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

Town Council Values

- *Preserve our high quality of Life*
- *Resource Efficiency/ Environmental Stewardship*
- *Support a sustainable and healthy business climate*
- *Maintain a "real" community*
- *Fiscally Responsible*
- *Historic Core*

AGENDA
Town of Crested Butte
Regular Town Council Meeting
Tuesday, January 20, 2015
Council Chambers, Crested Butte Town Hall

6:00 WORK SESSION
Discussion Regarding the Town Council's Objectives and Priorities for 2015.

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

7:02 EXECUTIVE SESSION
To Discuss the Purchase, Acquisition, Lease, Transfer or Sale of Real Property under C.R.S. Section 24-6-402(4) (a).

7:40 APPROVAL OF AGENDA

7:42 CONSENT AGENDA
1) Approval of January 5, 2015 Regular Town Council Meeting Minutes.
2) Resolution No. 2, Series 2015 - Resolutions of the Crested Butte Town Council Approving the Final Plat of Red well Townhouses, Town of Crested Butte, State of Colorado.
3) Approval of Crested Butte Arts Festival Special Event Application and Special Event Liquor Permit on Elk Avenue for July 31 – August 2, 2015.
4) Authorization of Town Manager to Sign a Letter to the Forest Service Requesting Participating Agency Designation for the Town Relevant to the U.S. Energy Corp.'s Plan of Operations for its Proposed Mt. Emmons Hydrological Monitoring and Drilling Program.
5) Authorization of the Mayor to Execute an Engagement Letter with Bryan Cave LLP to Serve as Special Legal Counsel to the Town in Regards to the Possible Clean-up of the Old Town Landfill in Connection with the Proposed Slate River Addition Annexation Proposal.

7:45 PUBLIC COMMENT
Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.

7:55 STAFF UPDATES

8:10 NEW BUSINESS
1) Appointment of a Town Representative to the Selection Committee for the TA (Tourism Association) Board.

8:15 2) Resolution No. 3, Series 2015 - Resolutions of the Crested Butte Town Council Approving the Concept Annexation Request of Cypress Foothills, LP with Conditions thereon Pursuant to Section 15-1-50 of the Crested Butte Municipal Code.

8:30 LEGAL MATTERS

8:35 COUNCIL REPORTS AND COMMITTEE UPDATES

8:45 OTHER BUSINESS TO COME BEFORE THE COUNCIL

8:50 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, February 2, 2015 – 6:00PM Work Session – 7:000PM Regular Council
- *Tuesday*, February 17, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, March 2, 2015 – 6:00PM Work Session – 7:00PM Regular Council

9:00 ADJOURNMENT

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, January 5, 2015
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 6:01PM.

Council Members Present: Jim Schmidt, Glenn Michel, Roland Mason, Shaun Matusewicz, Skip Berkshire, and Chris Ladoulis

Staff Present: Town Manager Todd Crossett, Town Clerk Lynelle Stanford, and Town Attorney John Belkin

Town Planner Michael Yerman, Building and Zoning Director Bob Gillie, Public Works Director Rodney Due, and Chief Marshal Tom Martin (all for part of the meeting)

APPROVAL OF AGENDA

Schmidt moved and Mason seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." Except Ladoulis who was not yet present to vote. **Motion passed unanimously.**

CONSENT AGENDA

1) Resolution No. 1, Series 2015 – Resolutions 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.

2) Resolution No. 2, Series 2015 - Resolutions of the Crested Butte Town Council Approving the Final Plat of Redwell Townhouses, Town of Crested Butte, State of Colorado.

3) Approval of the Town Council Boards and Committees.

4) Approval of December 15, 2014 Regular Town Council Meeting Minutes.

5) Approval of the 29th Annual Alley Loop Special Event and Special Event Liquor Permit on Elk Avenue for February 6 and February 7, 2014.

Item #3, Approval of the Town Council Boards and Committees, was removed from the consent agenda and added as the last item under new business. Item #2, Resolution No. 12, Series 2015 – Resolutions of the Crested Butte Town Council Approving the Final Plat of Redwell Townhouses, Town of Crested Butte, State of Colorado, was removed from the agenda.

Mason moved and Schmidt seconded a motion to approve the consent agenda including Item #3, Approval of the Town Council Boards and Committees, added under new business, with the deletion of Item #2 from the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

David Owen – 903 Elk Ave

- Told the Council it was an honor to serve with them.
- Had to leave Crested Butte for an unknown length of time.
- Was glad the Town's leadership was in good hands.
- Said: "Thank you and good luck."

Conor Hagen – Lives in New York

- Was back in Town to propose a documentary film project.
- Wanted to pursue the era between 1960 and 1980 and the transition from the mine days to becoming a ski town.
- Looking for support and wanted to put on Town's radar to continue to generate momentum.

Glo Cunningham – 324 Teocalli

- Appeared in support of Hagen.
- Was thrilled this was happening.
- It was a great piece of history with lots of great stories.
- She wanted it to happen and be brought to fruition.

STAFF UPDATES

Bob Gillie

- Mentioned that he provided the building permit numbers for 2014 to the Council.
- Valuation was up about 15%.
- Number of permits was up 29%.
- There have been a lot of residential remodels.
- Ladoulis asked if Gillie included the Grubstake Building in the numbers. Gillie said he only reported actual permits that were pulled (so the answer was "no").
- Schmidt questioned if the project just west of Kochevar's was happening. Gillie felt it too premature to speculate, and it hasn't gone through BOZAR.

Rodney Due

- McCormick Ranch property was on line now. There was one house tied into the system.
- Crews will be pulling snow banks on Friday.

Tom Martin

- The twelve days of Christmas were really busy. Traffic, parking, and caseloads were all up.
- Recognized the Marshals who picked up extra work during Mike Reily's absence.
- The security director from the Whatever USA event invited Reily to go to Switzerland to work security for the princess of Abu Dhabi.
- The Marshal's Office towed about thirty cars over Christmas.
- There will be three nights, starting tomorrow night, with a large group of college students in the area. The pub-crawl will be on Wednesday night in Town.

Michael Yerman

- Mentioned the Creative District kick off meeting on January 22 at 6PM.
- Said it was not a typical planning meeting. There will be performances, and they are making a video.

Lynelle Stanford

- Mentioned the 12th Night event that will take place tomorrow night. People can drop off Christmas trees tomorrow at the Chamber Lot.
- Betty Warren, Deputy Clerk, developed a special events calendar that will be maintained and regularly distributed.

Todd Crossett

- Forewarned that at the next meeting, the Council would be presented with a letter for approval to the US Forest Service for the hydrological monitoring and drilling program. He said that by participating, it would not have anything to do with the Council's quasi-judicial process in the future.
- Thanked the parks and recreation, public works, and the marshals for their hard work over the holidays.
- Said Rozman provided sales tax numbers, which were up 10.5% for November.
- He talked to a lot of storeowners who reported to be active, busy, and full with people discovering Crested Butte for the first time.

NEW BUSINESS

1) Discussion of Montrose Emergency Telephone Service Authority 911 Emergency Notification System Resolution Request.

Martin reported that Gunnison County Emergency Services Manager Scott Morrill felt the proposed resolution was confusing at best. Morrill contacted Montrose County last year and asked them not to propose this resolution, but they did regardless of his request.

Schmidt moved and Mason seconded a motion for the Town of Crested Butte to continue encouraging residents and visitors to register for Code Red through the Gunnison County website. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Review, Discussion and Possible Action Regarding Concept Annexation Request By Cypress Foothills LP for the Slate River Addition Annexation, North of Butte Avenue, County of Gunnison (Continued).

Crossett reported that a roadmap for the annexation process would be posted on the Town's website. Ladoulis asked if there was a way to highlight to the public when to add their input and also if there was a way to lead the public to the forum for gathering input. Yerman said that once there was a formal application, there would be public hearings, and the public hearings would be posted. He said they could also make sure to post information about the public hearings on the website. Ladoulis wondered if they would solicit feedback prior to the hearings. Yerman said people could submit comments in writing or via email, and they should be directed to staff at that point. Written comments would be added to the meeting packets. Yerman said he could highlight on the annexation chart when the public comments were most helpful. Schmidt wanted to hear now from people who were fundamentally against an annexation. He said there were probably people out there, and he wanted to hear it sooner rather than later. He was disappointed there were not a lot of people at the meeting. Ladoulis thought people would come out at specific times, but he wanted to be proactive to get them out earlier.

Yerman said that right now they were at step one, the concept review. They were looking at the big picture. He said the applicant had gone above and beyond what was required. The approval of concept review only allowed them to submit an actual application. Specific dedication requirements did not come in until the sketch plan and preliminary subdivision review stage. The concept review didn't allow any entitlements, and it allowed Town to address issues that were not in Town Code. When staff received a formal annexation application the process became quasi-judicial. Staff had thirty days to review and then send out to review agencies. Then, a public hearing would be held with BOZAR. Yerman said it would be at least three months, but realistically longer, before it came back to the Council with them acting as the Planning Commission. Ladoulis asked if they should reach out beyond the list of ten relevant agencies. Yerman said CDOT, because of traffic, could be a potential organization to contact. He said they would reach out to agencies with any particular issues that were relevant or unique. Huckstep said Moon Ridge was a good example of a group that probably had interest that was not on the list. Ladoulis stated no one should take issue that they were not solicited for feedback, because anyone could come to the Council.

Yerman wanted to engage the Council on two issues that were material impacts to the application in which the Council did not previously gain consensus: (1) the natural versus grid plan, and (2) if there would be commercial properties in the northern part of the parcel. Regarding the northern parcel, it was a case of not wanting to spread commercial properties out, a term referred to as "commercial creep." Having this piece of the parcel allow for commercial properties would provide walkable amenities. Yerman said Town could control uses that go in that area through zoning. He said Crested Butte had finite resources and needed places for the economy to grow as Town grows. Not including the ability to grow economically was of concern to the staff. Crossett added that a goal of the Town was to keep the proposed annexed area as vital as

possible. They didn't want it to be a removed neighborhood. They wanted to give people a reason to get out and walk. Crossett said the Town Code was robust concerning what was allowed, and it would not allow for a strip mall. The concern was that the long term maintenance of the streets in the area would be paid through the property mill levy, and commercial properties add a revenue stream helping the development pay its way long term. Michel wondered if there would be residential properties along the highway, if they pulled the commercial away. Yerman answered that one comment was to allow residential in that area. Michel said that in zoning, they generally wanted businesses along the highway. Ladoulis asked if they would see berms constructed to make residential viable. Yerman said they would maintain the Sixth Street Corridor, and berms could not be built on the public right of way. Also, they wouldn't be context sensitive with walkability. Crossett said they had contemplated mixed use with residential. Yerman told the Council if they had particular concerns about uses, the applicant needed to know now. Schmidt expressed concern with commercial properties north of Butte Avenue. He was thinking about the fire station, a large building with five bays, being that far north. He would rather see no commercial, and he suggested the fire station be located at Butte Avenue and the highway. Huckstep said he thought that was what was decided. Overall, Schmidt had a hard time with commercial going north. Berkshire added that with pushing commercial higher up (north), he was worried about the parcel just above the applicant's property. He said they were drawing a line, and being on record of not wanting to push it up, sent a strong signal to the county. Berkshire was not comfortable with the proposed upper commercial area. He was concerned about the precedent and the creep. He was okay with commercial lower in the annexation. Ladoulis said that having residential created a demand for commercial space. Berkshire said the scale of Town was so small that it had walkability and accessibility without having a hot dog cart on every corner. Huckstep addressed Mr. (Lee) Spann, who was present at the meeting and owns land adjacent to the proposed development, and asked if he had any plans for his property. Spann answered that he did not have any at this time for this group, but he was present because of the commercial creep. Michel said the Sixth Street Corridor was a vital place to do commerce in that area. He said they wanted connectivity between the new and old, and no commercial made it a suburb. Michel said it would not be large scale commercial; it was smaller commercial properties. He felt it was a poor choice to not have commercial, and a very good place to have it was in the corridor. Crossett added Town was short on offices, which were lower impact than what was typically considered commercial. Michel suggested they give people a chance to create a business, which would generate sales tax and opportunities for employees. Mason would like to see commercial properties down lower (south part of annexation), but he liked the idea of keeping commercial. He cited the transition and said a large building on the north end could be a pretty stark contrast. Ladoulis wondered if it was possible to have the fire station in the middle. Yerman said access to the corridor was important and part of the pre-annexation agreement would allow the Council and Fire District to negotiate. Huckstep suggested to keep the fire station in the southwest corner, and to put commercial there. The northern section could then be residential. Matusewicz said he was comfortable and had no comments. Michel stated they could constrict the use of the commercial section by the zoning allowed on that parcel. Next, Mt. Crested Butte's input was considered. Berkshire noticed they didn't comment on commercial

areas. The discussion turned to the location of the fire station. Gillie said they didn't want five bays loading out into Gothic road; it would be chaos. Tyler Harpel, engineer for the applicant, said the fire department indicated they wanted to directly access Gothic Road. Ladoulis, referring to a comment made by Gillie, said that if locating the fire station there meant there would be poles and flashing lights overhead, they needed to talk about it. Gillie said they didn't want to conflict with traffic more than necessary. Schmidt reminded the Council that snow berms built up rather quickly with how often the county plowed. He questioned berming in front of the fire station. Also, the idea of pulling out and having to back in off of Gothic Road was questioned. Harpel said the fire department requested the ability to drive through their garages. Yerman said there was discussion of the potential the space could go to a much different use if an agreement could not be reached with the fire department. He said it was appropriate to use the term "civic use" instead of fire station at this point. Mason said that, if not specifically a fire station, he would be okay having that type of use "capping" that corner of Town. He said it could be where people would walk and use the facility, such as a library. Berkshire said the bottom line issue was if they wanted to have commercial properties above a certain point. Ladoulis asked for the Spann family's input. Mr. Spann was not ready to answer the question. They were there to gather information about the proposal. He commented that regarding the plan about where the fire station was located, he wanted it where firemen could get to the fire. Mason asked with the fire station on Highway 135, how they addressed access back to Crested Butte, specifically if a fire occurred on Ruth's Road. He said the bridge over Coal Creek was a huge can of worms. Gillie suggested the area currently designated as medium density residential in between the two proposed commercial parcels could be for the fire station. Yerman said they could make two northern parcels residential and allow for the expansion of commercial on the southwestern end of the development. Schmidt said he would accept that as a compromise. Schmidt said the upper area designated for civic use and the upper proposed commercial area boasted incredibly good views. He felt the area Gillie suggested for the fire station would work well. He would rather not see commercial. The only area he could compromise and see as commercial was between Butte Avenue and Road A. Mason's idea was to keep the blue area south of Road B as commercial. He suggested keeping the higher density residential in the maroon the same. He said to keep the blue commercial area as it was, keep both blues, and to look at the yellow section for the fire station. Ladoulis agreed with Mason's direction. Ladoulis felt that a five bay fire station at the end of the development made it noticeable and prominent and he wondered if that was what they wanted. Matusewicz said to the applicant that he thought the area was entirely residential when they first came to staff. Cameron Aderhold, Vice-President of Cypress Equities, confirmed they had plans that were only residential. Yerman clarified staff members were not envisioning typical commercial use; they were thinking more office oriented uses. Yerman said that real estate was finite, and they were talking about a 10% addition to the community. Aderhold said the applicant could see the benefit to having retail in that area, but not with the idea to compete with retail on Elk Avenue. Huckstep asked the Council if they wanted to see commercial north of Road B. Berkshire could see condos in the proposed commercial/blue area north of Road A and in the red area, designated for civic use. He thought condos were perfectly fine along the highway. Due thought Gillie had a great idea for the location of the fire station. He said

no one thought about snow. He imagined dumping five bays worth of snow onto Gothic Road and the county keeping it clear. Mason asked if it was feasible that the fire station would be required to provide a skid steer and have a staff member to keep it open. Due said they could make that a condition. Marcus Lock, attorney for the applicant, said they would have these issues flushed out if the concept plan was approved. It was decided to shift the two maroon blocks (designated as higher density residential) north. Huckstep summarized there would be commercial and civic uses just south of the alley between Road A and Road B. Mason, Ladoulis, and Michel gave their thumbs up. Schmidt was okay as an accommodation.

