits the following findings regarding the application:

1. Notice of public hearing on the application was posted on the premise at least 10 days prior to the public hearing, and notice was published in the *Crested Butte News* on June 21, 2019.
2. A complete application has been submitted and all application fees have been paid.
3. It appears from evidence submitted that the applicant is entitled to possession of the premises for which the application for a new liquor license has been applied.
4. It is confirmed that the sale of liquor on the premises is not a violation of zoning, building, health and fire laws or regulations.
5. In the two years prior to the application for transfer there has not been a denial of an application by the Local Liquor Licensing Authority (Crested Butte Town Council) at the location.
6. The Crested Butte Marshal's Department has conducted a background investigation concerning the principals of Three Taurus LLC: Matthew Keith Price and Lydia Marie Price. Fingerprints have been submitted to CBI/FBI.

Recommendation:

Staff recommends the application for the new Hotel and Restaurant Liquor License for Three Taurus LLC DBA Tin Cup Pasty Co be approved.

Recommended Motion:

Motion to approve the new Hotel and Restaurant Liquor License application for Three Taurus LLC DBA Tin Cup Pasty Co.

DR 8404 (12/21/18)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 (303) 205-2300

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership
 State Property Only

• All answers must be printed in black ink or typewritten
 • Applicant must check the appropriate box(es)
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor

1. Applicant is applying as a/an
 Individual
 Limited Liability Company
 Association or Other
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number
 Three Taurus LLC [REDACTED]

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
 Tin Cup Pasty Co [REDACTED] 4056843976

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
 425 Elk Avenue

City County State ZIP Code
 Crested Butte Gunnison CO 81224

4. Mailing Address (Number and Street) City or Town State ZIP Code
 4312 S. Georgia Place Oklahoma City OK 73129

5. Email Address
 threetaurus16@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA) Present State License Number Present Class of License Present Expiration Date
 Ginger Cafe [REDACTED] Hotel + Restaurant 8-22-2019

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
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<input checked="" type="checkbox"/> Application Fee for New License \$550.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review \$650.00 <input type="checkbox"/> Application Fee for Transfer \$550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00 <input type="checkbox"/> Manager Registration - H & R \$75.00 <input type="checkbox"/> Manager Registration - Tavern \$75.00
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Section B Liquor License Fees	
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<input type="checkbox"/> Add Optional Premises to H & R \$100.00 X Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City) \$351.25 <input checked="" type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Campus Liquor Complex (City) \$500.00 <input type="checkbox"/> Campus Liquor Complex (County) \$500.00 <input type="checkbox"/> Campus Liquor Complex (State) \$500.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50 <input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment \$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex \$75.00 <input type="checkbox"/> Master File Location Fee \$25.00 X Total _____ <input type="checkbox"/> Master File Background \$250.00 X Total _____ <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50 <input type="checkbox"/> Retail Liquor Store (City) \$227.50 <input type="checkbox"/> Retail Liquor Store (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00
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Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

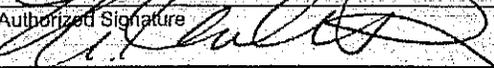
Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted
<p>I. Applicant information</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority <input checked="" type="checkbox"/> E. Additional information may be required by the local licensing authority <input checked="" type="checkbox"/> F. All sections of the application need to be completed
<p>II. Diagram of the premises</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input checked="" type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
<p>III. Proof of property possession (One Year Needed)</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
<p>IV. Background information and financial documents</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved State Vendor. Master File applicants submit results to the State using code 25YQHT with Identigo. The Vendors are as follows: Identigo - https://uenroll.identigo.com/ Phone: (844)539-5539 (toll-free) Identigo FAQs: https://www.colorado.gov/pacific/cbi/identification-faqs Colorado Fingerprinting by American Bioidentity – Details to be announced <input checked="" type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input checked="" type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
<p>V. Sole proprietor/husband and wife partnership (if applicable)</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
<p>VI. Corporate applicant information (if applicable)</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Certificate of Incorporation date stamped by the Colorado Secretary of State's Office <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of applying corporation (If wholly owned, designate a minimum of one person as principal officer of parent)
<p>VII. Partnership applicant information (if applicable)</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
<p>VIII. Limited Liability Company applicant information (if applicable)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Copy of operating agreement <input checked="" type="checkbox"/> D. Certificate of Authority if foreign company
<p>IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

DR 8404 (12/21/18)

Name Three Taurus LLC	Type of License Hotel & Restaurant License	Account Number NIA		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license? <input type="checkbox"/> <input checked="" type="checkbox"/>				
(b) Had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>				
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>				
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. <input type="checkbox"/> <input checked="" type="checkbox"/>				
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? <input type="checkbox"/> <input checked="" type="checkbox"/>				
Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>				
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input checked="" type="checkbox"/>				
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input checked="" type="checkbox"/>				
13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? <input type="checkbox"/> <input checked="" type="checkbox"/>				
13b. Are you a Colorado resident? <input type="checkbox"/> <input checked="" type="checkbox"/>				
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. <input type="checkbox"/> <input checked="" type="checkbox"/>				
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <input checked="" type="checkbox"/> <input type="checkbox"/>				
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Casona Colorado Properties LLC	Tenant Three Taurus LLC	Expires 01-2022		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <input type="checkbox"/> <input checked="" type="checkbox"/>				
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary. NIA				
Last Name NIA	First Name NIA	Date of Birth NIA	FEIN or SSN NIA	Interest/Percentage NIA
Last Name NIA	First Name NIA	Date of Birth NIA	FEIN or SSN NIA	Interest/Percentage NIA
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? <input type="checkbox"/> <input checked="" type="checkbox"/>				
Number of additional Optional Premise areas requested. (See license fee chart) _____				
18. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
(a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? NIA <input type="checkbox"/> <input type="checkbox"/> If "yes" a copy of license must be attached.				
19. Club Liquor License applicants answer the following: Attach a copy of applicable documentation NIA				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/>				
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/>				
(c) How long has the club been incorporated? _____				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? <input type="checkbox"/> <input type="checkbox"/>				
20. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) NIA <input type="checkbox"/> <input type="checkbox"/>				

DR 8404 (12/21/18)

Name Three Taurus LLC		Type of License Hotel & Restaurant License	Account Number NIA	
21. Campus Liquor Complex applicants answer the following:				
(a) Is the applicant an institution of higher education?			NIA	Yes <input type="checkbox"/> No <input type="checkbox"/>
(b) Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				<input type="checkbox"/> <input type="checkbox"/>
22. For all on-premises applicants:				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager Price		First Name of Manager Matthew		
23. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				<input type="checkbox"/> <input checked="" type="checkbox"/>
24. Related Facility - Campus Liquor Complex applicants answer the following:				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.			NIA	Yes <input type="checkbox"/> No <input type="checkbox"/>
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager NIA		First Name of Manager NIA		
25. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.				<input type="checkbox"/> <input checked="" type="checkbox"/>
26. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members . In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant . All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
Matthew Keith Price	[REDACTED]	[REDACTED]	Co-Owner	50.0
Name	Home Address, City & State	DOB	Position	%Owned
Lydia Marie Price	[REDACTED]	[REDACTED]	Co-Owner	50.0
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				
Name Matthew Keith Price		Type of License Hotel & Restaurant License	Account Number NIA	
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title Matthew Keith Price, Co-Owner		Date 2/11/19
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority February 11, 2019		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) April 15, 2019		

DR 8404 (12/21/18)

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

- Fingerprinted
- Subject to background investigation, including NCIC/CCIC check for outstanding warrants

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

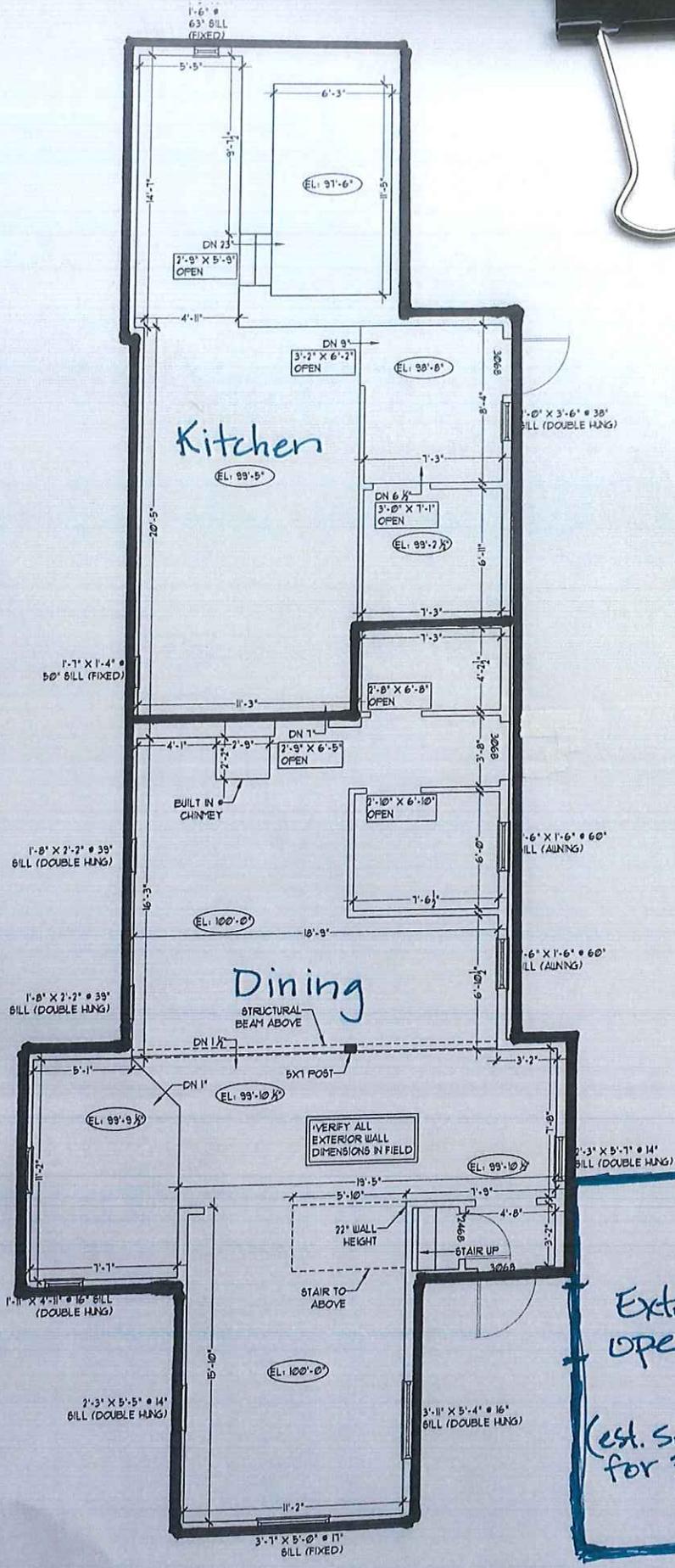
(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

N/A <input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?	Yes No <input type="checkbox"/> <input type="checkbox"/>
N/A <input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?	<input type="checkbox"/> <input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.	
N/A <input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?	<input type="checkbox"/> <input type="checkbox"/>

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for Town of Crested Butte	Telephone Number 970-349-5338	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature 	Print Lynelle Stanford	Title Town Clerk
Signature	Print	Date 2-11-2019
Signature	Print	Date



Exterior open deck/patio
 (est. seating for 30-40)

FLOOR PLAN (425 ELK AVE.)
 SCALE: 1/4" = 1'-0"

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

Three Taurus LLC

is an entity formed or registered under the law of Oklahoma, 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 20181934058.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/28/2019 that have been posted, and by documents delivered to this office electronically through 01/29/2019 @ 10:49:59.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/29/2019 @ 10:49:59 in accordance with applicable law. This certificate is assigned Confirmation Number 11358110.



