



**Community Values**

*Authentic*

*Connected*

*Accountable*

*Bold*

**Town Council**

**5-year Goals:**

- ❖ *Approach community challenges through active collaboration and public engagement.*
- ❖ *Accommodate growth in a way that maintains our rural feel.*
- ❖ *Enable people who live and work here to thrive.*
- ❖ *Retain the unique character and traditions of Crested Butte.*
- ❖ *De-emphasize cars and focus on walking, biking, and transit.*
- ❖ *Continue to passionately care for our natural surroundings and forever protect Red Lady.*
- ❖ *Act on the urgency of climate change and prepare for the changes we expect from it.*

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

**AGENDA**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Town Council Chambers**  
**507 Maroon Ave; Crested Butte, CO**  
**Monday, October 16, 2023**

**Meeting Information to Connect Remotely:**

<https://us02web.zoom.us/j/84979057749>

Or Telephone: Dial: +1 719 359 4580 US +1 669 444 9171 US +1 253 205 0468 US +1 646 931 3860 US +1 689 278 1000 US +1 305 224 1968 US +1 309 205 3325 US +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US  
Webinar ID: 849 7905 7749

*Public comments may be submitted at any time to the entire Council via email at [towncouncil@crestedbutte-co.gov](mailto:towncouncil@crestedbutte-co.gov).*

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

**6:00 WORK SESSION**

1) Annual Update on Crested Butte Nordic from Executive Director Hedda Peterson.

**6:30** 2) Presentation on Gunnison County Metropolitan Recreation (MetRec) Planning Initiative by Derrick Nehrenberg.

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

**7:01 APPROVAL OF AGENDA**

**7:02 CONSENT AGENDA**

1) October 2, 2023 Regular Town Council Meeting Minutes.

*Staff Contact: Town Clerk Lynelle Stanford*

2) (First Reading) Ordinance No. 26, Series 2023 – Chapter 8, An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 8 of the Crested Butte Municipal Code

*Staff Contact: Chief Marshal Mike Reily*

3) (First Reading) Ordinance No. 27, Series 2023 – An Ordinance of the Crested Butte Town Council amending Chapter 16, Section 16-1-120 of the Crested Butte Municipal Code

*Staff Contact: Community Development Director Troy Russ*

4) (First Reading) Ordinance No. 28, Series 2023, An Ordinance of the Crested Butte Town Council Granting Approval for a Building Envelope Relocation on Lot 3 of Trappers at Crested Butte and Authorizing Mayor Billick to Sign a Recreational Access Easement on the Same Property

*Staff Contact: Recreation, Open Space & Trails Supervisor Joey Carpenter*

5) HMC Haney House Final Contract Payment Approval

*Staff Contact: Housing Director, Erin Ganser*

*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. Council members may request that an item be removed from Consent Agenda prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.*

**7:03 PUBLIC COMMENT**

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

**7:10 STAFF UPDATES**

**7:15 LEGAL MATTERS**

**7:20 PUBLIC HEARING**

1) (Second Reading) Ordinance No. 23, Series 2023 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 4, Revenue and Finance, of the Crested Butte Municipal Code.

*Staff Contact: Town Manager Dara MacDonald*

**7:25 NEW BUSINESS**

1) Snow and Ice Control Operations Plan 2023 - 2024

*Staff Contact: Public Works Director Shea Earley*

**8:30 COUNCIL REPORTS AND COMMITTEE UPDATES**

**8:35 OTHER BUSINESS TO COME BEFORE THE COUNCIL**

**8:40 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, November 6, 2023 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 20, 2023 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 4, 2023 - 6:00PM Work Session - 7:00PM Regular Council

**8:45 EXECUTIVE SESSION**

For the purpose of determining positions relative to matters that may be subject to negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the annual Chamber contract.

**9:15 ADJOURNMENT**



## Staff Report

October 16, 2023

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Michael Reily, Chief Marshal  
**Subject:** Ordinance No. 26, Series 2023, An ordinance of the Crested Butte Town Council repealing and replacing Chapter 8 of the Crested Butte Municipal Code  
**Date:** October 16, 2023

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### Summary:

Chapter 8 of the Crested Butte Municipal Code covers Vehicles and Traffic with Article 1 addressing the Model Traffic Code, Article 2 on Parking, Article 3 identifying local Towing and Impoundment Regulations, Article 4 for local Speed Limits, Article 5 on Vehicle Weight Limits and Article 6 with regard to Idling Vehicles.

