

**RESOLUTION 13, SERIES 2023**

**A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN GUNNISON COUNTY AND THE TOWN OF CRESTED BUTTE FOR THE EXTENSION OF UTILITIES FOR THE WHETSTONE PROJECT.**

**WHEREAS**, the County has undertaken the planning and development of a workforce housing project located in unincorporated Gunnison County commonly referred to as the Whetstone Project; and

**WHEREAS**, the County has requested the extension of water and sanitary sewer services from the Town to serve the Whetstone Project; and

**WHEREAS**, pursuant to Chapter 13 of the Crested Butte Municipal Code ("CBMC") the Town has undertaken the review of the proposed extension of utilities to the Whetstone Project; and

**WHEREAS**, the next step in the review process includes a final Engineering and Feasibility Analysis which will require a significant financial investment by the County to provide the Town sufficient information to determine the technical feasibility of the utility extensions; and

**WHEREAS**, the Town and the County wish to set forth the terms and conditions of moving forward with the technical review of the utility extensions; and

**WHEREAS**, pursuant to Title 29, Article 1, Part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility; and

**WHEREAS**, pursuant to Section 3.3 of the Town Charter, the Mayor has the authority to execute the IGA on behalf of the Town.

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

**Section 1.** The above recitals are hereby incorporated as findings by the Town Council of the Town of Crested Butte.

**Section 2.** The Mayor is hereby authorized to execute the IGA for the extension of utilities for the Whetstone Project.

INTRODUCED, READ AND PASSED THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2023.

TOWN OF CRESTED BUTTE, COLORADO



Ian Billick, Mayor

ATTEST:



Lynelle Stanford, Town Clerk



**INTERGOVERNMENTAL AGREEMENT  
BETWEEN GUNNISON COUNTY AND THE TOWN OF CRESTED BUTTE FOR THE  
EXTENSION OF UTILITIES FOR THE WHETSTONE PROJECT**

**THIS INTERGOVERNMENTAL AGREEMENT** (this "Agreement") is made and entered into this 18<sup>th</sup> day of September 2023, among GUNNISON COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWN OF CRESTED BUTTE, COLORADO (the "Town"), home rule municipality and political subdivision of the State. The County and the Town are referred to collectively herein as "the Parties" or individually as "a Party."

**WHEREAS**, pursuant to Title 29, Article 1, Part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility; and

**WHEREAS**, the County has undertaken the planning and development of a workforce housing project located in unincorporated Gunnison County commonly referred to as the Whetstone Project; and

**WHEREAS**, the County has requested the extension of water and sanitary sewer services from the Town to serve the Whetstone Project; and

**WHEREAS**, pursuant to Chapter 13 of the Crested Butte Municipal Code ("CBMC") the Town has undertaken the review of the proposed extension of utilities to the Whetstone Project; and

**WHEREAS**, the next step in the review process includes a final Engineering and Feasibility Analysis which will require a significant financial investment by the County to provide the Town sufficient information to determine the technical feasibility of the utility extensions; and

**WHEREAS**, the Town and the County wish to set forth the terms and conditions of moving forward with the technical review of the utility extensions.

**NOW, THEREFORE**, the Parties agree as follows:

The Town and the County agree to extend utilities to the Whetstone Project provided the following conditions are met:

1. The final Engineering and Feasibility Analysis demonstrates to the Town's reasonable satisfaction the Town's water and wastewater infrastructure has the verified capacity to serve the proposed development.
2. The final Engineering and Feasibility Analysis demonstrates to the Town's reasonable satisfaction the proposed water and wastewater extraterritorial

extensions to the Whetstone Project are designed to meet the Town's engineering design standards and maintenance practices.


3. The County for itself and the future utility rate payers within the Whetstone Project acknowledge that any current or future increases in costs to the Town's water and wastewater systems caused by the operation and maintenance of the approved infrastructure extension needed to serve the Whetstone Project shall be borne by the County or the residents within the Whetstone Project.
4. The final Engineering and Feasibility Analysis demonstrates to the Town's reasonable satisfaction verified beneficial fiscal impacts, as required by Chapter 13 of the CBMC, the long-term operation of the Town's entire water and wastewater system and Utility Enterprise Fund. In the event there is a negative financial impact anticipated, the County agrees to fund the differential impact between the increased cost and cost neutral for the enterprise.
5. The County agrees to pay all costs of the utility extension infrastructure including design, construction, and any necessary property acquisitions.
6. The County agrees that the utility rates established for the Whetstone Project will be subject to any future rate increases approved by the Town Council.
7. The County agrees that at this time it does not intend to make any financial requests of the Town to support the Whetstone project.
8. The County and County acknowledge Section 13-1-280 of the CBMC must be modified through Town ordinance to eliminate the annexation requirement associated with the potential Wastewater extension. And the Town agrees to process an ordinance modifying Section 13-1-280.
9. If the modification to the CBMC is approved, the County and Town shall negotiate in good faith to determine if t future annexation of the Whetstone Project is in the best interests of the Parties and the residents of Crested Butte and the Whetstone Project. Neither Party shall take any steps which would prevent the other Party from pursuing annexation of the Whetstone Project.

**IN WITNESS WHEREOF**, this Agreement has been executed by the Parties effective as of the date set forth above.

**GUNNISON COUNTY, COLORADO**

By:   
Matthew Birnie, County Manager

ATTEST:

By:   
Katherine Haase, Deputy Clerk and Recorder



**TOWN OF CRESTED BUTTE**

By:   
Ian Billick, Mayor

ATTEST:

By:   
Lynelle Stanford, Town Clerk