



### 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

### Tuesday, August 5, 2025

Meeting information to connect remotely:

<https://us02web.zoom.us/j/83824339576>

Join via audio: +1 719 359 4580 US +1 253 205 0468 US +1 669 444 9171 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 +1 646 931 3860 US +1 689 278 1000 US  
Webinar ID: 838 2433 9576

*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) Parks, Recreation, Open Space and Trails (PROST) Plan Update.

*Staff Contact: Parks, Recreation, Open Space and Trails Director Janna Hansen*

**6:45** 2) Discussion with the Crested Butte Land Trust on the Kapushion-Spehar Wetlands Acquisition and Conservation Easement Project.

*Contact: Crested Butte Land Trust Executive Director Jake Jones*

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

#### **7:02 APPROVAL OF AGENDA**

#### **7:03 CONSENT AGENDA**

1) July 21, 2025 Regular Town Council Meeting Minutes.

*Staff Contact: Town Clerk Lynelle Stanford*

2) (First Reading) Ordinance No. 8, Series 2025 - An Ordinance of the Crested Butte Town Council Approving the Ground Lease of a Portion of the Property at 602 Elk Avenue to the Corporation of the Gunnison County Electric Association.

*Staff Contact: Town Manager Dara MacDonald*

3) The People's Fair Special Event Application Closing Elk Avenue from 2<sup>nd</sup> Street to 4<sup>th</sup> Street and 3<sup>rd</sup> Street from Alley to Alley on Saturday, August 30, 2025, and Sunday, August 31, 2025.

*Staff Contact: Town Clerk Lynelle Stanford*

4) Lot 18 at Pristine Point Funding Agreement.

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

5) Resolution No. 20, Series 2025 - A Resolution of the Crested Butte Town Council, Approving the New National Opioids Settlement with Purdue and the Sackler Family.

*Staff Contact: Town Manager Dara MacDonald*

*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.*

#### **7:05 PUBLIC COMMENT**

*The public has the opportunity to comment during the public comment period at the beginning of every regular Council meeting. At this time people may speak for up to five minutes on any topic that is not on the agenda. The Mayor may limit public comments to no more than three minutes if it appears there will be many comments on a similar topic. The public comment period is a time for the Council to listen to the people. Council generally should not engage in a two-way conversation at this time nor should the Council feel compelled to respond to the comments. If Council chooses to discuss or take action on a subject brought up during Public Comment that discussion should be held at the end of the Council meeting under "Other Business to Come Before the Council."*

#### **7:10 STAFF UPDATES**

#### **7:15 LEGAL MATTERS**

#### **7:20 PRESENTATION**

1) 2024 Audited Financial Statements and Letter to Governing Board.

*Staff Contact: Interim Finance Director Rob Sweeney*

#### **7:30 PUBLIC HEARING**

- 1) (Second Reading) Ordinance No. 6, Series 2025 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 308 3<sup>rd</sup> Street to the Corporation of the Rocky Mountain Biological Laboratory at Gothic.  
*Staff Contact: Public Works Director Shea Earley*
- 7:35 2) Hearing to Show Cause, if any, why Crested Butte Market LLC's (doing business as Clark's Market) Fermented Malt Beverage and Wine License No. 04-00825 should not be suspended or revoked for having violated provisions of Colorado State Statute and the Town of Crested Butte Municipal Code related to their Liquor License Renewal Application.  
*Staff Contact: Town Attorney Karl Hanlon*
- 8:05 **NEW BUSINESS**
- 1) (First Reading) Ordinance No. 9, Series 2025 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 18 of the Crested Butte Municipal Code.  
*Staff Contact: Community Development Director Mel Yemma*
- 8:35 2) Resolution No. 19, Series 2025 - A Resolution of the Crested Butte Town Council Adopting the Fund Balance Reserve Policy, Effective August 5, 2025.  
*Staff Contact: Interim Finance Director Rob Sweeney*
- 8:50 3) (First Reading) Ordinance No. 7, Series 2025 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 13, Article 5 of the Crested Butte Municipal Code.  
*Staff Contact: Public Works Director Shea Earley*
- 9:00 **COUNCIL REPORTS AND COMMITTEE UPDATES**
- 9:05 **OTHER BUSINESS TO COME BEFORE THE COUNCIL**
- 9:10 **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**
- Monday, August 18, 2025 - 6:00PM Work Session - 7:00PM Regular Council
  - Tuesday, September 2, 2025 - 6:00PM Work Session - 7:00PM Regular Council
  - Monday, September 15, 2025 - 6:00PM Work Session - 7:00PM Regular Council
- 9:15 **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 acquisition of open space.
- 10:00 **ADJOURNMENT**



Staff Report  
8/5/25

**To:** Mayor and Town Council

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

**Thru:** Dara MacDonald, Town Manager

**Subject:** Work Session - PROST Plan Update

---

**Summary:** We will cover the following topics during the work session:

1. June community engagement recap
2. Revised Challenge & Opportunity Statements
3. Next steps in the planning process

**Discussion:**

Attached is a SWOT analysis that captures the strengths, weaknesses, opportunities, and threats that have been identified through our public outreach events, stakeholder and Advisory Committee meetings and our Level of Service Assessment that compares where CB PROST is with other similar mountain communities.

The Challenge and Opportunity Statements also identify how we can be an active regional partner and some tradeoffs that will need to be considered when evaluating opportunities.

**Next Steps:**

- Continuing conversations with stakeholders
- Begin drafting PROST Plan success measures using Compass framework
- Next community engagement opportunity October 1, 2025

**Questions for Council:**

- Would you like to add anything to the SWOT analysis?
- Would you like to add anything to the Challenge and Opportunities Statement?

# Kapushion – Spehar Wetlands 90 Acres

## ACQUISITION AND CONSERVATION EASEMENT PROJECT



August 2025

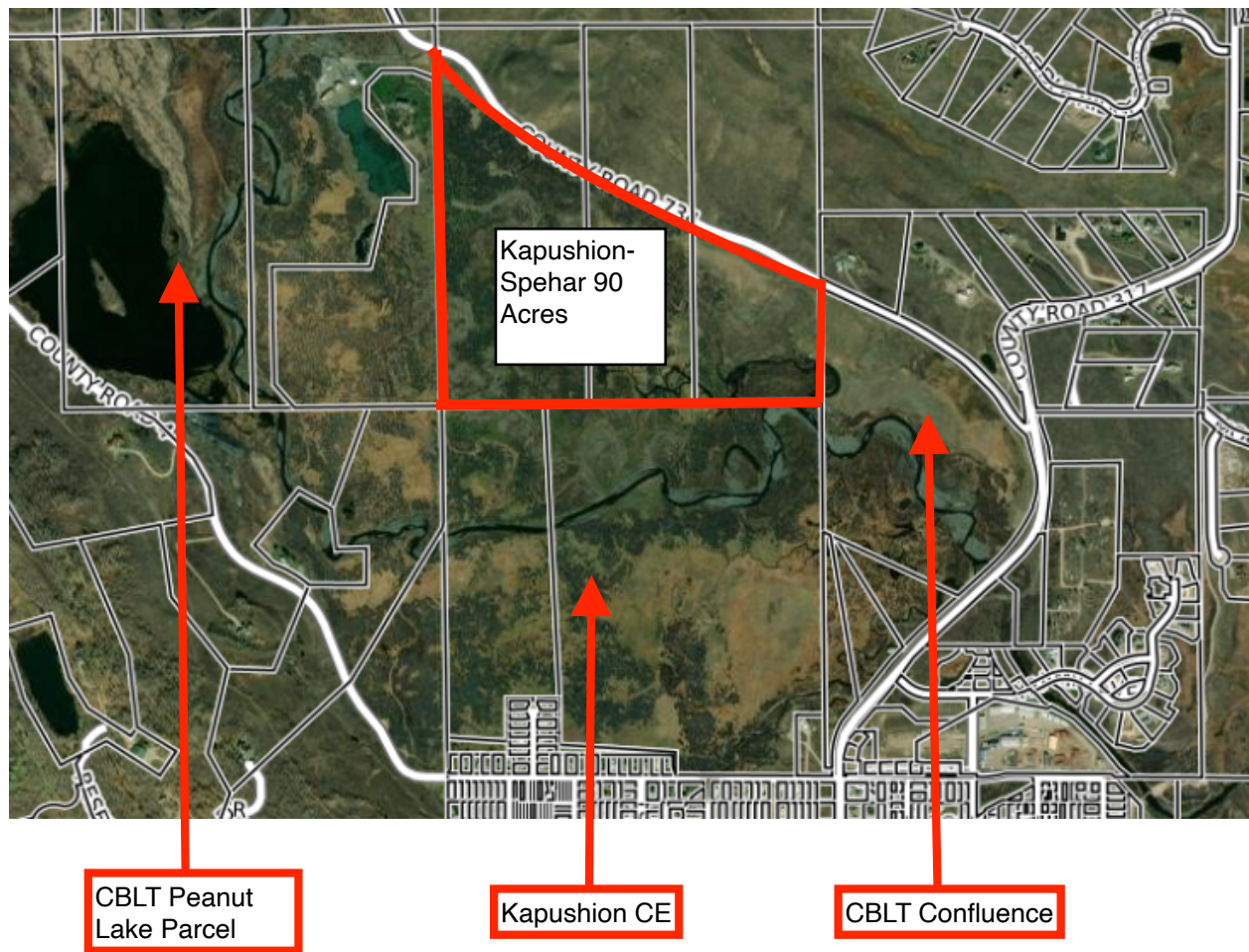
**Kapushion - Spehar Wetlands**  
**90 Acre Acquisition**  
**Crested Butte Land Trust**  
**August 5, 2025**