Jena Griswold

Secretary of State of the State of Colorado

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

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

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE
OF
LIMITED LIABILITY COMPANY**

WHEREAS, the Articles of Organization of

THREE TAURUS LLC

an Oklahoma limited liability company has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
28th day of November, 2018.*

Secretary of State

FILED - Oklahoma Secretary of State #3512717262 11/28/2018
OKLAHOMA Secretary of State Electronic Filing

ARTICLES OF ORGANIZATION DOMESTIC LIMITED LIABILITY COMPANY Document Number: 39029340002 Submit Date: 11/28/2018	
LIMITED LIABILITY COMPANY NAME	
The name of the Limited Liability Company is: THREE TAURUS LLC	
PRINCIPAL PLACE OF BUSINESS ADDRESS	
4312 S. GEORGIA PLACE OKLAHOMA CITY, OK 73129 USA	Email - threetaurus16@gmail.com
EFFECTIVE DATE	
Effective Date: Same as filing date.	
DURATION	
Perpetual	
REGISTERED AGENT AND REGISTERED OFFICE ADDRESS	
Agent Name MATTHEW PRICE Address 4312 S. GEORGIA PLACE OKLAHOMA CITY, OK 73129 USA	
ATTACHMENTS	
File Label	File Name and Path
SIGNATURE	
I hereby certify that the information provided on this form is true and correct to the best of my knowledge and by attaching the signature I agree and understand that the typed electronic signature shall have the same legal effect as an original signature and is being accepted as my original signature pursuant to the Oklahoma Uniform Electronic Transactions Act, Title 12A Okla. Statutes Section 15-101, et seq.	
Dated - 11/28/2018	
Signature Names H. COLE MARSHALL	

[End Of Image]



Colorado Secretary of State
 Date and Time: 11/29/2018 07:56 AM
 ID Number: 20181934058

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Document number: 20181934058
 Amount Paid: \$100.00

ABOVE SPACE FOR OFFICE USE ONLY

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

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

Entity ID number 20181934058
(Colorado Secretary of State ID number)

Entity name Three Taurus LLC

True name _____
(if different from the entity name)

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

Form of entity Foreign Limited Liability Company

Jurisdiction Oklahoma

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

Street address 4312 S. Georgia Place
(Street number and name)

Oklahoma City OK 73129
(City) (State) (ZIP/Postal Code)

(Province - if applicable) (Country)

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

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

(Province - if applicable) (Country)

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

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

or _____

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

Street address 7700 E. Arapahoe Rd.
(Street number and name)
Suite 220
Centennial CO 80112
(City) (State) (ZIP Code)

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

CO
(City) (State) (ZIP Code)

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

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

5. The date the entity commenced or expects to commence transacting business or conducting activities in Colorado is 03/01/2019
(mm/dd/yyyy)

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

This document contains additional information as provided by law.

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

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

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

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

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

Thompson Bebe
(Last) (First) (Middle) (Suffix)
10th Floor, Two Leadership Square
(Street number and name or Post Office Box information)
211 N. Robinson
Oklahoma City OK 73102
(City) (State) (ZIP/Postal Code)

(Province - if applicable) (Country)
United States

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

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.



Colorado Secretary of State
 Date and Time: 11/29/2018 08:04 AM
 ID Number: 20181934077
 Document number: 20181934077
 Amount Paid: \$20.00

ABOVE SPACE FOR OFFICE USE ONLY

Statement of Trade Name of a Reporting Entity

filed pursuant to §7-71-103 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. For the reporting entity delivering this statement, its ID number, true name, form of entity and the jurisdiction under the law of which it is formed are

ID Number	<u>20181934058</u> <i>(Colorado Secretary of State ID number)</i>
True name	<u>Three Taurus LLC</u>
Form of entity	<u>Foreign Limited Liability Company</u>
Jurisdiction	<u>Oklahoma</u>

2. The trade name under which such entity transacts business or conducts activities or contemplates transacting business or conducting activities in this state is

Tin Cup Pasty Co.

3. A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

Restaurant

4. *(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

This document contains additional information as provided by law.

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

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

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

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

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

Thompson	Bebe		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
10th Floor, Two Leadership Square			
<small>(Street number and name or Post Office Box information)</small>			
211 N. Robinson			
Oklahoma City	OK	73102	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
<small>(Province – if applicable)</small>	United States		
	<small>(Country – if not US)</small>		

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

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO
DEPARTMENT OF REVENUE**

LIQUOR ENFORCEMENT DIVISION

1697 Cole Blvd, Suite 200
Golden, CO 80401

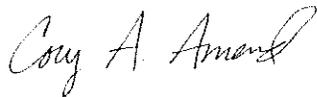
**THREE TAURUS LLC
dba TIN CUP PASTY CO
425 ELK AVENUE
CRESTED BUTTE CO 81224**

ALCOHOL BEVERAGE LICENSE

Liquor License Number 03-11305	License Expires at Midnight 06/10/2020
License Type HOTEL & RESTAURANT (CITY)	
Authorized Beverages MALT, VINOUS AND SPIRITUOUS LIQUOR	

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Articles 4, 3, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1697 Cole Blvd, Suite 200 Golden, CO 80401.

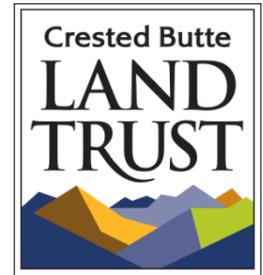
In testimony whereof, I have hereunto set my hand. 6/11/2019 LC



Cory Amend, Interim Division Director



Lu Córdoba, Executive Director



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director
Noel Durant, Executive Director

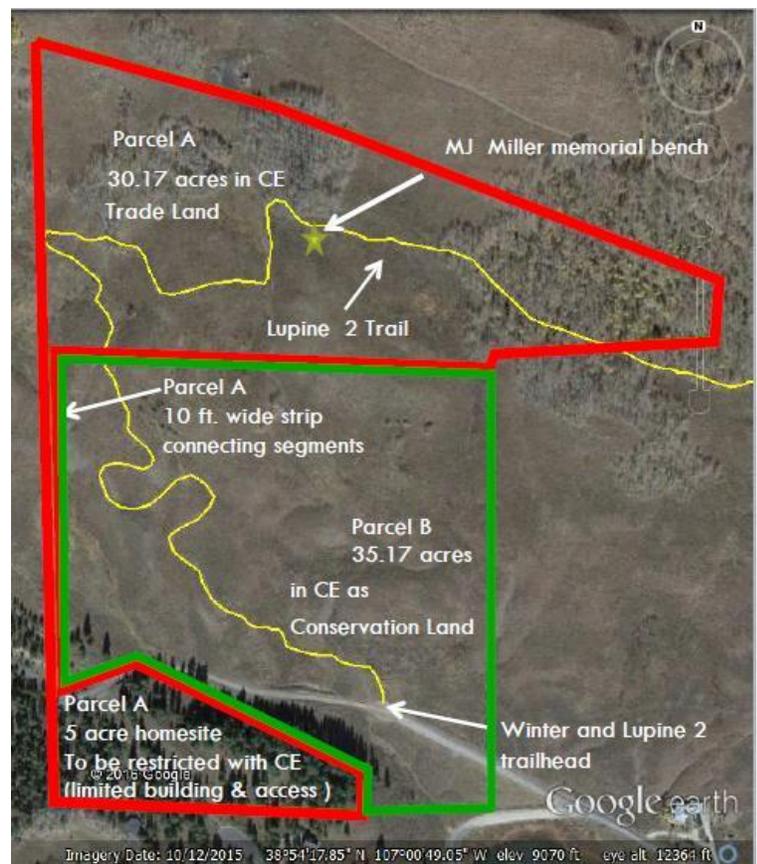
Subject: **Ordinance 28, Series 2019- Purchase and Transfer of Conservation Easement of Kikel Parcel A between the Town of Crested Butte and Crested Butte Land Trust**

Date: July 2, 2019

Background:

The Kikel property, also known as the Slate River Trailhead, is located just northeast of Nicholson Lake. The 70-acre parcel was purchased by the Crested Butte Land Trust (Land Trust) in May 2007 for \$2,684,378 with help from the Town of Crested Butte (Town), Great Outdoors Colorado, Crested Butte Mountain Resort, 1% for Open Space, and the Gunnison County Land Preservation Board. With these funding sources there was still a funding gap to close the project, so the Land Trust took a loan to finance the remainder needed and created the ownership structure below to repay its debt for the property.

The property includes two parcels, each encumbered by a conservation easement (parcels A and B). Parcel A is a 35-acre trade land, owned by the land trust for the purpose of resale, the proceeds of which will benefit further open space conservation. Parcel A is encumbered by a 30-acre Conservation Easement (CE) on the northern “flag” of the property held by the Town and includes a 5-acre homesite 5,000 square foot single-family home site adjacent to Alpine Meadows subdivision that is encumbered by a deed to restrict development that limits what can be built on the property, also held by the Town. Parcel B is a 35-acre conservation land owned by the Land Trust which is encumbered by a conservation easement held by the Town which covers all 35 acres and prohibits development.



Today, these parcels are the starting point for endless summer and winter adventures. Nordic skiers and snowshoers can reach pristine wilderness areas via the trailhead while taking in breathtaking views of Paradise Divide and the surrounding peaks. In the summer and fall, the Lupine Trail, which meanders across the parcel, hosts thousands of hikers and bikers. The property also continues to provide grounds for historic grazing lands for the Allen Family cattle operation.

About the Purchase and Transfer of CE:

On April 1, 2019 the Town entered into a purchase contract with the Crested Butte Land Trust for the purchase of Kikel Parcel A for an amount of \$530,000. Funding for the purchase will come from the Town's 1.5% Real Estate Transfer Tax dedicated for open space. The Town will take ownership of the property and the existing CE which encumbers the 30-acre portion of Parcel A will be assigned from the Town to the Land Trust.

The remaining 5 acres will have a new CE deeded on it to limit the potential development into the future. The existing CE which would have allowed for a 5,000 square foot house single-family home site will be replaced by, and in its place, the Town may construct a residence (cabin), outbuildings and public restroom facilities within the Building Envelope which in aggregate shall occupy no more than 2,000 square feet of ground area. The cabin shall be used only for housing, visitor information center, and open space stewardship for use by Town of Crested Butte, agents, employees, volunteers or associated with other nonprofits focused on open space stewardship. The design of any structures will strive to be carbon neutral.

While the Town has no immediate intentions to construct any stewardship monitoring facilities, this site represents the develop a recreation monitoring presence. This parcel allows the Town the potential to protect this investment in the future as visitation and additional pressures are placed on this valley.

The new CE as well as the assignment of the existing CE from the Town to the Crested Butte Land Trust will occur with this Ordinance.

Recommendation:

A Council person followed by a second set Ordinance 28, Series 2019 to a public hearing on July 15, 2019.

ORDINANCE NO. 28**SERIES 2019**

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL APPROVING: (1) THE ASSIGNMENT OF THE TOWN'S CONSERVATION EASEMENT IN KIKEL PARCEL A TO CRESTED BUTTE LAND TRUST, (2) THE TERMINATION OF THE TOWN'S COVENANT TO LIMIT DEVELOPMENT ON KIKEL PARCEL A, AND 3) GRANTING NEW CONSERVATION EASEMENT TO CRESTED BUTTE LAND TRUST IN EXCHANGE FOR THE CONVEYANCE OF KIKEL PARCEL A FROM CRESTED BUTTE LAND TRUST TO THE TOWN OF CRESTED BUTTE.

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

WHEREAS, the Town entered into a Contract for the Sale of Real Estate with the Crested Butte Land Trust ("CBLT") ("Contract") concerning the real property known as the Kikel Parcel A according to the Plat recorded on September 25, 2008 at Reception No. 586761 of the records of the Gunnison County Clerk and Recorder (the "Kikel Property"); and

WHEREAS, the Town Council unanimously approved the Contract with CBLT at its public meeting on April 1, 2019; and,

WHEREAS, CBLT currently owns the Kikel Property, which contains approximately 35.17 acres; and

WHEREAS, the Town currently owns a Conservation Easement upon 30.17 acres of the Kikel Property pursuant to a Deed of Conservation Easement granted by CBLT to the Town, recorded on December 19, 2008 at Reception No. 588208 (the "2008 Conservation Easement"), and the Town currently owns an interest in a Covenant to Limit Development on 5 acres of the Kikel Property granted by CBLT to the Town by CBLT, recorded at December 19, 2008 at Reception No. 588208 (the "Covenant to Limit Development"); and

WHEREAS, pursuant to the Contract CBLT has agreed to convey fee title of the Kikel Parcel to the Town in exchange for the payment of Five Hundred Thirty Thousand Dollars (\$530,000), the Town's assignment of its 2008 Conservation Easement to CBLT, the termination of the Covenant to Limit Development, and the Town granting CBLT a new Conservation Easement encumbering the 5 acre tract of the Kikel Property; and

WHEREAS, the Town and CBLT have agreed upon the terms of the new Conservation Easement that will encumber the 5 acre tract of the Kikel Property after CBLT conveys the Kikel Property to the Town;

WHEREAS, the agreed upon forms of the Special Warranty Deed from CBLT to the Town, the Assignment of the 2008 Conservation Easement from the Town to CBLT, the Termination of the Covenant to Limit Development and the new Deed of Conservation Easement upon the 5 acre tract of the Kikel Property from the Town to CBLT, are attached to this Ordinance; and

WHEREAS, pursuant to Section 14.4 of the Town Charter and C.R.S. Section 31-15-713(1), the Town has the authority to sell and convey property owned by the Town; and

WHEREAS, the Kikel Property has significant value as open space for scenic, environmental and recreational purposes; and

WHEREAS, the Town Council hereby finds that it is in the best interests of the Town and its residents to acquire the Kikel Property for the purpose of maintaining the Property as open and scenic space on the terms contained in the Contract and the other documents attached to and made a part of this Ordinance.

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

Section 1. Authorization to Assign 2008 Conservation Easement, Terminate Covenant Limit Development, Grant New Deed of Conservation Easement and Pay \$530,000 to CBLT in Exchange for Special Warranty Deed for Kikel Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the Town to assign the 2008 Conservation Easement, terminate the Covenant to Limit Development, grant a new Deed of Conservation Easement and pay \$530,000 to the Crested Butte Land Trust in exchange for the CBLT's conveyance of a Special Warranty Deed for the Kikel Property to the Town pursuant to the Contract and the other documents attached to this Ordinance as **Exhibit A**.

