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Crested Butte picked up where they left off to start the fourth quarter as Wasinger, Murphy Smith and Bacani all scored in the opening two minutes to build a 45-36 lead. Telluride made one last push to climb back into the game, cutting the Titans' lead down to four with two minutes left, but Crested Butte remained composed. While foul trouble hampered the Titans somewhat, the Miners were forced to foul to stop the clock and Bacani kept knocking down free throws down the stretch to seal the 49-41 win. While Wasinger led the team with 19 points, Bacani was right there with him, scoring 17, including hitting 11 of 12 free throws in the game.

"Having Ethan at the free throw line gives us a big confidence boost," says Hamilton. "I think our defense turned the tide and our offense functioned well."

The two wins meant Crested Butte headed into the break 4-1 and full of confidence with plenty more to work on. "We didn't play great, clean basketball but we played with resilience," says Hamilton. "They've proven to be a competitive group that figures out how to win games and it's nice to come out

of those non-league early-season games with some confidence. We got some wins that we were able to take some lessons from as well."

Crested Butte has the next week off but will return to competition on January 10 when they head to Ridgway to face the Demons.



Legals

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—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 12
SERIES 2019

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL ELEMENTS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE BUILDING CODE BY THE ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL BUILDING CODE, CHAPTERS 1 THROUGH 35 AND

APPENDICES B, C, E, F, I, AND J; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL RESIDENTIAL CODE, CHAPTERS 1 THROUGH 24 AND CHAPTER 41 AND APPENDICES A THROUGH H, APPENDICES J THROUGH O AND APPENDICES Q THROUGH U; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL MECHANICAL CODE, CHAPTERS 1 THROUGH 15 AND APPENDICES A AND B; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE CHAPTERS 1 THROUGH 6 (COMMERCIAL AND RESIDENTIAL); ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL FUEL GAS CODE, CHAPTERS 1 THROUGH 8 AND APPENDICES A THROUGH D;; ADOPTION

BY REFERENCE OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; CHAPTERS 1 THROUGH 8; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL EXISTING BUILDINGS CODE; CHAPTERS 1 THROUGH 15, AND APPENDIX CHAPTER A, AND CHAPTERS A1 THROUGH A5, AND APPENDICES A AND B AND RESOURCE CHAPTER A; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL FIRE CODE CHAPTERS 1 THROUGH 80 AND APPENDICES A THROUGH C AND APPENDICES E THROUGH G; ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 2, SERIES

2015, OF THE TOWN OF MT. CRESTED BUTTE, COLORADO AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH. INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held this 17th day of December 2019. Second reading is scheduled for January 21, 2020. Full copies of this ordinance are available at the Mt. Crested Butte Town Hall, 911 Gothic Road, Mt. Crested Butte, CO 81225.

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—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 13
SERIES 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ADDING ARTICLE VI. SHORT-TERM RENTAL TAX TO CHAPTER 19 TAXATION, OF THE TOWN OF MT. CRESTED BUTTE CODE WHEREAS, the Town of Mt. Crested Butte, is a Colorado home-rule municipality organized and acting under Article XX off the Colorado Constitution and the Town of Mt. Crested Butte, Colorado home-rule Charter; and WHEREAS, at an election held on November 5, 2019, a majority of those voting approved the following ballot question approving the levy of an excise tax of not more than 2.9% on the amount charged on the price of short-term rental properties for the purpose of raising funds to support the creation and retention of workforce housing: SHALL TOWN OF MT. CRESTED BUTTE TAXES BE INCREASED NOT MORE THAN \$950,000 IN 2020 AND BY WHATEVER AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY AN EXCISE TAX OF NOT MORE THAN 2.9% ON THE AMOUNT CHARGED TO PERSONS RENTING SHORT TERM RENTAL PROPERTIES (DEFINED AS RENTALS FOR LESS THAN 30 DAYS) FOR THE PURPOSE OF RAISING FUNDS TO SUPPORT THE CREATION AND RETENTION OF WORKFORCE HOUSING, INCLUDING BUT NOT LIMITED TO FUNDING NECESSARY INFRASTRUCTURE, MAINTAINING DEED RESTRICTED UNITS, PROVIDING FINANCIAL ASSISTANCE TO TOWN EMPLOYEES SEEKING HOUSING, PARTNERING WITH OTHER ENTITIES FOR THE PURPOSE OF CONSTRUCTING NEW WORKFORCE HOUSING PROJECTS, AND PAYING THE ADMINISTRATIVE COSTS RELATED TO SUCH EFFORTS, WITH THE RATE OF TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 2.9%; AND SHALL ALL AMOUNTS RECEIVED BY THE TOWN FROM SUCH TAXES AND OTHER REVENUES AND EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?; and WHEREAS, it is necessary to amend Chapter 19, Taxation, of the Town Code to implement the short-term rental tax by the addition of a new Article VI. Short-Term Rental Tax. NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AS FOLLOWS:

Section 1. Chapter 19, Taxation, is hereby amended by the addition of Article VI. Short-Term Rental Tax, as follows:
Article VI. SHORT-TERM RENTAL TAX
Section 19-150 Purpose.
The purpose of this Article is to impose an excise tax known as a Short-Term Rental Tax on short-term rental properties as such are defined in Section 11-1 of the Town Code, the proceeds of which shall be collected, and retained by the Town for the purpose of raising funds to support the creation and retention of workforce housing, including but not limited to funding necessary infrastructure, maintaining deed restricted units, providing financial assistance to town employees seeking housing, partnering with other entities for the purpose of constructing new workforce housing projects, and paying the administrative costs related to such efforts.
Section 19-151 Effective Date.
This Article shall be effective commencing January 1, 2020, and shall apply to all Short-Term Rentals as such are defined in Section 11-1 of the Town Code.
Section 19-152 Rate, Imposition, Collection, and Distribution of Short-Term Rental Tax.
a) There is hereby levied by the Town an excise tax of a maximum rate of 2.9% on the price charged to any person for a Short-Term Rental, which rate shall be reviewed and set annually during the budget approval process.
b) An owner or representative of the owner shall collect the tax and remit it to the Town pursuant to this Article.
c) The Town shall credit the proceeds of the Short-Term Rental tax in the Housing Fund to be used for the purposes identified in Section 19-150.
Section 19-153 Short-Term Rental Tax Remittance Schedule.
The Short-Term Rental tax imposed under this Article shall be computed and collected in accordance with applicable schedules, systems and regulations approved by the Town's Finance Director. Short-Term Rental tax shall be reported and paid in combination with sales tax returns.
Section 19-154 Transactions, items and services subject to Short-Term Rental tax.
The Short-Term Rental tax shall apply to the price charged to any person(s) for use of a Short-Term Rental.
Section 19-155 Exemptions from Short-Term Rental excise tax.
The tax levied by Section 19-152 above shall not apply to the following:
(a) All Short-Term Rentals to charitable