### Background:

Chapter 8 generally gives direction to the 2020 Model Traffic Code with some local exceptions carved out in Article 1 and specific parking direction given in Article 2. In the interest of clarity we attempted to improve 8-2-60 by further defining and limiting loading/unloading in a Designated Loading Zone.

Articles 3 and 4 address local towing and impoundment with emphasis on winter towing and was last updated in 2021 so it is relatively up-to-date.

The weight section in Article 5 was last updated in 2009 so some slight refinements were made to this section.

Finally, Article 6 was added in 2011 to address the environmental problem of idling vehicles and we feel those limitations are equally needed now.

### Discussion:

Council reviewed the general cleanup changes Staff presented on October 2<sup>nd</sup> and gave guidance to two particular sections. Council recommended continuing to allow bicycles on the sidewalks, specifically Elk Ave with the understanding that riders must still use due care and caution so no changes will be made to Section 8-1-30(3) which will read “No person shall use any sidewalk within the Town for travel on skis, toboggans, coasting sleds, snowmobiles, roller skates, skateboards or similar devices.”

With regard to Section 8-1-30(4)(17) – Skiing on Town streets, Council opted again for the more permissive language which would change that section to read, “Skiers may traverse Town streets.

Skiers on Town streets shall ski in a safe and prudent manner, and shall follow all rules and regulations generally applicable to pedestrians.”

Other items of note in this updated Chapter include:

1. 8-2-60 – Designated loading zones. The Marshals have clarified the loading zone locations and allowed uses.
2. 8-2-82 – 10-minute parking limits. This section had been added to allow for 10-minute parking in certain areas during the one-way operation of Elk Avenue. This is being removed as it is no longer applicable.
3. 8-2-120 – Abandonment of vehicles. This section has been removed as it is thoroughly addressed under Section 8-3-30.
4. 8-5-30 – Weight limits. Rather than an exhaustive list of where large vehicles may not operate without a permit, the proposed code says large vehicles are not allowed on Town streets without a permit except on 6<sup>th</sup> and Whiterock.

**Recommendation:**

Staff recommends the Town Council adopt Ordinance 26-2023 repealing and replacing Chapter 8 of the municipal code.

**Proposed Motion:**

A Council member make a motion, “to set Ordinance 26, Series 2023 for public hearing on November 6,” as part of the Consent Agenda.



Staff Report  
October 16, 2023

**To:** Mayor and Town Council

**From:** Troy Russ, Community Development Director

**Thru:** Dara MacDonald, Town Manager

**Subject:** Ordinance 27, Series 2023, An Ordinance of the Crested Butte Town Council amending Chapter 16, Section 16-1-120 of the Crested Butte Municipal Code.

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**Proposal:**

Amend the Crested Butte Municipal Code (Code) to include definitions for the various wording used in restrictive covenants associated accessory dwelling units.

**Discussion:**

Staff is upgrading enforcement practices for all deed restricted units. In reviewing recorded restrictive covenants associated with accessory dwelling units, staff observed three unique terms associated with the long-term rental requirement of the properties. Only one of the three terms is defined in the Municipal Code.

Staff is adding definitions for the two other terms to clarify the intent of the program and simplify enforcement practices. The three terms used in the existing restrictive covenants are:

- Rental, Long-Term
- Long Term Residential Unit
- Long Term Residential Rental Unit

The Code defines Rental Long-Term as “the rental of any residential property for a term of not less than six (6) months to a Qualified Resident, which limitation of term of rental shall be recorded in the real property records of the County pursuant to Section 16-9-70 of this Chapter. Where a long-term rental is vacant for a period of three (3) months or more without prior approval from the Town Manager, such property shall not constitute a long-term rental under this definition. In order to meet the definition of a long-term rental, such property must be actively offered for rent as supported by reasonable evidence. Long-term rentals left vacant for more than three months (3) shall be in violation of this section and shall be subject to the penalties outlined in Section 16-24-20.”