The Town Council further authorizes and directs the Town Manager and Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the transaction for the Kikel Property, following approval thereof by the Town Attorney.

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

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

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

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

TOWN OF CRESTED BUTTE

James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

Exhibit A
DEED OF CONSERVATION EASEMENT, SPECIAL WARRANTY DEED,
TERMINATION OF COVENANT TO LIMIT DEVELOPMENT, and ASSIGNMENT OF
INTEREST IN
DEED OF CONSERVATION EASEMENT

DEED OF CONSERVATION EASEMENT

Kikel Five Acre Area

THIS DEED OF CONSERVATION EASEMENT is made this ___ day of August, 2019, by the **TOWN OF CRESTED BUTTE**, a Colorado home rule municipality, having its address at P.O. Box 39, Crested Butte, CO 81224 (“**Grantor**”), in favor of the **CRESTED BUTTE LAND TRUST**, a Colorado nonprofit corporation, having its address at P.O. Box 2224, Crested Butte, CO 81224 (“**Grantee**”). The following exhibit is attached hereto and is incorporated by reference:

Exhibit A - Plat of Crested Butte Land Trust Kikel Property

RECITALS:

A. Grantor is the sole owner in fee simple of certain real property approximately 35.17 acres in size known as “**Kikel Parcel A**” in Gunnison County, Colorado, described and depicted on the Plat of Crested Butte Land Trust Land, Kikel Property attached hereto as **Exhibit A**, which is incorporated herein by this reference, which Plat was recorded on September 25, 2008, at Reception No. 586761 of the records of the Gunnison County, Colorado, Clerk and Recorder.

B. The real property to be encumbered by this Deed of Conservation Easement is that portion of Kikel Parcel A described as the 5-acre home site tract depicted in **Exhibit A** as the “Area of Parcel A south of the centerline of Slate River Road” referred to herein as the “**Property**”.

C. The Property possesses natural wildlife habitat, open space, agricultural, scenic and recreational values (collectively, “**Conservation Values**”) of great importance to Grantor, the people of Gunnison County, and the people of the State of Colorado. In particular, the Property contains an elk migration corridor identified by the Colorado Division of Wildlife, some wetlands, sage brush, aspen and conifer groves, summer grazing, multiple seeps and springs, terrain suitable for hiking and cross-country skiing, and important views of Paradise Divide and the upper Slate River Valley.

D. Grantor intends that the Conservation Values of the Property be preserved and protected, and that any uses be prohibited that would substantially diminish or impair the Conservation Values or that otherwise would be inconsistent with the purpose of this easement. The parties acknowledge and agree that the current land use patterns, including, without limitation, those relating to ranching existing at the time of this grant, and the use of the Property for Public Access as described herein, do not significantly impair or interfere with the Property’s Conservation Values and are consistent with purpose of this Easement.

E. Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity.

F. Grantor is a Colorado home rule municipal corporation established pursuant to the

Constitution and laws of the State of Colorado more than two years prior to the grant of this Easement as required by C.R.S. § 38-30.5-101 et seq., which provides for conservation easements to maintain land and water in a natural, scenic or open condition, for wildlife habitat, or for agricultural and other uses or conditions consistent with the protection of open land in Colorado.

G. Grantee agrees by accepting this Easement to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this and future generations.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Colorado, and in particular C.R.S. § 38-30.5-101 et seq., Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (“**Easement**”).

1. **Purpose.** The purpose of this Easement is to preserve and protect the Conservation Values of the Property in perpetuity. This purpose is in accordance with §170(h) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations adopted pursuant thereto. To achieve this Purpose, Grantor intends to convey this Deed of Conservation Easement to Grantee to ensure that the Conservation Values of the Property will be preserved and protected forever. Subject to the purpose of this Easement, Grantor and Grantee intend to permit only uses of the Property which do not substantially diminish or impair the Property’s Conservation Values and to prevent any use of the Property that will substantially impair or interfere with protecting the Property’s Conservation Values. It is the intent of the Grantor to preserve the Property in its natural, scenic, agriculturally productive, forested, and open space condition to preserve the open space character, wildlife habitat, recreational, and scenic qualities of the Property. Notwithstanding the foregoing, nothing in this Easement is intended to compel a specific use of the Property, such as agriculture, other than the preservation and protection of the Property’s Conservation Values. Public Access is permitted on the Property, subject to the provisions of Paragraph 6, herein.

2. **Baseline Documentation Report.** The parties acknowledge that a written report will be prepared, reviewed, and approved by both parties within six months of the date of this Easement (the “**Baseline Documentation Report**”). A copy of the Baseline Documentation Report will be put on file with both parties and by this reference made a part hereof. The parties acknowledge that the Baseline Documentation Report is intended to establish the condition of the Property subject to the Easement as of the date written above, and that both parties will acknowledge in a signed statement, a copy of which will be put on file with both parties, that the Baseline Documentation Report accurately represents the condition of the Property at the time of the conveyance.

The parties further agree that, in the event a controversy arises with respect to the condition of the Property as of the conveyance date of the Easement, or compliance with or violation of any term or provision of this Easement, the parties may use the Baseline Documentation Report and

any other relevant material documents, surveys, reports, and other information to assist in resolving the controversy.

3. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

- a. To preserve and protect the Conservation Values of the Property;
- b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;
- c. To prevent or stop any activity on or use of the Property that is inconsistent with the purpose of this Easement; and
- d. To require the restoration of such areas or features of the Property that may be damaged by any inconsistent use.

4. **Reserved Rights.** Grantor reserves to itself, and to its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited or restricted herein and that do not substantially diminish or impair the Property's Conservation Values. Without limiting the generality of the foregoing, the Grantor reserves the right to engage in non-commercial, non-motorized passive recreational activities, such as horseback riding, hiking, cross-country skiing, and other similar low-impact recreational uses, to be enjoyed by the public. Specifically, without limiting other recreational uses, the parties anticipate that Grantor may allow the Crested Butte Nordic Council, a Colorado nonprofit, federally tax-exempt corporation, to use the Property for Nordic skiing for its fee paying members.

5. **Prohibited and Restricted Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Subject to the foregoing, but without limiting the generality of the foregoing, Grantor and Grantee hereby acknowledge and agree:

a. **Development Rights.** Grantor hereby grants to Grantee all development rights except as otherwise expressly reserved by Grantor herein. The parties agree that such rights are hereby released, terminated and extinguished, and may not be used on or transferred off of the Property to any other property, adjacent or otherwise. Under no circumstances shall any portion of the Property be used for the purpose of calculating or giving credits, which result in additional density of development, or in this Easement, on or off of the Property.

b. **Construction of Buildings and Other Structures.** The construction of any building, structure or other improvement is prohibited except in accordance with Paragraphs (c), (d), and (h) below.

c. **Building Envelope.** The Grantor may designate a single one half (1/2 acre) building envelope (“**Building Envelope**”) on the Property by surveying such area, providing a copy of the survey to Grantee for its review and approval which approval shall not be unreasonably withheld, and pinning the corners of the Building Envelope.

d. New Structures and Improvements. After designation and approval of the Building Envelope, the Grantor may construct a residence (cabin), outbuildings and public restroom facilities within the Building Envelope which in aggregate shall occupy no more than 2,000 square feet of ground area. Grantor shall notify Grantee at least thirty (30) days prior to any construction, and provide plans and information to Grantee to confirm that such structures comply with the terms of this Easement. The cabin shall be used only for housing, visitor information center, and open space stewardship for use by Town of Crested Butte, agents, employees, volunteers or associated with other nonprofits focused on open space stewardship. The design of any structures will strive to be carbon neutral. The septic system for permitted structures may be located outside of the Building Envelope. Under no circumstances shall any other building, structure or improvement, except for trails, be built on the Property, including but not limited to, athletic fields, golf courses or ranges, race tracks, airstrips, helicopter pads, or shooting ranges.

e. Parking. A gravel road and parking area with no winter maintenance with up to 10 total parking spaces for the public is permitted on the Property. A parking area for the housing or use as determined by Gunnison County shall be adequate to ensure the occupancy of the structure meets any code parking requirements.

f. Stewardship Volunteer Camping. Camping will only be allowed in the Building Envelope by volunteers or organizations involved in open space stewardship activities, provided that suitable waste and sanitary facilities are provided. No camping is allowed for the public at large.

g. Fences. The construction or reconstruction of any fence, except to repair or replace existing fences, the construction of new fences for purposes of reasonable and customary management of livestock and wildlife, or for separation of ownership and uses, may occur with the advance written permission of Grantee. Grantee shall give such permission within a reasonable time, unless Grantee determines that the fencing will substantially diminish or impair the Conservation Values of the Property, or unduly hinder public access, or is otherwise inconsistent with the purpose of this Easement, in which case permission shall be denied.

h. Subdivision. Any partition, legal or de facto division or subdivision of the Property, or title to the Property, whether by physical or legal process, is prohibited.

i. Timber Harvesting. Timber harvesting on the Property is prohibited. Notwithstanding the foregoing, trees may be cut to control insects and disease, to control invasive non-native species, and to prevent personal injury and property damage. Dead trees may also be cut for firewood and other uses on the Property.

j. Mining. The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance of any kind or description, is prohibited.

k. Paving and Road and Trail Construction. No portion of the Property shall be paved or otherwise covered with concrete, asphalt, or any other paving material. In addition, hiking, biking, equestrian and cross-country ski trails and ski-skating tracks may be constructed and maintained on the Property by Grantor or its designee after receiving the prior written consent of Grantee which consent shall not be unreasonably withheld. The approvals described in this Section 4.k. shall be given within a reasonable time, unless it is determined that the proposed activity, or the location of any trails, will substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with the purpose of this Easement, in which case permission shall be denied.

l. Trash. The dumping or uncontained accumulation of any kind of trash or refuse on the Property, including but not limited to household trash and hazardous chemicals, is strictly prohibited.

m. Water Rights Included. There are currently no decreed water rights appurtenant to the Property. The Property includes any and all water and water rights beneficially used on the Property that are now, or in the future may be, owned by the Grantor, and all springs, reservoirs, water allotments, water shares and wells associated therewith (the "Water Rights"). The Water Rights include surface water rights and groundwater rights, whether tributary, nontributary or not-nontributary, decreed or undecreed. The parties agree that it is appropriate to include the Water Rights in this Easement pursuant to C.R.S. § 38-30.5-102. Grantor shall retain and reserve the right to use the Water Rights or that portion sufficient to maintain and improve the Conservation Values of the Property, and shall not transfer, encumber, lease, sell or otherwise separate water rights necessary and sufficient to maintain and improve the Conservation Values of the Property from title to the Property itself.

In the event that Grantor fails, after written notice from Grantee, to defend or protect the Water Rights or any portion thereof against injury or risk of abandonment, the Grantee may, but shall not be required to, assert such defenses, seek to change such Water Rights, or take any other reasonable actions at Grantee's sole cost and expense to avoid their loss or diminution or to maintain their historic use. No loss of any or all of the Water Rights through injury or abandonment, or conversion of the Water Rights as set forth above, shall be considered a severance or other transfer of the title to the Water Rights from the Property for federal or state tax or other purposes.

n. Motorized Vehicles. Motorized vehicles may be used on the Property only on the Slate River Road, or for Nordic track setting purposes, and only in a manner that does not substantially diminish or impair the Conservation Values of the Property. Off road vehicle courses for snowmobiles, all-terrain vehicles, motorcycles, or other motorized vehicles are prohibited.

o. Commercial or Industrial Activity. No commercial or industrial uses or activities shall be allowed on the Property, other than grazing or low-impact non-motorized

recreational commercial uses, as long as they are consistent with the purpose of this Easement, and do not substantially diminish or impair the Property's Conservation Values. Without limiting other potential recreational commercial uses that meet the foregoing criteria, the following uses are allowed:

- 1) grazing livestock, such as cattle or horses and/or leasing pasture to third parties for grazing livestock; and
- 2) Nordic skiing or other low-impact non-motorized recreational purposes.

The foregoing descriptions of allowed commercial uses notwithstanding, feed lots and other intensive growth livestock farms, such as dairy, swine, or poultry farms, are inconsistent with the purpose of this Easement and are prohibited.

p. Signage or Billboards. No commercial signs, billboards, awnings, or advertisements shall be displayed or placed on the Property, except for appropriate and customary ranch or pasture identification signs, "for sale" or "for lease" signs alerting the public to the availability of the Property for purchase or lease, "no trespassing" signs, signs regarding the use of the Property for low impact recreational uses, and signs informing the public of the status of ownership. No signs shall significantly diminish or impair the Conservation Values of the Property.