The Crested Butte Land Trust is under contract to purchase 90 acres of the Slate River floodplain and wetlands located immediately outside the Town of Crested Butte. This parcel of land adjoins the Kapushion conservation easement immediately north of Butte Ave and Ruth's Road, as well as CBLT's Confluence parcel located along the confluence of Coal Creek and the Slate River to the west of Gothic Road. Hundreds of acres are conserved throughout the Slate River Valley including Peanut Lake, Lower Loop, Smith Hill parcels, Divine parcels and Gunsight Bridge.

The 90-acre parcel is a portion of 163-acres owned by members of the Spehar and Kapushion families for over a century. Gerry Spehar currently owns 70+/- acres of the 163-acre parcel and is under contract to purchase the remaining acreage from his family. Once Gerry owns the entire 163 acres, he will reconfigure the property to create two legal lots below Slate River Road and two legal lots above Slate River Road. CBLT is under contract to purchase the two lots below the road for \$3,800,000 total (\$1,900,000 each) and we have an option to purchase one of the remaining hillside parcels once the lots are reconfigured. Gerry Spehar intends to keep one parcel for himself and his family. Included in the purchase of the floodplain parcels are 9 cubic feet per second (cfs) of 1900 decreed Slate River water rights. These water rights will be applied to the land to support wildlife and agriculture. The CBLT board of directors has not yet decided whether the organization will exercise the option to purchase the third parcel. CBLT has until the beginning of February 2026 to raise the funds and close on the transaction to purchase this critical portion of the Slate River Valley.

The Kapushion-Spehar parcels have supported cattle ranching for more than 100 years and the protection of this land will honor historic and sustainable grazing practices. The floodplain supports abundant wildlife such as elk, deer, moose, trout, waterfowl, herons and raptors. Given the proximity to Town and very busy roads and trails nearby, the public has easy access to viewable wildlife on the parcel. The Colorado Natural Heritage program has identified this portion of the Slate River watershed as a Potential Conservation Area (PCA) of high biodiversity significance. For more than three decades, the Crested Butte Land Trust and the Town of Crested Butte have led efforts to protect as much of the floodplain, wildlife habitat, scenic view corridor and public access, as possible through fee acquisitions and conservation easements. The Kapushion-Spehar Wetlands is a once-in-a-lifetime opportunity to protect the last large parcel of the Slate River wetlands near town.









©2013 Xavier Fané/Aerial support provided by LightHawk



**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, July 21, 2025**

Mayor Billick called the meeting to order at 7:11PM.

Council Members Present: Mayor Ian Billick, Kent Cowherd, John O’Neal, Anna Fenerty, Gabi Prochaska, Beth Goldstone, and Mallika Magner (via Zoom)

Staff Present: Town Attorney Karl Hanlon, Town Manager Dara MacDonald, and Interim Finance Director Rob Sweeney

Town Clerk Lynelle Stanford, Community Development Director Mel Yemma, Housing Director Erin Ganser, Parks, Recreation, Open Space and Trails Director Janna Hansen, and Public Works Director Shea Earley (for part of the meeting)

**APPROVAL OF AGENDA**

Billick recommended the agenda item for The Center for the Arts under New Business be moved to the end of the meeting after Executive Session.

O’Neal moved and Prochaska seconded a motion to approve the agenda as amended moving the public discussion on The Center for the Arts after Executive Session. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**CONSENT AGENDA**

**1) July 7, 2025 Regular Town Council Meeting Minutes.**

***Staff Contact: Deputy Town Clerk/Licensing Clerk Eric Treadwell***

**2) Community Plan Letter to the Crested Butte News.**

***Staff Contact: Community Development Director Mel Yemma***

**3) (First Reading) Ordinance No. 6, Series 2025 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 308 3<sup>rd</sup> Street to the Corporation of the Rocky Mountain Biological Laboratory at Gothic.**

***Staff Contact: Property Manager RaeMarie Barry***

Billick disclosed his relationship with the Rocky Mountain Biological Laboratory (RMBL) and participated in the vote on the Consent Agenda.

The letter on the Community Plan (item number two) was moved from the Consent Agenda to New Business.



Fenerty moved and Goldstone seconded a motion to approve the Consent Agenda as amended with the letter pulled off Consent Agenda and moved to New Business for discussion. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

### **PUBLIC COMMENT**

Billick acknowledged feedback from Ruth Turnquist Carver, including a follow up email, and a question from Shane Biery.

Keith Bauer, 108 2<sup>nd</sup> Street, with Elk Mountains Backcountry Alliance; Brian Fenerty, who lives on Red Lady Avenue; and Maria Fenerty, who also lives on Red Lady Avenue, commented.

### **STAFF UPDATES**

The Council discussed intergovernmental meetings and the volume of trash.

### **LEGAL MATTERS**

None

### **PRESENTATION**

#### **1) Update from TWG on Mineral Point Construction.**

***Staff Contact: Housing Director Erin Ganser***

Ryan Kelly, from TWG, attended via Zoom. He fielded questions from Council members.

### **NEW BUSINESS**

#### **1) Community Grants Program - Qualifications and Evaluation Criteria.**

***Staff Contact: Interim Finance Director Rob Sweeney***

Sweeney presented, and there was Council discussion.

#### **2) Resolution No. 18, Series 2025 - A Resolution of the Town Council of the Town of Crested Butte, Colorado, Acting as the Local Liquor Licensing Authority Finding Probable Cause of a Liquor Code Violation by Crested Butte Grocery LLC D/B/A Clark’s Market.**

***Staff Contact: Town Attorney Karl Hanlon***

Hanlon reported.

Goldstone moved and Fenerty seconded a motion to approve Resolution No. 2025-18 a Resolution of the Town Council of the Town of Crested Butte, Colorado acting as the Local Liquor Licensing Authority Finding Probable Cause of a Liquor Code Violation by Crested Butte Grocery LLC d/b/a Clark's Market and further authorize and direct that a Notice of Hearing and Order to Show Cause be issued with a hearing date of August 5, 2025. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Community Plan Letter to the *Crested Butte News*.**

***Staff Contact: Community Development Director Mel Yemma***

**The item was removed from the Consent Agenda.**

Fenerty moved and Prochaska seconded a motion approving the letter subject to changes and allowing staff discretion. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Fenerty updated and Billick elaborated. Cowherd provided an update.

## **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

None

## **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- *Tuesday, August 5, 2025 - 6:00PM Work Session - 7:00PM Regular Council*
- *Monday, August 18, 2025 - 6:00PM Work Session - 7:00PM Regular Council*
- *Tuesday, September 2, 2025 - 6:00PM Work Session - 7:00PM Regular Council*

The Council agreed to schedule a meeting concerning Mountain Express with Mt. Crested Butte on Monday, September 22, 2025.

## **EXECUTIVE SESSION**

1) An Executive Session for a conference with the Town Attorney pursuant to C.R.S. § 24-6-402 (4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. § 24-6-402 (4)(b) to receive legal advice on specific legal questions both regarding Mt. Crested Butte Water and Sanitation District.