The next topic to discuss was the grid versus the natural proposal, referred to as the suburban proposal by Yerman. The staff's biggest concern with the natural proposal was that it did not include alleys and elongated lots throughout Town. The access to homes would be through front loaded garages, which created a suburban environment. Additionally, BOZAR would have to create a new zone district because this area would require a different type of zoning. For example, Treasury Hill had distinct zoning, but the setback from Town gave the impression that houses were smaller. However, the applicant couldn't achieve the same zoning without the bench. Also, alleys allow separation of utilities. For example, it was not ideal to have high pressure gas lines near a water main. Alleys have other functions and uses not desired in front yards. Yerman said communities were iconic because of front porches. They foster community interaction, which was lost entirely with front loaded garages. Crossett said the highest dollar per square foot was found in Town. The community made people want to be here. Berkshire remembered the history of using typical mining town lots. He could embrace an argument that said to keep that replica going of the 25 x 125 foot model. Yerman added the grid concept was decided long before they got here, and grids were platted in walkable distances. It was the core concept on how Town was planned. Berkshire said the grid plan would have potentially more impact to the wetlands. He struggled to find reasons to choose the natural plan, but he would consider it because of the impact on the wetlands. He asked if they could have a grid system in place without impacting the wetlands. Harpel said the plans only affected the wetlands buffer. Gillie clarified that either concept could be developed without impacting the wetlands. Huckstep confirmed with Gillie that the wetlands were a non-issue. Crossett asked how both plans affected the property along the riverbank. Harpel answered the river access piece was about the same length in both plans. Schmidt said with the grid system, alleys would serve to access lots, and he wondered if they would put utility infrastructure in the backs of houses. He asked if the suggestion would be to backload gas and electric off the rear ends of homes. Yerman answered they were trying to create as much space for crews to work on utilities and for gas crews to work on their lines without conflict. He said the alley allowed for different options. Due said one of the biggest problems was all of the utilities running along water mains. Gillie said utilities could be worked out either way, but Crested Butte had a unique sense of place and character, which were tied to certain things in Town, like the grid. Gillie suggested it relate more to Town. He said they did not want an enclave, so he asked why make it that way. Due reiterated his main concern was separating the utilities. He didn't want to have the same situation that existed in old sections of Town. Gillie recalled they added ten feet to the alleys in Verzuh to have room

to deal with these types of issues. Michel said that larger alleys allowed people to use garages more effectively and to have accessory dwellings. Matusewicz added that accessory dwellings were another reason he favored the grid plan. He felt if a property owner had a front loaded garage, he or she would be less willing to rent it out. He said accessory dwellings in the backs of properties get used more and provide more affordable housing options. Michel said that Crested Butte was in some ways defined by the grid system. He said the school mimicked the grid when it was constructed. The cemetery was also platted as a grid. In discussing the amount of pavement for each plan, it was mentioned that the natural plan required less pavement and caused less water run off, which was a resource issue. Crossett recalled the grid plan needed about fifty feet more of pavement. Harpel answered that the grid would take 8% more pavement in developing as a whole. Ladoulis wondered if the grid plan would look out of place. Matusewicz said if they zoomed out on their perspective, the grid wouldn't look forced. He felt that it fit in beautifully. Michel said that further into the process, they could do a lot with zoning in the grid to change the cadence. Yerman told the Council that if they decided on the natural proposal, the task of BOZAR would be to start a new zone district. If they decided to go in this direction the new zone district could allow accessory dwellings. Gillie said there were hard edges to Town. One of the characteristics of Town was having hard edges, and then there was open space. Huckstep said they were setting precedent for the boundary to Town. He said if they went with the grid east of the Slate River, it set the precedent that anything that came into play, would also follow the grid plan. Schmidt was not convinced it had to be the grid. Crossett said that planning people were trying to get back to what has been done for 100s of years. Matusewicz said that staff strongly supported the grid plan, the proponent was indifferent, and he had not heard any strong arguments in favor of the natural plan. He wondered if sixty feet of concrete was enough to change Town's history. Schmidt said the natural plan followed the contours of the land better and there would not be as much excavation. Due said he would ask Harpel, but both plans were pretty equal in the amount of excavation and disturbance. Harpel said the grid could not maintain historic water flow patterns. Due said he was talking disturbance. Huckstep said neither plan was perfect, nor that they should not be surprised or shocked when other issues surfaced. Staff felt strongly the grid would maintain historical patterns of Town and the built environment. Both plans had pros and cons, so Huckstep asked to wrap up and move forward. Berkshire said he was okay with the staff recommendation. Matusewicz favored the grid. Mason said issues he thought were important seemed to be non-issues, and he agreed to go with staff's recommendation. Ladoulis felt he could go either way. Michel said he wanted the grid. Schmidt said natural, but he was agreeable to moving forward with the grid. Huckstep agreed with Schmidt and said he would respect the staff's position and move forward.

Matusewicz and Berkshire thought Yerman's recap in his staff report was good. Yerman welcomed any edits. Schmidt wanted to know if there was anyone in the public completely against the principle of the annexation. No one on the Council had any corrections for Yerman. Lock commented that the proponent's recap closely matched Yerman's recap.

Gwen DesCognets – 7th and Butte

- Said her immediate concern was about opening the dump. She wondered if they were satisfied the dump could be moved safely. Huckstep answered that the information from the applicant's consultant has indicated it should not be an issue. He mentioned that Paul Casey, from Casey Resources, spoke to the Council. In addition, Huckstep said the applicant obtained an insurance policy that covered remediation costs that go above what was projected.
- Wondered if with the dump removed, the area would be flat instead of a mound. Huckstep did not know the finished grades. Harpel answered there would still be topography to the area.
- Voiced concern of the pollution that could be in the air during remediation. Schmidt said about 24,000 cubic yards of material would be taken to a different location. Huckstep said the debris would be sorted and hauled off to Grand Junction or Gunnison.
- Asked if the Council felt the dump should be worked on, or if it should be worked around.

Sue Navy – 324 Gothic

- Concerned about the wetlands. She wanted them protected by as large as possible buffer. Harpel answered there would be a 25 foot buffer on non-high quality wetlands, and they were trying for a 100 foot buffer on higher quality wetlands.
- Also concerned about wildlife impacts.
- Mentioned a previous iteration where there was talk about whether there was enough water for the development and if they would have to enlarge the reservoir. Lock said that wildlife was on their radar screen with a proposed critter corridor. Water was discussed at the first meeting on the annexation, and there were a lot of possible solutions. Council wanted their water attorney to look at it. Lock said they were absolutely committed to addressing it. Navy asked Lock if they were addressing quantity, too. He answered, "Yes."
- Thought the public ought to be interested in the annexation; it was a big thing in the Town. Crossett said staff would put information on the website. He said the public would have a lot of points to access and have conversations. He said there was quite a lot of process up ahead.
- Wanted to mention the cemetery, and the closer the annexation was to the cemetery, the less impactful she would like it to be. It was important to keep the area around the cemetery quiet.

Yerman spoke regarding the pre-annexation agreement being a useful tool to address unique circumstances not addressed in the Town's Land Use Code. The pre-annexation agreement was an opportunity to talk to the applicant and to get what was needed moving forward. He said they wanted to get the public works yard addressed in the pre-annexation agreement, so the public works master plan could be submitted as part of the sketch plan. The staff had concern of losing public works space. Yerman listed five items to be addressed in the pre-annexation agreement:

1. Land Fill Remediation – issue has been addressed up front.

2. Use of Town Owned Property – whether to allow the applicant to include Town property as part of the application. It was not giving them permission to use it. The master plan would determine how the property was used.
3. Need for Facility Master Plan – wanted to engage a 3rd party for the master plan. There were many uses in the public works yard that needed to be accounted for. Staff has concern for when the facility could be surrounded. Huckstep suggested asking the experts their perspective on the appropriate location for the fire station.
4. Inclusion of Allowing the Council to Negotiate with the Fire Protection District – the applicant needed to grant permission to negotiate terms involving their property.
5. Wastewater Treatment Plant – if Town needed to start engineering they had some terms to be negotiated.

Yerman asked if there were any other items to include. Ladoulis asked if they decided they did not need the land north of Road A for public works, if the two triangles south of Road B, adjacent to Town property, could complete the grid and be used for another purpose. Aderhold said they would be open to the conversation. Crossett felt that without completing the master plan, it was hard to put it into the pre-annexation agreement. Ladoulis said if it was hard now, it would be harder later. Crossett said they could gather more information and later make a determination. Berkshire also said they could add things at a later date. It was not a deal where it was now or never. Huckstep agreed that he didn't know if they could have it in the pre-annexation agreement. Yerman stated they did not want to get so far down into the nitty gritty with the pre-annexation agreement. With how the parcel played out, they could re-record and have a new legal description. Lock said they were talking about, not hard deadlines, but goals and expectations with respect to the process. Belkin said the timeframe was organic, and it was hard to lay out a ruler. Crossett said they could come up with an estimate on time, but BOZAR could decide to have four hearings. Huckstep did not want to put goals and objectives in the pre-annexation agreement, but they could sit down with staff to make everyone understand clearly. Yerman agreed that the pre-annexation agreement was not the place for the timelines, but he could communicate with Lock on how they were going to move forward. Huckstep felt it was worth including in pre-annexation agreement that Town strongly discouraged any type of stoplight, which Aderhold agreed to include in the agreement.

Yerman explained the difference in approval of the concept review versus denial. The concept review was to hash out details of layout and deal breakers. Moving forward, they needed to come back with a large application. Then, the Council would be sitting as the Planning Commission. Yerman said denial meant that fundamentally the Council didn't agree with the proposal or annexing. Huckstep confirmed with Yerman that the pre-annexation agreement was executed before the formal sketch plan application. Schmidt commented that the annexation guidelines were very strict. He asked the applicant for an affirmative that they understood all the goodies that were expected. The applicant affirmed Schmidt's statement.

Yerman explained that if the Council approved the pre-annexation agreement, there would be two resolutions. One resolution would approve the concept review and direct

the pre-annexation agreement be executed. Once the pre-annexation agreement was drafted, there would be a resolution approving it. Belkin said the point of the resolutions was that they were not lost.

Berkshire moved and Mason seconded a motion directing the Town Attorney to draft a resolution in support of approving the concept review annexation application. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Approval of Town Council Boards and Committees

Schmidt said Margot Levy was appointed to the Gunnison County Housing Authority Advisory Board, and he was off both the Gunnison County Housing Authority Advisory Board and the Gunnison Valley Housing Association. It was confirmed Berkshire was fine being on both the Gunnison County Housing Authority Advisory Board and the Gunnison Valley Housing Association. In addition, Matusewicz was on the Center for Arts, instead of Huckstep. The Cemetery Committee, on which Schmidt served, was added to the list. Mason questioned the open spot on ORE because he was appointed alternate. Crossett explained there was no direct information from ORE, but they may be combining with a department at Western. He said Mason could remain the alternate, but they were waiting to determine what would happen.

Matusewicz moved and Schmidt seconded a motion to approve Council boards and committees with the following revisions: Gunnison County Housing Authority Advisory Board – Skip Berkshire to #2 and add Margot Levy as #1; Gunnison Valley Housing Association – Jim Schmidt deleted as #1, and Skip Berkshire added as #1; Center for Arts – Aaron Huckstep was switched to Shaun Matusewicz; the Cemetery Committee was added with Jim Schmidt as the member. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Shaun Matusewicz

- Architect for the Center for Arts will be here on the 20th.
- On January 14 there will be a Center for Arts meeting with representatives from the Biery Witt Center.
- Tony Furtado will be performing at the Center on Friday (January 9).

Glenn Michel

- Referenced an email from Chris Larsen from Mountain Express that the CB South bus service for December carried 998 people over 17 days. The numbers broke down to 58 passengers per day. The lowest day for ridership was 25 people, and they carried 134 people on the busiest day.

- They noticed patterns with most people getting on the 9:20AM bus in CB South and then returning again at 4:30PM.
- Felt the busses were alleviating parking pressure in Town.
- There are few riders coming down from Mt. Crested Butte in morning and up from CB South in afternoon.

Jim Schmidt

- Did not hear back from Alpine Express in time for the meeting to report on the late night RTA bus.
- MarchFourth Marching Band will be performing at the Center for Arts, and they put on the best concert he has ever seen.

Aaron Huckstep

- Mayor/Manager's meeting on Thursday and RTA on Friday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt suggested the Council commend the police officers involved in the case with the gentleman wielding a gun. Crossett wanted to make sure they were going through Martin. Crossett mentioned another drug case James Beda handled outside of the jurisdiction, and he didn't want to miss recognizing anyone.

Matusewicz said he would be gone for the next two meetings. Michel asked his fellow Council Members to communicate when they were away if there was something about which they felt strongly. He felt it was difficult if a Council Member missed debates and then became a swing vote. If they know, they can then be sensitive. Schmidt added he would miss the first meeting in June.

Huckstep referenced the letter for the Forest Service that Crossett had mentioned could be on consent agenda at the next meeting. He asked if anyone wanted to discuss it. Crossett questioned if the Council was okay with the firewall concept, with staff working through the nuts and bolts while Council maintained the quasi-judicial process. Matusewicz was in favor and had no concerns. Berkshire agreed. Schmidt confirmed the idea was the Town would comment on their plan. Crossett said Town would be in the review loop and would be in a better position to be at the table. Crossett also said Town might want to hire someone with specific expertise, and there would be an expense associated with it. There was a brief discussion on the general amount of the expense, and Crossett said it would most likely be a few thousand dollars rather than six figures. He said it was similar to the VCUP situation.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Tuesday, January 20, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, February 2, 2015 – 6:00PM Work Session – 7:000PM Regular Council
- Tuesday, February 17, 2015 – 6:00PM Work Session – 7:00PM Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 9:46PM.

_____
Aaron J. Huckstep, Mayor

_____
Lynelle Stanford, Town Clerk (SEAL)

Staff Report

January 20, 2015

To: Mayor and Town Council

From: Michael Yerman, Town Planner

Subject: **Resolution 2015-2**

Date: January 20, 2015

BACKGROUND:
At this time, 818 Teocalli Avenue Unit B is under contract with Mary Mahoney for a sales price of $139,000. The Town Council approved the new deed restriction for this property with the passage of Ordinance 2014-12. The plat for the entire property is being updated prior to the sale to reflect the new deed restriction and finalize the "as built" duplex and easements.

Resolution 2015-2 approves the plat to allow the plat and deed restriction to be filed with the County Clerk and Recorder.

RECOMMENDATION:
Staff would suggest approving Resolution 2015-2.

RECOMMENDED ACTION:
Staff recommends a motion "to approve Resolution 2015-2."

RESOLUTION NO. 2

SERIES NO. 2015

RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE FINAL PLAT OF REDWELL TOWNHOUSES, TOWN OF CRESTED BUTTE, STATE OF COLORADO

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

WHEREAS, pursuant to Chapter 16, Article 12 of the Crested Butte Municipal Code, the Town Council may approve plats for, among other things, the creation of townhouse property interests;

WHEREAS, Patrick Duke and the Town, the owners of Units A and B, Redwell Townhouses, Town of Crested Butte, State of Colorado (collectively, the "**Subject Property**"), respectively, desire to replat the Subject Property to address certain easements and other on the ground matters;

WHEREAS, the Town staff and the Town Attorney have worked cooperatively with Duke to address the easements and on the ground issues effecting the Subject Property and have recommended to the Town Council that it approve the replat of the Subject Property; and

WHEREAS, the Town Council finds hereby that approving the replat of the Subject Property, as recommended by Town staff and the Town Attorney is in the best interest of the health, safety and welfare of the Town, its residents and visitors.

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

1. **Findings**. The Town Council hereby finds that replatting the Subject Property is in public interest.