6. Public Access. Grantor may allow the general public to have access to the Property for non-commercial, non-motorized passive recreational activities, such as horseback riding, hiking, cross-country skiing, and other similar low-impact recreational uses, as reasonably determined by the Grantor and Grantee, provided that such access and the use incident thereto do not substantially diminish or impair the Conservation Values of the Property and provided that no fee shall be paid to the Grantor for such use ("**Public Access**").

a. Recreational Purpose; Limitation on Liability. The parties expressly acknowledge that the Public Access is granted for a "recreational purpose" under C.R.S. Section 33-41-101, et. seq., and that Grantor and the Grantee are entitled to the benefits, protections and limitations on liability afforded by Colorado law governing recreational public access, including without limitation said Section 33-41-101, et. seq. By granting and permitting the Public Access, Grantor and Grantee shall have no obligation to repair, clear or otherwise maintain the Property or to insure or indemnify Grantor or Grantee or the public for any injury, claim or damage to any person or property, whether alleged to have occurred as a result of use of the Public Access for public non-motorized travel or otherwise, or due to the condition of the Public Access.

b. Insurance. Grantor agrees to add Grantee (and its successors and assigns in the ownership) as additional named insureds on any comprehensive general liability insurance policy that Grantor has, which insurance shall be maintained by the Grantor to provide protection against liability from claims arising out of the use of the Public Access. Such insurance shall be carried in amounts not less than the liability limits specified in Section 24-10-114(l) C.R.S, as it may be amended from time to time, and shall provide Grantor and Grantee, and their successors and assigns with thirty (30) days advance written notice prior to cancellation or termination. Grantor shall, upon written request therefor from Grantee or any successor or assign, provide a

Certificate of Insurance as verification of compliance with these requirements. No provisions of this Easement shall be construed or interpreted as a waiver, either express or implied, of any of the immunities, rights, benefits or protection provided to the Grantor or the Grantee under the Colorado Governmental Immunity Act Section 24-10-101, *et seq.* C.R.S. No provisions of this Easement shall be construed to limit the protections provided, as applicable, to Grantor or Grantee under Section 13-21-115 C.R.S., as it may be amended from time to time.

7. **Land Management.** To facilitate periodic communication between Grantor and Grantee about management issues that may impact the Property's Conservation Values, the Property shall be operated and managed in accordance with a land management plan prepared by Grantor and provided to Grantee, which plan shall be initially agreed upon within one year of the date of this Easement and shall be updated at least every five years.

8. **Notice of Intention to Undertake Certain Permitted Actions.** The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement. Whenever notice is required, Grantor shall notify Grantee in writing not less than thirty (30) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

9. **Grantee's Approval.** Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within thirty (30) days of receipt of Grantors' written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement or would substantially diminish or impair the Conservation Values of the Property.

10. **Enforcement.** If Grantee finds what it believes is a violation of this Easement, Grantee shall immediately notify Grantor in writing of the nature of the alleged violation. Upon receipt of this written notice, Grantor shall either: (a) restore the Property to its condition prior to the violation; or (b) provide a written explanation to Grantee of the reason why the alleged violation should be permitted. If the condition described in clause (b) above occurs, both parties agree to meet as soon as possible to resolve this difference. If a resolution of this difference cannot be achieved at the meeting, both parties agree to meet with a mutually acceptable mediator to attempt to resolve the dispute. When, in Grantee's opinion, an ongoing or imminent violation could irreversibly diminish or impair the Conservation Values of the Property, Grantee may, at its discretion, take appropriate legal action. Grantor shall discontinue any activity that could increase or expand the alleged violation during the mediation process. Should mediation fail to resolve the dispute, Grantee may, at its discretion, take appropriate legal action. If a court with jurisdiction determines that a violation is imminent, exists, or has occurred, Grantee may get an injunction to stop it, temporarily or permanently. A court may also issue an injunction to require Grantor to restore the Property to its condition prior to the violation.

11. **Costs of Enforcement.** Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including, without limitation, costs of suit and attorneys' fees, and

any costs of restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. If Grantor substantially prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

12. **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

13. **Waiver of Certain Defenses.** Grantor hereby waives any defense of laches, estoppel, or prescription, including any defenses available under C.R.S. § 38-41-119, et seq.

14. **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate injury to the Property resulting from such causes.

15. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including weed control and eradication and including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

16. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon three (3) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the lesser of eight (8) percentage points over the prime rate of interest from time to time charged by a bank selected by Grantee or the maximum rate allowed by law.

17. **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its elected officials, members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death

of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraph 3 herein; and (3) the presence or release of hazardous or toxic substances on, under or about the Property. For the purpose of this Easement, hazardous or toxic substances shall mean any hazardous or toxic substance that is regulated under any federal, state or local law. Without limiting the foregoing, nothing in this Easement shall be construed as giving rise to any right or ability in Grantee nor shall Grantee or have any right or ability, to exercise physical or managerial control over the day-to-day operations of the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as it may be amended or recodified.

18. **Real Property Interest.** This Easement constitutes a real property interest immediately vested in Grantee. The parties stipulate that this Easement has a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the full fair market value of the Easement at the time of this grant to the value of the Property, without deduction for the value of the Easement, at the time of the grant. For the purposes of this Easement, the ratio of the value of the Easement to the value of the Property as unencumbered by the Easement is twenty-five percent (25%) and shall remain constant.

19. **Condemnation or Other Extinguishment.** If this Easement is taken, in whole or in part, by exercise of the power of eminent domain, or if circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. Each party shall promptly notify the other party in writing when it first learns of such circumstances. Grantee shall be entitled to compensation in accordance with applicable law, after the satisfaction of prior claims, from any sale, exchange, condemnation, or other involuntary or voluntary conversion of all or any portion of the Property subsequent to such termination or extinguishment. Grantee's compensation shall be an amount equal to the Easement value as determined pursuant to Paragraph 18 above, multiplied by the amount of the full proceeds from any sale, exchange, condemnation, or other involuntary or voluntary conversion of all or a portion of the Property. Grantee shall use its proceeds in a manner consistent with its conservation purposes.

20. **Assignment.** This Easement is transferable, but Grantee may assign its rights and obligations under this Easement only to an organization that (a) is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, (b) is authorized to acquire and hold conservation easements under Colorado law and (c) agrees to assume the responsibility imposed on Grantee by this Easement.

21. **Subsequent transfers.** Grantor shall incorporate the terms and conditions of this Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, except conveyance of a leasehold interest that is no longer than three

years in duration and is otherwise consistent with the terms of this Easement. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least forty-five (45) days prior to the date of such transfer. The failure of Grantor to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

22. **Notices.** Any notice, demand, request, consent, approval, or communication that either party is required to give to the other in writing shall be either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantee:

Executive Director
Crested Butte Land Trust
P.O. Box 2224
Crested Butte, CO 81224

To Grantor:

Town Manager
Town of Crested Butte
P.O. Box 39
Crested Butte, CO 81224

or to such other address as either party from time to time shall designate by written notice to the other.

23. **Grantor's Title Warranty.** Grantor warrants that Grantor has good and sufficient title and access to the Property and hereby promises to defend the same against all claims from persons claiming by, through, or under Grantor.

24. **Subsequent Liens on the Property.** No provisions of this Easement shall be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided that any mortgage or lien arising from such a borrowing would be subordinated to this Easement.

25. **Recording.** Grantee shall record this instrument in a timely fashion in the official records of Gunnison County, and may re-record it at any time as may be required to preserve its rights in this Easement.

26. **General Provisions.**

a. **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of Colorado.

b. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of C.R.S. §38-30.5-101, et seq. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

e. No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

f. Joint Obligation. If more than one owner owns the Property at any time, the obligations imposed by this Easement shall be joint and several upon each of the owners.

g. Non-Merger. No merger shall be deemed to have occurred hereunder or under any documents executed in the future affecting this Easement, unless the parties expressly state that they intend a merger of estates or interests to occur.

h. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns and shall continue as a servitude running in perpetuity with the Property.

i. Termination of Rights and Obligations. Provided a transfer is permitted by this Deed, a party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

j. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

k. No Third Party Beneficiaries. This Easement is entered into by and between Grantor and Grantee, and is solely for the benefit of Grantor, Grantee, and their respective successors and assigns for the purposes set forth herein, and does not create rights or responsibilities in any third parties beyond Grantor and Grantee.

l. Amendment. If circumstances arise under which an amendment to or

modification of this instrument would be appropriate, Grantor and Grantee are free to jointly amend this instrument; provided that no amendment shall be allowed that will affect the qualifications of this Easement under any applicable laws. Any amendment must be consistent with the purpose of this Easement and shall not affect its perpetual duration. Any amendment must be in writing, signed by both parties, and recorded in the official records of Gunnison County.

m. Change of Conditions. A change in the potential economic value of any use that is prohibited by or inconsistent with this Easement, or a change in any current or future uses of neighboring properties, shall not constitute a change in conditions that makes it impossible or impractical for continued use of the Property for conservation purposes and shall not constitute grounds for terminating the Easement.

n. Authority to Execute. Each party represents to the other that such party has full power and authority to execute, deliver, and perform this Easement, that the individual executing this Easement on behalf of said party is fully empowered and authorized to do so, and that this Easement constitutes a valid and legally binding obligation of said party enforceable against said party in accordance with its terms.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have executed this Deed of Conservation Easement on the day and year first written above.

GRANTEE:

CRESTED BUTTE LAND TRUST,
a Colorado nonprofit corporation

By:_____

Its:_____

ATTEST:

_____, Secretary

STATE OF COLORADO)
) ss.
County of Gunnison)

The foregoing Deed of Conservation Easement was acknowledged before me this _____ day of _____, 2019 by _____ as _____ and _____ as Secretary of the Crested Butte Land Trust, a Colorado nonprofit corporation.

Witness my hand and official seal.

[SEAL]

Notary Public
My commission expires:_____

EXHIBIT A
Plat of Property
(attach)

SPECIAL WARRANTY DEED

(Kikel Parcel A/ CBLT-Town)

CRESTED BUTTE LAND TRUST, a Colorado nonprofit corporation (“**Grantor**”), the address of which is P. O. Box 2224, Crested Butte, Colorado 81224, for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells and conveys to the **TOWN OF CRESTED BUTTE**, a Colorado home rule municipality (“**Grantee**”), the address of which is P.O. Box 39, Crested Butte, Colorado 81224, all of that certain real property, together with improvements, if any, situate, lying and being made in Gunnison County, State of Colorado, described as follows (the “**Property**”):

Parcel A, Crested Butte Land Trust, Kikel Property, according to the Plat recorded September 25, 2008 as Reception No. 586761, County of Gunnison, State of Colorado,

together with all of its appurtenances, and warrants title against all and persons claiming under the Grantor, subject to the following:

- (1) Reservations contained in the United States Patent recorded April 13, 1905 in Book 101 at Page 343 and in the United States Patent recorded April 15, 1905 in Book 101 at Page 344;
- (2) An undivided 1/2 interest in all coal, oil, gas and other minerals underlying the surface as reserved in Warranty Deed recorded January 26, 1973 in Book 449 at Page 102 and any assignments thereof or interests therein;
- (3) All matters shown on the Plat of Kikel Land recorded November 2, 2006 as Reception No. 570597, Ratification and Amendment of Plat recorded November 17, 2006 as Reception No. 571071 and Second Amendment to Plat recorded May 23, 2007 as Reception No. 575523;
- (4) All matters shown on the Plat of Crested Butte Land Trust Land, Kikel Property recorded September 25, 2008 as Reception No. 586761, Ratification of Plat recorded December 19, 2008 as Reception No. 588207;
- (5) Deed of Conservation Easement recorded December 19, 2008 as Reception No. 588208, and any and all assignments thereof or interests therein;
- (6) Ordinance by the Town of Crested Butte authorizing the Town to hold two Deeds of Conservation Easement recorded December 23, 2008 as Reception No. 588261;
- (7) Easement and right of way for County Road 734;
- (8) Matters which a correct survey would disclose; and
- (9) Real property taxes for 2019, a lien not yet due and payable.

TERMINATION OF COVENANT TO LIMIT DEVELOPMENT

Kikel/Town-CBLT

THIS TERMINATION OF COVENANT TO LIMIT DEVELOPMENT (the “**Termination**”) is made and entered into this ____ day of August, 2019, by and between **CRESTED BUTTE LAND TRUST**, a Colorado nonprofit corporation, the address of which is P. O. Box 2224, Crested Butte, Colorado 81224 (“**CBLT**”) and the **TOWN OF CRESTED BUTTE**, a Colorado home rule municipality, the address of which is P.O. Box 39, Crested Butte, Colorado 81224 (the “**Town**”).

RECITALS

- A. CBLT is the owner of Parcel A, Crested Butte Land Trust, Kikel Property, according to the Plat recorded September 25, 2008 as Reception No. 586761, County of Gunnison, State of Colorado (“**Parcel A**”)
- B. The Covenant to Limit Development was granted by CBLT as the owner of Parcel A for the benefit of the Town, and was recorded December 19, 2008 as Reception No. 588210 (the “**Covenant**”). The Covenant encumbers the five acre portion of Parcel A that lies south of the centerline of Slate River Road (the “**Five Acre Area**”),
- C. CBLT and the Town have entered into a contract for the sale of all of Parcel A from CBLT to the Town. As part of this agreement, CBLT and the Town have agreed to (i) terminate the Covenant encumbering the Five Acre Area, and (ii) permanently protect the Five Acre Area by a Deed of Conservation Easement to be granted from the Town to CBLT immediately upon completion of the conveyance of Parcel A from CBLT to the Town.
- D. CBLT, as the owner of Parcel A and the Grantor of the Covenant, and the Town, as the Grantee of the Covenant, now wish to terminate the Covenant.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Covenant is hereby terminated and is of no further force and effect.
2. The Recitals above are an integral part of this Agreement and incorporated into this Termination agreement.