organizations in the conduct of their regular charitable functions and activities, when billed to and paid for by the charitable organization.
(b) All Short-Term Rentals to the federal government, the State or their departments or institutions, and the political subdivisions thereof in their governmental capacities only, when billed to and paid for by the governmental entity.
(c) All Short-Term Rentals which the Town is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State.
Section 19-156 Exemption; burden of proof.
The burden of proving that a Short-Term Rental is exempt from the Short-Term Rental tax shall be on the purchaser under such reasonable requirements of proof as the Town Manager or the Finance Director may prescribe.
Section 19-157 Credit sales.
If an owner transfers, sells, assigns or otherwise disposes of an account receivable, then he or she shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the Short-Term Rental tax on the balance of the total rental price not previously reported, except that such transfer, sale, assignment or other disposition of an account receivable by an owner to a closely held subsidiary shall not be deemed to require the owner to pay the tax Short-Term Rental on the credit sale represented by the account transferred prior to the time that the customer makes payment on said account.
Section 19-158 Acquisition, inception or cessation of a Short-Term Rental property.
a) Any person who owns a Short-Term Rental property who sells such property shall file a final return. The reporting period shall end on the date of the transfer of ownership of the business in question.
b) Any person who purchases an existing Short-Term Rental property shall be responsible for determining whether there is any tax due from that property and shall withhold from the initial purchase payment an amount sufficient to cover all such tax due, unless the former owner produces a receipt from the Town showing that all tax due has been paid or a certificate from the Town indicating that there is no tax due.
Any amount so withheld shall be paid to the Town within ten (10) days of the date of the sale of the property. Any purchaser who fails to withhold such tax due, or fails to pay to the Town the amount so withheld within the ten-day period shall, as well as the seller, be liable for any tax due.
c) Every person who owns Short-Term Rental

property in the Town who ceases using such property for Short-Term Rental purposes shall file a final return. The reporting period of such return shall end on the last day of renting property for Short-Term Rental purposes.
Section 19-159 Owner responsible for collection and payment of tax.
Every owner engaged in the Short-Term Rental business in the Town shall be liable and responsible for collecting and paying to the Town an amount equivalent to the amount charged to any person for a Short-Term Rental multiplied by the Short-Term Rental tax rate established by Section 19-152 of this Code.
(1) Owners shall add the tax imposed, or the average equivalent thereof, to the price, showing such tax as a separate and distinct item. Except as provided in this Subsection, no owner shall advertise, hold out or state to the public or to any consumer, either directly or indirectly, that the Short-Term Rental tax or any part thereof shall be assumed or absorbed by the owner, that it will not be added to the price or, if added, that it or any part thereof shall be refunded.
(2) Any tax added to the price by an owner shall constitute a debt from the purchaser to the owner until paid, and shall be recoverable at law in the same manner as other debts.
(3) No owner shall retain any Short-Term Rental tax collected in excess of the tax computed, but shall report such excess collections on the return for the period in which it was collected, and include it in the calculation of tax due.
(4) When a dispute arises between an owner and a purchaser who claims that the rental is exempt from the tax, the owner shall collect, and the purchaser shall pay, such tax. The purchaser may submit a claim for refund to the Town within sixty (60) days of the date of rental. Any such tax refunded by the Town will be paid directly to the purchaser.
Section 19-160 Trust status of tax in possession of owner.
All Short-Term Rental tax collected by any owner shall be the property of the Town and remain public money in the hands of such owner, who shall hold the same in trust for the sole use and benefit of the Town until paid to the Town.
Section 19-161 Filing returns; due date.
(a) Every owner shall file a return, whether or not a tax is due, and remit any tax due to the Town on or before the twentieth day of the month following the reporting period. Failure to receive a return does not relieve an owner of the legal responsibility for filing a return on or before the due date.

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(b) An owner engaged in business in the Town at two (2) or more locations who collects Short-Term Rental tax, may file one (1) return for all such locations when accompanied by a supplemental schedule showing the gross sales and net taxable sales for each location.

(c) No person shall make any false statement in connection with a return.

Section 19-162 Reporting periods.

(a) Unless otherwise approved by the Town, owners must file returns and pay taxes as follows:

1. Upon approval of the Finance Director, a taxpayer whose monthly tax is less than \$15 may file returns and pay tax annually, quarterly, or monthly.

2. Upon approval of the Finance Director, a taxpayer whose monthly tax is more than \$15 but less than \$300 may file returns and pay tax quarterly, or monthly.

3. A taxpayer whose monthly tax due is \$300 or more shall file returns and pay tax monthly.

For the purpose of the timing of the filing of returns, the amounts considered in Paragraphs (1) through (4) above must be consistent for a period of three (3) consecutive months to be approved for any schedule other than reporting monthly.

(b) The reporting period for a final return shall end on the date of the transfer of ownership or cessation of renting the property for Short-Term Rental purposes.

(c) If any owner who has been granted permission to file returns and pay tax on other than a monthly basis becomes delinquent, authorization for such alternate method of reporting may be revoked by the Finance Director. Immediately following notice of such revocation, the owner shall file returns and pay tax on a monthly basis as if the alternate method of reporting and paying the tax had never been granted.

Section 19-163 Duty to keep books and records.

(a) Every owner shall keep and preserve for at least three (3) years after the date of the taxable transaction suitable records which allow the accurate determination of the tax due.

(b) Every owner shall provide all such records for audit by the Town during normal business hours.

Section 19-164 Authority of finance director.

The administration of this Article is hereby vested in the Finance Director, except where otherwise noted.

(1) The Finance Director shall prescribe forms and administrative procedures for the ascertainment, assessment and collection of tax.

(2) The Finance Director may formulate and promulgate, after hearing, appropriate and additional regulations to effectuate the purpose of this Article.

(3) The Finance Director may require any person to make additional returns, render statements, furnish records or make informational reports to determine whether or not such person is liable for payment or collection of the tax.

(4) The Finance Director may issue a subpoena to command a person to attend and give testimony, or to produce books, records or accounts.

a. Any subpoenas issued under the terms of this Article shall be served as set forth in the Colorado Rules of Civil Procedure, including payment of witness fees. When the witness is subpoenaed at the insistence of the Town, such fees shall be paid by the Town. When a witness is subpoenaed at the insistence of the owner, the Finance Director may require that the cost of the service of the subpoena and the fee be paid by the owner. In the discretion of the Finance Director, a deposit to cover the cost of the subpoena and witness fees may be required.

b. If a subpoena issued by the Finance Director is duly served and the respondent fails to attend, give testimony or produce books, accounts or records as commanded, the Finance Director may request the Town Attorney to file a motion with the Municipal Court for an order enforcing the subpoena.