2. **Authorization of Town Manager**. Based on the foregoing, the Town Council hereby authorizes the Mayor to execute the Final Plat of Redwell Townhouses in substantially the same form as attached hereto as **Exhibit "A**" (the "**Plat**"). Any substantive change to the Plat may be made only following approval by the Town Attorney.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS 20TH DAY OF JANUARY 2014.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Aaron J. Huckstep, Mayor

ATTEST

_____
Lynelle Stanford, Town Clerk (SEAL)

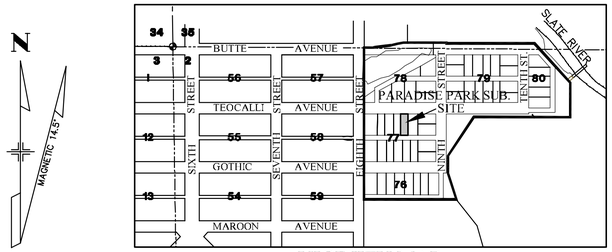
<u>EXHIBIT "A"</u>
(Plat)

[attach copy of Final Plat of Redwell Townhouses here]

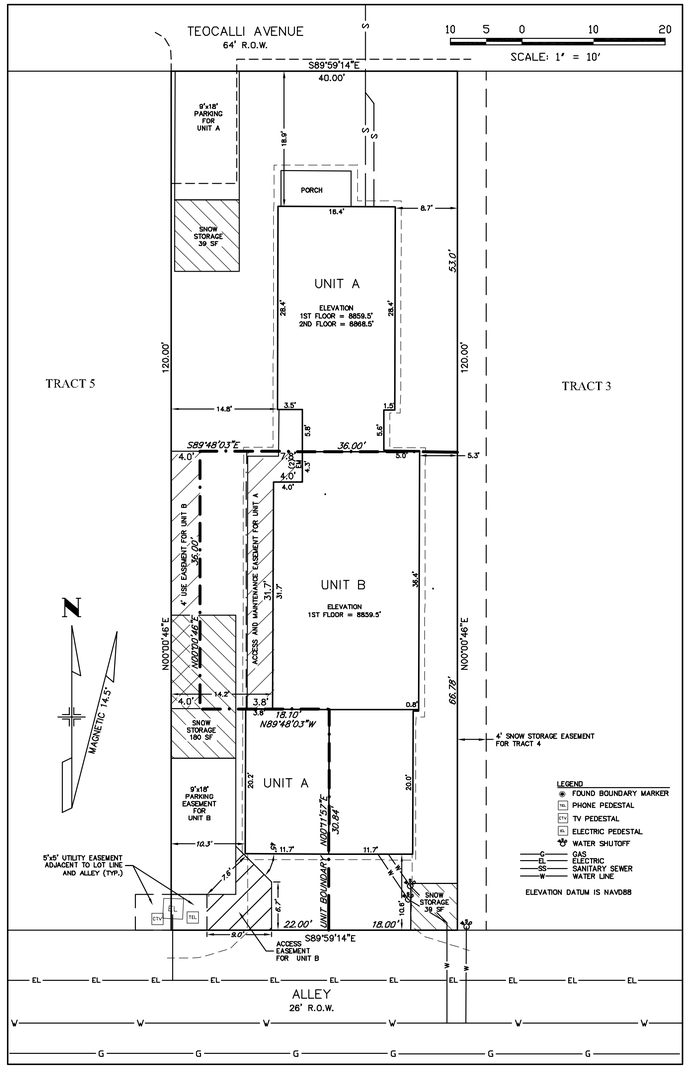
FINAL PLAT OF
REDWELL TOWNHOUSES

ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO

LOCATED WITHIN
NW1/4 SECTION 2, T14S, R86W, 6TH P.M.



VICINITY MAP
1"=400'±



ATTORNEY'S OPINION :

I, John D. Belkin, an attorney at law duly licensed to practice the State of Colorado, hereby certify that I have examined the title to the lands herein described. Such title is vested PATRICK DUKE as to Unit A, and the TOWN OF CRESTED BUTTE as to Unit B, and is free and clear of all liens, defects, encumbrances, restrictions and reservations of record, except as follows:

A. AS TO UNITS A AND B:

1. Taxes and assessments which are a lien or are now due and payable; any unredeemed tax sales; any tax, special assessment, charge or lien imposed for water or sewer service; any tax, special assessment, charge or lien imposed for or by any special taxing district or on account of the inclusion of the subject property in one or more improvement districts.
2. The following reservations as contained in the United States Patent recorded October 30, 1882, in Book 45 at Page 12: The right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.
3. Any taxes, fees, assessments, charges and/or obligations as imposed by Notice of Ordinances in the Town of Crested Butte recorded December 1, 1986 in Book 636 at Page 145, recorded August 23, 1995 in Book 769 at Page 94, recorded May 2, 1996 in Book 782 at Page 272 and recorded May 24, 1996 in Book 783 at Page 548; as follows: (a) Ordinance No. 15, Series 1979, as amended, providing for an excise tax upon the transfer of interests in real property; (b) Ordinance No.7, Series 1986, requiring the replacement of non-approved solid fuel burning devices with "Approved Solid Fuel Burning Devices" upon the transfer of interests in real property; (c) Chapter 15 of the Crested Butte Municipal Code, the "Zoning and Land Use Ordinance"; (d) Ordinance No. 12, Series 1991, regarding provisions for a 3 percent transfer tax; and (e) Notice regarding Town of Crested Butte 1996 Land Use Plan, filed in accordance with the provisions of C.R.S. Section 31-23-208, recorded May 2, 1996 in Book 782 at Page 272, and Crested Butte Land Use Plan, adopted by Resolution No. 4, Series 1996, recorded May 24, 1996 in Book 783 at Page 548.
4. The effect of Resolution No. 19, Series 1999, recorded June 9, 1999 at Reception No. 493678.
5. The effect of Ordinance No. 16, Series 2000, recorded August 18, 2000 at Reception No. 504284.
6. Terms and conditions of Annexation Agreement recorded August 18, 2000 at Reception No. 504285 and as amended October 13, 2000 at Reception No. 505918.
7. The effect of Annexation Plat of Verzuh Ranch recorded August 18, 2000 at Reception No. 504286.
8. The effect of Ordinance Series 2000, Ordinance No. 17 recorded August 18, 2000 at Reception No. 504287, and the Addendum thereto recorded February 5, 2003 at Reception No. 527767.
9. Easements, notes, reservations and recitals as set forth on the Plat of Verzuh Ranch Annexation recorded August 18, 2000 at Reception No. 504288, Amendment to Plat recorded August 29, 2002 at Reception No. 523288, and Affidavit of Correction recorded September 3, 2002 at Reception No. 523391.
10. Terms and conditions of Subdivision Improvements Agreement recorded August 18, 2000 at Reception No. 504289.
11. Terms and conditions as contained in Land Conservation Covenant recorded August 18, 2000 at Reception No. 504291.
12. Terms and conditions contained in Warranty Deed recorded August 18, 2000 at Reception No. 504292.
13. Easements, notes, reservations, and recitals as contained on the plat of Paradise Park Subdivision recorded August 29, 2002 at Reception No. 523289.
14. Those matters set forth in Resolutions recorded August 29, 2002 at Reception No. 523290 and recorded September 11, 2002 at Reception No. 523601.
15. Terms, conditions, provisions, agreements and obligations specified under the Party Wall Agreement for Redwell Townhouses, by Town of Crested Butte, recorded June 17, 2004 at Reception No. 543199.

B. AS TO UNIT A ONLY:

16. (a) Second Amended Guidelines, Rules, Requirements and Administrative Procedures Governing Affordable Housing in Block 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte recorded October 17, 2007 as Reception No. 579618; (b) Amendment to Second Amended Guidelines, Rules, Requirements and Administrative Procedures Governing Affordable Housing in Block 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte recorded May 17, 2011 as Reception No. 605641; (c) Second Amendment to Second Amended Guidelines, Rules, Requirements and Administrative Procedures Governing Affordable Housing in Block 77 and 78 of the Paradise Park Affordable Housing Subdivision Town of Crested Butte recorded June 16, 2011 as Reception No. 606228; and (d) Notice of Recordation recorded December 17, 2007 as Reception No. 581060.
17. Restrictions imposed by, and the effect of, the Affordable Housing Deed Restriction by Patrick Duke and Town of Crested Butte, recorded December 27, 2013 at Reception No. 624942, and the Joinder of Lienholder Agreement recorded December 27, 2013 at Reception No. 624945.
18. Deed of Trust from Patrick Duke, to the Public Trustee of Gunnison County for the benefit of Daniel F. Duke and Jennifer D. Duke, to secure and indebtedness in the principal sum of $150,000.00, and any other amounts and/or obligations secured thereby, dated December 27, 2013 and recoded December 27, 2013 at Reception No. 624941.

C. AS TO UNIT B ONLY:

19. Memorandum of record of affordable housing guidelines, Paradise Park Subdivision , Block 77, Lot 4, Unit B, recorded _____, 2015 at Reception No. _____.
20. Affordable Housing Deed Restriction and Option Agreement recorded _____, 2015 at Reception No. _____.

Dated this __ day of _____, 2015.

_____
John D. Belkin, Colo. Reg. No. 30063

NOTES:

1. Easements appurtenant are described on the Plat.
2. Easements are also given and made in the Party Wall Agreement for Redwell Townhouses, recorded June 17, 2004 at Reception No. 543199, including, without limitation, Section VII thereof.
3. A blanket easement exists across Lot 14, Block 77, Paradise Park Subdivision, Town of Crested Butte, under all of the units and the improvements situated thereon, for the benefit of all unit owners of said Lot 14, for the installation, replacement, repair and maintenance of all utilities including but not limited to water, sewer, gas, telephone, electricity and cable television, together with any lawn sprinkler system and drainage facilities.
4. All utility locations are approximate and shall not be relied upon for construction. The appropriate agencies should be contacted before digging.
5. According to Colorado law, you must commence legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based on any defect in this survey be commenced more than ten years from the date of the surveyor's certificate shown herein.

SURVEYOR'S CERTIFICATE :

I, Norman C. Whitehead, a registered land surveyor in the State of Colorado, do hereby certify that this FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO was made by me or under my direct supervision from an accurate survey of the subject real property, accurately depicts the layout of the real property and the townhouse unit designations thereon and that it is true and correct to the best of my knowledge. Monuments have been found as shown hereon.

Dated this _____ day of _____, 2015.

COLORADO LICENSED
NORMAN C. WHITEHEAD
27739
P.E. AND P.L.S.

_____
Norman C. Whitehead, Colorado L.S. #27739
P.O. Box 3688, Crested Butte, CO 81224

TOWN COUNCIL APPROVAL :

The FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO, as set forth in this plat, is hereby approved by the Town Council of the Town of Crested Butte, a Colorado home rule municipality, on behalf of said entity.

Dated this __ day of _____, 2015.

TOWN OF CRESTED BUTTE

By: _____
Aaron J. Huckstep, Mayor

Attest: _____ (SEAL)
Lynelle Stanford, Town Clerk

OWNERS' DEDICATION, CONSENT AND CERTIFICATE :

UNIT A:

The undersigned PATRICK DUKE, being the owner of Unit A, According to the Preliminary Plat Recorded June 17, 2004 at Reception No. 543196, and the Party Wall Agreement for Redwell Townhouses Recorded June 17, 2004 at Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado, does hereby dedicate, consent to and approve this FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO, as set forth in this plat.

IN WITNESS WHEREOF, Patrick Duke has subscribed his name hereto this ___ day of _____, 2015.

_____
Patrick Duke

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing Unit A - Owner's Dedication, Consent and Certificate was acknowledged before me this ___ day of _____, 2015 by Patrick Duke.

My commission expires: _____

Witness my hand and official seal:
_____
Notary Public

UNIT B:

The undersigned TOWN OF CRESTED BUTTE, being the owner of Unit B, According to the Preliminary Plat Recorded June 17, 2004 at Reception No. 543196, and the Party Wall Agreement for Redwell Townhouses Recorded June 17, 2004 at Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado, does hereby dedicate, consent to and approve this FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO, as set forth in this plat.

IN WITNESS WHEREOF, the Town of Crested Butte has subscribed its name hereto this ___ day of _____, 2015.

TOWN OF CRESTED BUTTE

By: _____
Aaron J. Huckstep, Mayor

Attest: _____ (SEAL)
Lynelle Stanford, Town Clerk

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing Unit B - Owner's Dedication, Consent and Certificate was acknowledged before me this ___ day of _____, 2015 by Aaron J. Huckstep, Mayor, Town of Crested Butte, a Colorado home rule municipality, on behalf of said entity.

My commission expires: _____

Witness my hand and official seal:
_____
Notary Public

LIENHOLDERS' CONSENT - UNIT A :

The undersigned lienholders, their successors, transferees and assigns hereby consent to and approve this FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO, as set forth in this plat, and consent to and approve of the recording of the same in the official real property records of the Office of the Clerk and Recorder of Gunnison County, State of Colorado.

IN WITNESS WHEREOF, Daniel F. Duke and Jennifer D. Duke have subscribed their names hereto this ___ day of _____, 2015.

_____
Daniel F. Duke

_____
Jennifer D. Duke

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing Lienholders' Consent was acknowledged before me this ___ day of _____, 2015 by Daniel F. Duke.

My commission expires: _____

Witness my hand and official seal:
_____
Notary Public

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing Lienholders' Consent was acknowledged before me this ___ day of _____, 2015 by Jennifer D. Duke.

My commission expires: _____

Witness my hand and official seal:
_____
Notary Public

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE :

This FINAL PLAT OF REDWELL TOWNHOUSES, ACCORDING TO THE PRELIMINARY PLAT RECORDED JUNE 17, 2004 AT RECEPTION NO. 543196, AND THE PARTY WALL AGREEMENT FOR REDWELL TOWNHOUSES RECORDED JUNE 17, 2004 AT RECEPTION 543199, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO is accepted for filing in the official real property records of the Office of the Clerk and Recorder for Gunnison County, State

of Colorado on this ___ day of _____, 2015 at Reception No. _____.

Time: _____; Date: _____.

FINAL PLAT OF
REDWELL TOWNHOUSES
TRACT 4, BLOCK 77, PARADISE PARK
TOWN OF CRESTED BUTTE
GUNNISON COUNTY, COLORADO

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

PROJECT: 64.47	DWG.: REDWELL
DATE: 1/14/15	SHEET 1 OF 1

Staff Report

January 20, 2015

To: Mayor and Town Council

Thru: Todd Crossett**,** Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Crested Butte Arts Festival

Date: 1-12-2015

Summary:

Juliette Eymere and Annie Tunkey, event organizers for the Crested Butte Arts Festival, submitted their application for the festival, scheduled for July 31 through August 2, 2015. Set up for the festival is proposed to begin on Friday, July 31 at 5AM, and the festival is proposed to be open Friday night from 5PM to 8PM. On Saturday, August 1, and Sunday, August 2, the festival would be open from 10AM to 5PM.

The festival would feature 175 visual artists, a pop art installation, art auction, beer and wine pavilion, entertainment, and a children's art alley. The event organizers have proposed the placement of an entrance sculpture on Elk Avenue between 5th and 6th Streets. The proposed pop art installation would be located near the intersection of Elk Avenue and 5th Street on 5th Street. Food vendors, entertainment, and the beer pavilion would be located on Elk Avenue and 3rd Street. There would be a single row of booths down the center of Elk Avenue between 2nd and 4th Streets, with the children's art alley located at Elk Avenue and 1st Street.

Recommendation:

To approve the Crested Butte Arts Festival special event application and special event liquor permit.

TOWN OF CRESTED BUTTE
SPECIAL EVENT APPLICATION

- A **complete** application must be submitted a **minimum** of forty-five (45) days prior to your event. A **complete** application includes all **fees** and **deposits.**
- Incomplete applications will not be accepted.
- A $100 late fee will be charged for late applications and no applications will be accepted less than ten (10) business days prior to an event.
- In addition to the application fee and a special event permit fee, a clean-up deposit may be charged depending on the size and scale of the event (see special event fee schedule for details).
- All special events require a minimum of $1,000,000 in general commercial liability insurance naming the Town of Crested Butte as an additional insured. If you have reserved the Big Mine Ice Arena for more than 299 people you will also need to add the Crested Butte Fire Protection District as an additional insured.
- Additional application fees are required for a Special Event Liquor License.
- Please print clearly and **legibly**
- Block parties must comply with the Block Party Policies and are not Special Events. Contact the Clerk's Office for more information.

Name of Event: Crested Butte Arts Festival

Date(s) of Event: July 31-Aug 2, 2015

Name of Organization Holding the Event ("Permittee"): The Crested Butte Society Inc

Note: The permittee of an event must be the same as the named insured on the insurance binder.

Name of Event Organizer: Juliette Eymere

Phone: 970-349-1184 **Cell Phone:** 970-275-9109

E-Mail: juliette@crestedbutteartsfestival.com **Fax Number:** 970-349-1184

Name of Assistant or Co-Organizer (if applicable): Annie Tunkey

Phone: 970-349-1184 **Cell Phone:** 970-209-5711 **E-Mail:** annie@crestedbutteartsfestival.com

Mailing Address of Organization Holding the Event: PO Box 324, Crested Butte CO, 81224

Email Address of Organization: same **Phone Number:** same

Detailed Event Description: Please attach an event schedule if applicable ☐ **Event Schedule Attached**

The CBAF will celebrate 43 years on July 31-Aug 2, 2015. This year the Festival will open FridayJuly 31st 1st from 5-8pm and be open 10-5 Saturday and Sunday, August 1st and 2nd.

The festival will feature 175 visual artists, a pop art installation, art auction, beer and wine pavilion entertainment and a childrens art alley. Food vendors will utilize 3rd street, pop art installation on 5th, entertainment and beer pavilion will also be on 3rd street. We will have a single row of booths down the center of Elk Ave, between 2nd and 4th and regular set up on surrounding blocks. Again this year there will be an entrance sculpture between 5th and 6th.