Staff is recommending the following additional definitions be added to the municipal code:

- “Long Term Residential Unit” shall have the same meaning as “Rental, Long-Term”
- “Long Term Residential Rental Unit” shall have the same meaning as "Rental, Long-Term”

**Recommendation:**

Town Council member make a motion, followed by a second, setting Ordinance No. 27, Series 2023, amending the Crested Butte Municipal Code to amending Chapter 16, Section 16-1-120 of the Crested Butte Municipal Code for a public hearing at the November 6, 2023, Town Council meeting.

**Attachments**

- DRAFT Ordinance 27, Series 2027



## Staff Report

October 16<sup>th</sup>, 2023

**To:** Mayor Billick and Town Council

**Prepared By:** Joey Carpenter-Recreation, Open Space & Trails Supervisor

**Thru:** Janna Hansen-Parks, Recreation, Open Space & Trails Director

**Subject:** Ordinance 28 Series 2023-Trappers Lot 3 Replat Approval and Easement

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**Summary:** Town staff have been working with the Clark Family, owners of Lot 3 of Trappers Crossing at Crested Butte, to relocate their building envelope to reflect the actual building location and allow for the addition of a barn. This approval is conditioned on the granting of a permanent easement for the Woodswalk summer trail as it crosses their property and realignment of the existing Nordic easement to reflect the location of as built trails.

**Previous Council Action:** Council approved the Declaration of Protective Covenants and Agreement of Trappers Crossing at Crested Butte in April of 1990 (reception #419855, 419856) and approved the amendment of said covenants in May of 2001 (reception #511092) that impact this building envelope relocation.

**Background:** The Clark family approached Crested Butte Nordic in April of 2023 looking to amend the Nordic easement on their property. The amendment to the easement was necessary to align their building envelope with where the actual building was located and add a barn to the property. The building was constructed outside the originally platted envelope in 1996, well prior to the Clarks acquiring the property in 2019, but the envelope realignment was never resolved.

The realigned building envelope would overlap the originally platted Nordic Easement granted to Town on the Trappers at Crested Butte Plat (reception #419857), requiring it to be partially abandoned. When overlaying actual trail locations on the property with the plat, it was discovered that the Nordic trail as it is typically built was located well outside the originally granted easement. The as built section of the Woodswalk that runs through lot 3 at Trappers is the last remaining section of trail that does not have an easement associated with it and access could be revoked at any time.

To realign the building envelope, a replat and Town approval is required by the Covenants. In exchange for Town staff performing the work required, pulling title work, contracting a surveyor, drafting required documents, and submitting them for approval by council, the Clarks have agreed to grant an easement for the Woodswalk as it crosses their property.

**Financial Impact:** Survey and title will total \$5,765.

**Legal Review:** Town attorneys drafted the easement and reviewed the plat.

**Recommendation:** Approve the building envelope relocation and authorize Mayor Billick to sign the Easement.

**Proposed Motion:** “I move to approve the replat and easement as shown for recording.”





# Staff Report

October 16, 2023

**To:** Mayor and Town Council  
**From:** Erin Ganser, Housing Director  
**Thru:** Troy Russ, Community Development Director  
**Subject:** Final Payment to High Mountain Concepts for the Haney House Relocation and Renovation

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## Summary

As is required by CRS 38-26-107, Staff is requesting approval from Town Council to issue the final payment of \$39,999.86 to High Mountain Concepts for the Haney House Relocation and Renovation following the appropriate public notice period. This step is required by the state to ensure any subcontractors can protest their payments before the Town makes final payment on any construction project where subcontractors are utilized.

## Recommendation

For a council member to make a motion, followed by a second, to direct staff to make the final payment to HMC under the contract to Haney House Relocation and Renovation at 18 Tenth Street, Crested Butte, Colorado.



## Memorandum

**To:** Town Council  
**From:** Dara MacDonald, Town Manager  
**Subject:** Manager's Report  
**Date:** October 16, 2023

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### Town Manager

- 1) Municipal Financial Advisor – We have determined that the Town should retain the services of a municipal financial advisor to weigh in on funding options for three pending projects:
  - Help the Town develop a plan of finance for multiple public projects
  - Run a Request for Proposals process to select and engage a bond underwriter.
  - Represent the Town's interest in the sale of public bonds.

We are soliciting proposals from firms and hope to have a selection by the November 6<sup>th</sup> Council meeting.