(5) The Finance Director is authorized to administer oaths and take testimony at the hearing.

(6) The Finance Director may designate agents to assist in the performance of the duties and responsibilities set forth in this Article.

(7) The Finance Director may accept any partial payment made and apply such payment toward the tax due. Deposit of such payment shall not in any way imply that the remaining balance is or has been abated.

(8) Notices required by this Article shall be in writing and delivered in person by the Finance Director or an agent, sent postage paid by certified mail to the last known address of the owner, or served in person by an officer of the Town's Police Department.

Section 19-165 Audit of record.

(a) For the purpose of ascertaining the correct amount of tax due from any owner in the Town, the Finance Director may authorize an agent to conduct an audit by examining any relevant books, records and accounts of such person.

(b) All books, accounts and records shall be available at any time during regular business hours for examination by an authorized agent of the Finance Director. If any owner refuses to voluntarily furnish any of the foregoing information when requested by the Finance Director or an authorized agent, the Finance Director may

issue a subpoena to require that the owner or his or her representative attend a hearing or produce any such books, accounts or records for examination.

(c) Any tax deficiency or overpayment ascertained through audit shall be computed by one (1) or more of the following methods as the Finance Director deems appropriate:

(1) By comparing the tax reported and paid on returns to the actual tax due.

(2) By identifying transactions on which the tax was not properly or accurately collected or paid.

(3) By identifying other irregularities in the calculation of tax due.

(4) Any organization claiming exemption under the provisions of this Article is subject to audit in the same manner as an owner.

Section 19-166 Tax information confidential.

(a) All specific information gained under the provisions of this Article which is used to determine the tax due from an owner, whether furnished by the owner or obtained through an audit, shall be treated by the Town and its officers, employees or legal representatives as confidential.

(b) Except as directed by judicial order or as provided in this Section, no Town officer, employee or legal representative shall divulge any confidential information. Nothing contained in this Section shall be construed to prohibit the delivery to an owner or his or her duly authorized representative of a copy of such confidential information relating to such owner, the publication of statistics so classified as to prevent the identification of particular owners, or the inspection of such confidential information by an officer, employee or legal representative of the Town.

(c) If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information that is directly involved in the action or proceeding.

Section 19-167 Overpayment from returns.

(a) If the amount remitted with the return is more than the tax due as computed from information in such return, the owner shall be notified.

(b) If the overpayment is at least fifteen dollars (\$15.00), a notice of overpayment will be issued. After examining such notice, the owner may

either submit a claim for a refund or report the correct tax due by filing an amended return. No refund of such overpayment shall be paid unless a signed claim for a refund is submitted on or before the thirtieth day after the date of notice of overpayment.

(c) If the overpayment is less than fifteen dollars (\$15.00), it shall be credited to the tax due for the next reporting period.

Section 19-168 Tax overpayment determined through audit.

If the Town ascertains through audit of an owner's records that the tax due is less than the full amount paid, a notice of overpayment shall be issued. Such notice will serve as documentation for a claim of refund if such claim is signed and submitted by the owner within thirty (30) days of the date of the notice of overpayment.

Section 19-169 Refunds of disputed tax.

Refunds of tax paid to an owner by a purchaser who claims that the sale is exempt from the tax may be requested by such purchaser by signing and submitting a claim for refund on or before sixty (60) days from the date of such purchase.

Section 19-170 Claim for refund.

(a) No tax overpayment, except as provided in Subsection 19-167(b), shall be refunded unless a claim for refund is signed and submitted to the Town by the owner.

(b) An application for refund of tax shall:

(1) Be made on a claim for refund form furnished by the Town.

(2) Be signed by the owner.

(3) Include adequate documentation of the claim.

(c) The Finance Director shall examine the claim for refund and give written notice to the owner of the amount to be refunded or denied.

(d) Refunds are not assignable. The right of any person to obtain a refund pursuant to this Article shall not be assignable.

(e) No person shall make any false statement in connection with a claim for refund.

Section 19-171 Intercity claims for recovery.

(a) The intent of this Section is to streamline and standardize the procedures related to situations where tax has been remitted to the incorrect government. It is not intended to reduce or eliminate the responsibilities of the owner to correctly pay, collect and remit Short-Term Rental taxes to the Town.

(b) As used herein, claim for recovery means a claim for reimbursement of Short-Term Rental taxes paid to the wrong jurisdiction.

(c) When it is determined by the Finance Director that Short-Term Rental tax owed to the Town has been reported and paid to another municipality or jurisdiction, the Town shall promptly notify the owner that taxes are being improperly collected and remitted and that, as of the date of the notice, the owner must cease improper tax collections and remittances.

(d) The Town may make a written claim for recovery directly to the municipality or jurisdiction that received the tax and/or penalty and interest owed to the Town or, in the alternative, may institute procedures for the collection of the tax from the owner. The decision to make a claim for recovery lies in the sole discretion of the Town. Any claim for recovery shall include a properly

executed release of claim from the owner and/or owner releasing its claim to the taxes paid to the wrong municipality or jurisdiction, evidence to substantiate the claim and a request that the municipality or jurisdiction approve or deny, in whole or in part, the claim within ninety (90) days of its receipt. The municipality or jurisdiction to which the Town submits a claim for recovery may, for good cause, request an extension of time to investigate the claim. The approval of such extension by the Town shall not unreasonably be withheld.

(e) Within ninety (90) days after receipt of a claim of recovery, the municipality or jurisdiction receiving taxes in error shall verify to its satisfaction whether or not all or a portion of the tax claimed was improperly received, and shall notify the municipality submitting the claim in writing that the claim is either approved or denied, in whole or in part, including the reasons for the decision. If the claim is approved in whole or in part, the municipality or jurisdiction receiving taxes in error shall remit the undisputed amount to the municipality submitting the claim within thirty (30) days of the approval. If a claim is submitted jointly by a municipality and an owner or owner, the check shall be made to the parties jointly. Denial of a claim for recovery may only be made for good cause.

(f) A municipality or jurisdiction claimed to be receiving taxes in error may deny a claim for recovery on the grounds that it has previously paid a claim for recovery arising out of an audit of the same owner.