2) An Executive Session for a conference with the Town Attorney pursuant to C.R.S. § 24-6-402 (4)(e) for determining positions relative to matters that may be subject to

negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. § 24-6-402 (4)(b) to receive legal advice on specific legal questions both regarding the Crested Butte Center for the Arts.

Fenerty moved and Prochaska seconded a motion to enter Executive Session for both purposes stated on the agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

The Council went into Executive Session for a conference with the Town Attorney pursuant to C.R.S. § 24-6-402 (4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. § 24-6-402 (4)(b) to receive legal advice on specific legal questions both regarding Mt. Crested Butte Water and Sanitation District at 8:53PM. The first Executive Session was concluded at 9:15PM.

The Council, Town Attorney Karl Hanlon, Town Manager Dara MacDonald, Interim Finance Director Rob Sweeney, and Public Works Director Shea Earley attended the first Executive Session.

The Council went into an Executive Session for a conference with the Town Attorney pursuant to C.R.S. § 24-6-402 (4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. § 24-6-402 (4)(b) to receive legal advice on specific legal questions both regarding the Crested Butte Center for the Arts at 9:15PM. The Executive Session concluded at 9:44PM. The open meeting resumed at 9:45PM. Mayor Billick made the required announcement upon the return to open meeting.

The Council, Town Attorney Karl Hanlon, Town Manager Dara MacDonald, and Interim Finance Director Rob Sweeney attended the second Executive Session.

## **NEW BUSINESS, CON’T**

### **4) The Center for the Arts – Conveyance of Building and Land.**

***Staff Contact: Town Manager Dara MacDonald and Town Attorney Karl Hanlon***

Jillian Liebl and Brett Henderson, from The Center for the Arts, reported. The majority of Council members expressed openness to continuing the discussion, with The Center scheduled to return to the Council in October.



**ADJOURNMENT**

Mayor Billick adjourned the meeting at 10:18PM.

---

Ian Billick, Mayor

---

Lynelle Stanford, Town Clerk (SEAL)



## Staff Report

August 5, 2025

**To:** Mayor and Town Council

**Prepared By:** Dara MacDonald, Town Manager

**Subject:** Ordinance 08, Series 2025 - An Ordinance of the Crested Butte Town Council approving the ground lease of a portion of the property at 602 Elk Ave to the Corporation of the Gunnison County Electric Association

---

**Summary:** The current 10-year ground lease agreement with GCEA for the EV charging station at the tennis courts will expire in October. This ordinance would extend the lease for an additional 10 years under essentially the same terms.

**Previous Council Action:** No recent actions.

**Background:** The Town entered into a 10-year ground lease with GCEA in 2015 allowing for the placement and operation of a publicly accessible electric vehicle charging station in the parking lot adjacent to the tennis courts at the corner of 6<sup>th</sup> Street and Elk Ave. GCEA is responsible for installation and maintenance of the equipment and collects all usage fees. The arrangement has been working well for both parties.

**Discussion:** This ordinance would allow for an extension of an arrangement for public EV charging that appears to have been working well for the past decade.

**Climate Impact:** Publicly available EV charging stations support the Town's GHG emissions reductions goals by supporting the transition to electric vehicles.

**Financial Impact:** None.

**Legal Review:** The Town Attorney has reviewed the lease and ordinance.

**Recommendation:** Staff recommend the Council approve Ordinance 08, Series 2025 and enter into a new lease with GCEA for the EV charging station at the tennis courts.

**Proposed Motion:**

A Council member should make a “motion to set the public hearing for Ordinance 08, Series 2025 for August 18, 2025” followed by a second and roll call vote.





## Staff Report

August 5, 2025

**To:** Mayor and Town Council  
**Thru:** Dara MacDonald, Town Manager  
**From:** Lynelle Stanford, Town Clerk  
**Subject:** The People's Fair Special Event Application Closing Elk Avenue from 2<sup>nd</sup> Street to 4<sup>th</sup> Street and 3<sup>rd</sup> Street from Alley to Alley on Saturday, August 30, 2025, and Sunday, August 31, 2025.  
**Date:** July 25, 2025

---

### Summary:

Susan Anderton, on behalf of the Paragon Art Gallery Inc., submitted a special event application for their annual People's Fair. The People's Fair is a non-juried arts and crafts fair that would close Elk Avenue, from 2<sup>nd</sup> Street to 4<sup>th</sup> Street, and 3<sup>rd</sup> Street from Alley to Alley. The closure would begin at 7:00AM on Saturday, August 30, 2025, and end at 6:00PM on Sunday, August 31, 2025.

### Recommendation:

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



## Staff Report

August 5<sup>th</sup>, 2025

**To:** Mayor Billick and Town Council

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

**Thru:** Janna Hansen - PROST Director

**Subject:** Lot 18 at Pristine Point Funding Agreement

---

**Summary:** Lot 18 at Pristine Point (Gunnison County parcel #3177-222-13-006) is a 14+ acre parcel directly north of the Long Lake parcel (#3177-000-00-025) owned by the Crested Butte Land Trust (CBLT). The Town of Crested Butte allocated \$1million in 2020 to facilitate the acquisition of the Long Lake parcel through a land exchange with the United States Forest Service and CBLT. CBLT is under contract for Lot 18 for \$1.175 million and is requesting Town fund \$600,000 from the Open Space portion of the Real Estate Transfer Tax (RETT) to complete the purchase.

**Previous Council Action:** Council discussed this project in executive session during the 4/18/25 council meeting. No voting or straw polling was done during the session.

In 2018, Town allocated \$1 million to CBLT to acquire the Long Lake Parcel.

In 2021, Town allocated \$1 million to acquire title to the Kikel III lot, which shares a border with the Long Lake parcel.

**Background:** Lot 18 was subdivided as part of the Pristine Point subdivision in 1997. This lot is developable and could potentially turn one of the few low grade double track walks up the hillside into a driveway.

As a community asset, Long Lake is undeniably one of the best public access points locally to hike, swim and enjoy a beautiful mountain landscape near Town. It is also directly adjacent to other properties that CBLT and Town hold title to. CBLT would plan to improve the trail segment winding up Pristine Point to accommodate hand cycling and improve access for users not utilizing conventional methods of walking or mountain biking.

Currently, CBLT plans to conserve both the Long Lake parcel and Lot 18 concurrently through a method that has not yet been finalized. The funding agreement requires Lot 18 and Long Lake be conserved by the end of 2027 or funds can be recouped by Town.

**Discussion:** Are there additional terms in an eventual Conservation Easement that Council would like to see?

**Climate Impact:** Conserving access to this water resource will continue to provide thoroughfare for wildlife in open spaces without development intrusions.

**Financial Impact:** The ask from CBLT for them to acquire the title is \$600,000, approximately 50% of the total cost to acquire the title. This excludes closing costs and is estimated to be the approximate value of the easement once determined.

The lot was on the open market for just under three years with an initial listing price of \$1.8 million. After several price reductions, the listing expired in 2024 with a price of \$1.5 million.

Town has contributed \$1 million on adjacent properties in the last 5 years alone towards conservation and a substantially higher amount since the RETT was formed along Smith Hill and in nearby areas in general. These contributions over time have helped to conserve a large swath of lands stretching from Long Lake to the Slate River valley and along that riparian corridor. These lands are now protected from further development ensuring the conservation values are protected for current and future generations.

The RETT fund balance will be at \$2.5 million after the funding goes through for Cement Creek Ranch.