Event Location: (*Attach map showing location of event; Also attach 8 ½" X 11" diagram detailing the event showing tents, vendors, security, toilets, tables, signage, fencing, booths, ingress and egress, stage, etc*):

■ **Map Attached Showing Location of Event** ■ **Diagram Attached Detailing Event**

Event Time (start time of scheduled event to end time of scheduled event): Friday July 31st 5-9pm, Sat and Sun Aug 1st and 2nd, 10am-5pm
Total Time (including set-up, scheduled event, break-down &clean-up): Friday, July 31st 5am-Sunday Aug 2nd 9pm
Expected Numbers: Participants: 215 artists, vendors, entertainers **Spectators:** 12,500

Do You Intend to Sell or Serve Alcohol? [Yes] / No

If Yes, a Special Event Liquor License is Required, <u>You must Submit a Separate Application for a Special Event Liquor License to the Town Clerk at least 30 days prior to the event to ensure adequate time to comply with state regulations.</u>

☐ **Special Event Liquor License Application is Attached with Appropriate Fees and Diagram**

Proof of General Commercial Liability Insurance Naming the Town of Crested Butte as Additional Insured, with Coverage of No Less than $1,000,000 is Required for All Special Events. If your event is in the Big Mine Ice Arena and over 299 people you will also need to add the Crested Butte Fire Protection District as Additional Insured. Events Selling Alcohol also Require Liquor Liability Insurance (Note your application cannot be approved until we receive Proof of Insurance). ***Contact the Clerk's Office if you would like to receive an insurance quote through the Town's Insurance Provider.***
Is Proof of Insurance is Attached? [Yes] / No
If No, Why Not: _____

Will There Be Amplified Sound at This Event? [Yes] / No
If Yes, Describe: Live music at the Ragged Mountain Stage, 3rd and Elk
Note: If there will be amplified sound during your event then the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Upon completion and submission of this application the Town will provide you with additional information, including details on how to comply with the neighborhood notification process that you will be required to follow.

Are you requesting Town Manager approval for a 1-day banner at the event location for the hours of the event? [Yes] / No **Town Manager Approval:** JT

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence? Yes / (No)
If yes, you must apply for a banner permit separately through Diane at the Front Desk of Town Hall.

How much trash do you anticipate generating at the event? A large amount, working with Waster Management and Zero Hero

What recyclable products will be generated at the event? paper, plastic,cardboard, aluminium, & glass

Describe Your DETAILED Plan for Trash, Recycling and Clean-Up (all events are required to have a plan for handling recycling and garbage during the event and the removal of recycling and garbage after the event). Please note that any plan should <u>emphasize increased recycling and decreased waste production</u>. If you feel that your event will require assistance from a waste company contact the Clerk's Office at 349-5338 or look on the special event section of the Town's website at www.townofcrestedbutte.com for details on the two different waste companies that serve Crested Butte and the scope of their services. Be creative and detailed in you plan. Please note that any event application without a detailed recycling and refuse plan will not be accepted as a complete application:
We are working with Zero Hero Tents and Waste Management to implement an aggressive waste and recycling program. We own the Zero Hero Events tents and we are hiring a crew to man them.

Describe Plan for Security (All major impact events, as well as events that receive a special event liquor license, are required to have a security plan):
CBAF contracts with Buck Mountain Security. Buck Mountain manages our beer and wine pavilion as well as overnight security for the artists booths.

Describe Plan for Parking: public lots, on street parking and the CB Community School lots will be utilized

Describe Plan for Portable Toilets and/or Restrooms: The CBAF contracts directly with Gunnison Construction & Septic to rent 6 portable units.

Is Your Event Requesting Any Additional Services from the Town of Crested Butte (such as barricades, utility irrigation locates, traffic control, snow removal, electrical power, trash removal, additional police etc.)? Yes / No
If Yes, explain request for services in detail (attach additional page if necessary):
Street closure & sweeping, barricade traffic & parking control, help with artist load in and strike, additional police support for all three days.

Will Your Event Require Any Road Closures? Yes / No
If Yes, Explain in Detail Streets Closures and Times of Closures:
Yes, Elk Ave and side streets. Specifically 5th and 3rd from alley to alley.

Will Your Event Impact Mt. Express Bus Service and/or Routes? Yes / No
If Yes, Explain Impact: Yes Mountain Express will reroute to aviod Elk Ave. entirely. Same procedure for the past several years.

Will Your Event Affect Any Handicap Parking Spaces? Yes / No
If yes then you must work with the Marshal's Department to create a temporary handicap parking space/s for the duration of your event.

Describe Plan for Notifying Businesses and Neighbors Impacted by Your Event:
Public notices of amplified sound and street closures will be in the papers and hand delivered. We have spent condsiderable time talking with Elk ave business owners to create an event that is more business friendly. Opening Friday night is in direct response to Elk Ave business owners input.

Does Your Event Include a Parade? Yes / No
If yes you must read and sign the following: I understand that if items are to be distributed during the parade (i.e. candy, beads, etceteras) individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float. _____
Signature of Event Coordinator

Will You Be Selling Products (food, drink or merchandise) At Your Event? Yes / No
If Yes, You must Collect Sales Tax and Attach a Completed Town of Crested Butte Sales Tax License Application. ☐ **Town of Crested Butte Sales Tax Application is Attached.**

If Approved Would You Like Town Staff To Post The Event On The Gunnison-Crested Butte Online Community Calendar (this service is free of charge)? Yes / No

If yes, please write two sentences below describing the event in the exact wording it will appear on the calendar: The Crested Butte Arts Festival is the signature cultural event of the summer, featuring 175 visual artists in a juried exhibition, food vendors, interactive art intillastions & artists demonstrations, music & entertainment, beer & wine pavilion, an art auction, and childrens art alley. The Festival will open Friday night July 31st from 5-8pm and run through Sunday August 2nd untill 5pm.

Contact Name & Phone Number for the Calendar: Juliette Eymere 970-341184

Event Fee for the Calendar: NIA **Website for More Info:** www.crestedbutteartsfestival.com

Additional Applicant Comments: _____

Please Review Carefully:

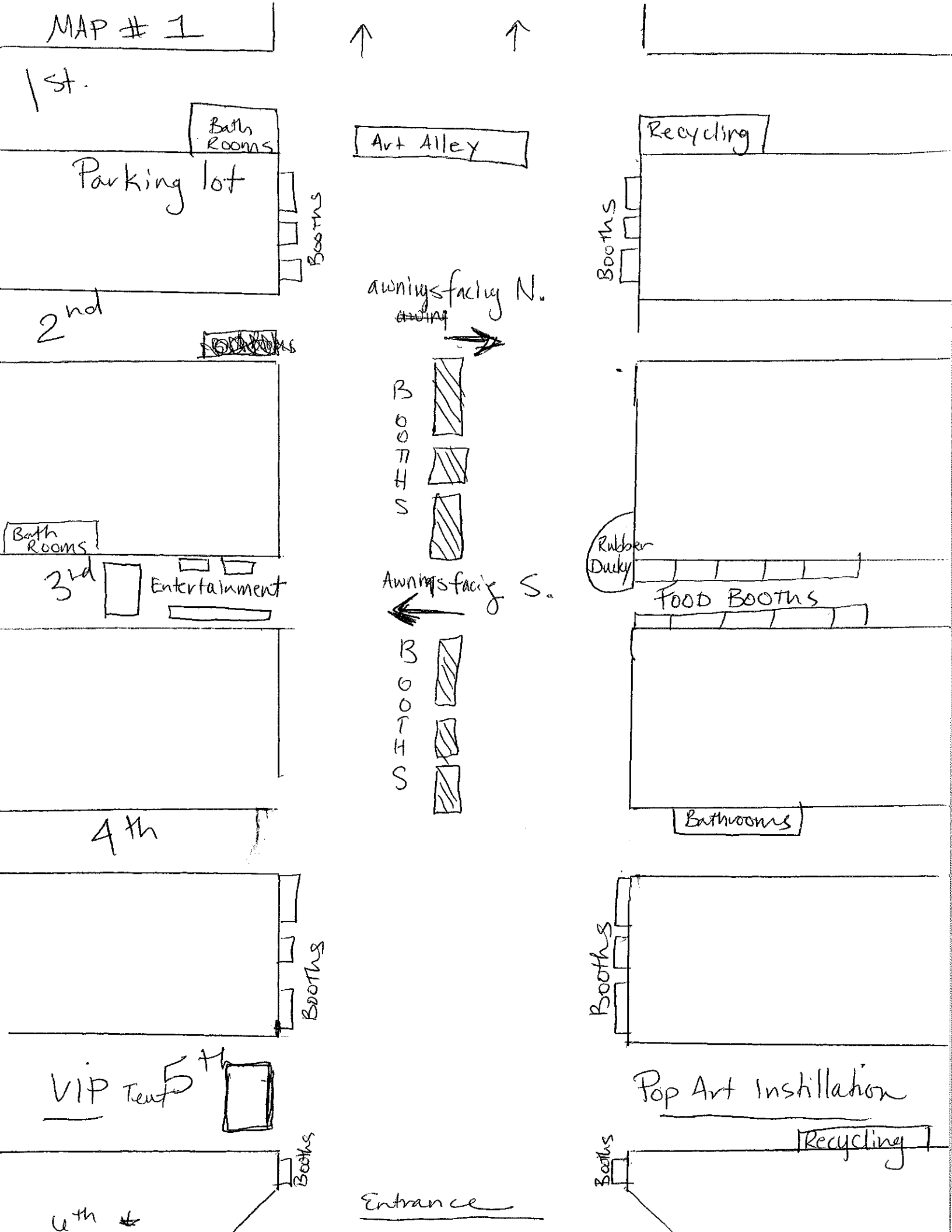
In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively, the "Releasor/Idemnitor") hereby acknowledge and agree to the following: (i) Releasor/Idemnitor assume all risk of injury, loss or damage to Releasor/Idemnitor, any of them, arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (ii) Releasor/Idemnitor waive and release the Town from any and all claims, demands and actions for injury, loss or damage arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (iii) Releasor/Indemnitor agree to defend, indemnify and hold harmless the Town from and against any and all liability, claims, damages and demands, including any third party claim asserted against the Town, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any way related to the permitted use, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause. For purposes hereof, the term "Town" shall include, individually and collectively, its officers, employees, agents, insurers, insurance pools, contractors and subcontractors. By signing this Special Event Application, the Permittee acknowledges and agrees that this assumption of risk, waiver and indemnity extends to all acts, omissions, negligence or other fault of the Town and that said assumption of risk, waiver and indemnity is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. In any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding such invalidity, continue in full legal force and effect.

The undersigned Permittee certifies that all the statements and answers to the above questions are true without any reservations or evasions. The undersigned also understands that the Town of Crested Butte reserves the right to require payment for additional services for major impact events

Juliette Eymere _____ 11-24-14

Print Name Clearly / Signature of Applicant (Permittee) **Date**

MAP # 1


1st.
Bath Rooms
Parking lot
Booths
Art Alley
Recycling
Booths
awnings facing N.
2nd
BOOTHS
Bath Rooms
3rd
Entertainment
Awnings facing S.
Rubber Ducky
FOOD BOOTHS
BOOTHS
4th
Bathrooms
Booths
Booths
VIP Tent
5th
Pop Art Instillation
Recycling
Booths
Booths
Entrance
6th

CRESBUT-02 SMARES

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 11/24/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Colorado Nonprofit Insurance Agency
789 Sherman Street,
Suite 260
Denver, CO 80203

CONTACT NAME:
PHONE (A/C, No, Ext): (303) 894-0298 FAX (A/C, No): (303) 894-0161
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Alliance of Nonprofits for Ins	
INSURER B : Pinnacol Assurance	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
The Crested Butte Society, Inc.
PO Box 324
Crested Butte, CO 81224

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR	X		2014-15973	05/01/2014	05/01/2015	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 20,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 1,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 1,000,000
	OTHER:						Liquor Liab	$ 1,000,000
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO			2014-15973	05/01/2014	05/01/2015	BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N / A		4125565	08/01/2014	08/01/2015	E.L. EACH ACCIDENT	$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate Holder is additionally insured (landlord) with respect general liability regarding the Crested Butte Arts Festival.

CERTIFICATE HOLDER

Town of Crested Butte
PO BOX 39
Crested Butte, CO 81224

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Jerry Aleksick

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This is an addendum to the CB Society DBA Crested Butte Arts Festival's original special event application. It addresses additional issues brought forward by Ric Ems & Scott Wimmer of the CB Fire Department.

1. **Set up of tents with canopies on Elk Ave** – The CBAF will put language in the artist contracts stating that no canopies shall exceed 30 inches on any of the blocks, and in the 200 & 300 blocks of Elk Avenue (where a single row of booths will be positioned in the middle of the street) all canopies will face the same direction to allow emergency vehicle access on the side opposite the canopies. The CBAF staff, BOD and volunteers will do their very best to see that these parameters are implemented and enforced.

2. The Parks & Rec Department is aware of the issue with the placement of **bike racks** from last summer. This year the bike racks will be placed off to the side rather than in the middle of streets.

3. **All food vendors** will be made to bring a 5# ABC fire extinguisher with current certification tag. Any vendors with fryers will be informed that a type K extinguisher is also required.

4. **Children's Art Alley** will be located in the 100 block of Elk Avenue (unless Big Mountain Enduro will also be on Elk) and the rental company will be instructed to set it up on the North side of Elk so that emergency vehicles will have access around it if necessary.

5. **Fire Lanes** of a minimum of 12 feet will be enforced for the entire Arts Festival footprint.

6. **Food vendors** on 3rd Street will only be allowed to set up their booths behind the curbs and up on the gravel/paved parking areas on 3rd. No vendors will be set up in the street to prevent previous summer's fire access issue with Inner Fire Pizza Oven.

7. **10 foot walk ways** will be interspersed throughout the entire 5 blocks of artist booths. Artist booths will be set up with a maximum of 6 booths (60 feet) in a row without a walkway but the majority will be 4 booths (40 feet) in a row with walkways on either side.

This is an addendum to the CB Society DBA Crested Butte Arts Festival's original special event application. It addresses reserving camping on town ranch and at the gravel pit behind the CBCS.

The CBAF would like to reserve both spots for July 30th through August 2nd, 2015. This is essential for the festivals success as it ads affordable lodging for our artists.

The CBAF, provides a Porta Potty at the gravel pit for RV campers. In the past, the Town of CB has adjusted the watering cycle at the town ranch to accommodate campers, we hope that will be possible again this year.