(g) The period subject to a claim for recovery shall be limited to the thirty-six month period prior to the date the municipality or jurisdiction that was wrongly paid the tax receives the claim for recovery.

Section 19-172 Underpayments from returns.

(a) If the amount remitted with a return is less than the tax computed from information in such return, the owner shall be notified.

(b) If the underpayment is at least fifteen dollars (\$15.00), a notice of assessment shall be issued.

(c) If the underpayment is less than fifteen dollars (\$15.00), it shall be added to the tax due for the next reporting period.

Section 19-173 Tax deficiencies from failure to file.

(a) If any owner neglects or refuses to obtain a Short-Term Rental License, the amount of tax due shall be estimated based upon such information as may be available, and a notice of assessment shall be issued.

(b) If any owner neglects or refuses to file a return by the date due, the tax due shall be estimated based on such information as may be available, and a notice of assessment shall be issued.

(c) Estimated tax due shall be adjusted if a return reporting actual tax due is filed on or before the payment date of the notice of assessment.

Section 19-174 Tax deficiencies determined through audit.

If the Town determines through an audit of the owner's records that the tax due has not been fully reported or paid by the applicable due date, a notice of assessment shall be issued.

Section 19-175 Penalties.

A penalty shall be levied for any tax deficiency.

(1) For transactions consummated after the effective date of the initial ordinance codified herein, the penalty for late payment shall be fifteen dollars (\$15.00) or ten (10) percent of the tax deficiency, whichever is greater. Additionally, one-half (0.5) percent of the tax deficiency per month from the date when due, not exceeding eighteen (18) percent in the aggregate, shall be assessed.

(2) If any tax deficiency is due to fraud or intent to evade the tax, the penalty shall be one hundred (100) percent of the total tax deficiency.

(3) Any penalty assessed under this Section may be abated by the Finance Director, with the approval of the Town Manager, if the owner submits a written request for such abatement on or before the payment date of the applicable notice of assessment, and if the Finance Director and the Town Manager find good cause therefor.

Section 19-176 Interest.

(a) Interest shall be levied on any tax deficiency.

(b) Interest shall be calculated for each month or portion of a month from the due date that a tax deficiency remains unpaid. For transactions consummated after the effective date of the initial ordinance codified herein, the monthly interest rate determined by the Commissioner of Banking pursuant to Section 39-21-110.5, C.R.S.

(c) When a timely protest is made to a notice of assessment, no additional interest shall be assessed on any tax upheld by the Finance Director for the period between the due date of such assessment and the payment date established in an informal meeting, or thirty (30) days after the date of a finding of fact, conclusion or decision issued after a hearing.

(d) Interest properly assessed on any tax deficiency shall not be abated.

Section 19-177 Notice of assessment.

(a) The Finance Director or specifically authorized agent shall issue a notice of assessment for any tax deficiency, penalties or interest due.

(b) Notices of assessment shall be in writing and delivered in person or sent postage paid by first class mail, to the last known address of the owner.

(c) The payment due date for the tax due pursuant to a notice of assessment shall be twenty-one (21) days after the date of the notice of assessment.

(d) The Finance Director, with the consent of the Town Manager, may abate a portion of any tax deficiency if good cause therefor exists.

Section 19-178 Protest of notice of assessment or denial of refund.

(a) Any notice of assessment may be protested by the owner to whom it is issued.

(1) A protest of a notice of assessment issued to an owner for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the notice of assessment. Any such protest shall identify the amount of tax disputed and the basis for the protest.

(2) When a timely protest is made, no further enforcement action will be instituted by the Town for the portion of the assessment being protested unless the owner fails to pursue the protest in a timely manner.

(b) Any denial of a claim for a refund may be protested by the owner who submitted the claim. A protest of a denial of a refund shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the denial of the refund, and shall identify the amount of the refund requested and the basis for the protest.

(c) Any timely protest entitles an owner to a hearing under the provision of this Article.

(1) If, in the opinion of the Finance Director, the issues involved in such protest are not a matter of interpretation or may be resolved administratively, the Finance Director may recommend an informal meeting with the owner to resolve the issues.

(2) Participation in such an informal meeting does not prevent either the owner or the Town from holding a formal hearing if the dispute cannot be resolved by such meeting.

Section 19-179 Hearings.

(a) The Town shall commence a hearing within ninety (90) days after the Town's receipt of the owner's written protest; except that the Town may extend such period if the delay is requested by the owner. The Finance Director shall notify the owner in writing of the time and place of such hearing.

(b) Every hearing shall be held within the Town and before the Finance Director.

(c) The owner may assert any facts, make any arguments and file any briefs and affidavits which, in the opinion of the owner, are pertinent to the protest. The filing of briefs shall not be required.

(d) Based on the evidence presented at the hearing, the Finance Director shall issue a finding of fact, conclusions and decision which may modify or abate in full the tax, penalties and/or interest protested at the hearing, approve a refund or uphold the assessment.

(e) After such hearing, the owner shall not be entitled to a second hearing on the same notice of assessment or denial of refund.

(f) Unless the decision of the Finance Director is appealed as provided in this Article, the remaining tax due, if any, shall be paid on or before thirty (30) days after the date of the finding of fact, conclusions and decision.

Section 19-180 Appeals.

(a) Subsequent to a hearing, the owner may appeal the decision of the Finance Director in District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(b) Upon appeal to the District Court, the owner shall either file with the Finance Director a bond for twice the unpaid amount or deposit the unpaid amount with the Finance Director.

(c) An appeal of a final decision of the Finance Director in a hearing held pursuant to Section 19-179 above shall be commenced within thirty (30) days of such decision.

Section 19-181 Lien for tax due.

(a) If any tax due is not paid by the payment date of a notice of assessment, the Finance Director may issue a notice of lien on the real and personal property of the owner. Such lien shall specify the name of the owner, the tax due, the date of accrual thereof and the location of the property, and shall be certified by the Finance Director.

(b) The notice of lien shall be filed in the office of the clerk and recorder of any county in the State in which the real and personal property of the owner is located. Such filing shall create a lien on such property in that county and constitute a notice thereof.

(c) The attachment and priority of such lien shall be as follows:

(1) Such lien shall be a first and prior lien upon the goods and business fixtures owned or used by any owner, including those under lease, installment sale or other contract agreement, and shall take precedence on all such property over all other liens or claims of whatsoever kind or nature.

(2) Such lien on the real and tangible personal property of the owner that is not goods, stock in trade and business fixtures shall be a first and prior lien except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights have attached and been perfected prior to the filing of the notice of lien.