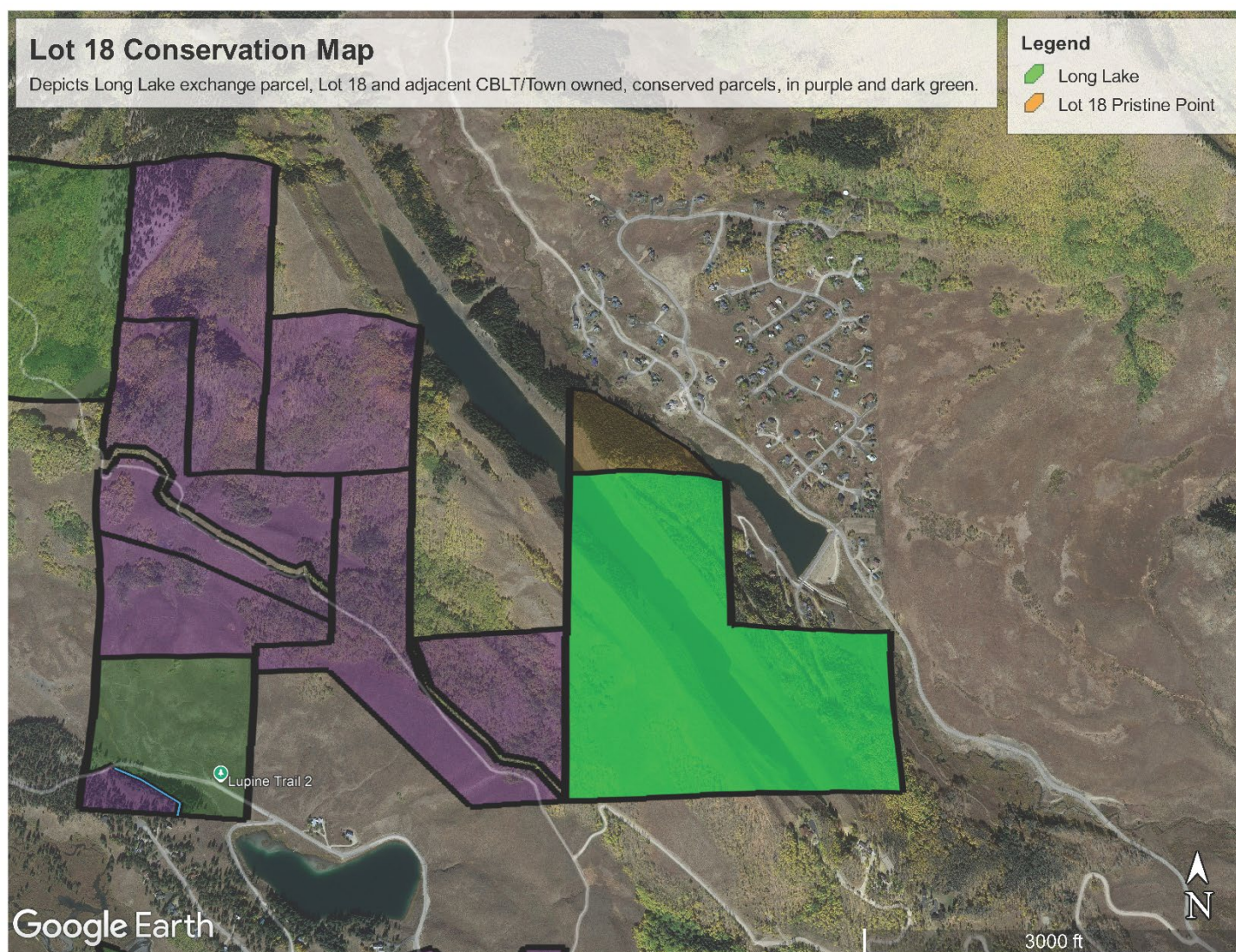
**Legal Review:** Town Legal counsel drafted the agreement with staff and CBLT has reviewed its terms.

**Recommendation:** Authorize the Town Manager to enter into a funding agreement with the Crested Butte Land Trust for \$600,000 with conservation terms as outlined.





Photo Xavier Fane







## Memorandum

**To:** Town Council

**From:** Dara MacDonald, Town Manager

**Subject:** Resolution 20, Series 2025, A Resolution of the Crested Butte Town Council approving the National Opioid Settlement with Purdue and the Sackler Family

**Date:** August 6, 2024

---

The Colorado Attorney General's Office has negotiated a settlement with Purdue and the Sacklers related to their role in the nationwide opioid crisis. The attached resolution will authorize the Mayor and Town Manager to sign the necessary documentation for the Town to join this settlement.

In 2021, 2023 and 2024 similar settlement proposals came before Council with pharmaceutical manufacturers and distributors. In 2021, the Town entered into a Memorandum of Understanding regarding the distribution of the settlement funds. That MOU, updated in 2024, will continue to govern the distribution of these settlement funds totaling approximately \$70 million. The Town's decision to grant its share to Gunnison County will likewise be unchanged by this settlement.

**Suggested Motion:**

A Town Council member make a motion, "to approve Resolution 20, Series 2025 as part of the Consent Agenda," followed by a second and roll call vote.





## Memorandum

**To:** Town Council

**From:** Dara MacDonald, Town Manager

**Subject:** Manager's Report

**Date:** August 5, 2025

---

### Town Manager

- 1) MT2030 proposal – Town staff received the attached request from the MT2030 organization to become an Anchor Community for \$5,000 in support. MT2030 operates as a non-profit under the Park City Community Foundation. The designation includes four registrations to the MT2030 Summit in October. At this time, we have at least three staff/Council who have registered for the event at a cost of \$450 each. Council may discuss under Staff Updates or Other Business whether they wish to fund this request. This could be absorbed in the General Government portion of the General Fund.

### Sustainability

- 1) Dannah will be back from parental leave beginning August 19<sup>th</sup>. She will be working a 32hr per week schedule for the coming months.

### Public Works

- 1) No updates.

### Marshals

- 1) On July 23<sup>rd</sup>, our officers completed annual firearms requalification (pistol, rifle, shotgun).

### Parks, Recreation, Open Space and Trails

- 1) **Senior Center Update:** Staff met with leadership from the Senior Center during our stakeholder outreach for the PROST Plan. Senior Center folks indicated that they are happy with their current use of various spaces throughout town including spaces at local churches. At this time they are no longer requesting dedicated space from the Town for a Senior Center.

- 2) **Irrigation Update:** Parks staff performed a complete inspection of all irrigation systems, replaced multiple heads with higher efficiency models, and repaired long-time trouble spots particularly along Gothic Rd.
- 3) **Fall Sports Update:** Registration is open for fall sports. Four sessions each of youth flag football and soccer are filling fast with some programs already on wait lists.
- 4) **Projects Update:** The Baxter Gulch trailhead relocation and Mineral Point Trail projects are underway! Trail access is open at Baxter to non-vehicular access. The ROW at Pyramid Ave. will remain closed throughout the project.

### Community Development

- 1) The Town received \$50,000 from the State's Proposition 123 Fast Track funding incentive. These funds will support our 5-year housing strategy.
- 2) Staff anticipates the Community Plan letter in the CB News will publish on 8/31, alongside the final adopted plan and a newsletter sign-up link on the Town website. Preparations for the zoning code update are underway, including bi-weekly code sessions with the Town attorney and a BOZAR discussion on development review processes at their July meeting 7/21. The update process will be mostly internal through September, with public engagement kicking off late September, starting with the final Compass Navigation committee meeting on 9/24, a joint BOZAR/Council work session on 10/6, and community/property owner outreach through fall and early winter. A communications campaign will launch this fall alongside the public phase of the code update.
- 3) The Town is currently soliciting proposals for the following:
  - a. An RFP for a consultant team to support community plan implementation, including market/technical analysis of zoning incentives and development of the 5-year housing and community spaces strategy (proposals due 8/1).
  - b. An RFQ for design services for the Marshals' Office addition/renovation and Crank's Plaza landscape improvements, using a Construction Manager at Risk approach (qualification proposals due 8/14).

### Town Clerk

- 1) Council/Mayoral election packets will be available for pick up in the Clerk's Office, beginning Friday, August 1, 2025. The first day that petitions can be circulated is Wednesday, August 6, 2025. To become a candidate, a person must collect ten valid signatures from registered electors within the Town of Crested Butte. Completed petitions and documentation are due to the Clerk's Office by 5:00PM on Friday, August 29, 2025.
- 2) An informational session for potential candidates is scheduled for Wednesday, August 13, 2025, from 5:00PM to 6:00PM in the Council Chambers. The session is meant for someone who is considering running in the election but is seeking out information. There will be a short presentation regarding Council roles and responsibilities as well as open-ended Q & A.
- 3) Staff is beginning to review the special event application for Bridges of the Butte Townie Tour & The Adaptive Mountain Bike World Championships. The event is planned for Sunday, September 7,

2025. The next step will be for Staff to meet with the event organizers from Adaptive Sports, and the application will be on the August 18, 2025, Consent Agenda.