**ASSIGNMENT OF INTEREST IN
DEED OF CONSERVATION EASEMENT**
Kikel/Town-CBLT

THIS ASSIGNMENT OF INTEREST IN DEED OF CONSERVATION EASEMENT (the “**Assignment**”) is entered into this ____ day of August, 2019, by and between:

- (i) **TOWN OF CRESTED BUTTE**, a Colorado home rule municipality, the address of which is P.O. Box 39, Crested Butte, Colorado 81224 (the “**Town**” or the “**Assignor**”); and
- (ii) **CRESTED BUTTE LAND TRUST**, a Colorado nonprofit corporation, the address of which is P. O. Box 2224, Crested Butte, Colorado 81224 (“**CBLT**” or the “**Assignee**”).

RECITALS

- A. CBLT conveyed to the Town the Deed of Conservation Easement recorded December 19, 2008 as Reception No. 588208 of the records of the Clerk and Recorder of Gunnison County, Colorado (the “**Conservation Easement**”), encumbering the real property described on **Exhibit A** attached hereto and incorporated herein (“**Property**”).
- B. Assignment of Assignor’s interest is permitted in Paragraph 20 of the Conservation Easement specifically “to the Crested Butte Land Trust, a Colorado nonprofit corporation, provided that is not the owner of the Property at the time of such assignment”.
- C. Immediately prior to this Assignment of Interest in Conservation Easement, CBLT has sold its fee interest in the Property encumbered under the Conservation Easement to the Town.
- D. The Town, as the Assignor, now wishes to assign its interest in the Conservation Easement to CBLT, as the Assignee, so that the Town becomes the Grantor under the Conservation Easement and CBLT becomes the Grantee under the Conservation Easement.
- E. Assignee (1) is a qualified organization under Section 170(h) of the Internal Revenue Code of 1986, as amended; (2) is authorized to acquire and hold conservation easements under Colorado law; (3) agrees to assume the responsibility imposed on Grantee by the Conservation Easement.
- F. Assignee has executed this Assignment as Assignee of the interest of Assignor under the Conservation Easement and, by this Assignment, accepts the assignment of the interest of Assignor in the Conservation Easement.

AGREEMENT

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment. Assignor hereby assigns and transfers all of its rights and obligations as Grantee under the terms of the Conservation Easement to Assignee.
2. Acceptance of Assignment. Assignee hereby accepts the assignment of the rights and obligations of Assignor as Grantee under the Conservation Easement and agrees to carry out the conservation purposes that the Conservation Easement was originally intended to advance.
3. Release. Assignor is hereby released from any and all obligations and liability as Grantee under the terms of the Conservation Easement for all events arising after this Assignment. Assignee is hereby released from any and all obligations and liability as Grantee under the terms of the Conservation Easement for events arising prior to the date of this Assignment.
4. Recitals. The Recitals above are an integral part of this Agreement and incorporated into this Agreement.
5. Notices. Any notice to be provided under Paragraph 22 of the Conservation Easement shall be provided as follows:

To the Grantor:

Town Manager
Town of Crested Butte
P.O. Box 39; Crested Butte, CO 81224

To the Grantee:

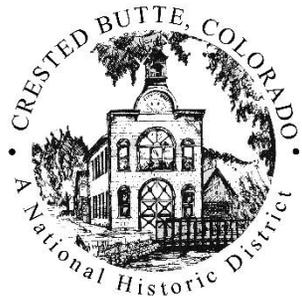
Executive Director
Crested Butte Land Trust
P.O. Box 2224, Crested Butte, CO 81224

To the Board:

Executive Director
State Board of the Great Outdoors Colorado Trust Fund
1900 Grant St., Suite 725, Denver, CO 80203

EXHIBIT A

Parcel A, Crested Butte Land Trust, Kikel Property, according to the Plat recorded September 25, 2008 as Reception No. 586761, County of Gunnison, State of Colorado, excluding the 5-acre home site tract shown in Exhibit A of the Conservation Easement as the “Area of Parcel A south of the centerline of Slate River Road” (the “Five-Acre Area”).



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: **Ordinance 26, Series 2019- 2nd Transfer of Block 78 Lot 6 and Block 79 Lots 4, 10, and 11 to Bywater for the construction of affordable housing**

Date: July 2, 2019

Background:

Per the contract with Bywater, LLC (Developer) the Town is transferring the lots in Phase 2 to allow the Developer to proceed with digging foundations. The Town has broken the transfer of land into 2 phases to help protect the Town's interests in the event of default and to insure adequate market demand for the units. After marketing Phase 2 to the business community, this phase has sold out and the staff is recommending moving forward with an additional 10 units of affordable housing for the community.

Recommendation:

A Council person make a motion followed by a second to set Ordinance 29, Series 2019 to a public hearing on July 15, 2019.

ORDINANCE NO. 29

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE TRANSFER OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 6, BLOCK 78 AND LOTS 4, 10, and 11 BLOCK 79, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO BYWATER, LLC FOR THE CONSTRUCTION OF AFFORDABLE HOUSING

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

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

WHEREAS, the Town Council entered into a Contract with Bywater, LLC for the construction of affordable housing to be sold to Qualified Applicants as defined in the Town of Crested Butte Affordable Housing Guidelines in 2019 and 2020 in Paradise Park; and

WHEREAS, per the contract the Town will transfer land to Bywater in two Phases with Lot 6, Block 78 and Lots 4, 10, and 11 Block 79 being the second phase; and

WHEREAS, the Lots being transferred to Bywater, LLC are encumbered by a Master Deed Restriction Reception No. 659099 to ensure the housing created will house the Town’s citizens; and

WHEREAS, the Town Council has directed the Town staff to transfer the above-described property to Bywater, LLC; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the transfer by the Town, for the construction of affordable housing, the real property legally described as Lot 6, Block 78 and Lots 4, 10, and 11 Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Bywater, LLC, for the construction of and use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

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

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

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Subject: **Ordinances 30, Series 2019 Duplex Sale**

Date: July 2, 2019

Background:

On February 8, 2019, the Town in conjunction with the Gunnison Valley Regional Housing Authority conducted a lottery for the sale of 4 duplex units located in Block 79. These units are slated to be finished and ready for the new buyers on July 1, 2019. In the closing process, one of the winners needed to back out for personal reasons. The next alternate Jeff Koether accepted the unit and is under contract to close in mid-August.

Ordinances 30, Series 2019 authorizes the sale of the Unit B of the duplex located on Lot 6 for a sale price of \$275,000 to Jeff Koether. The Ordinances also authorizes the Town Manager and Town Attorney to execute all necessary documents for the sale.

Recommendation:

A Council person make a motion followed by a second to set Ordinances 30, Series 2019 to a public hearing on July 15, 2019

ORDINANCE NO. 30

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS PLAT OF JEBEZ TOWNHOUSES LOT 6, BLOCK 79, REPLAT OF BLOCKS 79 AND 80 PARADISE PARK, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO RECEPTION NO. 659963 UNIT B TO JEFF KOETHER FOR THE SALE PRICE OF \$275,000.00

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

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

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Guy Ciulla for \$275,000.00; and

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

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

Section 1. Authorization to Sell Town-owned Property. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$275,000.00 plus customary closing costs and fees, the real property legally described as Plat of Jebez Townhouses, Lot 6, Block 79, Replat of Blocks 79 and 80 Paradise Park Subdivision, Town of Crested Butte, Gunnison County, Colorado Reception No. 659963 Unit B to Jeff Koether, for the use for affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

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

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

words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

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

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

TOWN OF CRESTED BUTTE, COLORADO

**By: _____
James A. Schmidt, Mayor**

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



Staff Memo

July 2, 2019

To: Mayor Schmidt and Town Council
From: Michael Yerman, Community Development Director
Thru: Dara MacDonald, Town Manager
Subject: **Ordinance No. 31, Series 2019, First Reading**
Exceptions to the Temporary Demolition Moratorium
Date: July 2, 2019

PURPOSE. To consider amending Ordinance No. 1, Series of 2019 by allowing certain exceptions to the temporary demolition moratorium for certain non-historic structures.

BACKGROUND. In the summer of 2018, the Community Development Department received inquiries concerning the possible demolition of non-historic buildings built outside the Period Of Significance (POS), 1880-1952. In reviewing Section 16-2-70 of the Code, staff identified several provisions that could be improved regarding demolition of non-historic structures, and the need in some circumstances for exclusions from historic classification for structures older than fifty (50) years or older. On January 7, 2019, a Temporary Moratorium was approved as Ordinance No. 1, Series of 2019 to provide a “time out” and to allow for research and public input without the Town’s architectural integrity being threatened by additional demolition applications prior to the effective date of the Town’s regulatory revisions.

At a Town Council public work session on June 3, 2019, it was discussed and determined that any proposed Code revisions should focus on the demolition of residential structures within Town; and that the potential demolition of multi-family and commercial structures is less likely to occur at this time. Therefore, Town Council directed staff to investigate whether certain of structures could be exempted from the Moratorium.

PROPOSED AMENDMENT. Attached is Ordinance No. 31, Series of 2019 amending the current Temporary Demolition Moratorium by exempting certain non-historic structures: multi-family structures with three (3) more units, commercial buildings, demolitions of less than twenty-five percent (25%) of a structure or those structures for which a BOZAR application was deemed complete as of January 7, 2019.

PUBLIC PROCESS. The current Moratorium is in effect until October 8, 2019; the following is a tentative public review schedule for proposed revisions to the Municipal Code demolition regulations:

- June 3: Town Council public work session
- July 1: Town Council consideration of Ord. No. 31, Series of 2019, amending Ord. No. 1
- July 9: Town Council-BOZAR joint public work session
- July 15: Town Council, public hearing, second reading of Ord. No. 31, Series of 2019.
- July 10-26: Staff to prepare draft Code Amendments concerning demolition of structures
- July 30: BOZAR progress review and public comment of draft demolition revisions
- July 31-August 23: Staff to prepare and finalize demolition Code Amendments
- August 27: BOZAR Review and recommendation of demolition Code Amendments
- September 16: Town Council-1st reading of proposed demolition Code Amendments
- October 7: Town Council-public hearing, 2nd reading of proposed demolition Code Amendments

RECOMMENDED ACTION. A Council member make a motion, followed by a second to approve first reading of Ordinance No. 31, Series of 2019 and set the public hearing date for July 15, 2019.

ATTACHMENT: Ordinance No. 31, Series of 2019

ORDINANCE NO. 31

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING ORDINANCE NO. 1-2019 TO ADD AN EXCEPTION TO THE TEMPORARY MORATORIUM FOR THE DEMOLITION OF ANY NON-HISTORIC MULTI-FAMILY STRUCTURE OF THREE OR MORE UNITS, ALL NON-HISTORIC COMMERCIAL STRUCTURES, AND THE PARTIAL DEMOLITION OF LESS THAN 25% OF ANY NON-HISTORIC STRUCTURE WITHIN THE TOWN OF CRESTED BUTTE.

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

WHEREAS, pursuant to the Municipal Charter of the Town of Crested Butte, Article XX of the Colorado Constitution, and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to regulate the use of land within the community, and the authority to exercise its police powers to protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Ordinance No. 1-2019 the Town enacted a temporary moratorium until October 8, 2019 on the demolition and the processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings ("Temporary Moratorium"); and

WHEREAS, the Town has continued to gather public input and analyze appropriate regulatory tools and municipal code amendments to regulate demolition of structures, and through that process, the Town has determined that the Temporary Moratorium should not apply to the demolition of multi-family structures of more than three units, commercial structures or the partial demolition of less than 25% of any structure; and

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

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

Section 1: **Exceptions to the Moratorium.** Section 2 of Ordinance No. 1-2019 is hereby amended as follows:

Section 2: Exceptions to the Moratorium. The temporary moratorium shall not apply to the demolition of non-historic multi-family structures of more than three units, non-historic commercial structures, the partial demolition of less than 25% of any non-historic structure, or any structure for which a BOZAR application was deemed complete as of January 7, 2019.

Section 2: Moratorium to Remain in Effect. The temporary moratorium imposed pursuant to Ordinance No. 1-2019 as amended herein on demolition and the processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings shall continue in effect until October 8, 2019.

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. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the Municipal Charter of the Town of Crested Butte, Article XX of Colorado Constitution, and the Local Government Land Use Control Enabling Act (Article 20 of Title 29, C.R.S).