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1375 SHERMAN STREET
DENVER CO 80261
(303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU **MUST BE NONPROFIT AND ONE OF THE FOLLOWING** ***(See back for details.)***

- ☐ SOCIAL
- ☐ FRATERNAL
- ☐ PATRIOTIC
- ☐ POLITICAL
- ☐ ATHLETIC
- ☐ CHARTERED BRANCH, LODGE OR CHAPTER
- ☐ OF A NATIONAL ORGANIZATION OR SOCIETY
- ☐ RELIGIOUS INSTITUTION
- ☑ PHILANTHROPIC INSTITUTION
- ☐ POLITICAL CANDIDATE
- ☐ MUNICIPALITY OWNING ARTS FACILITIES

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110 ☑	MALT, VINOUS AND SPIRITUOUS LIQUOR	$25.00 PER DAY
2170 ☐	FERMENTED MALT BEVERAGE (3.2 Beer)	$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE: The Crested Butte Society dba The Crested Butte Arts Festival
State Sales Tax Number (Required): 1530

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
PO Box 324
Crested Butte, CO., 81224

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)
601 Elk Ave
Crested Butte, CO., 81224

	NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE	JENNY THOMAS	8/1/1975	1674 Bryant Ave, Crested Butte CO 81224	(970) 209-8155
5. EVENT MANAGER	Juliette Eymere	12-06-70	220 Whiterock Ave, Crested Butte CO., 81224	970-275-9109

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
☑ NO ☐ YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
☑ NO ☐ YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☑ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	Date	Hours	Date	Hours	Date	Hours	Date	Hours
July 31, 2015	From 5pm .m. To 9pm .m.	Aug 1, 2015	From 10am .m. To 10pm .m.	Aug 2, 2015	From 10am .m. To 6pm .m.		From .m. To .m.		From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE	DATE
	Executive Director	11-24-14

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.
THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)		TELEPHONE NUMBER OF CITY/COUNTY CLERK
Town of Crested Butte	☒ CITY ☐ COUNTY	970-349-5338

SIGNATURE	TITLE	DATE
	Town Clerk	1-14-2015

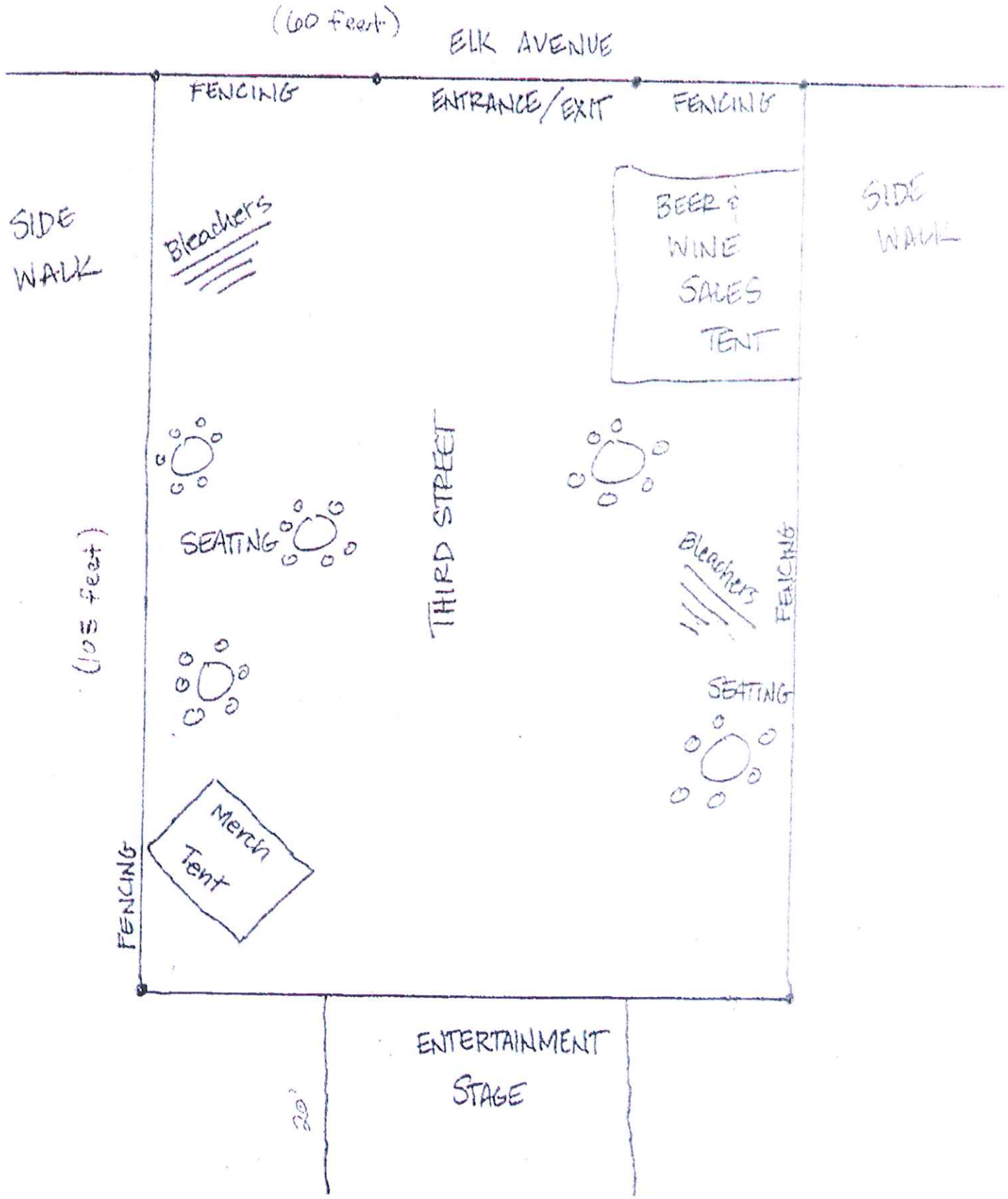
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	$

(Instructions on Reverse Side)

ENTIRE AREA FROM ELK TO STAGE ON 3RD AND SIDEWALK TO SIDEWALK IS FENCED FOR ALCOHOL. PAID SECURITY POSITIONED AT ENTRANCE/EXIT



Town of Crested Butte
Special Event Sales Tax
License Application

FOR OFFICE USE
EVENT: _____
DATE: _____
EXS: _____ LVR: _____
VL: _____ STR: _____

Event Name The Crested Butte Arts Festival Date(s) July31-Aug 2nd, 2015
Location Elk Ave

Contact Juliette Eymere
Phone 970-349-1184
email juliette@crestedbutteartsfestival.com

Mailing Address
PO Box 324
Crested Butte CO. 81224

Physical Address
601 Elk Ave
Crested Butte Co. 81224

How many vendors? 215

WHAT TYPE OF VENDORS WILL BE PRESENT (circle all that apply) HOW MANY VENDORS?

GOODS FOOD/BEVERAGE SERVICE 215

NON-PROFIT--If your nonprofit organization is designated as a 501c (3) "a charitable nonprofit", this allows you to be exempt from paying sales tax when purchasing items, however you are still required to charge and remit 4% Town of Crested Butte sales tax in conjunction with the sale of any merchandise, food, and/or beverage.

AUCTIONS--Items sold at an auction require 4% Town of Crested Butte sales tax to be charged on the value of the item or the sales price, whichever is less, regardless whether the item may have been acquired by donation or gift. Please note that the State of Colorado handles this differently and it is necessary to contact them for further information.

ADMISSION/COVER CHARGES that include tangible personal property, such as food, beverage, and/or gifts that are received in consideration for the amount paid, are taxable.

I certify that all information given is true and correct. I agree to collect and remit all Sales Taxes incurred at this event by the 20th of the month following the event.

Printed Name Juliette Eymere Date 11-24-14

Signature _____

Town of Crested Butte
PO Box 39
Crested Butte, CO 81224

(970)349-5338
Fax (970)349-6626
tinac@crestedbutte-co.gov

803 Butte Avenue
P.O. Box 3482
Crested Butte, CO 81224
Ph. (970)349-5616
Fax (970)349-7214

Mountain Express

January 8, 2015

The Mountain Express is requesting the same items that we have asked for and received in the past:

> On all three days of the event we request that the west bound lane of Elk Avenue (between 5th & 6th Street), at the intersection of 6th Street and Elk Avenue be closed to traffic. This allows the buses leaving the 4 Way bus stop easier access getting onto Elk Avenue.
>
> On Friday, we request a volunteer(s) to be stationed on Elk Avenue between 5th and 6th Streets to prevent vehicles parking on Elk Avenue that would impede the buses turning onto Elk Avenue after leaving the 4 Way bus stop.

During the set up and take down times the Mountain Express buses will use only the Teocalli, 4 Way and the 6th & Belleview stops in town. On Sunday, once Elk Avenue is reopened the buses will resume the regular route.

Thank you,

Chris Larsen
Transit Manager

CRESTED BUTTE ARTS FESTIVAL (JULY 31 - AUG 2, 2015)

DEPARTMENT APPROVALS (*For Official Use Only*)
Note: Please clearly state in your comment area what requested services your department will/will not provide for the event.

From: Tom Martin
Sent: Thursday, January 08, 2015 11:30 AM
To: Betty Warren
Subject: RE: Crested Butte Arts Festival 7/31-8/2/2015

Marshal's department will work with event organizer as needed.

Tom Martin

rictions/Comments:

Public Works:

1/7/2015

Signature **Date**

Rodney E Due

Name (Printed)

Conditions/Restrictions/Comments:

OK

Parks and Recreation:

1/8/15

Signature **Date**

Janna Hansen

Name (Printed)

Conditions/Restrictions/Comments:

Town Ranch Event area has been reserved for camping 7/30-8/3. Please touch base the week of 7/27 re: bleachers + bike racks. Thank you!

Town Clerk:

1-7-2015

Signature **Date**

Lynette Stanford

Printed Name (Printed)

Conditions/Restrictions/Comments:

Contingent upon insurance renewal in May 2015. current insurance included.

Town Manager:

Signature **Date**

Todd Crossett

Printed Name (Printed)

Conditions/Restrictions/Comments:

Contingent on requirements as noted.

CRESTED BUTTE ARTS FESTIVAL

Crested Butte Fire Protection District:

W Scott Wanner 1/13/15

Signature **Date**

Printed Name (Printed)

Conditions/Restrictions/Comments:

Good Luck with your event!!

Mt. Express Bus Service:

1/8/15

Signature **Date**

Chris Larsen

Printed Name (Printed)

Conditions/Restrictions/Comments:

See attached letter

Official Use Only:

Application Received 11-24-2014 Date Distributed 1-7-2015

Council Date (if applicable) 1/20/2015

Approval Date _____ Method of Approval: ☐ Administratively ☒ By Town Council

Approval Contingencies _____

Application fee $25 Check # 5306 Date Paid 11/24/14

Permit Fee $200 Check # 5306 Date Paid 11/24/14

Local Liquor License Fee $75 Check # 5306 Date Paid 11/24/14
3 DAYS @ $25 EA

State Liquor License Fee _____ Check # _____ Date Paid _____ Date Liq. Application Sent _____

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit $200 Check # 5306 Date Paid 11/24/14 Date Returned: _____

Staff Report

January 20, 2015

To: Mayor and Town Council

From: Todd Crossett**,** Town Manager

Subject: Request to USFS for Participating Agency Status Relative to the USE Hydrology PoO

Date: 1-15-2015

Summary:

The US Forest Service has accepted the USE Baseline Plan of Operations "Updated Mt. Emmons Groundwater and Associated Data Investigation Plan of Operations" and is preparing to move forward into the NEPA (National Environmental Policy Act) review process. The Town has an option to request Participating Agency status from the USFS. The process for this is to send a letter to Scott Armentrout, Region Two Forest Supervisor, requesting such. The Town should demonstrate that it has either jurisdictional interest or special expertise or both.

The Town has engaged special counsel, Barbara Green, of Sullivan, Green and Seavey, LLC on Mt. Emmons issues in the past. At the Town Attorney's request, Ms. Green has drafted the letter on behalf of the Town, attached.

Recommendation:

Staff recommends that the Council move to approve the Town Manager to send the letter to the USFS.

SULLIVAN GREEN SEAVY LLC

Barbara J.B. Green
Direct: 303-355-4405
barbara@sullivangreenseavy.com

January 13, 2015

Mr. Scott Armentrout
Forest Supervisor
US Forest Service, Rocky Mountain Region 2
Grand Mesa, Uncompahgre and Gunnison National Forest
2250 Highway 50
Delta, CO 81416

US Forest Service, Rocky Mountain Region 2,
740 Simms Street
Golden, CO 80401

Re: Mt. Emmons Molybdenum Mine Plan of Operations
Town of Crested Butte Request for Cooperating Agency Status

This letter is being submitted on behalf of the Town of Crested Butte. Our firm, Sullivan Green Seavy LLC, represents the Town as special counsel for environmental and land use matters. The Town Council has asked us to submit this formal request for cooperating agency status with regard to the Mt. Emmons Molybdenum Mine Plan of Operations pursuant to 40 C.F.R. § 1501.6.

As you know, the National Environmental Policy Act ("NEPA") allows a local agency to be designated as a cooperating agency when that agency has jurisdiction by law or special expertise with respect to any environmental impact resulting from the action being considered. *40 C.F.R. §1508.5*. Special expertise means statutory responsibility, agency mission, or related program experience. *40 C.F.R. §1508.26.* As explained below, the Town has jurisdiction and special expertise that warrants the Town's cooperating agency status. We also note that United States Forest Service guidance on cooperating agencies recognizes the importance and embraces the role of local governments as cooperating agencies. See http://www.fs.fed.us/emc/nepa/includes/coopagencyguidance.pdf.

Pursuant to the authority granted to the Town by Article XX of the Colorado Constitution and Colorado statutes, the Town established and regulates a Watershed Protection District. See Crested Butte Municipal Code, Chapter 14, Watershed Protection District, http://www.colocode.com/crestedbuttepdf.html. The Watershed Protection District regulations apply to activities of the Mt. Emmons mine. In addition, the Town has special knowledge and expertise about local conditions within the watershed from its long history of water quality monitoring and regulating the environmental impacts of activities in the watershed.

Based on the foregoing, the Town of Crested Butte has statutory authority and related program experience that makes the Town's designation as a cooperating agency appropriate.

Sincerely,

Barbara J.B. Green

cc. Crested Butte Town Council
John Belkin
Todd Crossett
Martha Rudolph
Ginny Brannon
Tony Waldron
Gary Baughman
Tony Waldron
Bruce Stover
David Baumgarten

J. D. BELKIN & ASSOCIATES, LLC
ATTORNEYS AT LAW
Whiterock Professional Building
502 Whiterock Avenue, Suite 200 and 201
P.O. Box 2919 (U.S. Mail Stop)
Crested Butte, Colorado 81224
Direct: 970.349.6698
Facsimile: 970.497.4401
www.jbelkinlaw.com

John D. Belkin, Esq.
E-mail: jbelkin@jbelkinlaw.com
303.888.1812 (M)

MEMORANDUM

*****Non Attorney-Client Privileged and Confidential Communication*****

TO: Town Council

FROM: John D. Belkin, Town Attorney

CC: Todd Crossett, Town Manager
Michael Yerman, Director of Planning

RE: Retention of Special Environmental Legal Counsel re: Slate River Annexation Proposal

DATE: January 14, 2015

- The transactions contemplated as part of the Slate River Annexation proposal regarding the possible clean-up, remediation, etc. of the old Town landfill require the Town's use of special environmental legal counsel.

- The last go around, in 2009 with Foothills, we retained under my direction the law firm of Holme Roberts & Owen LLP ("**HRO**") to serve as special environmental legal counsel in these matters. At that time we conferred with Colin Harris in HRO's Boulder office. Colin came highly recommended by a number of prominent Colorado attorneys. A copy of Mr. Harris' bio is attached hereto for your information. On January 1, 2012, HRO combined with Bryan Cave LLP. Bryan Cave is a major domestic and international law firm with significant experience in all environmental matters, including those present in the instant case. Harris has continued on with Bryan Cave.

- I have spoke to Colin about providing the Town with any needed assistance in respects the old Town landfill transactions. He is aware of the issues in the instant case and is prepared to assist the Town as and when needed. Mr. Harris has determined that no conflicts exist.

- For your information, the Town currently has in place a costs and expenses reimbursement agreement with the applicant for the Slate River Annexation proposal.

The Town and the applicant executed the same in November. All costs expenses of special environmental legal counsel, and my firm alike are to paid by the applicant.

- It is my recommendation that the Town Council authorize me pursuant to Section 7.1 of the Town Charter to use Bryan Cave, and Colin Harris as special environmental legal counsel advising the Town on matters, both general and specific, with respect to the transactions contemplated in connection with the old Town landfill. Pursuant to Section 7.1, Bryan Cave and Colin would serve the Town under the direction of the Town Attorney.

- **RECOMMENDATION**: Move to authorize the Mayor to execute the attached engagement letter for Bryan Cave LLP for the Town's use of Colin and the firm as special environmental legal counsel advising the Town on matters, both general and specific, with respect to the transactions contemplated in connection with the old Town landfill, Colin to serve under the direction of the Town Attorney pursuant to Section 7.1 of the Town Charter.

Encls./2

Colin G. Harris

Partner
Boulder and Denver

One Boulder Plaza
1801 13th Street, Suite 300
Boulder, Colorado 80302

1700 Lincoln Street, Suite 4100
Denver, Colorado 80203

Phone: 1 303 417 8543
Fax: 1 303 247 8343
email: colin.harris@bryancave.com

1 303 861 7000

Environmental-related issues facing energy and natural resource industry sectors have never been more complex, contentious or critical to the success of operational and economic goals. For over two-decades, Colin has proudly counseled and defended a full spectrum of clients in the oil and gas, energy and natural resources industries facing the most difficult environmental challenges.

Colin offers regulatory and litigation strength in traditional disciplines, including air and water, and emerging/growing fields like hydraulic fracturing and pipeline safety, oil and gas commission regulation, and the intersection of NEPA and fossil fuel development. He is versed in the art of environmental crisis management, and counsels clients on corporate environmental and energy policy. And, Colin was recently selected "People's Choice" for Best Environmental Lawyer of 2013 by readers of *Law Week Colorado's* Barrister's Best edition.

Colin's clients, among other operations:

- Produce oil and gas
- Operate pipelines
- Process gas
- Store and refine crude oil
- Extract minerals
- Generate power from coal, and
- Engage in related support and service activities.

While his practice focuses on the energy and natural resources industries, Colin

has a long history of representing other important industrial sectors, ranging from aerospace to rail to manufacturing.