### Finance/HR/IT

#### 1) Preliminary Revenue Report for June

##### TOWN SALES TAX June 2025

Business Category	Total Amount 2025	Total Amount 2024	\$ Diff	% Diff
BARS/REST	187,093	169,177	17,916	10.59%
ECOMMERCE	37,282	28,014	9,268	33.08%
GROCERY	94,162	85,973	8,189	9.53%
RETAIL	129,926	134,783	(4,857)	-3.60%
RETAIL:MMJ	8,967	9,259	(292)	-3.15%
LODGING	76,784	67,280	9,504	14.13%
CONST/HRDWR/AUTO	77,327	70,041	7,286	10.40%
SERVICE	39,646	45,111	(5,465)	-12.11%
Grand Total	651,187	609,638	41,549	6.8%

YTD 2025	YTD 2024	\$ Diff	% Diff
912,098	864,833	47,265	5.47%
182,738	131,769	50,969	38.68%
380,618	376,844	3,774	1.00%
536,631	527,290	9,341	1.77%
53,863	60,434	(6,571)	-10.87%
366,123	337,044	29,079	8.63%
262,506	253,964	8,542	3.36%
192,362	205,324	(12,962)	-6.31%
2,886,939	2,757,502	129,437	4.7%

##### OTHER REVENUE SOURCES

Vacation Rental Excise Tax	70,316	67,386	2,930	4.3%
Tobacco & Nicotine Tax	17,314	15,854	1,460	9.2%
RETT	69,300	173,578	(104,278)	-60.1%
Carry Out Bag Fee	543	526	17	3.2%

385,866	380,836	5,030	1.3%
89,842	87,650	2,192	2.5%
1,187,194	1,244,390	(57,196)	-4.6%
2,430	2,910	(480)	-16.5%

Prepared 7.24.25

### Upcoming Meetings or Events Council may choose to attend

August 6 – Wildfire Ready Action Plan public meeting. Feedback regarding the results of modeling and preliminary best management practices. 5-7 pm. Council Chambers

September 24 - Final Compass Navigation Committee wrap-up meeting, 8:30am – 1:00pm

October 1 – Chamber of Commerce Business After Hours sponsored by the Town of Crested Butte. Details will be forthcoming.

### 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

August 5, 2025

**To:** Mayor and Town Council

**Prepared By:** Rob Sweeney, Interim Finance and Administrative Services Director

**Thru:** Dara MacDonald, Town Manager

**Subject:** 2024 Audited Financial Statements and Letter to Governing Board

---

### Summary:

Attached for your review are the Town's 2024 audited financial statements and Letter to Governing Board prepared by our independent auditors, McMahan and Associates, LLC (McMahan) out of Avon, Colorado.

The independent auditor's report has been filed with the Office of the State Auditor, as required by Statute. Copies will also be provided to applicable rating agencies and interested parties. The audit report will be available to the public via the Town's website.

### Background:

The Town's Charter, §9.14 – *Independent Audit*, requires an independent audit of the Town's financials to be completed at least annually. In addition, Colorado Revised Statutes, §§ 29-1-601 thru 29-1-608 – *Local Government Audit Law*, defines the requirements, methods and disclosure processes local governments must follow related to annual audits. The Town engaged McMahan to complete the required independent review of the Town's financials for fiscal year 2024, in accordance with the Town's Charter and State law.

### Audit Findings:

Lillian Marcione, McMahan Manager overseeing our audit, will provide a presentation to the Town Council related to any significant findings during the audit review period. Ms. Marcione will be available to answer any questions from the Town Council or community.

### Recommendation:

None. For information and discussion only.

### Attachments:

Town of Crested Butte Audited Financial Statements – December 31, 2024  
Auditor's Letter to Governing Board



## Staff Report

August 5, 2025

**To:** Mayor and Town Council

**Prepared By:** Shea Earley, Public Works Director

**Through:** Dara MacDonald, Town Manager

**Subject:** First Reading of Ordinance 6, Series 2025 - An ordinance of the Crested Butte Town Council approving the lease of a portion of the property at 308 3<sup>rd</sup> Street to the Corporation of the Rocky Mountain Biological Laboratory at Gothic.

**Date:** July 28th, 2025

---

**Summary:** The Corporation of the Rocky Mountain Biological Laboratory at Gothic (RMBL) is a high-altitude research station that provides facilities and support for scientists and students studying biology and ecology. RMBL desires to rent two additional office spaces upstairs at the 308 3<sup>rd</sup> Street building, the East unit and the South unit,

**Discussion:** The potential tenant has agreed to pay the monthly amount of \$882 for the East unit and the amount of \$912 for the South unit for the first year, at a rate of \$3 a square foot. This price is below market value of \$4 and the target price decided by the Council. The lease is set for 5 years with a 1% annual rent increase for the remaining 4 years.

**Legal Review:** The Town Attorney has reviewed and approved the form of the lease.

**Recommendation:** Staff recommends that Council approve Ordinance No. 6, Series 2025.

**Proposed Motion:** A Council member may make a motion, “to approve Ordinance No. 6, Series 2025 ” followed by a second and roll call vote.

**Attachments:**

Ordinance No 6, Series 2025  
RMBL Lease





DATE: July 28, 2025

TO: Mayor and Town Council, Town of Crested Butte

FROM: Karl J. Hanlon, Town Attorney

RE: Clark's Market Show Cause Hearing

---

At the July 21, 2025 Town Council meeting the Council adopted Resolution 2025-18 finding probable cause that a liquor code violation occurred when Clark's Market failed to disclose the May 5, 2025, citation from the Liquor Enforcement Division on its liquor license renewal application as required by the application and Municipal Code Section 6-2-30 and further failed to notify the Town that it had entered into a Stipulation, Order and Agreement with the State Liquor Enforcement Division regarding that violation. The Order to Show Cause was subsequently issued by the Town Clerk and delivered via electronic mail to the Clark's Market.

The Order to Show Cause relates only to the failure to disclose the violation on the renewal application and does not relate to the underlying violation of selling to a person under the age of 21. Accordingly, the Council is only determining if: 1) Clark's Market violated the Town Code and State Liquor Laws by failing to disclose on its renewal application that it had been charged, and then failed to inform the Town during the renewal process that it had entered into a Stipulation, Order and Agreement with the State Liquor Enforcement Division, and 2) if the Council determines the violation occurred, what an appropriate penalty for the violation is. Had Clark's Market disclosed the violation pursuant to Municipal Code Section 6-2-30 they would have been required to appear before Council as part of the renewal process rather than being renewed administratively by the Town Clerk.

A public hearing on the matter has been set for August 5, 2025. The procedure for the public hearing is:

1. Presentation of evidence (both written and testimony of the Town Clerk) by the Town Attorney regarding the alleged violation.
2. Questions by the Council regarding the evidence.
3. Presentation by Clark's Market of any evidence they wish to submit either written or testimony.
4. Questions by the Council regarding the evidence.

*Mail to:*

**Glenwood Springs**  
201 14<sup>th</sup> Street  
Suite 200  
Glenwood Springs, CO 81602

**Aspen**  
0133 Prospector Road  
Suite 4102-J  
Aspen, CO 81611

**Basalt**  
200 Basalt Center  
Suite 200  
Basalt, CO 81621

**Ridgway**  
565 Sherman Street  
Suite 6  
Ridgway, CO 81432

**Page 2 of 2**

5. Open the hearing to the public for any testimony.
6. Deliberation and decision by the Council.

If the Council finds the violation did occur, then Council may:

1. Revoke Clark's Market's liquor license.
2. Suspend the liquor license. In enforcing a suspension Council has several options.
  - a. During a suspension period Clark's Market would be prohibited from selling any alcohol and posting at the establishment as to why.
  - b. A fine in lieu of suspension equal to the daily profit for each day of suspension is often used by the State Liquor Enforcement Division.
  - c. Hold the suspension in abeyance pending no further violations by Clark's Market.
  - d. A combination of the above.
3. The Council may also find they committed a violation but impose no penalty.