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(3) The personal property of an owner who has made a bona fide lease to a third party shall be exempt from the lien created in this Subsection if such property can reasonably be identified from the lease description and if the lessee is given no right to become the owner of the property leased. This exemption shall be effective from the date of the execution of the lease if the lease is recorded with the clerk and recorder of the county where the property is located or based.

(4) Motor vehicles which are property registered in this State, showing the lessor as owner thereof, shall be exempt from such lien except that such lien shall apply to the extent that the lessee has earned reserve, allowance for depreciation not to exceed the fair market value, or similar interest which is or may be credited to the lease.

(5) Where a lessor and lessee are blood relatives or relatives by law or have twenty-five (25) percent or more common ownership, a lease between such lessee and such lessor shall not be considered as bona fide for purposes of this Section.

(d) If a notice of lien is filed against any real property, the Finance Director may direct the Town Attorney to file a civil action to enforce such lien. The court may determine the interest in the property of each party, decree a sale of the real property and distribute the proceeds according to such findings. Procedure for the action and the manner of sale, the period for and manner of redemption from the sale and the execution of deed of conveyance shall be in accordance with the law and practice relating to foreclosures of mortgages upon real property. In any such action, the court may appoint a receiver of the real property involved in such action if equity so requires.

Section 19-182 Performance of lien.

(a) Any lien for tax due shall continue until a release of lien is filed by the Finance Director.

(b) Any person who purchases or repossesses real or personal property upon which a lien has been filed by the Finance Director for tax due shall be liable for the payment of such tax due up to the value of the property taken or acquired.

Section 19-183 Release of lien.

Upon payment of the tax due or enforcement of the lien, the Finance Director shall file a release of the lien with the clerk and recorder of the county in which the lien was filed.

Section 19-184 Civil action to recover tax due.

(a) Any unpaid tax due shall constitute a debt of the owner to the Town, and the Finance Director may direct the Town Attorney to file a civil action to collect such taxes due.

(b) The return filed by an owner or the notice of assessment issued by the Finance Director shall be prima facie proof of the tax due.

(c) If a judgment is obtained by the Town, collection of the tax due may be made by attachment, garnishment or other means established by law. When attachment is sought, no bond shall be required of the Finance Director, nor shall any sheriff require of the Finance Director an indemnity bond for executing the writ of attachment or writ of execution upon any judgment.

Section 19-185 Jeopardy assessment.

(a) If the collection of any tax due from an owner, whether or not previously assessed, will be jeopardized by delay, the Town Manager may declare the taxable period immediately terminated, require the Finance Director to determine the tax and issue a jeopardy assessment and demand payment. Any tax so assessed shall be due and payable immediately.

(b) Enforcement of a jeopardy assessment and demand for payment may be stayed if the owner gives security for payment which is satisfactory to the Town Manager.

(c) If, in the opinion of the owner, the jeopardy

assessment is not for the correct amount of the tax due, the owner shall pay the tax due as assessed and submit a claim for refund to the Town.

Section 19-186 Distraint and sale.

(a) Unless such property is exempt by state statute from distraint and sale, the Town Manager may sign and issue a warrant directed to any employee or agent of the Town, or any sheriff of any county in the State, commanding the distraint and sale of personal property of the owner on which a lien has attached for payment of the tax due.

(1) Such warrant may be issued if such tax due is not paid on or before twenty-one (21) days from the payment date of a notice of assessment and no protest of such assessment has been timely filed.

(2) Such warrant may be issued immediately if a jeopardy assessment and demand for payment have been issued.

(b) If the owner does not volunteer entry into the premises, the Town Manager may apply to the Municipal Court for a warrant authorizing any employee of the Town to search for and distraint property located within the Town to enforce the collection of the tax due.

(1) The Town Manager shall demonstrate to the Municipal Court that the premises to which entry is sought contains property that is subject to distraint and sale for tax due.

(2) If a jeopardy assessment and demand for payment have been issued, the Town Manager shall specify to the Municipal Court why collection of the tax will be jeopardized.

(3) The procedures to be followed in issuing and executing a warrant pursuant to this Subsection shall comply with Rule 241 of the Colorado Municipal Court Rules of Procedure.

(c) Disposal of distrainted property:

(1) A signed inventory of the property distrainted shall be made by the Town or its agent. Prior to the sale, the owner or possessor shall be served with a copy of said inventory, a notice of the sum of the tax due and related expenses incurred to date, and the time and place of sale.

(2) A notice of time and place of the sale, together with a description of the property to be sold, shall be published in a newspaper of general circulation within the county where distraint is made or, in lieu of thereof and in the discretion of the Finance Director, the notice shall be posted at the courthouse of the county where the distraint is made, and in at least two (2) other places of general public view within such county.

(3) The time fixed for the sale shall not be less than ten (10) days nor more than sixty (60) days from the date of distraint. The sale may be postponed by the Town or its agent for no more than ninety (90) days from the date originally fixed for the sale.

(4) The property shall be sold at public auction for not less than a fair minimum price and, if the amount bid for the property is less than the fair minimum price so fixed, the property may be declared to be purchased by the Town and the Town shall file a release of lien thereon. If the property is purchased by the Town, such property may be disposed of in the same manner as other Town property and the lien thereon shall be released.

(5) The property may be offered first by bulk bid, then subsequently for bid singularly or by lots, and the Town or its agent may accept the higher bid.

(6) The property offered for sale may be re-deemed if the owner, possessor or other person holding an unperfected chattel mortgage or other right of possession pays the tax due and all collection costs no less than twenty-four (24) hours before the sale.

(7) The Town or its agent shall issue to each purchaser a certificate of sale which shall be prima

facie evidence of its right to make the sale, and shall transfer to the purchaser all right, title and interest of the owner in and to the property sold.

a. When the property sold consists of certificates of stock, the certificate of sale shall be notice to any corporation, company or association to record the transfer on its books and records.

b. When the property sold consists of securities or other evidence of debt, the certificate of sale shall be good and valid evidence of title.

(8) Any surplus remaining after satisfaction of the tax due, plus any costs of making the distraint and advertising the sale, may be distributed by the Town, first to other jurisdictions which have filed liens or claims of Short-Term Rental or personal property ad valorem taxes, and second to the owner or other person having a legal right thereto.

(9) The Finance Director shall submit a written account of the sale to the Town Manager.

(d) Exempt property. Property of the owner subject to distraint shall include the personal property of the owner and the goods, stock in trade and business fixtures owned or used by any owner, including those used under lease, installment sale or other contract arrangement. Property exempt from distraint and sale shall include the personal property described Subsection 19-181(c) above.

(e) Return of property. The owner or any person who claims an ownership interest or right of possession in the distrainted property may petition the Town Manager, or the Municipal Court if the property was seized pursuant to warrant issued by the court, for return of the property.