- 2) Thompson Divide Withdrawal – The Departments of Interior and Agriculture have both ordered that the review timeline for the Thompson Divide Withdrawal (including 20-year administrative withdrawal of mineral claims on and surrounding Mt Emmons) be accelerated. The USFS staff leading the review effort are targeting December 1<sup>st</sup> for release of the environmental assessment for public comment.

### Sustainability

- 1) Staff was notified by Johnson Controls, Inc. (JCI) of a potential malfunction of the Marshal's office solar array on 9/25. SolarEdge, the solar panel installation technicians, visited the site on 10/5. The arrays were found to be fully functional and productive, but a monitoring system malfunction was identified. Staff was retroactively provided a total lifetime solar energy production value of 50.26 MWh, and staff has requested a further retroactive analysis, if possible, of solar energy production and financial utility savings.
- 2) Taylor Henderson of Outshine Solar notified staff of response submission to comments on Friday, 10/5 following an "incomplete" status determination on permit no. LUC-23-00027 on 8/1/23. Anticipated County review period is unknown. The parking lot construction will not go on Public Work's schedule this fall with a likely commencement in the Spring/Summer 2024.
- 3) CAP update data collection and progress.

### Public Works

- 1) Butte Ave ROW Improvement Project Status: Unfortunately, the project has encountered about a week's delay due to the rains over the September 30th – October 1st weekend. Currently, Dietrich Dirtworks is completing the roadway prep work and anticipates the installation of the curb and gutter at the beginning of the week of the 9th with asphalt the following week of the 16th. Once curb and gutter is installed, staff will begin to distribute public information regarding the closure of the 6<sup>th</sup> Street and Butte Ave intersection, including the timing of the closure and detour route.

### Marshals

- 1) Deputies assisted with the Emma 5K, CB Ultra race and soccer games at the end of September and beginning of October as town was packed with folks peeping the early fall colors.
- 2) Joe and Blake attended the week-long MesaTac emergency incident response training in Grand Junction.

### Parks, Recreation, Open Space and Trails

- 1) It's conference season! Lloyd attended the Colorado Parks and Recreation Association (CPRA) conference in Snowmass. Janna and Joey attended the Colorado Open Space Alliance (COSA) conference also in Snowmass. Both conferences provided valuable information and networking.
- 2) The soccer, skateboarding and football season is coming to a close. Youth basketball and climbing, and adult climbing will begin after fall break. Adult pickup programs including pickleball, table tennis, basketball, volleyball, and futsal will also begin mid-October. Tumblebugs also starts after fall break. Check out [www.crestedbuttere.com](http://www.crestedbuttere.com) for details.

### Community Development

- 1) Hwy 135 Safe Streets for All. Gunnison County received a planning grant to conduct a safety audit for Hwy 135 from Gunnison to Crested Butte. Receiving the grant and completing the study are prerequisites to the corridor being eligible for federal funding. The County issued a request for proposals for the project and received three highly qualified submittals. Representatives from the County, City of Gunnison, and Crested Butte will be recommending the preferred consultant to the Board of County Commissioners next week.

The project is expected to kick-off in November and be completed in June of 2024. Funding applications to the Federal Highway Administration are due in July. Staff anticipates the Red Lady intersection will be included in the funding request.

- 2) The Town issued a request for qualifications for a design build team to master plan, entitle, and construct the core and shell of the post office and the buildout of a minimum of two deed restrict housing units. Interested parties are requested to submit their qualifications package by 5:00 pm on October 20<sup>th</sup>.

### Town Clerk

- 1) The Council and Mayor will be sworn in during the November 20<sup>th</sup> meeting. If possible, the existing Council will be present for the meeting to be called to order and to approve the Consent Agenda. Then, the swearing in and seating of the new Council will occur. Staff would like to extend a huge thank you and gratitude for Chris Haver's service since 2017 and a warm welcome to Kent Cowherd.

- 2) Sam Light, on behalf of CIRSA, will be presenting to the Council during the work session on December 18<sup>th</sup>, 2023.

#### Finance

- 1) The 2022 financial audit and single audit were filed by the deadline on September 30<sup>th</sup>. We are still awaiting the letter from the auditors, McMahan and Associates, to the Town Council. Planning to include this information in the Council packet for November 6<sup>th</sup>.