Attached are the following documents:

1. Resolution 2025-18
2. Notice of Hearing and Order to Show Cause
3. Renewal Application Signed May 6, 2025.
4. Stipulation, Agreement, and Order dated May 9, 2025.
5. Email communications between the Town Clerk and Clark's Market's legal counsel.
6. Notice of Hearing (Public)



## Staff Report

July 7, 2025

**To:** Mayor and Town Council

**Prepared By:** Astrid Matison, Chief Building Official and Josh Staab, Building Inspector

**Thru:** Mel Yemma, AICP, Community Development Director

**Subject:** Ordinance No.9, Series 2025: An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 18 of the Crested Butte Municipal Code.

### **Summary:**

This is the first reading to adopt the 2024 International Code Council (ICC) building codes, aligning with the Town's regular three-year update cycle. The proposed updates follow the 2024 ICC changes and introduce a new requirement for energy assessments for remodels, in line with the Climate Action Plan. Alternatives on eligible remodel permits to require energy assessments are further described in this staff report. The updated code would take effect on January 1, 2026.

### **Previous Council Action:**

- **August 2022:** Adopted 2021 ICC codes with above-code electrification and energy efficiency requirements.
- **July and September 2023:** Adopted the State of Colorado's Plumbing and Fuel Gas codes (July) and the National Electric Code (September) (on different timelines than the ICC codes)
- **March 2024:** Adopted the State's Colorado Model Electric Ready and Solar Ready Code (a requirement from the State of Colorado), adding stricter requirements for electric readiness, EV charging and solar readiness for all new construction for both residential and commercial projects, major remodels and additions.
- **July 2025:** Held a work session reviewing and discussing proposed changes with the update to 2024 ICC codes.

**Background:** Every three years (previously every six years), the Town adopts the ICC family of building codes to ensure public health, safety, and efficiency of construction practices within each jurisdiction.

The Town currently enforces the 2021 ICC family of building codes, with above code provisions to advance the Town's climate action goals. The Town's above code requirements (incorporating new requirements from the State's model electric and solar ready code) include:

Residential Construction	Commercial Construction
<p><b>New Construction</b></p> <ul style="list-style-type: none"> <li>• <b>Sprinklers:</b> Required for all shared-wall units (duplexes, triplexes, multifamily).</li> <li>• <b><a href="#">Zero Energy Ready Home (ZERH) Certification:</a></b> Required for all new residential units.</li> <li>• <b>EV Charging Readiness:</b> Must meet State EV infrastructure requirements.</li> <li>• <b>All-Electric Requirement:</b> Heating, hot water, and appliances must be electric.</li> <li>• <b>Solid Fuel Devices:</b> Require a HERS score of 30 or lower.</li> </ul> <p><b>Remodels</b></p> <ul style="list-style-type: none"> <li>• <b>Energy Assessment:</b> Optional for non-Level 3 remodels (subsidized by the Town).</li> <li>• <b>Solid Fuel Devices:</b> Require HERS score of 50 or lower.</li> <li>• <b>Level 3 Remodels (exceeds 50% of work area):</b></li> <li>• <i>Historic Structures:</i> Must meet energy code while preserving historic structures.</li> <li>• Require an energy assessment.</li> <li>• Must meet EV readiness, electric-ready, and solar-ready standards.</li> </ul>	<p><b>New Construction</b></p> <ul style="list-style-type: none"> <li>• <b>International Green Construction Code (IgCC) Provisions:</b> Requirements for water use, indoor air quality, site drainage, and onsite mixed-use recycling.</li> <li>• <b>Solar Installation:</b> Required for buildings 5,000 sq. ft. and larger; smaller buildings must be solar-ready per State Model Code.</li> <li>• <b>EV Charging Readiness:</b> Must meet State EV infrastructure requirements.</li> <li>• <b>All-Electric Requirement:</b> Applies to all systems except commercial kitchens.</li> </ul> <p><b>Remodels</b></p> <ul style="list-style-type: none"> <li>• <b>Level 3 Remodels (exceeds 50% of work area):</b></li> <li>• Must meet EV readiness, electric-ready, and solar-ready standards.</li> <li>• Major additions (exceeds 50% of the existing building area) must meet EV readiness, electric-ready, and solar ready provisions.</li> </ul>

### **Discussion:**

The Town is currently on a regular three-year update cycle for building codes, and on July 7, staff held a work session with Town Council to introduce the proposed updates for the 2024 ICC code adoption. During that discussion, some Council members expressed concern that newer code cycles could contribute to the rising cost of construction. While newer codes can add cost in certain situations, many other factors, such as labor constraints, material prices, design complexity, zoning requirements, and rising land values, also play a significant role.

To help address overall affordability, staff is launching updates to the Town's zoning code and design standards this fall and continues to explore and implement energy efficiency programs and rebate opportunities to help reduce costs for homeowners.

### **2024 Building Code Changes:**

Staff is recommending adoption of the 2024 International Code Council (ICC) codes, consistent with our regular update cycle, while maintaining the Town's current above-code requirements. The only proposed change is the addition of a requirement for energy assessments on remodels (outlined further in the next section), which supports data collection, owner and builder education, and consistent code enforcement before considering future changes. This attached ordinance includes the following changes:

### ***Key Changes from the 2021 to 2024 ICC Codes***

<b>Administration</b>	<ul style="list-style-type: none"> <li>Requires jurisdictions to retain permits, fees, plans, and inspection reports (already Town practice).</li> </ul>
<b>Safety</b>	<ul style="list-style-type: none"> <li>Prohibits solar panels below emergency escape and rescue windows.</li> </ul>
<b>Definitions</b>	<ul style="list-style-type: none"> <li>Introduces a new definition of a "sleeping unit." Requires the Town to define "significant addition" per the Colorado Model Electric and Solar Ready Code.</li> </ul>
<b>Energy Efficiency</b>	<ul style="list-style-type: none"> <li>Tighter window/skylight efficiency standards.</li> <li>Reduced roof insulation requirement from R-60 to R-49 (ZERH still requires R-60).</li> <li>Minimum efficiency for heat recovery systems.</li> <li>Limits electric resistance space heating to under 2 kW.</li> <li>Requires controls for outdoor heating, snowmelt, and heat trace systems.</li> <li>Adds efficiency standards for gas fireplaces (applicable to remodels)</li> <li>Efficiency and controls standards for lighting equipment.</li> <li>New energy efficiency minimum credits requirements for residential and commercial buildings.</li> <li>Tightens blower door test leakage rate from 3.0 to 2.5 ACH maximum.</li> <li>Requires make up air for clothes dryer ducts exhausting more than 200 cubic feet per minute.</li> <li>Efficiency requirements for ERV or HRV appliances</li> </ul>
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>Adds new accessibility requirements for existing building- alterations and additions shall not reduce accessibility to a structure, and accessible route to primary function shall include accessible bathrooms and drinking fountains serving the primary function. The cumulative costs of providing the accessible route, toilet facilities and drinking fountains are not required to exceed 20 percent of the costs of the <i>alterations</i> affecting the area of <i>primary function</i>.</li> <li>Updates braille and raised-letter signage standards.</li> </ul>

### ***Fire Code***

Town Staff proposes adopting the 2024 Fire Code while keeping the same local amendments used in previous years, particularly the requirement for fire sprinklers only in buildings with shared walls. Staff is currently reviewing the 2024 Fire Code in coordination with the Fire District and will present a more refined Fire Code section at the public hearing that considers the District's feedback.

### ***ZERH program changes***

- Simplified into a single compliance pathway (previously there were 3 options)
- Continues to require R-60 roof insulation (unchanged from the Town's current standards)

### ***Energy Assessments for Remodels***

The only additional above code provision staff recommends is to implement the 2025 Climate Action Plan recommendation to require residential remodel projects that take out a building permit



to undergo an energy assessment to collect data on the existing building stock within the town and provide property owners with information on potential energy efficiency upgrades.

The Town does not currently require or subsidize energy assessments for commercial buildings, due in part to limited infrastructure for referring owners to qualified commercial energy auditors. However, improving access to energy data for commercial buildings is a future priority, identified in the Climate Action Plan through a potential benchmarking program.

A building permit is required for most remodel projects that go beyond basic cosmetic updates. Cosmetic work such as painting, replacing flooring, or swapping out cabinet doors does not require a permit. However, if your remodel includes any demolition, framing, electrical, plumbing, mechanical work, or changes to insulation or windows, a permit is required. This is because the International Energy Conservation Code (IECC) applies to any repair, alteration, addition, or relocation that affects a building's systems or energy performance.