INTRODUCED READ AND SET FOR PUBLIC HEARING TOWN COUNCIL THIS ___DAY OF JULY, 2019.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



Staff Report

July 2, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Shea D Earley, Director of Public Works
Subject: Alley Paving

Summary:

At the June 3rd, 2019 Town of Crested Butte (Town) Council meeting, a letter was presented to council by several business/property owners requesting that the Town pave the alley of Block 28 (between 2nd/3rd and Sopris/Elk Ave). The requested improvements would include placement of 3" of asphalt, as well as, potentially the undergrounding of all overhead utilities and upgrading the storm water management system within the alley.

The request was made due to the high volume of traffic this particular alley receives to provide services for the adjacent businesses including deliveries for multiple restaurants. They feel that asphalt would provide a more durable, cleaner surface for all who utilize the alley and better serve the needs of their businesses by reducing the amount of mud, dust and debris tracked in through the service entrances of their establishments.

There are many different variables at play in this decision, the most notable being the budgetary implications. This project, depending on the scope and depth of work, could cost the Town as little as \$80,000.00 (for asphalt and gutter) to as much as \$495,000.00 (asphalt, gutter, utility improvements), not including the cost of in-kind work provided by public works staff. Several decisions dictating the cost of the project are the undergrounding of electrical utilities and how to manage storm water created by the project.

Previous Council Action:

On several different occasions, Town Council has deliberated on this issue regarding the Soupcon Alley and the alley of Block 28.

Background:

After discussing the matter with Gunnison County Electrical Association (GCEA), the undergrounding of the electrical utilities will be a very complicated process, requiring coordination and cooperation with adjacent property and/or business owners, as well as, other utilities. In order to perform the work, GCEA would have to acquire seven pocket easements from property owners for transformer locations. The estimated cost from GCEA, just to underground the primary electrical lines, is \$215,000.00. Furthermore, the property owners would have to bare the installation costs of undergrounding their electrical services, which is estimated at a total cost of

\$200,000.00. Finally, significant efforts would have to be made to coordinate the removal of cable, phone, and internet infrastructure from the GCEA owned poles. Staff does not recommend proceeding with undergrounding of the overhead utilities due to the prohibitive cost.

With regards to storm water management, adding approximately 7,088 square feet of asphalt and concrete will force the Town to connect its existing storm water management system on Elk Ave to the newly paved alley. Staff estimates the cost for connecting storm water into the existing system is approximately \$15,000.00. Staff does recommend addressing storm water if the alley is to be paved.

Beyond the upfront project costs, there are also long term implications to the budget schedule/plan. If the paving of the alley is approved, staff will have to adjust the long term plan, possibly, displacing and/or pushing projects that are critical to maintaining streets. A second consideration is the precedent that is being set. Once one alley is paved, there is a chance that requests will be made for all of the alleys within the core (1st to 5th street). After adding the 6 alley paving projects into the streets long term plan, an addition of one mill will have to be added to the levy in order to maintain a positive fund balance.

Finally, approximately 85% of the Town's underground infrastructure, with the exception of sanitary sewer, is located within the alley right of way. Each time a utility requires extension, modification, and/or repair within a paved alley, the work will necessitate a road cut through the asphalt. It is the Town's policy within asphalted areas, that excavations utilize flowable fill and an asphalt patch. This will cause a large increase in utility installation and repair costs, both for the Town (water), GCEA, Atmos, and Telecommunications, and, in turn, an increase to the customer. As an example, a water main break within a roadway typically costs the town \$10,000 to \$15,000 as compared to a water main break within an alley, which costs the town approximately \$2,000 to \$4,000.

Discussion:

- Pros
 - The plowing of the alley would make it easier for public works crews when plowing.
 - Clean up of alleys. No more mud and dust.
 - No longer grade and mag-chloride the alley.
 - Underground utilities are less likely to sustain damage and generally more aesthetically pleasing.
- Cons
 - The undergrounding of overhead utilities is cost prohibitive and the value gained does not warrant the cost.
 - The additional cost for repair and/or extension of utilities within paved areas will increase substantially due to the requirements of flowable fill and asphalt repairs.
 - Additional reoccurring maintenance projects added to the public works staff and public works budget (streets).
 - Increase of the mill levy if additional alleys are directed to be paved

Action: If council elects to proceed with the paving of the alley in Block 28, staff would like to receive direction on proceeding with engineering and construction.



Staff Report

July 2, 2019

To: Mayor and Town Council

From: Rob Zillioux, Director of Finance and HR

Subject: RESOLUTION NO. 11 SERIES 2019. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, SUBMITTING TO THE ELECTORATE OF THE TOWN OF CRESTED BUTTE A QUESTION SEEKING AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER TOBACCO AND NICOTINE PRODUCTS.

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

Previous Council Action: The Council directed at their meeting on June 3rd that they were potentially interested in bringing this item before voters at the November 2019 election. After further discussion during their regular meeting the Council directed on June 17th that staff should prepare a resolution that would allow for bringing this item before voters at the November 5, 2019 election.

Background: At least three Colorado municipalities – Basalt, Aspen and Avon - have already approved taxes and age restrictions on these types of products prior to the legislative actions in 2019. All three municipalities raised the minimum purchase age to 21 for these products. New taxes are in addition to standard sales taxes already in effect. I have discussed the respective approach and results with representatives of Basalt and Aspen.

Discussion: July 26th is the last day we can bring this forward to the County Clerk for inclusion in the upcoming election. Attached is draft resolution and ballot language.

In addition to implementing the tax, the Council may want to consider whether they should raise the minimum purchase age to 21 for tobacco products. This decision does not have to be made in advance of a ballot question but may be approved by ordinance at any time.

Financial Implications: Revenue generated by this type of new tax may be allocated to a special fund or general fund. Staff recommends that any revenues be allocated to the General Fund. The revenues could then be used for any purposes at the discretion of the Council as part of the annual budget process.

Currently, the Town receives +/- \$10,000 cigarette tax distribution per year from the State. Staff estimates Crested Butte could collect in excess of \$150,000 per annum with the proposed \$3 per pack tax and 40% on other tobacco products. Staff recommends showing \$200,000 on the ballot language, as other municipalities have significantly underestimated revenue generation.

Both Basalt and Aspen had potential related TABOR violations and had to go back to voters asking to keep the extra amount collected.

Recommendation: Staff recommends proceeding with a resolution to take a ballot measure to Town citizens during the November election.

Proposed Action: For a Council member to make a motion, followed by a second, to approve Resolution No. 11 Series 2019, submitting to the electorate of the Town of Crested Butte a question seeking authority to increase taxes on the sale of cigarettes and other tobacco and nicotine products.

RESOLUTION NO.

11

SERIES 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, SUBMITTING TO THE ELECTORATE OF THE TOWN OF CRESTED BUTTE A QUESTION SEEKING AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER TOBACCO AND NICOTINE PRODUCTS.

WHEREAS, the Town of Crested Butte, Colorado (the "Town"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to [Article XX](#) of the Constitution of the State of Colorado and its Home Rule Charter of the Town of Crested Butte, Colorado (the "Charter");

WHEREAS, the members of the Town Council of the Town of Crested Butte (the "Council") have been duly elected and qualified;

WHEREAS, the Council hereby finds that tobacco and nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of tobacco and nicotine products and encouraged to quit the use of tobacco and nicotine products, and that taxes on the sale of tobacco and nicotine products are effective at preventing and reducing tobacco and nicotine use;

WHEREAS, the Council hereby designates revenues collected through the imposition of this tax would be placed in the General Fund for the purpose of helping fund community health initiatives, public safety and other items as deemed necessary by the Council;

WHEREAS, Section 12.2 of the Town Charter authorizes the Town to levy and collect taxes for municipal purposes, provided, however, that no income tax, sales tax or excise tax may be levied until such tax shall have been approved by majority of the electors voting at a regular or special election;

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

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electorate on limited election days before action can be taken on such ballot issues;

WHEREAS, November 5, 2019, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to call an election to be held on November 5, 2019, and to submit to

the electorate of the Town, at the election, the question of authorizing a tax increase on the sale of tobacco and nicotine products;

WHEREAS, the Gunnison County Clerk and Recorder (the "County Clerk") is conducting a coordinated election pursuant to the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the "Uniform Election Code") on November 5, 2019;

WHEREAS, pursuant to C.R.S. §1-1-102 and C.R.S. §31-10-102.7, the Council may elect to utilize the provisions of the Uniform Election Code in order to participate in the coordinated election on November 5, 2019;

WHEREAS, on July 2, 2019, the Council passed Resolution # 9, Series of 2019 calling for and establishing a special municipal election on November 5, 2019 and authorizing the Town Clerk to execute an Intergovernmental Agreement with the Gunnison County Clerk and Recorder concerning the November 5, 2019 election.

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

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

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the November 5, 2019 election with the following ballot title which is set pursuant to C.R.S. §31-11-111:

Tax Increase on the Sale of Tobacco and Nicotine Products.

BALLOT TITLE AND TEXT:

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

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

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW SALES

TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO PRODUCTS; THE TERMS "CIGARETTES" AND "TOBACCO PRODUCTS" HAVE THE SAME MEANINGS AS IN SECTION 18-13-121(5) OF THE COLORADO REVISED STATUTES;

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

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

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 5. Pursuant to C.R.S. §1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 6. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 8. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 9. The effective date of this resolution shall be immediately upon adoption.

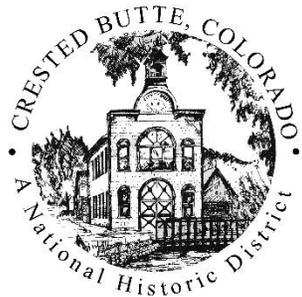
INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THIS [___] DAY OF [____], 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara Mac Donald, Town Manger

Subject: **Resolution 12, Series 2019 Adding Section 8 to Town Affordable Housing Guidelines for Employer Rentals Units and Phase 2 Update**

Date: July 2, 2019

Background:

The Town and Gunnison Valley Regional Housing Authority (GVRHA) began accepting applications on March 21st for the first 15 units (Phase 1) located on Block 76. This lottery was held on June 20th with 21 applicants for the 15 available units. The Town anticipated at least 40 applicants, however, only 21 applicants applied for the 15 units. Due to the lack of applicants, the staff recommended the delay of the construction of the 10 units in Phase 2 for homeownership.

However, at the June 3rd meeting the Council authorized Bywater and the Town staff to gauge the interest of the business community on purchasing the units for rentals for their employees. Bywater was instructed that only units reserved by local businesses by the July 2nd Council meeting would be constructed in Phase 2. The financial risk for building Phase 2 units without buyer reservations was determined to be too big of a risk to proceed without financial assurance the units would be sold and occupied once constructed.

On Tuesday June 11th an open house was held from 4-7pm sponsored by the Chamber and Bywater to market and talk to local businesses about this opportunity. There were two stories covering the opportunity for businesses in the CB News before and after the event as well as an advertisement in the paper. After this meeting, 10% deposit were made by interested businesses to reserve a unit. As of today 9 of the 10 Phase 2 units have deposits on them. The remaining 1-bedroom unit remains available. At this time, 3 other businesses have expressed interest but only 1 has indicated they have the financial capacity to acquire a unit if one becomes available. Therefore, the Town staff is not recommending a lottery be held at this time. In lieu of a lottery, if a unit becomes available the staff is recommending a waiting list be started. Businesses on the waiting list will have an opportunity to purchase if any units become available in the Phase 1 lottery or if a business owner decides to back out of the purchase.

Summary of New Guidelines:

The Town adopted the Affordable Housing Guidelines in 2016. Since these business rentals were not originally contemplated at the time of the adoption of the guidelines, additional regulations need to be added to Part III Purchasing Affordable Housing. The attached Section 8 Regulations for Employer Rental Units, sets the terms for eligibility of qualified renters and regulates the sale, occupancy, compliance, and resale regulations for these units.

There are several safeguards that will ensure these units are being occupied by qualified renters. The approach of the guidelines is “trust but verify” and ensure the ramifications are such that if the guidelines or deed restriction are violated the business will have 30 days to come into compliance or be forced to sell. The long-term affordability of the units is also protected with a max sales price appreciation cap.

Recommendation:

A Council member make a motion followed by a second to approve Resolution 28, Series 2019 amending the Town of Crested Butte Affordable Housing Guidelines adding Section 8 Regulations for Employer Rental Units.

**RESOLUTION
NO.12**

SERIES 2019

**A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING TOWN OF CRESTED BUTTE AFFORDABLE
HOUSING GUIDELINES ADDING SECTION 8 REGULATIONS
FOR EMPLOYER RENTALS UNITS TO PART III PURCHASING
AFFORDABLE HOUSING**

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 Article XX of the Colorado Constitution and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations, including, without limitation, requirements for affordable housing; and

WHEREAS, the Town Council has and continues to implement strategies for the development of affordable housing for lower income families and employees; and

WHEREAS, the provision of affordable housing is critical to the Town, local employers and the health of the community; and

WHEREAS, the Town Council adopted Resolution 2, Series 2016 adopting new Town-wide affordable housing guidelines; and

WHEREAS, the Town Council has determined that additional regulations for employer rentals are necessary and appropriate to implement rental opportunities for employees of the Gunnison Valley; and

WHEREAS, the Town Council finds that new Town-wide affordable housing guidelines are in the best interests of the health, safety and welfare of the residents and visitors of the Crested Butte.