#### Upcoming Meetings or Events

#### Upcoming Agenda Items

See attached **draft** list of upcoming Council agenda topics

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



## Staff Report

October 16, 2023

**To:** Mayor and Town Council

**Prepared By:** Dara MacDonald, Town Manager  
Kathy Ridgeway, Finance & Administrative Service Director

**Subject:** Ordinance 23, Series 2023, An ordinance of the Crested Butte Town Council repealing and replacing Chapter 4 of the Crested Butte Municipal Code

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### **Summary:**

Town Council is being asked to approve an updated version of Chapter 4 of the municipal code. This chapter establishes the various funds used by the Town for accounting purposes and also addresses the assessment and collection of various taxes.

### **Previous Council Action:**

On June 5<sup>th</sup> of this year the Town Council discussed the structure of this chapter including the proposed establishment of three new distinct funds – Open Space, Transit & Mobility, and Parks, Recreation & Trails. The Council provided direction to consider eliminating the vendor fee in amounts exceeding \$100 per sales tax return. Support was also indicated for requiring the digital filing of sales tax returns unless an exemption was requested.

### **Background:**

Chapter 4 has evolved over time without a comprehensive review for a number of years. As a result the chapter contains inconsistent and duplicative information. For example, some taxes collected by the Town are specifically discussed in detail (sales, use, RETT, vacation rental, nicotine) while others are not mentioned at all (property tax). Similarly, collection and auditing methods are very detailed in the current code for some taxes, but not detailed for others. This ordinance attempts to create internal consistency within the chapter and ensure that current practices and intentions are captured.

### **Discussion:**

The current code can be accessed on the Town's website: [Chapter 4 - Revenue and Finance](#). A blackline of the changes to Chapter 4 is attached for reference. However, due to the extent of changes and rearranging, not every modification is captured in the blackline. Following is a discussion of the major modifications to the chapter:

1. Title – The title of the chapter is being changed from “Revenue and Finance” to “Funds and Taxation”. The new name better reflects the contents of Chapter 4.

2. Section 4-1-10 – The significant change here is changing authority from the Town Treasurer to the Finance Director. This is an example of modernizing the language to reflect actual language use and practices.
3. Section 4-1-40, Open Space Fund Created – The current version of Chapter 4 does not clearly call out the open space fund. Rather Section 4-1-60 cryptically creates a special fund that refers to Section 4-4-90(b) which includes the ballot language from 1991 defining how the real estate transfer tax (RETT) funds should be used. As a result, the open space funds have been tracked as a subsection of the Capital Fund which has created confusion in the past around fund balances and use of the money intended for open space. The intention is that by clearly designating an Open Space Fund, accounting for the revenues and expenditures related to open space will be clearer for Town Council and the public.

Use of the funds is identical to the current Section 4-4-90(b), with the exception of adding ‘improve, maintain’ to “Administer, improve, maintain, and manage real property and easements and licenses therein for the benefit of the citizens of the Town”. This is to explicitly allow use of this money for the stewardship and maintenance activities on lands purchased using open space funds.

It is the intention of staff to develop a policy around acquisition priorities and expectations for management of open space. This will most likely occur through the updated PROST master plan scheduled for 2025 and could result in further refinement of this section of the code.

4. Section 4-1-50, Parks Recreation and Trails Fund Created – Similar to open space, when the 0.5% sales and use tax was approved by voters in 2015, the code was not updated to create a distinct fund to account for this restricted revenue source. As a result, recreation activities have remained in the General Fund and parks/trails activities have been housed within the Capital Fund. The intention is to provide increased clarity and transparency to the Town Council and public on the use of the 0.5% sales and use tax approved to fund these specific activities.

Uses of money within this fund is tied closely to the ballot language approved by voters in 2015. The underlined language has been added to be more inclusive of the actual activities of parks staff.

- 1) Improving, managing and maintaining parks, recreational facilities, and trails;
- 2) Providing recreational and childcare programming and equipment for youth and adult activities;
- 3) Winter snow removal on designated pedestrian routes;
- 4) Summer streets amenities including but not limited to planter boxes, bicycle racks and trash receptacles;
- 5) Planning, acquiring property, creating, redeveloping or expanding parks, campgrounds, recreational facilities, and trails; and
- 6) Any other purposes allowed by law.

It should be noted that while the Open Space and Parks, Rec & Trails funds both have restricted revenue sources which cannot be used outside of those funds, they can receive transfers of revenues from other sources including the General Fund and Capital Fund to supplement their activities.