(1) The grounds for return of the property shall be that the person has a perfected interest in such property which is superior to the Town's interest, or that the property is exempt from the Town's lien.

(2) The finder of fact shall receive evidence on any issue of fact necessary to the decision of the petition. If the finder of fact determines by a preponderance of the evidence in favor of the owner or other petitioner, the property shall be returned.

Section 19-187 Status of tax due in bankruptcy and receivership.

Whenever the business or property of any owner is subject to receivership, bankruptcy or assignment for the benefit of creditors, or distrainted for property taxes, all tax due shall be a prior and preferred lien against all the property of the owner. No sheriff, receiver, assignee or other officer shall sell the property of any such owner under process or order of the Finance Director for less than the amount of the tax due. The officer shall pay any tax due before making payment to any judgment, creditor or other claimant.

Section 19-188 Violations; summons and complaints; penalty.

(a) It shall be a violation of this Article to fail to perform any applicable affirmative duty specified in this Article, including but not limited to:

(1) The failure of any owner in the Town to obtain a Short-Term Rental License.

(2) The failure of any owner to file a timely return or to make timely payment of any tax due.

(3) The making of any false or fraudulent statement by any person in any return, claim for refund or hearing.

(4) The evasion of collection of any Short-Term Rental tax by any person, or the aiding or abetting of any other person in an attempt to evade the timely payment of tax due.

(b) The Finance Director may direct the issuance of a complaint and summons to appear before the Municipal Court to any person who may be in violation of this Article or of the rules and regulations promulgated by the Finance Director to enforce this Article.

(c) Violations of this Article shall be punished in accordance with the provisions of Section 1-14 of the Town Code, except that all remedies shall be

civil in nature.

Section 19-189 Statute of limitations.

Unless the limitation period has been extended as provided in this Section, the statute of limitations for provisions contained herein shall be as follows:

(1) Refunds.

a. Any claim for refund for disputed tax shall be submitted to the Town on or before sixty (60) days from the date of such purchase.

b. Any claim for refund resulting from a notice of overpayment shall be submitted to the Town on or before thirty (30) days after the date of such notice of overpayment.

c. Any other claim for refund shall be filed on or before three (3) years after the date such overpayment was paid to the Town.

(2) Assessments. No notice of assessment shall be issued more than three (3) years after the due date of such tax due.

(3) Liens. No notice of lien shall be issued more than three (3) years after the due date of the tax due. If the limitation period is extended, a notice of lien may be filed on or before thirty (30) days from the date of the notice of assessment issued for each extended period.

(4) Returns.

a. When an owner fails or refuses to file a return, the tax due may be assessed and collected at any time.

b. In the case of a false or fraudulent return filed with intent to evade tax, the tax due may be assessed, or proceedings for the collection of such tax due may be begun at any time.

(5) Protests. No protest of a notice of assessment or denial of a claim for refund shall be valid if submitted to the Finance Director in other than written form, or after the period allowed in this Article.

(6) Extension. The period of limitation may be extended before its expiration.

a. The owner and Finance Director may agree in writing to extend the period.

b. If the Town provides written notice to the owner prior to the expiration of the period of limitation that the latter's records will be audited pursuant to this Article, such period of limitation shall be extended for the audit period until thirty (30) days after the date of the notice of assessment or notice of overpayment issued as a result of such audit. Audit period is the thirty-six-month reporting period preceding the date of the notice of audit.

(7) Performance of an audit does not constitute a waiver or exemption from the statute of limitations, or preclude additional audits of the same period within the parameters of this Section.

Section 2. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 3rd day of December, 2019.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 17th day of December, 2019.

TOWN OF MT. CRESTED BUTTE, COLORADO
S:/ Janet R. Farmer
 By: Janet R. Farmer, Mayor
 ATTEST:
S:/ Tiffany O'Connell
 Tiffany O'Connell, Town Clerk

Published in the *Crested Butte News*. Issue of January 3, 2020. #010309

—AGENDA—
TOWN OF CRESTED BUTTE
REGULAR TOWN COUNCIL MEETING
MONDAY, JANUARY 6, 2020
COUNCIL CHAMBERS, CRESTED BUTTE TOWN HALL

<p><i>The times are approximate. The meeting may move faster or slower than expected.</i></p> <p>6:00 WORK SESSION 1) Empty House Tax Public Engagement Plan.</p> <p>7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM</p> <p>7:02 APPROVAL OF AGENDA</p> <p>7:04 CONSENT AGENDA 1) December 16, 2019 Regular Town Council Meeting Minutes. 2) Resolution No. 1, Series 2020 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items. 3) Alley Loop 2020 Nordic Marathon and Pub Ski Special Event Application from January 31, 2020 to February 1, 2020, Closing the 0, 100, and 200 Blocks of Elk Avenue Beginning on January 31, 2020; 1st Street,</p>	<p>from Whiterock Avenue to Maroon Avenue, and the West Side of 3rd Street, from Whiterock Avenue to Elk Avenue, Beginning on February 1, 2020 and Special Event Liquor Permit for February 1, 2020 at 2nd Street and Elk Avenue.</p> <p>4) Acceptance of Utility, Storm Water, Electric and Irrigation Infrastructure Easements Associated with the Phase 2 Kapushion Tracts Located in Block 2, Lots 17-32 and Block 11, Lots 1-16, Town of Crested Butte</p> <p>5) Resolution No. 2, Series 2020 - A Resolution of the Crested Butte Town Council Approving a Snow Removal Covenant for Block 76, Paradise Park between Bywater LLC and the Town of Crested Butte.</p> <p><i>The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have</i></p>	<p><i>any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.</i></p> <p>7:06 PUBLIC COMMENT Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.</p> <p>7:12 STAFF UPDATES</p> <p>7:20 PUBLIC HEARING 1) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts. 2) Ordinance No. 43, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Partial Release of the Town's Op-</p>	<p>tion to Repurchase Townhouse Units Constructed on Block 76, Lots 1-6 and Block 77, Lot 10, in the Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado. 7:40 3) Ordinance No. 44, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Agreement for Lot 8, Trapper's Crossing at Crested Butte, Gunnison County, Colorado. 7:50 NEW BUSINESS 1) Ordinance No. 1, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 815 Gothic Avenue to Mel Yemma. 7:55 2) Ordinance No. 2, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 817 Gothic Avenue to Jackson Morgan. 8:00 3) Ordinance No. 3, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 504 Maroon Avenue to the Gunnison County Library District.</p>
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8:10 4) Presentation by Kent Cowherd on Ideas for Affordable Housing.