The IECC defines remodels in three levels of alteration. Level 1 Alterations involve replacing or covering existing materials, fixtures, or equipment with new versions that serve the same function, such as updating insulation or replacing a water heater. Level 2 Alterations include reconfiguring spaces, adding or removing doors and windows, extending systems like HVAC or lighting, or installing new equipment, as long as the work affects up to 50 percent of the building's area. Level 3 Alterations apply to larger remodels that affect more than 50 percent of the building. The more extensive the work, the more requirements you will need to meet for energy efficiency, ventilation, and safety.

The Town currently requires an assessment for Level 3 alterations but encourages and subsidizes it for Level 1 and 2, which costs \$500 per assessment. The Town can continue to budget for this support to minimize owner costs and the annual budget implication to date over the past three years is shown below. Since 2023, the Town has budgeted \$10,000 annually to subsidize these energy assessments.

When a property owner applies for an alteration building permit today, they are informed about the energy assessment program at the very beginning of the permit application process. If they express interest, they can enroll online via the Energy Smart Colorado energy assessment enrollment form and are then connected to a BPI certified home energy analyst administered by GV-HEAT. The analyst typically schedules the assessment within 2-6 weeks, and the results are usually delivered within 1-2 weeks after the visit. The analyst offers to sit down with the client to go over the recommendations listed in an energy report. A copy of the final report is shared with the client and also shared with the Town, where it is tracked through the Town's GIS system and used to enhance understanding of the building's energy profile. The energy analyst then bills the Town for the cost of the assessment.

The Town also works with GV-HEAT to administer the GreenDeed program, which includes energy assessments, upgrades, and rebate opportunities for deed restricted homes within Crested Butte. A comparison on the annual number of energy assessments conducted through the GreenDeed program over the past three is shown in the table below.

<b>Year</b>	<b>Number of Building Permit Related Assessments and Annual Cost</b> <i>(\$500 per assessment)</i>	<b>Comparison: Number of GreenDeed Related Assessments and Annual Cost</b> <i>(\$500 per assessment)</i>
2023	9 (\$4,500)	18 (\$19,000)

2024	19 (\$9,500)	18 (\$19,000)
2025 (to date)	0 (\$0)	6 (\$3,000)

Based on feedback from the Town Council on some concern of requiring assessments for all remodels, staff prepared the following alternatives for council consideration:

Alternative	Overview	Considerations
1 (included in the draft ordinance)	Require energy assessments for all remodels, but exempt projects limited to replacement of windows, doors, or roofs. Encourage and subsidize assessments for those projects instead.	Windows, doors, and roofs are typically replaced for maintenance or durability rather than layout or systems changes and the replacements will already need to meet certain efficiency criteria in the code. These projects may not benefit as much from a full energy assessment, and the scope of the work often doesn't allow for deeper upgrades. Exempting them reduces an added step of an assessment while still offering voluntary support through a free assessment.
2	Require assessments for all remodels, but continue to subsidize either 100% or 50% of the cost.	This approach maintains a simple and consistent requirement for all remodels, which helps set clear expectations for homeowners and ensures equitable treatment across project types. It also expands opportunities for the Town to collect valuable data on the existing building stock to inform future policies. By continuing to subsidize the cost, it supports energy efficiency without placing the financial burden solely on homeowners. Over the past three years, the Town has provided full subsidies for Level 1 and 2 remodels with an annual budget of approximately \$10,000. That funding level could be maintained to continue offering full subsidies or reduced to \$5,000 to cover half the cost per household.
3	Require assessments only for Level 2 and Level 3 alterations; exempt Level 1 remodels but continue to encourage and subsidize assessments for those projects.	Level 1 remodels involve replacing or covering existing materials or fixtures and may not benefit from a full energy assessment, especially when system or layout changes are not part of the project. However, certain Level 1 work, such as insulation or water heater replacement, can still benefit from guidance provided by an energy assessment. This approach prioritizes more impactful remodels for required assessments, while allowing Level 1 projects to opt in voluntarily with financial support.

### ***Solar Roof Setback and Solar Permitting Fees Questions***

Council raised a question at the July 7 work session regarding if the current ICC and fire code requirements on roof setbacks for solar panels is necessary. Staff is still researching this question with the Fire District and will return with more information during the second reading on August 18.

**Future Code Changes:** Later this year, staff will also evaluate the Town's solar permitting fees as part of the fee schedule adoption, which was also identified in the Climate Action Plan.

Looking ahead to 2026, there will be additional State-mandated code requirements for Town Council to consider, including:

- A Wildfire Resiliency Code
- A Colorado Model Single Stair Reform Code aimed at reducing multi-family construction costs

The State has not yet released the Wildfire Resiliency Code, but once it is published, the Town will have nine months to adopt it. Staff recommends incorporating further research of the wildfire resiliency requirements, particularly required materials, into the Town's Design Standards update, which will begin this fall, and then returning to Council in 2026 to formally amend the building code.

Although Crested Butte is currently exempt from adopting the single stair reform code due to its population size, staff recommends evaluating this model code as a potential affordability tool during the upcoming Zoning Code update and returning to Council for a future policy discussion.

**Climate Impact:** Regulating Crested Butte's building stock (both new construction and renovations) remains one of the Town's most effective strategies to reduce building energy related greenhouse gas (GHG) emissions, which account for approximately 93% of the Town's total emissions.

This building code update supports Crested Butte's ongoing climate goals by:

- Reducing new and future building emissions through energy efficiency and electrification
- Expanding the use of home energy assessments to collect valuable data on the existing building stock, to then support targeted incentives, rebates, and homeowner education to help reduce energy use and lower utility bills
- The Climate Action Plan also recommended that all vacation rentals be required to have an energy assessment. This requirement would be addressed through the licensing requirement, not the building code. Staff will be coming back to Council in the coming weeks with more information to consider on this proposal.

**Financial Impact:** There are no proposed changes to building permit fees at this time nor anticipated financial impacts to the Town. Later this year, the Town will evaluate its solar permitting fees as part of the fee schedule adoption, which was also a recommendation from the Climate Action Plan.

**Legal Review:** The Town Attorney has reviewed changes to align with the 2024 ICC codes and drafted the attached ordinance.

**Recommendation:** For a council member to make a motion, followed by a second, to set Ordinance 9, Series 2025 for public hearing on August 18, 2025.

## **ATTACHMENTS**

1. Ordinance No. 9, Series 2025: An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 18 of the Crested Butte Municipal Code.
2. Exhibit A: Chapter 18 – Building Regulations



## Staff Report

August 5, 2025

**To:** Mayor and Town Council

**Prepared By:** Rob Sweeney, Interim Finance and Administrative Services Director

**Thru:** Dara MacDonald, Town Manager

**Subject:** Resolution 19, Series 2025: Fund Balance Reserve Policy

### Summary:

The Town of Crested Butte (Town) has historically carried a fund balance reserve in its financials as a means to protect against future financial uncertainty. Staff seeks to formalize a Fund Balance Reserve Policy (Policy) to codify levels of Fund Balance Reserve (Reserve) for each of the Town's Funds as well as define when and how a Reserve may be used in time of need.

### Previous Council Action:

- Council established a goal in 2018 of maintaining operating reserves in the amount of 100% of annual operating expenses. The goal was established and maintained through the budget adoption process.
- February 10, April 7 and June 2, 2025: Fund Balance Reserves were discussed with Council at three, long-term financial planning work sessions. Council provided staff direction to recommend Reserve levels per Fund.

### Background:

The Town has generally required a Reserve equal to 100% of operations and maintenance expense for each Fund. The Reserve is to protect against unforeseen financial conditions, such as reduction in revenues and uncontrollable cost increases. Staff identified that the Town's current Reserve level is an outlier when compared to other communities as well as to government best practices. Additionally, staff identified that carrying too large of a Reserve may be at the expense of completing consequential capital projects or inflating a fee structure to ensure a specific Reserve level is met.

The Government Finance Officers Association (GFOA) recommends that governmental entities carry Reserves at the following levels: General Fund – 2 months of operations and maintenance; Enterprise Fund – 3 months of operations and maintenance. Staff surveyed seven local Colorado jurisdictions to determine their levels of Reserve. We found a range of 50% of budgeted revenue (Cherry Hills Village) to 17% of General Fund budget (Thornton). Comparative tourism-based, mountain communities of Pagosa Springs and Aspen have General Fund Reserves at 25% of expenses.