Colin is a prominent Clean Air Act (CAA) lawyer, as reflected by the publications and skill sets noted below:

- in-depth knowledge of the Clean Air Act, as reflected in "There's Something in the Air: New and Evolving Air Quality Regulations Impacting Oil and Gas Development," published January 2013.
- ability to litigate the specialized and complex legal issues surrounding CAA issues, see *e.g., United States and Ute Indian Tribe v. Questar Gas Management Co.*, 2010 WL 1417856 (D. Utah 2010)
- trusted counsel about complex new regulations impacting energy companies, e.g. "Oil and Natural Gas Production Subject to New Air Rules," published May 2012
- peer recognition, as reflected in his selection to Chair the recent *Rocky Mountain Mineral Law Foundation (RMMLF) Special Institute on Air Quality Issues Affecting Oil, Gas and Mining Development in the West*
- legal, technical and practical acumen that drives efficient results in complex matters ranging from calculations of “potential to emit” to navigating new greenhouse gas regulations

Clients rely on Colin, through his grasp of complex regulations, agency contacts, passion for energy development, and advocacy skills, to solve difficult CAA permitting issues, disputes and delays.

Colin is well-prepared to efficiently and expertly resolve water-related issues, based on his experience:

- obtaining favorable “jurisdictional” determinations under the Clean Water Act
- handling all emergency response phases, from reporting to coordinating with multiple agencies, arising from spill incidents
- addressing produced water and other issues surrounding water quality and upstream production, including increased oil and gas commission regulations
- advising clients about hydraulic fracturing developments and trends, as illustrated by "Why Anti-Fracking Groups Are Shifting Their Story From Water To Air Quality," published in *Forbes*, May 2012.

- litigating and counseling in matters concerning groundwater contamination, from remediation to toxic torts

Colin has heavy experience in other areas that are critical to the operational success of energy and natural resources companies, including:

- defense of citizen suits and NEPA challenges by environmental organizations and citizen activists opposed to fossil fuel development and power generation
- crisis management, handling of unannounced agency inspections, and managing internal audits
- natural resource damages (NRD)
- legacy cleanup liabilities at facilities such as mining sites
- wildlife issues including endangered species and migratory bird statutes
- alternative energy development, such as biomass facilities and wind energy projects
- environmental due diligence and counseling on indemnities and other measures to shift risk or gain protection from legacy operations
- environmental regulations applicable to operators in “Indian Country”
- criminal environmental matters, including CAA, CWA, and associated violations of Title 18 of the U.S. Criminal Code

Litigation about compliance and other environmental-related disputes is sometimes unavoidable, and Colin has defended several high-profile government enforcement cases involving:

- air quality, oil spills, surface and groundwater impacts
- matters seeking seven-figure penalties or greater
- requests for novel and severe injunctive relief, and
- Skillful negotiation of consent decrees to limit liability and protect the company’s future operations

As the attorney-advocate in a wide-variety of adversarial proceeding, he

combines the required understanding of the environmental regulations, industry operations, and scientific and engineering principles. He litigates cutting edge issues that frequently arise in cases involving oil and gas operations, such as causation and the admissibility of expert opinion. He has defended large utilities, upstream, midstream and downstream operators, pipelines, railroads and other operators in a variety of litigation matters. He also has participated in the defense of several environmental criminal investigations and prosecutions.

In addition to federal and state court litigation, Colin has a proven track record defeating or successfully resolving, with minimal penalties and compliance requirements, citations issued by state and federal government environmental agencies, the Office of Pipeline Safety, and the Occupational Safety and Health Administration.

Select Representations

Clean Air Act

- Defend upstream and midstream companies in PSD and NESHAP enforcement cases
- Defend and counsel clients in air quality matters on Indian Reservations
- Negotiate major, synthetic minor and Title V permits for energy clients
- Advice on greenhouse gas regulations for refinery and midstream operators
- Defend coal-fired power plants in PSD citizen suits and EPA enforcement actions
- Counsel and defend crude oil refinery in numerous air quality matters
- Counsel clients on regulations applicable to tanks, engines, flares, wells, LDAR, and “aggregation” rules, and regarding BACT analyses

Clean Water Act/Spill Response/Wetlands

- Defend refinery concerning petroleum releases causing surface and groundwater impacts
- Defend upstream company in allegations regarding groundwater plume impacting surface water
- Assist pipeline, upstream, rail, and service companies on SPCC, stormwater,

wetlands issues

- Defend pipelines and storage facilities against CWA enforcement
- Counseling for and defense of numerous oil spill incidents
- Advise and defend clients about regulatory status of pits and ponds at oil & gas facilities

Groundwater Issues

- Represent numerous clients in CERCLA and RCRA matters, with experience dating back to the formative years of those statutes
- Extensive experience in defense of toxic tort cases arising out of groundwater contamination
- Counseling clients on remediation, closure, and off-site migration issues

Hydraulic Fracturing

- Represent client in Colorado Oil and Gas Conservation Commission fracturing rulemaking
- Advice on issues relating to the state preemption
- Counsel regarding recycling and disposal of fracturing flowback water, and spill prevention

Public-Indian Lands/ NEPA/Wildlife

- Assist clients in NEPA review of oil and gas and pipeline projects, including air quality impacts
- Defend energy project against NEPA challenge brought by project opponents
- Advise clients on BLM environmental-related regulations
- Defense and counseling regarding Migratory Bird Treaty Act issues at oil and gas sites, Endangered Species Act matters, and avian issues concerning wind power
- Defend and counsel clients in diverse matters involving projects on Indian Reservations

Natural Resource Damages

- Defend and counsel mining company in NRD claims involving multiple sites
- Defend and counsel client in NRD claims involving oil discharges into waters and wetlands

Department of Transportation

- Defend Office of Pipeline Safety administrative proceedings, including hearings and appeal
- Counsel pipeline company in pipeline jurisdictional matters, and safety regulations
- Advise oil and gas service company on state and federal trucking regulations

OSHA

- Extensive experience ranging from compliance counseling to inspection and enforcement defense
- Management of inspections and closing conferences leading to reductions or elimination of citations
- Successful defense against the difficult “multi-employer” work site citation policy

Other

- Extensive crisis management and inspection response experience at energy facilities
- Assist in development of overall environmental compliance and training programs
- Provide due diligence for major oil and gas asset transactions, including drafting of environmental agreements, indemnities, and releases

Bar and Court Admissions

Colorado, 1988

United States Supreme Court

Education

American University, J.D., 1988

University of Colorado, B.A., 1985

Publications

- "Hydraulic Fracturing and Air Quality Regulation: New Federal Standards" (Environmental Regulation 2013: Hot Topics, Regulatory Developments, and Practical Guidance for Corporate Compliance, Practicing Law Institute, New York, 2013)
- "EPA's Indian Country Minor Source Rule: How is it Working?" (Rocky Mountain Mineral Law Foundation, 2013)
- "New Oil and Natural Gas Production Air Rules Go Final" (Client Alert, August 17, 2012)
- "There's Something in the Air: New and Evolving Air Quality Regulations Impacting Oil and Gas Development," 58 Rocky Mt. Min L. Inst. 6-1 (2012)
- "Why Anti-Fracking Groups are Shifting their Story from Water to Air Quality, (Forbes.com, Guest Column, May 8, 2012)
- "Oil and Natural Gas Production Subject to New Air Rules" (Client Alert, May 1, 2012)
- "Assessing & Addressing Environmental Liabilities, Due Diligence in Oil & Gas Transactions" (Rocky Mountain Mineral Law Foundation, 2011)

Speeches and Seminars

- "EPA's Air Quality Regulation as the Key Driver for Resource Management and Development," presenter (11th Annual Comprehensive Conference on Energy in the Southwest, Law Seminars International, Santa Fe, New Mexico, upcoming on July 21-22, 2014)
- "Hydraulic Fracturing Roundtable Discussion, Water and Air Pollution Issues, New Local, State and Federal Regulations, Recent Caselaw," panel and presenter (Environmental Regulation 2013: Hot Topics, Regulatory

Developments, and Practical Guidance for Corporate Compliance, Practicing Law Institute, New York (December 2013))

- "There's Something in the Air: New and Evolving Air Quality Regulations Impacting Oil and Gas Development" (July 19, 2012, Rocky Mountain Mineral Law Foundation Annual Institute, Newport Beach, CA)
- "EPA's Indian Country Minor Source Rule: How is it Working?" (March 3, 2013, Rocky Mountain Mineral Law Foundation Special Institute on Air Quality Issues Affecting Oil and Gas and Mineral Development, Denver, CO)
- "Drilling Down on Hydraulic Fracturing: Responding to Environmental Challenges and Misconceptions," (March 12, 2013, Denver Energy Finance Discussion Group, Denver, CO)
- "Top Air Quality Legal Trends Impacting Oil and Gas Development for 2013" (February 20, 2013, National LDAR/BWON/Tanks/Conference, Austin, Texas)
- "Assessing & Addressing Environmental Liabilities, Due Diligence in Oil & Gas Transactions," (May 20, 2011, Rocky Mountain Mineral Law Foundation, Due Diligence in Oil and Gas Transactions, Houston, Texas)

BRYAN CAVE

PRIVILEGED AND CONFIDENTIAL

January 14, 2015

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CONFIDENTIAL

Aaron J. Huckstep, Mayor
Town of Crested Butte
c/o J.D. Belkin & Associates, LLC
502 Whiterock Avenue, Suite 100
P.O. Box 2919
Crested Butte, CO 81224

Re: Engagement of Bryan Cave LLP

Dear Mr. Huckstep:

We are pleased that you have chosen to engage Bryan Cave LLP to provide legal services to Town of Crested Butte in connection with our review of environmental matters in connection with the Slate River Addition Annexation and such future matters that we mutually agree to undertake. Consistent with our normal practice, this letter and the attached Statement of Engagement Terms and Billing Practices (the "Statement") set forth the terms of our engagement. The Statement is important and is provided to our clients so that they understand in advance how various issues will be handled.

Our fees for legal services are based on the time we spend on the engagement. In the event the nature of the services requested justifies a departure from that approach, we welcome the opportunity to discuss alternative arrangements. We separately charge for expenses and other charges incurred in connection with rendering our services, all as described in the Statement.

Our billing statements are normally rendered on a monthly basis and are due and payable upon receipt. We endeavor to include expenses and other charges in the statement for the month in which they are incurred. On occasion, however, accounting for certain expenses and charges (i.e., late-posted items or international charges), may be delayed, in which case late-posted items will be billed on the next regular statement. The Firm reserves the right to charge a late payment penalty in the form of interest on any statements not paid within 30 days of the statement date at the legal rate of interest.

Our representation is conditioned upon receipt of the signed copy of this letter from you confirming your understanding and approval of these terms of our engagement.

Our attorney-client relationship is one of mutual trust and confidence. We do our best to see to it that our clients are satisfied not only with our services but also with the fees charged for those services. Whenever you have any questions or comments regarding our services or fees, you should contact me or any other attorney in the Firm with whom you are working. We also encourage you to inquire about any matters relating to our fee arrangements or monthly statements that are in any way unclear.

We appreciate the confidence you have placed in us and look forward to working with you. If this letter and the Statement correctly set forth our mutual understanding, please sign and date the enclosed copy of this letter and return it to us with the attached Statement.

Very truly yours,

Colin G. Harris

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

THESE TERMS INCLUDING THE ATTACHED STATEMENT OF ENGAGEMENT TERMS AND BILLING PRACTICES ARE APPROVED.

DATED:_____

Town of Crested Butte

_____

By: Aaron J. Huckstep, Mayor
Its Authorized Representative

STATEMENT OF ENGAGEMENT TERMS AND BILLING PRACTICES

(Colorado)

Fees. Our general policy is to calculate fees for legal services on the basis of a rate for each lawyer and legal assistant engaged in providing such services, multiplied by the number of hours (or fractions thereof, in increments of one-fourth of one hour) devoted to the rendering of such services by each such lawyer or legal assistant.

In serving the client we attempt to utilize those lawyers and legal assistants having the lowest hourly billing rates commensurate with the legal knowledge and level of experience required in order to achieve the client's objective. The selection of those lawyers and legal assistants who will render services will be made by the lawyer having overall supervisory responsibility for each engagement, taking into consideration the nature of the engagement, the office in which most of those services are likely to be rendered, the degree of legal experience and knowledge required in order to achieve the client's objective, the availability of lawyers and legal assistants to work on the engagement, and their hourly billing rates.

A rate is determined for each of our lawyers and legal assistants on the basis of that person's seniority, experience or area of practice, and the geographic location of the office in which that person works. The hourly billing rates may be adjusted periodically most typically effective with the start of each calendar year. The rate for our professionals likely to be involved in rendering services in connection with this matter are as follows: Colin Harris - $513; Ivan London - $380. This is a 5% discount from our normal rates.

When we provide services which are of special value or which require unusual sophistication we will discuss with you charging for those services an amount that exceeds the standard rate of the professionals involved multiplied times the number of hours devoted to the rendering of services.

client of ours, could be used in any such other matter by such client to the disadvantage of Town of Crested Butte.

Termination of Engagement. You may terminate our engagement with or without cause at any time on written notice to us. Termination of our services will not affect your responsibility to pay for legal services rendered and all expenses and other charges incurred up to the date when we receive notice of termination, and for any further work required of us in order to facilitate an orderly turnover of matters in process at the time of termination.

We may terminate our engagement for any of the reasons permitted under the Colorado Rules of Professional Conduct, including your failure to promptly pay our bills, misrepresentation of (or failure to disclose) any material facts, action taken contrary to our advice, or any other conduct or situation that in our judgment impairs an effective attorney-client relationship between us or presents conflicts with our professional responsibilities. This letter constitutes reasonable warning

that we will withdraw from representing you in this matter if you fail substantially to fulfill an obligation to us regarding our services. Other grounds for terminating our representation are set forth in Rule 1.16 of the Colorado Rules of Professional Conduct, a copy of which we will provide you on request. We may request a stipulation executed by you allowing us to withdraw as your attorney in any judicial, arbitration or similar proceedings, in which event you agree in advance to our withdrawal.

Our attorney-client relationship will also terminate when a matter for which our Firm was hired has been completed, whether or not our bill to you for services has been rendered or paid. Upon termination of our relationship, the Firm has no duty to accept new engagements or to continue representation in any matters unless mutually agreed in writing.

Future Representation. In the event our engagement necessitates that we prepare an agreement which provides for ongoing rights and obligations on your part, a dispute concerning the interpretation or enforceability of that agreement may subsequently arise after our engagement has been terminated. In the absence of our express written agreement, you may not assume that the Firm will continue to be free to represent you in a future dispute concerning such agreement.

Retention of Files. Generally, we keep each client's legal files for ten years after we close the file. After ten years, we destroy those files unless the client tells us otherwise. If you want us to keep your files for a longer period of time, please tell us.

Arbitration of Dispute. Should any dispute arise concerning the services provided to you by us or the statements forwarded to you, as well as any alleged claims for legal malpractice, breach of fiduciary duty, breach of contract or other claim against the Firm for any alleged inadequacy of such services, the dispute will be settled by arbitration. The arbitration shall be heard in the City of Denver by a panel of three arbitrators, all of whom must be practicing attorneys in that city, with one arbitrator to be selected by each party and the third to be chosen by the two arbitrators selected by the parties. The arbitrators may establish such rules for the conduct of the arbitration as they may choose, except that there shall be no discovery and any proceedings conducted shall be private and confidential and shall not be disclosed to the public by either the arbitrators or the parties to the arbitration. The award of the arbitrators must be by a majority vote and shall be final and binding, not subject to challenge by either party in any court of law. Each party shall bear its own costs of the arbitration and shall pay one-half of the costs of the proceeding.

Charges. Our statements to our clients are normally rendered on a monthly basis, and ordinarily include certain charges other than fees for legal services. These charges may include third-party expenses (such as filing fees, court reporters and travel) and internal expenses. Clients may be asked to pay larger third-party invoices directly. Other third-party expenses will be added to our bills with no markup. The Firm has elected to charge for certain support activities on the basis of each client's individual use instead of covering them in its hourly rates for fee earners. The internal charges will be billed in the following way:

Mail: There is no charge for regular mail. Clients are charged the actual cost of express mail and bulk mailings, as well as air express couriers.

Messengers: Clients are charged the actual costs of outside messenger service. In some instances, Firm personnel may be used in lieu of an outside messenger service to reduce delivery time. In those cases, delivery charges are competitive with those of the outside messenger.

Reprographics Costs: The Firm charges $.20 per page for black and white images (including copies, prints and scans), $.70 per page for color images. When required by size or time constraints of the specific project, reprographics services may be provided by outside vendors and will be charged to clients at actual cost.

Binding: The Firm charges $5.00 for each binding (velo, spiral, fastback, etc.) job.

Data Transfers: The Firm charges a fixed rate for burning CDs and DVDs at $8 and $12, respectively.