8:30 LEGAL MATTERS

8:35 COUNCIL REPORTS AND COMMITTEE UPDATES

8:50 OTHER BUSINESS TO COME BEFORE THE COUNCIL

9:00 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Tuesday, January 14, 2020 - 6:00PM Planning Commission Meeting
- Tuesday, January 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 3, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, February 18, 2020 - 6:00PM Work Session - 7:00PM Regular Council

9:05 ADJOURNMENT

Published in the *Crested Butte News*. Issue of January 3, 2018. #010308

Legals

**—LEGAL NOTICE—
NOTICE OF PUBLIC HEARING
FOR THE MT. CRESTED BUTTE WATER & SANITATION DISTRICT WATER
TREATMENT PLANT EXPANSION PROJECT
JANUARY 14, 2019 ~ 5:00P.M.
MT. CRESTED BUTTE WATER & SANITATION DISTRICT OFFICE,
100 GOTHIC ROAD
MT. CRESTED BUTTE, COLORADO 81225
TOPIC: ENVIRONMENTAL ASSESSMENT, WATER TREATMENT PLANT
EXPANSION PROJECT**

A public hearing will be conducted for informing citizens and soliciting public input, written or oral, regarding the Environmental Assessment (EA) for the Mt. Crested Butte Water and Sanitation District Water Treatment Plant (WTP) Expansion Project. The District serves the Town of Mt. Crested Butte, Colorado with an existing WTP that was built in 1985 and has undergone only minor updates and repairs since construction. Installed equipment is approaching the end of its useful life and cannot reliably meet increasing water demands in the District. A Facility Assessment Report of the WTP, pump station, and pipeline was completed in 2017 followed by a Treatment Assessment Memorandum of the WTP in 2018. The Treatment Assessment Memorandum included an alternatives analysis for improving and expanding plant capacity utilizing the findings of the Facility Assessment Report. Based on

these evaluations, the District has elected to construct a new WTP, raw water pump station and pipeline. Included in the EA are details of the improvements, affected environmental impacts of the proposed project, and a summary of public participation and agencies contacted. Copies of the EA will be made available for public review prior to the Public Hearing at Mt. Crested Butte Water & Sanitation District Office, 100 Gothic Road, Mt. Crested Butte, Colorado 81225. The report will also be available for public review on the District's website www.mcbwsd.com. The point of contact for the Mt. Crested Butte Water and Sanitation District is Mike Fabbre, District Manager, (970) 349-7575. Dated 12/05/2019

Published in the *Crested Butte News*. Issues of December 6, 13, 20, 27, January 3 and 10, 2019. #120605

**—COVENANT AMENDMENT STEERING COMMITTEE (CASC)—
MEETING AGENDA
THURSDAY, JANUARY 9, 2020 ~ 5 - 7:30 P.M.
CB SOUTH POA OFFICE, 61 TEOCALLI ROAD**

- 5:00 PM** Call to order
- 5:05 PM** Review and adoption of Dec 5, 2019 meeting minutes; Confirm Feb 6, 2020 CASC meeting
- 5:10 PM** Finish review of new Article 7- Assessments: Purpose, Procedures and Processes, Non-Payment, specifically Sections 7.4, and 7.6-7.14
- 6:00 PM** Public Comment on Campers and RV's
- 7:30 PM** Adjourn

Published in the *Crested Butte News*. Issue of January 3, 2018. #010305

**CB SOUTH P.O.A. BOARD MEETING NOTICE & AGENDA
AMENDED
WEDNESDAY, JANUARY 8TH, 2020 ~ 6:00 P.M.
P.O.A. BOARD MEETING AGENDA
61 TEOCALLI ROAD (P.O.A. OFFICE, UPSTAIRS)**

Questions about this Agenda/Meeting can be directed to 349-1162 or info@cbsouth.net
This agenda can also be viewed online at www.cbsouth.net
6:00 PM Call to Order
6:05 PM Approval of Minutes from November 2019 P.O.A. Board Meeting
6:10 PM Monthly and Year End Financial Report for December and 2019
New and Continued Business
6:30 PM Scheduled Property Owner Comment Time
6:40 PM UPS Delivery Discussion
6:55 PM Review and Ratify 2020 Annual Budget and Capital Improvement Projects
7:20 PM Review Draft Agreement for Teocalli Pond Improvement

7:35 PM Manager's Report
Manager's Report
Identify February Board Meeting Agenda Items
Confirm February 12th, 2020 Board Meeting Date
8:00 PM Adjourn
ADA Accommodations: Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Association Manager prior to the day of the hearing.
Agenda Items: All times are estimates. Please allow for earlier discussion. Please show up at least 20 minutes prior to the listed times.

Published in the *Crested Butte News*. Issue of January 3, 2018. #010306

**—REGULAR TOWN COUNCIL MEETING—
JANUARY 7, 2020 ~ 6:00 P.M.
COUNCIL CHAMBERS
MT. CRESTED BUTTE, COLORADO
DRAFT AGENDA**

For the official agenda please go to www.mtcrestedbuttecolorado.us
4:30 P.M. WORK SESSION – North Village
CALL TO ORDER
ROLL CALL
PUBLIC COMMENT - Citizens may make comments on items **NOT** scheduled on the agenda. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date, if necessary. You must sign in with the Town Clerk before speaking. Comments are limited to three minutes.
MINUTES
• Approval of the December 17, 2019 Regular Town Council Meeting Minutes
REPORTS
• Town Manager's Report
• Town Council Report
• Excessive Drinking – Kari Comerford
CORRESPONDENCE
OLD BUSINESS
NEW BUSINESS
• Discussion of a Polling Place Election versus a Mail In Ballot Election – Joe Fitzpatrick and Tiffany O'Connell
• Discussion and Possible Consideration of the Professional Services Agreement, Visitor Information Center,

between the Town of Mt. Crested Butte and the Crested Butte/Mt. Crested Butte Chamber of Commerce – Ashley UpChurch
• Discussion and Possible Consideration of Resolution 1 Series 2020 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Setting the Fees Charged for the Inspection and Licensing of Short-Term Rental Units.
• Discussion and Possible Consideration of Resolution No. 2 Series 2020 – A Resolution of the Town Council of the Town of Mt. Crested Butte, Designating the Official Posting Place for Public Notice of Public Meetings of the Town of Mt. Crested Butte for the Year 2020.
OTHER BUSINESS
EXECUTIVE SESSION – Common Area F – C.R.S. 24-6-402(4)(e) - Negotiations
ADJOURN
If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.