5. Section 4-1-70, Street and Alley Fund Created – This section of the code exists in the current code as [Section 4-1-50](#) but does not articulate sample uses of the revenues in the fund. Currently it also includes the 16 mill property tax levy. The new section includes uses of the money in the fund and the street and alley property tax now resides in a new article specific to the property tax of the Town. Defining the purpose of the fund provides direction for Town Council, staff and the public. The uses, reflecting current practices, are as follows:
  - (1) Improving, managing, maintaining and removing snow from streets and alleys;
  - (2) Acquisition of land to facilitate street and alley maintenance such as parking or snow storage;
  - (3) Procurement of equipment utilized for street and alley maintenance;
  - (4) Procurement, maintenance and improvement of those items that support complete streets such as bridges, signs, sidewalks, stormwater improvements and parking; and
  - (5) Any other purposes allowed by law.
  
6. Section 4-1-90, Transit and Mobility Fund Created – This is a new fund that will receive 1% of the 4.5% sales tax. In 1982, voters in Crested Butte increased the sales tax from 3% to 4% with the intention to fund all aspects of what we now refer to as transit. As specific fund was not created to track these revenues or related expenses, though historically 95% of these revenues have been passed along to Mt Express each year. Staff recommends that as the Town continues to increase its focus on increasing transit use and improving mobility options, it will be helpful to track these activities within a separate fund rather than within the General Fund. Some examples of expenses staff would anticipate including in this fund going forward include Mt Express (including Late Night Taxi), parking management, seasonal traffic calming, and transit stop improvements. The allowed uses of revenues within the fund include the following. Changes from 1<sup>st</sup> to 2<sup>nd</sup> reading were based on Council direction during the meeting on October 2<sup>nd</sup> to look at the RTA allowed funding uses and consider expanding the uses allowed in this fund accordingly. Changes are noted in **bold underline**:
  - (1) ~~Administer and manage~~ **Finance, construct, operate, and maintain** transit programs including but not limited to fixed routes, on-demand routes, and micromobility services to convey passengers;
  - (2) Purchase, **construct**, maintain, and improve vehicles, equipment, land, and facilities used for transit programs;
  - (3) Administer and manage a Town-wide traffic calming program and the implementation of seasonal traffic calming measures.
  - (4) Administer, manage, and implement pedestrian and bicycle facilities.
  - (5) Administer, manage, and implement a parking management program.

- (6) Designate such other entities as the Town Council deems appropriate to perform those functions set forth in Paragraphs (1) through (5) above, and appropriate funds for the administration and operation of such entities; and
- (7) Any other purposes allowed by law.

It should be noted that while the Transit & Mobility, Open Space and Parks, Rec & Trails funds all have restricted revenue sources which cannot be used outside of those funds, they can receive transfers of revenues from other sources including the General Fund and Capital Fund to supplement their activities.

7. Article 2, Taxation in General – This article includes the definitions and procedures that apply generally to all of the taxes collected by the Town. In the current code collection, enforcement, auditing and the like were detailed for each specific tax. These administrative practices have now been consolidated into one article. This is intended to provide clarity to Town staff and those individuals or accounting firms remitting taxes. No substantive changes have been made to definitions or administrative practices.
8. Section 4-3-70(b), Vendor fee – The current code, Section 4-2-90(b)(1), allows vendors who collect sales tax to retain 1.5% of the tax they collect provided they remit taxes on time. This practice was intended to compensate vendors for the time and complication of collecting this tax on behalf of the municipality. Now-a-days, most businesses collect sales tax information via software programs and file their sales tax returns electronically.

Many Colorado communities have eliminated the vendor fee in recent years as sales tax remittance has become more automated. On Jan 22, 2022, the State of CO eliminated its vendor fee for retailers with \$1M or more in total taxable sales for any filing period. In 2022, the vendor fee retained by businesses remitting sales tax to the Town amounted to approximately \$111,000. Following discussion by the Town Council in June, the proposed code would maintain a 1.5% vendor fee but cap it at \$100 per remittance.