### Discussion:

Staff utilized GFOA recommendations, other community examples and our professional judgement related to establishing recommended Reserve levels for each of the Town's Funds. Considerations such as volatility of revenue streams, intended use/objective of the Fund and overall risk to a Fund's ability to maintain ongoing operations were used in establishing Reserve recommendations. The recommended Reserve levels are in addition to any statutory (e.g., TABOR), regulatory or contractual (e.g., creditor required) Reserves.

The draft Policy defines specific Reserve requirements by Fund, as summarized in Table 1 below:

***Table 1 – Fund Balance Reserve Recommendations by Fund***

<b>Fund</b>	<b>Fund Balance Reserve Metric/Calculation</b>
General	75% of the prior FY's operating expenses, including transfers
Capital	75% of the prior FY's operating expenses for Facilities Division, including transfers PLUS annual depreciation expense
Open Space	75% of the prior FY's operating expenses
Parks, Rec & Trails	75% of the prior FY's operating expenses
Conservation Trust / Transit and Mobility	No Fund Balance Reserve Requirement for either Fund
Streets and Alleys	25% of the prior FY's operating expenses
Affordable Housing	50% of the prior FY's operating expenses PLUS annual depreciation expense
Utility Enterprise	25% of the prior FY's operating expenses PLUS annual depreciation expense

The Reserve levels above allow for available Fund Balance to be used on capital acquisition/replacement or to allow the Fund Balance to grow to align with multi-year capital projects (e.g., Streets and Alleys projects). Staff will identify the required and Council-adopted Reserves separately during budget adoption. Staff will continue to monitor Reserve levels to determine if future changes are recommended to protect against negative financial conditions and to align with Council priorities.

**Financial Impact:**

The Policy has a positive impact to the Town's financial stewardship of public funds.

**Legal Review:**

The Town Attorney reviewed the draft Resolution and approved it as to form.

**Recommendation:**

Staff recommends approval of Resolution 19, Series 2025, Adopting the Fund Balance Reserve Policy.

**Attachments:**

Resolution 19, Series 2025  
Fund Balance Reserve Policy  
Fund Balance Reserve Policy Presentation





## Staff Report

August 5, 2025

**To:** Mayor and Town Council

**Prepared By:** Shea D Earley

**Thru:** Dara MacDonald

**Subject:** Ordinance No 7, Series 2025 – An Ordinance of the Crested Butte Town Council Approving the Repeal and Replacement of Chapter 13 Article 5

---

### Summary:

Ordinance No 7, Series 2025 would repeal and replace Chapter 13, Article 5 - Refuse and Sanitation System, of the Town Code. The primary purpose for this revision is to implement the Save As You Throw (SAYT) Program.

### Previous Council Action:

January 6, 2025 – Initial discussion of SAYT Program and curb side composting.

April 21, 2025 – Council Work Session to discuss the proposed SAYT Program.

April 21, 2025 – Council adopted the 2030 Climate Action Plan which includes an implementation action to “adopt a Save-As-You-Throw (SAYT) waste ordinance.”

### Background:

During the renewal process of the WM Municipal Refuse and Recycling Collection and Disposal Services Contract, Town Staff and WM saw an opportunity to more concertedly pursue the rollout of a “Save-as-You-Throw” (SAYT) waste program, which was noted in the previous contract but not seriously explored. Staff brought this concept forward to Town Council on January 6, 2025, to discuss whether Council had interest in rolling out a SAYT program and incorporating a stronger commitment to doing so in the contract with WM. At the April 21, 2025 Council Work session, Council reviewed more details about the program and affirmed their desire to implement a SAYT program.

The SAYT program, commonly referred to as “Pay as You Throw”, allows customers to choose a bin size based on the size of the household and the corresponding amount of trash produced. In addition, the SAYT program would continue to incorporate the existing recycling program. Pricing for the program varies with the size of the refuse container selected by a household, with pricing increasing significantly for the largest bin size. Coupled together, refuse and recycling programs facilitate waste diversion to the landfill and recycling centers, while incentivizing customers to choose a smaller bin by the introduction of a tiered rate system, based on bin size.

**Discussion:** Currently, all residential waste & recycling customers in Crested Butte pay a flat monthly rate of \$28.97 regardless of bin size. Along with trash service, customers also receive bi-weekly curbside recycling service. Currently, 74% of trash bins in Crested Butte are 96-gallon size. Peer communities who have implemented similar programs have reported roughly a 50% shift away from the largest bin size.

The approval of Ordinance No 6 would codify the following changes to the Town's Refuse Collection and Sanitation System:

1. Under a SAYT program, customers would choose one of three bin sizes:
  - a. 32 gallon bin at \$24.62 (\$4.35 monthly reduction from current rates)
  - b. 64 gallon bin at \$27.23 (\$1.74 monthly reduction from current rates)
  - c. 96 gallon bin at \$40.56 (\$11.59 monthly increase from current rates)
2. Bin size can be chosen or changed on an annual basis in September, for a fee adopted by the Town Council (currently proposed at \$25).
3. Bin sizes can be changed if there is a change in account responsibility, at no charge.
4. Clarifying requirements to opt out of the Town's residential waste collection program to align with State statutes and refuse contract
  - a. Opt Out Requirements:
    - i. A single building consists of both residential and commercial uses and the entire building is owned by one (1) owner;
    - ii. A single or multiple building property consists of both residential and commercial uses owned by different owners within the same property in which the common elements, as such term is defined under the Colorado Common Interest Ownership Act, Section 38-33.3-101, et seq., C.R.S. (CCIOA), are owned and managed by a homeowners' or unit owners' association;
    - iii. Four (4) or more dwelling units within the same building are owned by the same owner;
    - iv. Four (4) or more dwelling units are owned by different owners within a single or multiple building property in which the common elements, as such term is defined under the CCIOA, are owned and managed by a homeowners' or unit owners' association.
  - b. Properties will maintain their current status, meaning properties that have opted out will continue to not receive trash service from the Town.
5. Removal of the reduced collection rate for income qualified individuals.
  - a. Currently, the reduced collection rate is only being applied to one account.
  - b. Already have a 50% discount on the base rate for water and sewer service.
6. Service charges shall be due on or before the 20<sup>th</sup> of each month which aligns with current practice.
7. Customers would continue to receive bi-weekly recycling pick up.

### **Climate Impact:**

The development of the SAYT program stems from the 2019 Climate Action Plan (CAP) directive to “explore options with Waste Management (WM) for increased waste diversion from landfills”

and the 2030 CAP's recommended action to "Adopt a Save-as-you-Throw waste ordinance". WM reported an 24% average recycling rate for 2024, and participation in the residential drop off program remains at about 50 participants, on average. A SAYT program paired with free recycling and possibly a compost program will motivate community members to increase recycling rates and compost program participation to divert organic waste away from the landfill, reducing methane. Waste emissions represent approximately 3% of the Town of Crested Butte's total 2022 GHG emissions. Changes in recycling rates, organic diversion rates, and their emissions impacts, will be tracked over time as this program is implemented.

### **Financial Impact:**

Proposed rate changes for weekly refuse collection:

Container	Price per month
96 gl (current)	\$28.97
32 gl (SAYT)	\$24.62
64 gl (SAYT)	\$27.23
96 gl (SAYT)	\$40.56

Monthly charges include bi-weekly curb side recycling pick up.

An updated fee schedule will be presented for Council consideration at the August 18<sup>th</sup> meeting, concurrent with 2<sup>nd</sup> reading of this ordinance, implementing these new fees. Once enrollment for various bin sizes has been affirmed and financial impacts understood, staff may bring additional fee changes forward for Council consideration as part of the 2026 budget adoption. Otherwise, fees will be adjusted annually as part of the contract with WM according to CPI and other commodity factors.

### **Legal Review:**

The Town Attorney has assisted staff with drafting and reviewing the proposed Ordinance.

### **Recommendation:**

Staff recommends that Town Council set for public hearing Ordinance No 7, Series 2025 repealing and replacing Chapter 13, Article 5: Refuse and Sanitation Systems

### **Proposed Motion:**

A Council member should make a "motion to set Ordinance No 7, Series 2025 for public hearing on August 18, 2025" followed by a second and roll call vote.