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 amending Part III Purchasing Affordable Housing by adding Section 8 Regulations for Employer Rentals attached hereto as **Exhibit "A"** are in the best interest of fostering the development of affordable housing rentals in Crested Butte and therefore in the best interest of the health, safety and welfare of the Town and the residents and visitors of the Crested Butte.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS 2nd DAY OF JULY, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

By: _____

Lynelle Stanford, Town Clerk

EXHIBIT "A"

(Part III Purchasing Affordable

Housing Section 8 Regulations for

Employer Rentals)

[attach here]

SECTION 8 REGULATIONS FOR EMPLOYER RENTAL UNITS

Town Council has approved the ability of Gunnison County Employers to purchase certain deed restricted housing for use as employee rental housing. These units are to be occupied by employees of the Gunnison County Employer who owns the unit, or other employees working in the Gunnison Valley. In the event of a discrepancy between the Guidelines and the Master Deed Restriction Reception No. 659099, the Master Deed Restriction shall supersede. Initial sales of units shall be offered at the Town Council's sole discretion and Gunnison County Employers shall meet the standards contained in these guidelines.

NOTE: A business, non-profit, or individual purchasing these units must sign the deed restriction acknowledgement and ensure that qualified renters occupy the unit at all times in accordance to the occupancy restrictions contain in these guidelines.

Qualified Gunnison County Employer Buyers

1. Gunnison County Employer is defined as: A business whose business address is located within Gunnison County, employs persons within Gunnison County, employees perform work in Gunnison County, and/or whose business taxes are paid in Gunnison County.

Qualified Occupants

1. Qualified renters must make 80% of their income in Gunnison County and work a minimum of 30 hours a week.
2. Leases to qualified renters must be a "long-term rental" as defined by the Town Code as amended, which includes a minimum of 6 months lease term.
3. Qualified renters working for the owner of the business should have first priority on renting the unit.
4. In the event that the business does not have an employee as a qualified renter, the unit may be leased to another qualified renter making less than 200% AMI.
5. A Qualified Renter may not own any developed residential property in Gunnison County.
6. A Business Owner owning more than 25% of the business interests in the entity holding title may not occupy the unit.

Compliance and verification of rental qualifications

1. From time to time, the Town or its agent may request that the Owner of the unit provide verification that occupants of the unit are Qualified Occupants. Owners and occupants must respond within 30 days of this request and provide sufficient evidence that the unit is being occupied by a qualified renter. This could include but is not limited to pay stubs of occupants, leases, or tax returns.
2. Any unit not occupied for a duration of over three months will be deemed to be not complaint with the guidelines. Vacancies of over three months caused by unforeseen circumstances must be approved by the Town in writing.
3. Any Owner found in violation of the deed restriction must come into compliance within 30 days of the notice of violation. Continued non-compliance will result in forced resale of the unit to a Qualified Buyer as defined in Guidelines. An Owner may fill an appeal of the notice of violation within 10 business days to the Grievance Committee. The time and date of the hearing shall be provided to the owner. The decision and any terms to bring the property into compliance determined by the Grievance Committee shall be

final.

4. Vacation Rentals or Short term as defined by the Town Code rentals are prohibited. Any owner short-term renting a unit will be found in violation of the Master Deed Restriction and will be required to sell the unit per the Resale Guidelines.

Purchase and Resale of Units

1. When Gunnison County Employers purchase units, title may be held by the business, a limited liability corporation, an individual, or other entity approved by the Town.
2. Any Gunnison County Employer wishing to sell the unit must notify the Town or its agent in writing regarding intent to sell. The maximum resale price will be calculated per the Master Deed Restriction and these Guidelines. A lottery for the unit will be held by the GVRHA as outlined in the Guidelines. A 2% transaction fee shall be paid to the GVEHA and will be split between the buyer and seller of the unit. If there are no applicants for the lottery, the GVRHA will list and market the unit on behalf of the seller. The max sales price will be calculated per the Master Deed Restriction and the Guidelines. The unit must be sold to another Gunnison County Employer or Qualified Buyer making less than 200% AMI as determined by the Town.
3. In the event a business sells or transfers ownership, the unit may be transferred as part of the transaction as an asset of the business. The sale or transfer of the unit's ownership must be approved by the Town. In no event may the unit be sold or valued for more than its maximum sales price.



Staff Report

July 2, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Council Member Appointments to Boards and Committees
Date: June 25, 2019

Summary:

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

Jackson Petito's appointments should be filled as decided upon by the Council. The boards and committees with vacancies are highlighted in yellow on both lists. Now would be a time to consider any other re-appointments as well.

Recommendation:

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

Recommended Motion:

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

BOARDS, COMMITTEES AND TEMPORARY COMMITTEE APPOINTMENTS
Revised July 2019

Rural Transportation Authority Board (RTA)

1. Chris Haver
2. Laura Mitchell

Mountain Express Board

1. Laura Mitchell
2. Will Dujardin

Tourism and Prosperity Project (TAPP)

1. Paul Merck

Crested Butte/Mt. Crested Butte Chamber of Commerce

1. Chris Haver
2. Will Dujardin (alternate)

Coldharbour Institute

- 1.
2. (alternate)

Gunnison Valley Regional Housing Authority (GVRHA)

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

Valley Housing Fund

- 1.

Center for the Arts

1. Candice Bradley

Gunnison Valley Land Preservation Board

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

West Elk Loop Scenic Byway Committee

1. Laura Mitchell

Colorado Association of Ski Towns

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

Region 10

1. Jim Schmidt

Upper Gunnison River Water Conservancy District

1. Will Dujardin

Water Quality/Quantity Committee

1. Will Dujardin

Downtown Crested Butte Lodging Association

1. Chris Haver

Cemetery Committee

1. Jim Schmidt

One Valley Leadership Council (Formerly Community Builders Taskforce)

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

CDOT Region 3

1. Jim Schmidt

Creative District Commission

1. Candice Bradley

Grant Review Committee

1. Laura Mitchell
2. Paul Merck

Gunnison County Sustainable Tourism & Outdoor Recreation Committee

1. Paul Merck

Proclamation Committee

1. Jim Schmidt
- 2.

Colorado Communities for Climate Action

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

CML Policy Committee

1. Dara MacDonald

Boards and Committees List

Revised July 2019

Rural Transportation Authority Board (RTA)

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

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

Current Members:

1. Chris Haver
2. Laura Mitchell

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

Director: Scott Truex

Phone: 970-275-0111

E-mail: struex@gunnisonvalleyrta.org

Website: Gunnisonvalleyrta.org

Mountain Express Board

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

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

Current Members:

1. Laura Mitchell
2. Will Dujardin

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

Director: Chris Larsen

Phone: 970-275-5175

E-Mail: Clarsen@crestedbutte-co.gov

Website: www.mtexp.org

Tourism and Prosperity Project (TAPP)

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

Mission: Pending

- One Council member.

Current Member:

1. Paul Merck

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

Director: John Norton

Phone: 970-379-5498

E-Mail: john@nortonglobal.com

Website: www.gunnisoncrestedbutte.com

Crested Butte/Mt. Crested Butte Chamber of Commerce

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

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

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

- One council member and one alternate. Nonvoting member.

Current Members:

1. Chris Haver
2. Will Dujardin (alternate)

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

Director: Ashley Upchurch

E-Mail: director@cbchamber.com

Phone: 970-349-6438

Website: www.cbchamber.com

Coldharbour Institute

Current Members:

- 1.
2. (alternate)

Meeting Schedule: Every two months

Director: Suzanne Ewy

Phone: 719-530-1103

E-Mail: sewy@western.edu

Website: www.coldharbourinstitute.org

Gunnison Valley Regional Housing Authority (GVRHA)

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

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

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

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

Current Members:

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

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

Director: Jennifer Kermode

Phone: 970-641-7901

E-Mail: jkermode@gvrha.org

Website: www.gunnisoncounty.org

Valley Housing Fund

Mission:

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

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

Current Members:

- 1.

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

Center for the Arts

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

- One council member; Non-voting member.

Current Member:

1. Candice Bradley

Director: Jenny Bernie

Phone: 970-349-7487 x 707

E-Mail: jenny@crestedbuttearts.org

Website: www.crestedbuttearts.org

Gunnison Valley Land Preservation Board

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

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

Current Members:

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

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

Contact person: Mike Pelletier

Phone: 970-641-7645

E-Mail: mpelletier@gunnisoncounty.org

Website: www.gunnisoncounty.org

West Elk Loop Scenic Byway Committee

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

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

- One council member, one alternate.

Current Member:

1. Laura Mitchell

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

Contact Person: John Hoffman

Phone:

E-Mail: jhof@rof.net

Website:

Colorado Association of Ski Towns

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

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

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

Current Members:

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

Contact person: Margaret Bowes, Executive Director

Phone: 970-485-2737

E-Mail: mbowes@coskitowns.com
Website: www.coloradoskitowns.org

Region 10

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

One council member

Current Member:

1. Jim Schmidt

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

Contact person: Michelle Haynes, Executive Director

Phone: 970-249-2436 ext. 202

E-Mail: mhaynes@region10.net

Website: www.region10.net

Upper Gunnison River Water Conservancy District

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

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

Current Member:

1. Will Dujardin

Meeting Schedule: The 4th Monday of the month, at 5:30PM, at 210 West Spencer.
 Next meeting will be January 29, 2018

Contact person: Frank Kugel

Phone: 970-641-6065

E-mail: fkugel@ugrwcd.org

Water Quality/Quantity Committee

The Water Quality/ Quantity Committee (QQ) comprises municipalities, counties, water and sanitation districts, and conservancy districts in the headwaters region of Colorado located in Grand, Summit, Eagle, Pitkin, Park and Gunnison counties. The Colorado River Water Conservation District is also a QQ member. The Board is made up of elected and appointed officials from member jurisdictions. QQ's purpose is to facilitate and augment the efforts of member jurisdictions to protect and enhance the region's water quality while encouraging its responsible use for the good of Colorado citizens and the environment. QQ's contract team provides members with legislative monitoring, water quality information, litigation and rulemaking support, trans-mountain diversion oversight, and related technical assistance to further intergovernmental cooperation, and increase political clout with state and federal agencies.

Current Member:

1. Will Dujardin

Meeting Schedule: Quarterly as determined by members' schedules.

Contact Person: Torrie Jarvis

Phone: 970-596-5039

E-mail: qqwater@nwccog.org

Downtown Crested Butte Lodging Association

Current Member:

1. Chris Haver

Cemetery Committee

Current Member:

1. Jim Schmidt

One Valley Leadership Council (Formerly Community Builders Taskforce)

Current Member:

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

CDOT Region 3

Current Member:

1. Jim Schmidt

Creative District Commission

Current Member:

1. Candice Bradley

Grant Review Committee**Current Members:**

1. Laura Mitchell
2. Paul Merck

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

1. Paul Merck

Proclamation Committee

1. Jim Schmidt
- 2.

Colorado Communities for Climate Action

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

CML Policy Committee

1. Dara MacDonald

July 15, 2019 - Start at 7PM**Consent Agenda**

Presentation on the Audit
 CC4CA Policy Statement
 Approve Contract for Investment Grade Audit

New Business

Ordinance - Residential Lease
 Ordinance - Rec Trail Easement
 Ordinance - The Center for the Arts Lease
 Review of 2019 School District IGA
 Resolution - Coordinated Election
 Schutt Trail License Agreement
 Late Night Town Taxi Update
 Authorization of the Crested Butte Town Council to Allow the Mayor to Sign a Letter Providing Comments on the GMUG Forest Plan to the United State Forest Service

Tuesday, August 6, 2019**Work Session**

Town Attorney Discussion

New Business

Bid Award for Hockey Changing Rooms and Budget Amendment

Monday, August 12, 2019

Hold for Possible Budget Retreat (Noon to 2PM?)