9. Section 4-5-20(b) and (c), RETT reporting requirements – In recent years we have seen an increase in properties being placed in corporations. If ownership of the corporation is transferred, the Town has a difficult time tracking this and collecting a RETT on the change in ownership. The proposed changes require that when ownership of an entity (in excess of 17%) transfers it must be reported to the Town and that such transfers are subject to the RETT.
10. Section 4-5-50(5), RETT exemptions – We are also seeing an increasing number of ownership transfers for the purpose of estate planning, such as property being placed into a trust. The added language clarifies that these transfers are eligible for an exemption from the RETT.
11. Article 9, Property Tax – This new section is intended to be consistent with the other sections describing specific taxes. In the current code, the general fund property tax is not addressed and the street and alley property tax is addressed within the street and alley fund. This new article sets forth the purpose and rate of each of these existing taxes.



**Climate Impact:** None

**Financial Impact:** The new chapter 4 should provide for greater transparency regarding the use of restricted revenues. Reduction of the vendor fee will provide for a modest increase in sales tax revenue.

**Legal Review:** The Town Attorney has reviewed and provided input on the proposed code changes.

**Recommendation:** Staff recommends the Town Council adopt Ordinance 23-2023 repealing and replacing Chapter 4 of the municipal code.

**Proposed Motion:** A Council member make a motion, “**to approve Ordinance 23, Series 2023,**” followed by a second and roll call vote.



## Staff Report

October 16, 2023

**To:** Mayor and Town Council

**Prepared By:** Shea D Earley, Public Works Director  
Janna Hansen, Parks, Recreation, Open Space & Trails Director

**Thru:** Dara MacDonald, Town Manager

**Subject:** Snow and Ice Control Operations Plan 2023 - 2024

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### Summary:

At the beginning of each snow season the Public Works Director and the PROST Director present the Snow Management Guidelines to the Town Council for approval. The purpose of this plan is to outline municipal responsibilities and procedures for controlling snow and ice accumulation on the streets and sidewalks of Town. Appropriate snow and ice control is necessary to maintain emergency services and routine travel.

### Discussion:

Some of the highlights and/or discussion topics in the 2023 - 24 Snow Management Guidelines are listed below:

1. Snow plowing will commence at 3 inches of accumulation, and snow blowing of sidewalks will commence at 1 inch of accumulation as defined by the Snow Removal Map.
2. Every effort will be made to keep the bus route and emergency routes clear of snow and ice accumulation.
3. The snow management permit allows Town Staff to track and regulate private contractors hauling, dumping, and transporting snow on public rights of way.
4. Elk Ave Banks
  - a. Current Practice:
    - i. The primary snow crew will remove snowbanks on Elk Avenue between snow events to promote pedestrian safety, pedestrian, and vehicular visibility, and provide easy access to businesses.
    - ii. Snowbanks remain on Elk Avenue the week prior to Christmas through the week after New Year's, or to accommodate additional snow required for Special Events.
  - b. The winter season necessitates the removal of banks on Elk Ave to promote pedestrian safety and improve pedestrian and vehicular visibility. There are two management options for banks on Elk Ave while keeping in mind safety and visibility. One, banks can be removed between each snow event. Two, banks can be removed only after they start to encroach into the roadway and sidewalk. On

average, we remove banks between 20-30 times a season when operating in management option 1 versus 5-10 times a season when operating in management option 2. Below are the pros and cons of managing banks on Elk Ave.

1. Pros
  - a. The more banks on Elk are removed the more we promote the best safety and visibility for pedestrians and vehicular traffic.
  - b. For each bank removal, less time is required to completely remove the snow. This translates to snow removal crews getting off of Elk Ave earlier in the morning.
2. Cons
  - a. For each bank removal, operations necessitates either the acquisition of contract dump trucks or the allocation of personnel from other Public Works divisions. This, in turn, places a burden on those divisions as they are not able to complete their primary job duties. Basically, the more we remove banks, the more burden is placed on ancillary division of PROST and Public Works.
  - b. Snowbank removal on Elk Ave is not only a very labor-intensive process, but it also requires a significant amount of equipment including a motor grader, loader w/ snow blower, and skid steer, as well as 6-8 dump trucks. The operation of this equipment carries with it certain impacts to the total GHG emissions for the Town.
3. Environmental Impacts: A typical snow removal day for the Town produces approximately 1,425 kg CO<sub>2</sub>. A typical elk ave snow bank removal produces approximately 743 kg CO<sub>2</sub>. Based on this analysis, the removal of banks on Elk Ave produces approximately 52% of the Green House Gas (GHG) emissions produced by the Town during a full plow. To illustrate these statistics, the table below provides several example GHG equivalents.