Published in the *Crested Butte News*. Issue of January 3, 2018. #010310

—NOTICE OF FINAL SETTLEMENT MT. CRESTED BUTTE MAINTENANCE FACILITY – EIAF 8663—

Notice is hereby given that final settlement will be made on January 27, 2020 on the Mt. Crested Butte Maintenance Facility. Any persons, co-partnership, association of person, company or corporation that has furnished labor, materials, team hire, substance, provisions, or other supplies used or consumed by the contractor identi-

fied above or any subcontractor thereof in or about the performance of work contracted to be done or that has supplied rental machinery, tools, or equipment to the extent used in prosecution of work whose claim therefore has not been paid by the contractor or subcontractor may, in accord with Section 38-26-107(1) C.R.S., file with Gerald E.

Burgess, Project Engineer, SGM Inc. at 103 West Tomichi Ave. Suite A, Gunnison, CO 81230 or jerryb@sgm-inc.com on or before 5:00 p.m. of the final settlement date above.

Published in the *Crested Butte News*. Issues of January 3 and 10, 2020. #010301

**—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 11
SERIES 2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019

WHEREAS, by Ordinance No 8, Series 2018, appropriations for the year 2019 were made; and WHEREAS, additional appropriations may be made by ordinance as authorized under the Town of Mt. Crested Butte, Colorado's Home Rule Charter; and WHEREAS, since adoption of the 2019 Budget, receipt of additional revenues have been recognized and expenditures authorized therefrom; and WHEREAS, transfers of appropriated funds from one department to another may be made by resolution or ordinance as authorized under the Town of Mt. Crested Butte's Municipal Home Rule Charter.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AS FOLLOWS:

Section 1. Appropriations of Ordinance No. 8, Series 2018, is amended to reflect the budgeting and appropriation of aggregate 2019 expenditures to the respective Funds as follows:

<u>Capital Fund</u>	
Beginning Fund Balance	426,962.00
Revenues	4,150,847.00
Expenditures	3,215,282.00

Transfers In	1,172,000.00
Ending Fund Balance	2,534,491.00
<u>Housing Fund</u>	
Beginning Fund Balance	616,659.00
Revenues	42,270.00
Expenditures	130,321.00
Ending Fund Balance	528,080.00

Section 2. Amendment. This Ordinance shall constitute an amendment to the 2019 Budget adopted by Ordinance No. 8, Series 2018.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 19th day of November 2019.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 17th day of December, 2019.

TOWN OF MT. CRESTED BUTTE, COLORADO

S./ Janet R. Farmer

By: Janet R. Farmer, Mayor

ATTEST:

S./ Tiffany O'Connell

Tiffany O'Connell, Town Clerk

Published in the *Crested Butte News*. Issue of January 3, 2020. #010302

**—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 10
SERIES 2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF MT. CRESTED BUTTE, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2020 AND ENDING ON THE LAST DAY OF DECEMBER 2020

WHEREAS, the Town Council of the Town of Mt. Crested Butte, Colorado has appointed Joseph W. Fitzpatrick, Jr., Town Manager, to prepare and submit a proposed budget to said governing body at the proper time;

WHEREAS, Joseph W. Fitzpatrick, Jr., Town Manager, has submitted a proposed budget to this governing body on October 15, 2019 for its consideration; WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 19, 2019 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO:

Section 1. That estimated revenues and expenditures for each fund are as follows:

<u>GENERAL FUND</u>	
Beginning Fund Balance 1/01/20	1,624,268
Revenues	3,764,931
Expenditures	3,242,302
Transfer to Capital	598,000
Ending Fund Balance 12/31/20	1,548,897
<u>ADMISSIONS TAX</u>	
Beginning Fund Balance 1/01/20	523,965
Revenues	857,000
Expenditures	857,000
Ending Fund Balance 12/31/20	523,965
<u>CAPITAL PROJECTS FUND</u>	
Beginning Fund Balance 1/01/20	2,559,180
Revenues	547,000
Expenditures	3,295,000
Transfer in From General Fund	598,000
Transfer to Debt Service Fund	200,000
Ending Fund Balance 12/31/20	209,180
<u>DEBT SERVICE FUND</u>	
Beginning Fund Balance 1/01/20	711

Revenues	0
Expenditures	199,619
Transfer in From CPF	200,000
Ending Fund Balance 12/31/20	1,092
<u>EXACTION FEE CAPITAL FUND</u>	
Beginning Fund Balance 1/01/20	137,583
Revenues	6,573
Expenditures	144,156
Ending Fund Balance 12/31/20	0
<u>TRANSPORTATION FUND</u>	
Beginning Fund Balance 1/01/20	31,307
Revenues	537,750
Expenditures	548,241
Ending Fund Balance 12/31/20	20,816
<u>HOUSING FUND</u>	
Beginning Fund Balance 1/01/20	499,175
Revenues	962,837
Expenditures	1,005,153
Ending Fund Balance 12/31/20	456,859
<u>DDA FUND</u>	
Beginning Fund Balance 1/01/20	875,577
Revenues	1,107,043
Expenditures	1,341,333
Ending Fund Balance 12/31/20	641,287

Section 2. That the budget as submitted, amended and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Town of Mt. Crested Butte for the year stated above.

Section 3. That the budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Mt. Crested Butte, Colorado.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado held this 19th day of November 2019.

PASSED, ADOPTED AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado held the 17th day of December 2019.

TOWN OF MT. CRESTED BUTTE, COLORADO

S./ Janet R. Farmer

Janet R. Farmer, Mayor

ATTEST

S./ Tiffany O'Connell

Tiffany O'Connell, Town Clerk

Published in the *Crested Butte News*. Issue of January 3, 2020. #010303

**—NOTICE OF PUBLIC HEARING BEFORE THE—
TOWN COUNCIL
TOWN OF MT. CRESTED BUTTE, COLORADO**

Please take notice that the Mt. Crested Butte Town Council will hold a public hearing on Tuesday, January 21, 2020 at 6:00 p.m. in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado. The purpose of the hearing is for public input on a 5-year vested property right for the Nordic Inn Planned Unit Development. All interested persons are requested to

attend. Those who speak at the public hearing shall be allowed a maximum of 5 minutes to express their comments to the Town Council. Written comments are encouraged and should be received at the Town Offices, PO Box 5800, Mt. Crested Butte, CO 81225-5800 or by fax to (970) 349-6326, or by email at cvelado@mtcrestedbuttecolorado.us by 5:00pm Mountain Time, by Thursday, January 16, 2020.

Dated this 23rd day of December 2019.
/s/ Tiffany O'Connell
Town Clerk

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance of the meeting.

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