Monday, August 19, 2019**Consent Agenda**

Resolution No. Series 2019 - A Resolution of the Crested Butte Town Council Approving the Lease Agreement with the Center for the Arts for the Film Festival's use of 620 Second Street, AKA Big Mine Warming House

Future Items

- Quarterly Financial Reports
- Heights Open Space Plat Note and Covenants
- Annual Report from the Creative District Commission - October
- Snow Plan - October
- Deadline for Presentation of Annual Budget - October 15th
- Annual Report by the Chair of the Weed Advisory Board on Weed Management in the Town of Crested Butte - November
- Funding Agreement with the Chamber - December
- Ordinance - CO Model Traffic Code 2018

- Ordinance - Creative District Restructuring
- Briefing of the Legal Implications of Vested Rights
- Bid Award for Old Town Hall Elevator

Agenda
Design Review Committee
Monday
June 17, 2019

- 3:15 Consideration of the application of **9 Gothic Avenue, LLC** to make revisions to windows, doors and addition to the deck at the existing non-historic single family residence located at 9 Gothic Avenue, Block 7, Lots 21-22 in the R1 zone. (Palhava)
- Architectural approval is required.
- 4:00 **Site visit** to discuss phasing and rehabilitation methods for **Cynthia Ann Ervin** for the 2/26/2019 BOZAR approval for the historic single family residence located at 510 Third Street, Block 34, South half of Lot 15 and all of Lot 16 in the R1C zone. (Cowherd)

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

Agenda
BOARD OF ZONING and ARCHITECTURAL REVIEW
Tuesday
June 25, 2019

- 6:00 Call to Order.
- 6:02 Review and approve the minutes from the **May 28, 2019** BOZAR meeting.
- 6:04 Overview of status of GL committee and review feedback from June 20th public meeting.
- 7:04 Consideration of the application of **Claude K. Rowland and Charlene Carbone Rowland** to rehabilitate the existing historic accessory building and utilize as a garage located at 502 ½ Elk Avenue, Blocks 25, Lots 15-16 in the B3 zone.
- Architectural approval is required.
- A conditional use permit for a non-residential, heated and/or plumbed accessory building in the B3 zone is required.
- 7:40 Consideration of the application of **Gothic Avenue LLC** to change the previously approved plans for a single family residence and accessory dwelling to be located at 214 Gothic Avenue, Block 17, Tract 3 Jackson Subdivision in the R1C zone. (Murphy/Jackson)
- Architectural approval is required.
- 8:40 Consideration of the application of **Maria Escalante and Alonso Escalante** to construct an accessory dwelling to be located at 29 ½ Gothic Avenue, Block 7, Lot 29-30 in the R1 zone. (Escalante)
- Architectural approval is required.
- A conditional use permit for an accessory dwelling in the R1 zone is required.
- 9:30 BREAK**
- 9:40 Consideration of the application of **Craig E. Sikes** to site a new mobile home and remove the old mobile home located at 11 Second Street, Block 5, Lot A, Lots 29-32, Block 5 Subdivision in the M zone. (Cowherd/Mattes-Ritz)
- Architectural approval is required
- 10:25 Consideration of the application of **9 Gothic Avenue, LLC** to make revisions to windows, doors and addition to the deck at the existing non-historic single family residence located at 9 Gothic Avenue, Block 7, Lots 21-22 in the R1 zone. (Palhava)
- Architectural approval is required.
- 11:10 Miscellaneous:
 ○ DRC for July 15 and 22: _____ (BOZAR – July 25th)
 ○ DRC for August 12 and 19: _____ (BOZAR – August 27th)
 ○ Insubstantials:
 ○ Cynthia Ervin (510 Third Street): Meeting about rehabilitation.
- 11:30 Adjourn

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

Agenda
Design Guideline Committee - Work Session
Wednesday
June 26, 2019

- 2:30 Call to order.
- 2:31 Review information forwarded from the full Board per the June 20th public meeting.
- 3:00 Continue to review remainder of Chapter 4.
- 4:30 Confirm changes to Chapter 2, 3 and 4 GL from May/June meetings.
- 4:45 Adjourn.

*The Design Review Committee is a sub-committee of the Board of Zoning and Architectural Review.
The above times are only tentative. The meeting may move more quickly or slowly than scheduled*



AGENDA

Regular Town Council Meeting

5:00 PM - Tuesday, July 2, 2019

Council Chambers

-
1. **CALL TO ORDER**
 2. **ROLL CALL**
 3. **PUBLIC COMMENT**

Citizens may make comments on items **NOT** scheduled on the agenda. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date, if necessary. You must sign in with the Town Clerk before speaking. Comments are limited to three minutes.
 4. **APPROVAL OF MINUTES**
 - 4.1. Approval of the June 18, 2019 Regular Town Council Meeting Minutes
 5. **REPORTS**
 - 5.1. **Town Manager's Report**
 - 5.2. **Town Council Reports**
 - 5.3. **Other Reports**
 6. **CORRESPONDENCE**
 7. **OLD BUSINESS**
 8. **NEW BUSINESS**
 - 8.1. Discussion and Possible Consideration of Resolution No. 2 Series 2019 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Authorizing the Conveyance of Real Property
 9. **OTHER BUSINESS**
 10. **ADJOURNMENT**

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

Approximate meeting time: 3.5 hours

TUESDAY

JUNE 25, 2019

REGULAR SESSION

5:30 P.M.

*City of Gunnison Councilmembers gather for a light meal at 5:00 P.M. in Council Chambers.
 No City Council activity takes place.*

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

II. Citizen Input: (estimated time 3 minutes)

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

III. Council Action Items:

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

○ **Approval of the June 11, 2019 Regular Session meeting minutes.**

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

Staff contact: City Clerk Erica Boucher

○ **Excuse Councilor Drexel from the June 11, 2019 Regular Session meeting.**

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

Staff contact: City Clerk Erica Boucher

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

- Approve the minutes of the June 11, 2019 Regular Session meeting; and
- Excuse Councilor Drexel from the June 11, 2019 Regular Session meeting.

Estimated time: 2 minutes

B. Appropriate \$6,000 for Van Tuyl Open Space Planning.

Background: Several requests from the neighborhood were received to look at the potential development of three parcels within the Van Tuyl subdivision as potential pocket parks. Map included.

Staff contact: Parks and Rec Director Dan Ampietro

Action Requested of Council: Approve \$6,000 out of the Park and Rec fund to hire Sprout Studio to develop a plan through public input on the open space parcels on the Van Tuyl Village subdivision.

Estimated time: 10 minutes

C. Discussion and Direction on IOOF Park Project.

Background: Through the Gunnison Vibrancy Initiative, revamping IOOF Park was recognized as a priority and a way to enhance the central downtown business district.

Staff contact: Parks and Rec Director Dan Ampietro

Actions Requested of Council: To approve the IOOF Park plan and to direct staff to move forward on securing funds for construction.

Estimated time: 15 minutes

D. Awards for 2019 Pavement Striping and Crack Sealing.

Background: The City put out RFP's for street paint striping and crack sealing. After receiving and reviewing all bids, the decision was made to award the bids to Stripe A Lot and SealCo. Both bids are within the budgeted amount. The next step is to award and execute the contracts so the work can begin.

Staff contact: City Engineer Cody Tusing

Action Requested of Council: To award the 2019 Street and Pavement Marking project to Stripe A Lot in an amount not to exceed \$60,278 and to award the 2019 Crack Seal project to SealCo Incorporated in an amount not to exceed \$80,000 and authorize the City Manager to execute both contracts.

Estimated time: 10 minutes

E. Change Order #1 to the CMAR Contract for WWTP Upgrades.

Background: The City entered into a Construction Manager At-Risk contract with Filanc (referred to as the CMAR) on April 8, 2019 to implement the purchase of long lead-time equipment (GMP #1). A change order to add all construction items to the CMAR contract (GMP #2) is necessary to complete the Gunnison WWTP Modernization & Energy Efficiency Improvements Project.

Staff contact: Public Works Director David Gardner

Action Requested of Council: Approve change order #1 to increase the CMAR contract amount to include the guaranteed maximum price #2 (GMP #2).

Estimated time: 20 minutes

F. Proposed Refuse Changes.

Background: The City's steering committee and staff are suggesting the elimination of the 38-gallon refuse cans effective July 1, 2019, with the appropriate rate change effective September 10, 2019 and also to refrain from curbside recycling pickup for materials that have not been correctly sorted and placed in an approved, City provided recycling bin.

Staff contact: Public Works Director David Gardner and Finance Director Ben Cowan

Action Requested of Council: Discussion of proposed changes.

Estimated time: 20 minutes

G. Gunnison 2030 Comprehensive Plan Update and Discussion.

Background: Update on the Gunnison 2030 Comprehensive Plan process with a focus on Vision and Goals statements produced by community focus groups. Staff is requesting discussion and direction to proceed with next steps in the planning process.

Staff contact: Community Development Director Anton Sinkewich

Action Requested of Council: Staff is requesting discussion and direction to proceed with next steps in the planning process.

Estimated time: 15 minutes

H. Update on Lazy K MOU

Background: Staff will update Council on the working draft of the Lazy K MOU and the status of discussions with High Mountain Concepts.

Staff contact: City Manager Russ Forrest

Action Requested of Council: This is a discussion item. No action requested.

Estimated time: 15 minutes

IV. Reports:

Finance Department Reports

- 4th Quarter 2018 and 1st Quarter 2019 Financial Report
- Finance Semi-Annual Report

City Attorney Report

City Clerk Schedule Update

City Manager Strategic Projects Update and Report

City Councilors with City-related meeting reports; discussion items for future Council meetings

V. Meeting Adjournment

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL & REGULAR MEETING AGENDA

126

DATE: Tuesday, June 18, 2019

Page 1 of 2

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

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

- 1:00
- Call to Order
 - Amendment No. 1; Memorandum of Agreement; Gunnison River Valley Local Marketing District & Gunnison/Crested Butte Tourism Association
 - Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

- 1:05
- Call to Order
 - Agenda Review
 - Minutes Approval:
 1. 4/23/19 Regular Meeting
 2. 5/7/19 Special & Regular Meeting
 3. 5/21/19 Regular Meeting
 - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
 1. Special Event Liquor License; Go Initiative; October 5, 2019
 2. Liquor License Transfer; Birdsey Enterprises, LLC dba Taylor Park Marina; June 11, 2019– June 11, 2020
 3. Ratification of County Manager's Signature; Ground Lease Agreement; John Councilman, Inc.
 4. Ratification of County Manager's Signature; Memorandum of Understanding; Hilltop Community Resources
 5. Ratification of County Manager's Signature; Contract Amendment No. 3; Colorado Department of Health Care Policy & Financing; Healthy Communities; \$80,000
 6. Ratification of County Manager's Signature; Ground Lease Agreement – Extension of Lease Term; Garlic Mike's Italian Cuisine Restaurant
 7. Ratification of County Manager's Approval to Submit Grant Application; Colorado Health Foundation; \$100,000
 8. Ratification of County Manager's Signature; Intergovernmental Grant Agreement; Colorado Department of Public Safety – Division of Criminal Justice; \$35,000
 9. Ratification of County Manager's Signature; Contract Amendment #1; Colorado Department of Public Health & Environment; PSD/WCC – Cancer Prevention Early Detection; \$21,757
 10. Ratification of County Manager's Approval to Submit Grant Application; Colorado Department of Health Care Policy & Financing; Benefit Outreach Specialist; \$46,776
 11. Ratification of County Manager's Signature; Letter of Support; U.S. Department of Energy
 12. OCAF Rent Increase Request; Mountain View Apartments; Gunnison Valley Housing Authority
 13. Contract & Intergovernmental Agreement; Colorado Department of Human Services; Jail Based Behavioral Health Services
 14. Agreement Amendment No. 5; Colorado Department of Health Care Policy & Financing; Gunnison & Hinsdale County Incentives
 15. Contract; 2019 Noxious Weed Management; National Park Service; \$5,900
 - Scheduling

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

GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL & REGULAR MEETING AGENDA

127

DATE: Tuesday, June 18, 2019 **Page 2 of 2**
PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

- 1:15 • County Manager's Report
- 1:25 • Deputy County Manager's Report
1. Temporary Road Use Agreement; Fireworks Closure - 7/4/19-7/5/19
- 1:35 • Grant Agreement; Gunnison Ranchland Conservation Legacy & Gunnison Valley Land Preservation Board; Robbins Ranch III Conservation Easement
- 1:50 • Resolution & Ratification of BOCC Approval; Stone Subdivision
- 2:00 • Lot Cluster Request; Chillywood 12 L.P; Lots S81 & S82; Skyland
- 2:05 • Boundary Line Adjustment; Omiah Travis; Lot 15, Blk. 4 Crystal River
- 2:10 • Real Estate Purchase Request; Gunnison Valley Hospital; Elk Crest Properties, LLC & TJ Cable
- 2:20 • Certification of Delinquent Taxes & Authorization for County Treasurer Debbie Dunbar to Collect Those Taxes Pursuant to C.R.S. 30-20-420; Dos Rios, Antelope Hills, Somerset and North Gunnison Divisions of the Gunnison County Sewer & Water District
- 2:25 • Vouchers & Transfers / March 2019 Purchasing Card Report
- 2:30 • Treasurer's Report
- Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.
- Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
- Adjourn

GUNNISON COUNTY BOARD OF HEALTH:

- 2:45 • Call to Order
- Early Childhood Education
- Adult Drug & Alcohol Prevention
- Wildlife Services
- Staffing Update
- Adjourn

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING:

- 3:15 • (See separate agenda)

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.

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GUNNISON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA

128

DATE: Tuesday, June 25, 2019

Page 1 of 1

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

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:

- 8:30 • Visitors; Jerry Krueger, Acting Forest Supervisor & Chad Stewart, Deputy Forest Supervisor
- 9:00 • Gunnison Valley Hospital Board of Trustees; Quarterly Update
- 10:30 • National Weather Service – Storm Ready Designation
- 10:40 • Break
- 10:50 • Discussion; Tiny Home Appendix
- 11:20 • Discussion; Board Policy Re: Commercial Industrial Corridor
- 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.