<b>GHG Equivalencies/Day</b>			
<b>Activity</b>	<b>Barrels of Oil</b>	<b>Smartphone Charges</b>	<b>Propane cylinders used</b>
ELK AVE SNOW REMOVAL	1.7 Barrels of Oil Consumed	90,380 Smartphone charges	34.1 propane cylinders used
TYPICAL SNOW REMOVAL OPERATIONS	3.3 barrels of oil consumed	173,341 smartphone charges	65.5 propane cylinders used

5. Snow Storage at the Gravel Pit
  - a. Snow Storage Committee – The snow storage committee met twice over the summer to discuss current snow management and storage practices and to develop options to mitigate the use of the adjacent wetlands for snow removal. The committee made the following findings:

- i. In big snow years, Town just does not have the space to manage snow so that it does not utilize the wetlands east of the gravel pit, based on current snow removal operations.
- ii. Contractor snow storage at the gravel pit is necessary as it provides a critical service to this community.

The Committee looked at alternate snow storage options:

- 1. No available vacant land (Town owned) that it can utilize.
- 2. Store snow on roadways where adjacent property is not affected.
  - a. 400 Block of Red Lady is an example of this option
  - b. Very few additional roadways in Town
  - c. Additional wear and tear on the roadway due to snow storage.
  - d. Snow would remain on roads through May and into June.
- 3. Use of intersections to store snow
  - a. Significantly decreases safety and sight lines within intersections for both pedestrian and vehicular traffic.
  - b. Minimal snow storage gained
- 4. Continue to look at land acquisition opportunities.

The committee recommends:

- 5. Implement Pilot Project: Rent a dozer to manage snow at the gravel pit from December 1<sup>st</sup> to April 30<sup>th</sup>. Theoretically, this would allow staff to build and push snow piles in a way that would facilitate the most efficient use of the gravel pit and avoid having to push snow into the wetlands.
  - a. The additional cost of renting a mid-size dozer is estimated at approximately \$50K, plus the staff to operate. For the pilot project, staffing can be managed internally.

#### 6. Snow Removal Assistance Program

- a. Historically, each year the Town has developed an informal list of community members that may require Town assistance due to physical and/or financial complications. Last winter, our list of community members requesting assistance grew from less than 10 to 25-30. This drastic increase in requests is now putting a significant burden on the snow removal crew. Staff feels that a significant portion of the new requests are from members of the community that are 65 years or older; many of whom may have the financial means to contract with a snow removal company to manage snow berms at the front of driveways. Due to these circumstances, Staff is proposing to implement a Snow Removal Assistance Program Policy. This policy would require certain criteria be met to make a member of the community eligible for Town assistance. These criteria are:
  - i. Individual who lives in a private, single family, residential property; and
  - ii. Individual that has a certified medical need or disability (valid mobility handicapped parking permit, written verification of disability provided by Social Security Administration, or medical certification from a medical professional), or other justifiable rationale for receiving the public benefit conferred through this program.

**Climate Impact:**

Snow management and removal is an energy intensive endeavor and staff seeks to strike the appropriate balance between the community expectations for snow removal and mobility with the goals to reduce greenhouse gas emissions. Currently, the Town has acquired two hybrid loaders and expects acquisition of a third in 2024. To date, we have seen an approximate 50% reduction in GHG (greenhouse gas) emissions and fuel consumption with the implementation of hybrid loaders. The Town will continue to replace diesel powered loaders with hybrid loaders per the fleet replacement schedule. Also in 2024, the Town will be installing DC fast chargers at the Town Shops in anticipation of the acquisition of electric dump trucks starting in 2025.

**Recommendation:**

Staff recommends approval of the Town of Crested Butte 2023 – 2024 Snow and Ice Control Operations Plan with the following amendments:

1. Implement pilot snow storage plan for gravel pit utilizing dozer.
2. Implement Snow Removal Assistance Program
3. Continue to remove banks on Elk Ave in the same manner as in previous years.

**Proposed Motion:**

I move to approve the Town of Crested Butte 2023 – 2024 Snow and Ice Control Operations Plan.

**Attachments:**

Snow Plan 2023-24

Snow Removal Map 2023-24