Computer Research: The Firm uses Lexis-Nexis and Westlaw to conduct computer-assisted research. The Firm contracts for the majority of those database services in bulk and for several years in advance. The Firm bills clients at a discount from the Lexis-Nexis and Westlaw regular rates to third parties. Charges for usage of Lexis-Nexis and Westlaw databases that are not included under these advance contracts, and all other research databases, are billed to clients at actual cost.

Long-Distance Telephone Calls: The Firm does not charge clients for long-distance telephone calls.

Applicable Law. Even though our Firm has offices and transacts business in numerous locations, our attorney-client relationship will be governed by Colorado law, including the Colorado Rules of Professional Conduct.

Dear Mayors, Council members, and Managers

I am pleased to inform you that the County is concluding discussions with the Gunnison Crested Butte Tourism Association (TA) with regard to restructuring the Board and amending their bylaws. The key components of these changes include:

- Changing the TA bylaws so that the qualifications to be on the board are skill based versus requiring membership in a chamber of commerce.
- Charging the TA with marketing the valley as a whole and providing an annual business plan and proposed budget to the Local Marketing District (which will remain the Board of County Commissioners) which will articulate clear results and a metric for measuring those results.
- Encouraging integration and collaboration with marketing stakeholders in the development of the annual business plan including but not limited to: municipalities, chambers of commerce, event promoters, and large employers.
- The proposed bylaws also include creating a financial policy to help ensure the highest standards for financial transparency and fiscal management.
- The number of board members will change from 11 to 7 with standing seats for Western State Colorado University and Crested Butte Mountain Resort (CBMR). In addition, the advisory committee and executive board would be eliminated. The goal of this restructuring is to have 7 highly motivated, engaged marketing and tourism professionals developing strategy and tactics for marketing our valley. Five board members would be appointed to the TA Board utilizing the following criteria:
    a. Resident or property owner of Gunnison County, and
    b. Have significant marketing experience that can be applied to tourism marketing, or
    c. Have current or past business experience providing services to visitors in Gunnison County as a senior decision maker, and
    d. View the County as one interdependent and interconnected economic system,

At the December 9th, Local Marketing District meeting the LMD and TA agreed to include in the Bylaws a selection process for new TA board members which would include a representative from Mount Crested Butte, Crested Butte, and the City of Gunnison. The representative could be a council member, staff member, or community member. We would encourage that the representatives have knowledge regarding marketing and tourism. The specific role of the representative would be to join the Local Marketing District members and one existing member of the TA board to appoint new TA Board members.

We are sending this letter to request that the Council appoint an individual to the selection committee by January 15, 2015. We anticipate this committee would only meet when there is a vacancy on the TA

Board. To help ensure a smooth transition to the new Board Structure we will be seating the new TA Board in February of 2015. We would like to forward applications for board positons to the selection committee in January. Please email Russell Forrest at rforrest@gunnisoncounty.org to inform us of your representative for the selection committee at your soonest possible convenience. We will also forward the final By-laws and candidate applications to the selected representatives from each municipality in January of 2015. Please call me if you have any questions regarding this request.

Thank you for your consideration and cooperation in this matter.

Sincerely

Paula Swenson
Chair, Board of County Commissioners &
Local Marketing District

To: Mayor Huckstep and Town Council

From: Michael Yerman, Town Planner

Thru: Todd Crossett, Town Manager

Subject: **Slate River Annexation Concept Review**

Date: January 20, 2015

Recap of January 5th

On January 5th the Council discussed two main issues during the Conceptual review of the application. The Council deliberated on the location of potential commercial uses within the development and the Grid vs. Natural proposal. After the Council discussed these two issues, the Council directed staff to prepare a resolution to approve the Concept Annexation application.

Resolution 2015-3, has been prepared for Council consideration. The resolution provides a recap of the issues the Council considered during the Conceptual Review phase of the application. As explained below, the approval of the Conceptual application allows the applicant to proceed with a formal application.

The Town attorney is drafting a pre-annexation agreement which will need to be executed prior to the applicant submitting a formal application. Staff is anticipating the pre-annexation agreement will be ready for Council consideration at the regularly scheduled Council meeting on February 2nd.

Approval of Conceptual Review

Approval of the concept application means, "Per Section 15-1-50 (3)(b) … Only in the event the Town Council approves the concept annexation request may the applicant proceed to file a formal annexation petition and other necessary submittals required under Section 15-1-60…"

If Conceptual review is approved, the formal review process will begin. The applicant would have a considerable amount of additional details, engineering, and studies to submit with their formal application. There would be a variety of opportunities for agencies and the public to comment. Public hearings would be held by BOZAR, the Planning Commission, and Town Council. The public would have an opportunity to comment throughout the process via public hearings. The public would be encouraged to submit written comments via the Town. Comments from the public received by staff would be entered into the record of public hearings held by the Council or Planning Commission. Also, while the public would not be able to communicate with councilmembers in an ex parte fashion, they would be able to communicate with staff.

Recommended Action

Based upon the outcome of the Council's last concept review session, staff recommends that the Town Council approve Resolution 2015-3 a resolution of the Town of Crested Town Council approving the concept annexation application for the Slate River Annexation.

RESOLUTION NO. 3

SERIES NO. 2015

RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL APPROVING THE CONCEPT ANNEXATION REQUEST OF CYPRESS FOOTHIILLS, LP WITH CONDITIONS THEREON PURSUANT TO SECTION 15-1-50 OF THE CRESTED BUTTE MUNICIPAL CODE

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

WHEREAS, Cypress Foothills, LP ("**Applicant**") submitted to the Town on October 9, 2014 that certain Slate River Addition Concept Annexation Application, October 2014, as amended and supplemented (the "**Concept Application**"), seeking to annex into Crested Butte those lands described in **Exhibit "A"** attached hereto (the "**Subject Lands**");

WHEREAS, Section 15-1-50 of the Crested Butte Municipal Code (the "**Code**") requires that as a pre-condition to Applicant submitting a formal annexation petition pursuant to the *Town Annexation Ordinance*, Chapter 15, Article 1 of the Code, and more specifically Section 15-1-60 thereof, Applicant must first gain the approval of the Town Council of the Concept Application;

WHEREAS, Applicant submitted the Concept Application pursuant to Section 15-1-50 of the Code;

WHEREAS, the Town staff has reviewed the Concept Application in cooperation with Applicant pursuant to Section 15-1-50(3)a. of the Code, and the Town staff and Applicant presented the Concept Application to the Town Council at its regular Town Council meetings on December 1 and 15, 2014 and January 5, 2015; and

WHEREAS, the Town Council, at its January 5 Town Council meeting completed its review of the Concept Application and directed the Town staff and the Town Attorney to prepare these resolutions approving the Concept Application and permitting Applicant to submit a formal annexation petition pursuant to Section 15-1-60 of the Code, subject to Applicant's compliance with and satisfaction of the requirements and conditions set forth in these resolutions.

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

1. **Approval of Concept Application**.

(A) Subject to Applicant's compliance with, and satisfaction of the requirements and conditions set forth in subsection (B) hereinbelow, the Concept Application satisfies the Town Council as required by Section 15-1-50 of the Code and is hereby approved.

(B) The following requirements and conditions must be satisfied as and when required hereinbelow:

(i) The formal annexation petition and other required submittals described in Section 15-1-60 of the Town Code shall be consistent with the approved Concept Application, which includes the final Concept Annexation maps attached hereto as **Exhibit "B**" (the "**Final Concept Maps**").

(ii) Prior to Applicant's submission of a formal annexation petition and associated submittals (collectively, the "**Petition**"), Applicant shall cause to be performed at its sole cost and expense a facility master plan (the "**FMP**") performed by an independent third party consultant approved by the Town for the Town's Public Works yard and associated facilities. The contract with such independent third party consultant shall be entered into directly with the Town on terms reasonably satisfactory to Applicant and shall include a scope of work for services to be performed as developed by the Town in cooperation with Applicant. The FMP shall be submitted to the Town with Applicant's Petition.

(iii) Prior to Applicant's submission of the Petition, Applicant must enter into a pre-annexation agreement (the "**PA Agreement**") with the Town on terms approved by the Town Council and acceptable to the Town Attorney addressing the following subject matters:

(a) ***Old Town Landfill***: The PA Agreement shall address the terms and conditions, including, without limitation, liabilities and sureties, pursuant to which the old Town Landfill will be cleaned-up in the event the Subject Lands are annexed into the Town.

(b) ***Uses of Town-owned Properties***: The PA Agreement shall address Applicant's use of Town-owned properties consistent with the FMP, including, without limitation, use of portions of the Town's Public Works yard as contemplated in the Concept Application. The FMP shall play a crucial role in determining Applicant's use of, without limitation, the Town's Public Works yard.

(c) ***Confer with Other Public Entities***: Applicant shall work in concert with the Town and confer with public entities and other similar interests on the uses of the Subject Lands.

(d) ***Fire Station***: The PA Agreement shall address Applicant's provision of lands for civic uses, including, without limitation, the location of a possible new fire station on the Subject Lands.

(e) ***Sewer Treatment Planning***: The PA Agreement shall address the terms and conditions pursuant to which Applicant shall pay for engineering costs to be incurred by the Town in 2015 related to the expansion of the existing sewer treatment plant, if the Colorado Department of Public Health and Environment, Water Quality Control Division (WQCD) requires the Town to begin such engineering.

(f) ***Miscellaneous***: The PA Agreement shall include such others requirements, terms and conditions as required by the Town Council, and as are customarily included in agreements of this nature.

(iii) Applicant's Petition shall include and incorporate the following:

(a) ***Land Uses Consistent***: All land uses included in the lands proposed to be annexed shall be consistent with the Town's development pattern, taking into consideration of the Town's building and development environments.

(b) ***Grid***: The layout of the lands proposed to be annexed shall follow Crested Butte's existing "grid pattern" to the extent practical.

(c) **Water**: The development of the lands proposed to be annexed shall include water rights and/or water related infrastructure and associated facilities.

(d) ***Commercial Uses***: All commercial uses shall be located to the south of the alley between "Road A" and Road B.

(e) ***Civic Uses***: Civic uses shall be included with the development of the Subject Lands, including, where applicable and without limitation, the location of a possible new fire station; provided that, if the Town Council determines that the fire station will not be located on the Subject Lands, comparable lands shall be reserved in lieu thereof for other civic uses.

(f) ***Fire Station Location***: The proposed location for a new fire station, if any, shall be west of Seventh Street and south of the alley between Road B and Road A; provided that, if the Crested Butte Fire Protection District (CBFPD) and the Town Council agree, the new fire station may instead be located north of the alley between Road B and Road A adjacent to Gothic Road or on lands other than the Subject Lands.

(g) ***Affordable Housing***: Applicant shall work in concert with Town staff to investigate and present to the Town Council affordable housing options and recommendations, Applicant acknowledges that the Town Council views affordable housing as a critical component of the development of the Subject Lands.

(h) ***Trail Corridors***: To the extent achievable with third parties, all trails shall connect to existing trail corridors, including, without limitation, the recreation pathway. Trails shall be dog friendly.

(i) ***Gothic Road Infrastructure***: Infrastructure such as, for example, sidewalks, street lights, drainage improvements, pavement, etc. shall be extended along the "Gothic Road corridor."

(j) ***No Stop-Light***: Applicant shall not propose, and the Town does not want, a stop-light as part of the development of the Subject Lands.

(k) ***Miscellaneous***: The Petition shall take into consideration and include, as and when applicable and appropriate, such other items as are required under the Code, including, without limitation, Chapters 15-17 thereof.

(C) Notwithstanding anything contained herein, the Town Council reserves the right to amend the requirements and conditions set forth above as and when the public interest so requires.

(D) Nothing contained herein is intended to, nor shall, amend, limit or abridge any requirement or condition of the Code or the Crested Butte Land Use Plan.

2. **Effect of Concept Annexation Request Approval; No Vested Right**.

(A) Approval of the Concept Application along with compliance with the requirements and conditions contained in these resolutions shall constitute authorization for Applicant to prepare and submit a formal annexation petition pursuant to Section 15-1-60 of the Code.

(B) No vested right or other entitlement of any kind is granted or conveyed by the adoption of these resolutions. Approval of the Concept Application merely allows Applicant to submit a formal annexation petition subject to Applicant's compliance with the requirements and conditions contained herein.

3. **Term**. The Concept Application approval granted herein, and the validity of these resolutions shall be effective and continue for 12 months from the date of adoption hereof; provide that, upon application by Applicant showing good cause, the Town Council may grant an extension of time thereto by further resolutions.

4. **Amendments**. These resolutions may be amended only upon the Town Council's adoption of further resolutions amending the same.

5. **Assignment, Transfer of Concept Application**. The Concept Application, these resolutions and the rights granted hereunder may be assigned or transferred only upon written consent of the Town Council, which such consent shall not be unreasonably withheld, conditioned or delayed. Any transfer or assignment without such written consent shall be void *ab initio*.

6. **Cost and Expense Reimbursement**. As an additional condition to the approvals set forth in these resolutions, Applicant shall reimburse the Town for any and all costs and expenses in accordance with that certain Reimbursement Agreement between Applicant and the Town dated November 4, 2014, failing which, these resolutions and the Concept Application approved hereby shall be deemed void *ab initio*.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE THIS 20TH DAY OF JANUARY 2014.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Aaron J. Huckstep, Mayor

ATTEST

_____
Lynelle Stanford, Town Clerk (SEAL)

<u>EXHIBIT "A"</u>
(Subject Lands)

[attach legal description here]

<u>EXHIBIT "B"</u>
(Final Concept Maps)

[attach both maps here]

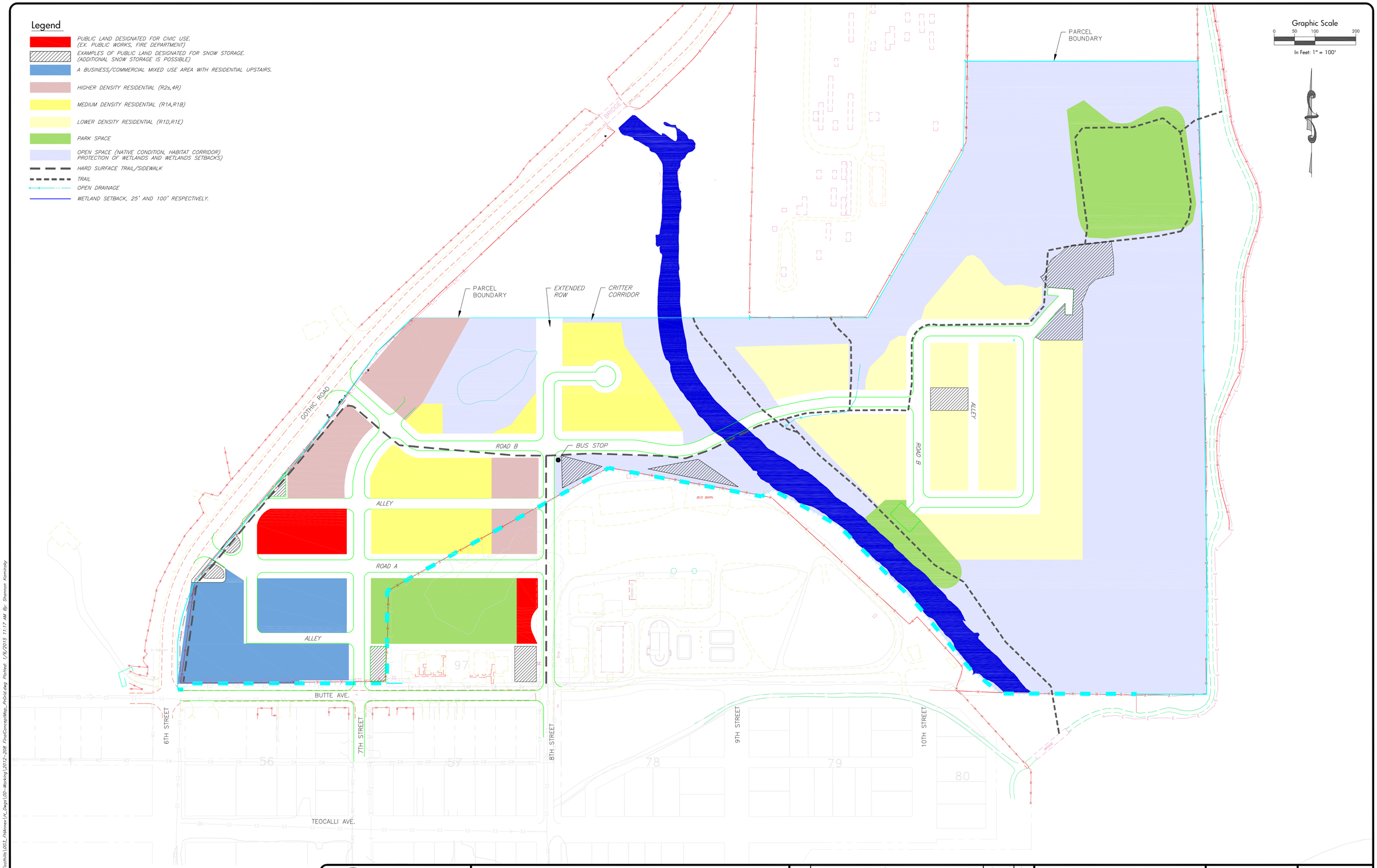
Legal Description:

A parcel of land known as Tract Q of Book 516 Page 474, Parcel 13 of Book 552 Page 63, Parcel 1 of Warranty Deed recorded at Reception No. 570819, Parcel 1 of Quitclaim Deed recorded at Reception No.570822, Parcel 1 of the Correction Warranty Deed recorded at Reception No.584439, Parcel 1 of the Special Warranty Deed recorded at Reception No.612899, and the Correction Deed recorded at Reception No.618498 all located in the SW 1/4 of Section 35, Township 13 South, Range 86 W of the Sixth PM, Gunnison County, Colorado being more particularly described as follows:

Beginning at a point on the westerly boundary of Trampe Parcel described in Book 516 Page 494 also being on the easterly right of way line of County Road 317 (Gothic Road) as recorded at Reception No. 00119 and being on the south line of the SW1/4 of said Section 35 from which the southwest Corner of said Section 35 bears N89°43'49"W a distance of 130.05 feet; thence S89°43'49"E a distance of 17.52 feet to a point on the westerly line of the Dyer Subdivision as recorded at Reception No.497990; thence along the westerly, northerly and easterly lines of said Dyer Subdivision the following eleven (11) courses: 1) N00°01'42"W a distance of 15.19 feet, 2) N89°58'18"E a distance of 495.36 feet, 3) N00°01'42"W a distance of 226.55 feet, 4) N61°00'00"E a distance of 620.66 feet, 5) S79°30'09"E a distance of 381.57 feet, 6) N61°00'00"E approximately 31.96 feet to the high water line of the Slate River; thence along the high water line of the Slate River approximately 7) S44°00'17"E a distance of 2.43 feet, 8) S61°14'28"E a distance of 180.87 feet, 9) S45°20'59"E a distance of 257.67 feet, 10) S39°16'06"E a distance of 215.58 feet, 11) S50°53'25"E a distance of 97.51 feet to the southerly line of the SW1/4 of said Section 35; thence along said southerly line S89°43'49"E, approximately 506.01 feet to the S1/4 Corner of said Section 35, said corner being a 3 1/4" Aluminum Cap; thence along an existing fence line as it exists in the field and as shown and described in a Boundary Agreement recorded in Book 769 at Page 881 the following three (3) courses: 1) N00°11'53"E a distance of 271.72 feet, 2) N00°50'11"W a distance of 932.90 feet, 3) N01°19'37"W a distance of 346.89 feet to a point on the northerly line of the Trampe Partition Parcel 13 and the southerly line of Spann Parcel 23 as described in Court Decree Amended Order of Partition as recorded in Book 552 at Page 63; thence along the northerly line of said Parcel 13 N90°00'00"W a distance of 570.01 feet to a point on the easterly line of the Town of Crested Butte Cemetery as described in Exhibit A(5) in Court Decree of Partition as recorded in Book 516 at Page 474; thence along the easterly line of said Cemetery Parcel S01°20'33"W a distance of 220.37 feet to the northerly corner of a parcel of land described in Book 518 at Page 403; thence along the northwesterly line of said parcel S29°46'00"W a distance of 470.46 feet to a point on the northerly line of said Trampe Partition Parcel 13, said point also being on the southerly line of said Cemetery Parcel; thence along said northerly line of said Parcel 13 N90°00'00"W a distance of 1116.19 feet to a point on the easterly right of way line of County Road 317 (Gothic Road); thence along said easterly right of way line as described in deeds

recorded at Reception No.474960 and 474961 the following five (5) courses: 1) S46°12'21"W a distance of 116.48 feet, 2) S35°50'27"W a distance of 185.49 feet, 3) S35°50'28"W a distance of 88.19 feet, 4) S40°05'13"W a distance of 207.37 feet, 5) S39°55'42"W a distance of 238.91 feet; thence continuing along the easterly line of said right of way and westerly line of said Trampe Partition Parcel 13, 155.77 feet along the arc of a non-tangent curve to the left having a radius of 441.28 feet, a central angle of 20°13'30" and a long chord which bears S16°19'42"W a distance of 154.96 feet to a point which is common to the southwest corner of a parcel of land described in Book 518 at Page 403; thence S00°00'04"W continuing along the easterly right of way of said County Road 317 as recorded at Reception No.00119 and in accordance with Court Decree (Judgment) recorded in Book 516 at Page 494, a distance of 117.72 feet to the Point of Beginning.

Said Parcel as described above contains 44.503 acres, more or less.



Preliminary
Not For
Construction

SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Slate River Addition
Cypress Foothills LP

#	Revision	Date	By
1	Final Concept Annexation Map	1/06/2015	SK

Final Concept
Annexation Map

Job No.	2012-208.003
Drawn by:	SK
Date:	1/06/2015
QC:	PE: TJH
File:	2012-208 FinalConceptMap_PrGrid

1 Of 2

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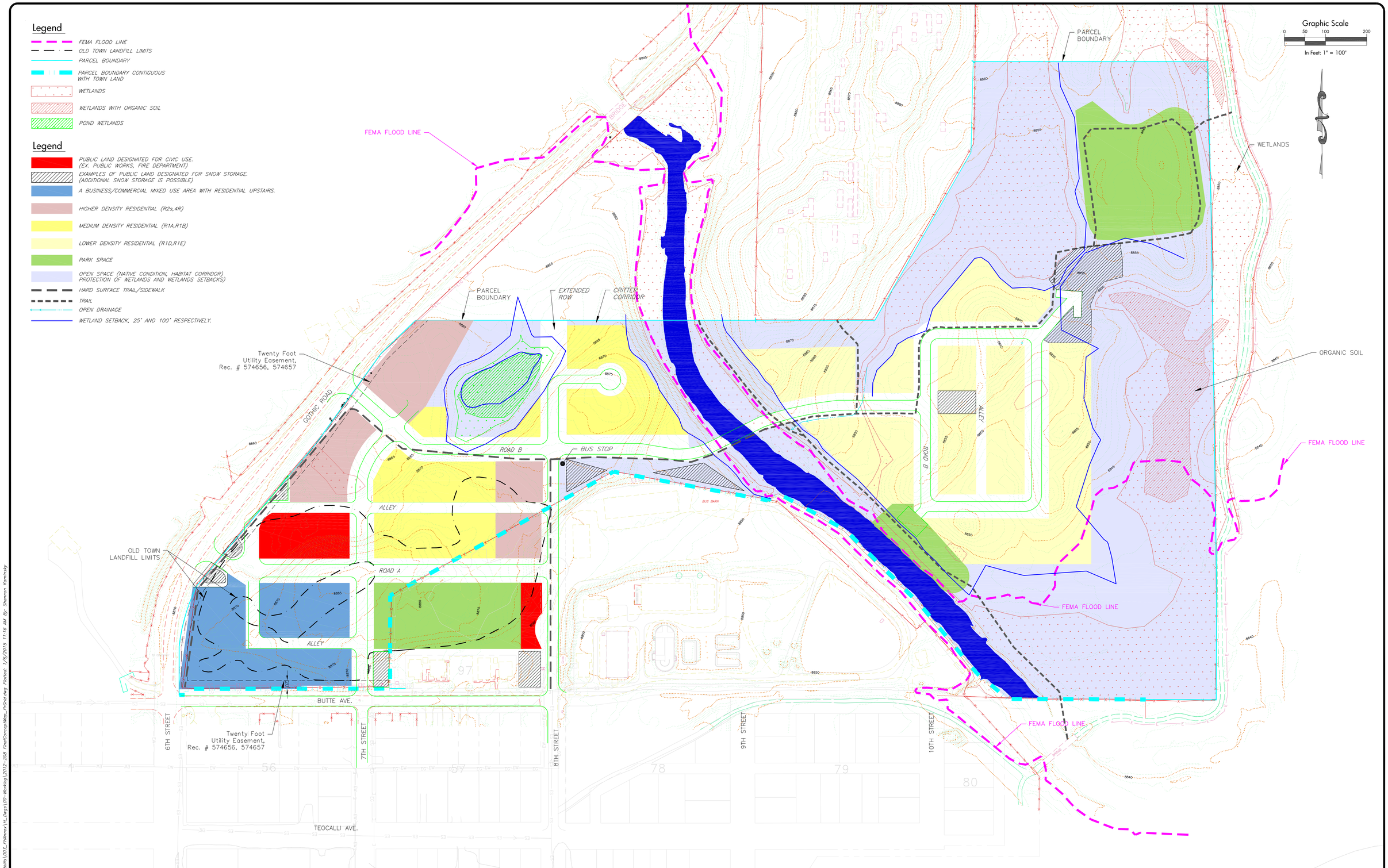

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2 Of 2

I:\2012\2012-208_Foothills\003_Fifteenth\4_Dwgs\00-Working\2012-208 FinalConceptMap_PrGrid.dwg Plotted: 1/6/2015 11:16 AM By: Shannon Kamitsky

From: BETTY BARKMAN [mailto:be1barkman@msn.com]
Sent: Monday, January 05, 2015 4:15 PM
To: Michael Yerman
Subject: Re: Slate River Addition annexation proposal

Hi Michael,
Happy New Year. I read with interest that the developer is proposing to remove the dump material. Interesting idea, but possibly more romantic than practical. I contacted Marlene Crosby to inquire what the county's response was to accepting the old dump material. She graciously found the time to give me a history of the previous developer's proposal and how things have changed since. She also said she hasn't been approach by the current developers. It seems rather curious to me that they would include removal of the dump material without securing a location for it. Have they been forthcoming with you?

Second thought, please consider a land trade with the developers that would trade the town's triangle of land on the west side of the Slate and across from the cemetery for the developers' land on the east side of the Slate. That triangle could be developed in the grid format and the eastside could be preserved as "wild" parkland. That would stop the cemetery resistance that came last time and give wildlife a reasonable corridor. It saves the developer a bridge and crossing the river for sewer and water. That should be an incentive to bargain.

Betty Barkman

Good morning Linda,

Thank you for sending the email below. Irrespective of where you live, the Council appreciates your input. I am cc'ing Town Clerk Lynelle Stanford here so that your email becomes part of the Council record. It will also be shared with all Council members when packets go out late this week.

Best Regards,

Aaron J. Huckstep
("Huck")

www.hucksteplaw.com
P: (970) 349-2009
F: (970) 797-1023

Find interesting and insightful articles by Following us on Facebook at www.facebook.com/HuckstepLaw

-----Original Message-----
From: Bob Colvey [mailto:bcolvey@southwind.net]
Sent: Saturday, January 10, 2015 9:34 AM
To: Huckstep JD CPA Aaron J.
Subject: Annexation

Hello Huck,
Not sure where to voice my opinion on this issue because we live in the county between CB and Mt. CB and haven't been able to get to the town meetings. The newspaper article got my attention this week as I thought this was a closed issue after the last try and hadn't heard anymore on it until recently.

I am very much opposed to the annexation. First, we moved specifically to the county to be out of all the hoopla of both towns and for the beauty of the open areas between the two. I don't want to see town growing up the mountain. It changes the look of the unique town we have and definitely takes away from the quaintness. There are vacant lots close by and the old abandoned bakery that (the owner doesn't seem to care if he ever sells) to develop on.

The elk and deer migration go right through this area which has already been compromised with all the fencing that went up at the Smith Hill subdivision.
I haven't heard anything about the source of water, both domestic or irrigation, and whether it will be provided by the town or wells. In an ongoing effort to protect our water where I live, I am opposed to any new wells for water use in this proposed highly condensed development.

I am pro development when it's sensible, fitting into the desired look of town and working within the existing footprint to keep it that way. It can't always be about the money (tax dollars).

I hope you all don't allow this to go forward. Please protect the beautiful town we have and the 3 mile county corridor we live in.

Thanks and best wishes for the New Year, Linda Colvey

Sent from my iPad

Hi Jim and Huck. I'm not sure if this email is going to the right place, but figured that it was a good start. I have a thought about the annexation that I would like to share with you.

From what I understand, the number one item that people want from our recreation department in addition to in and around town trail connectivity, and has been for a long time, is a rec center. I realize that building a rec center may not be a reasonable expectation for a developer due to its cost, but setting aside the land, or even starting the project in some way, does seem reasonable. While I love soccer (both of my kids play as did both my husband and I), I do not feel that adding yet another ball field to our small community is the best use of space. Keep in mind that soccer fields are only used for reasonably short seasons in the spring and fall (aside from when community members are out flying kites and such). Softball fields are only used in the evenings in the summer, and sometimes for youth practices. That is an incredibly small amount of time for all of that space to be used, plus it's an amenity that we have duplicated around town already.

This community needs to do some brainstorming about to actually fund a rec center and keep the funds going (tax on marijuana sales???), but why not start the process now instead of putting the idea on the back burner once again because the project is "too expensive"? It might make sense to reserve a somewhat ambitious plot of land, and tackle building a rec center in phases to allow growth to pay it's own way.

I'd love to hear your thoughts. I'd love to be involved in any way I can.

Thanks for reading.

-Janae Pritchett

Hi JIM !! Happy New Year and all that---I have been reading " all the news that's fit to print " in the CBNews about the development along the
gothic road----------maybe offer the' NO' s a compromise by just letting one" largish" (but smaller than the gas café development) commercial on the corner across from the gas café then string two or three smaller ones along Butte--all with nose in parking along Butte only , on BOTH SIDES for a block, to encourage the powers that drive to turn off(at a stop sign or none) and see ALL the businesses that might be there (and shop at the gas café too) that way we can keep ALL parking off of the gothic road (which we REALLY don't want).... Maybe put a red delivery zone only along the Gothic road for the deliveries to whatever businesses are there to keep these large trucks out of the client parking along Butte----------this would seem to keep the developers happy to get their commercial development and keep it off of the Gothic road that creates a strip mall effect along said road--it would still be visible and the nose in parking on both sides would create more parking without creating another giant parking lot anywhere around there which we certainly DO NOT NEED OR WANT (it should be cheaper for them to build and maintain too, even if you make them plow both sides of Butte) --------- just an idea whose time may have come----------
P.S. and keep the grid----------love to all you poor souls on the council and luck for the new year----------
ceilou ;p

Dear Mayor and Members of the Town Council,

We agree with Jim Schmidt that it is time for people who do not want to see a new annexation to say why.

In approving the recent takeover of Crested Butte by Bud Light, town government acted precipitately, without sufficient public discussion. That was, however, an event that may not have a lasting effect.

A new annexation will, if approved, indeed have a lasting effect on our town. We hope you will consider the following questions (if not others) before taking action:

—It has been suggested that if approved, this will be the last annexation. However, there is sufficient private land hereabout to permit additional annexation. The currently proposed annexation would see the Town of Crested Butte creep further up Gothic Road toward the Town of Mt. Crested Butte, which no matter what its merits, lacks the historic ambience and architectural harmony of Crested Butte. Eventually the two might well meld into one, to the detriment of our own town's character.

—Scientists predict gradual desiccation of the Mountain West. We think you should consider whether it is prudent to permit large new calls on our water supply. Current town water usage is, we understand, about 200,000 gallons a day. According to the USGS, an individual uses 80-100 gallons of water a day. The 115 housing units proposed for the annexation would house perhaps 400 persons, meaning an additional 40,000 gallons of water usage—a twenty percent increase—and that does not include additional commercial use. So far we have not had a prolonged drought, and Coal Creek has provided us enough water; but it does not seem prudent to agree to a large increase in usage without careful consideration, given the likely future decrease in available water.

—We hope you will consider further the question of new commercial development on Gothic Road, the kind of strip development that has damaged the character of so many American towns. To quote from a survey twenty years ago, in 1995, "over 80% of the resident respondents supported additional business uses…to be located downtown, adjacent to existing business uses, rather than in the Corridor between the two towns." We doubt that public opinion has changed since then.

—Even if there should be new commercial development on Gothic Road, people in the annexation would use their cars to go shop, eat, or drink, e.g., at Clark's or Le Bosquet or on Elk Avenue. What would this additional traffic density would mean for Crested Butte?

—The annexation would come near to Slate River and the adjoining wetlands which, to quote HCCA, are "a riparian corridor vital to local wildlife." We urge you to ask wildlife experts what the effect of the annexation would be not just on the wetlands per se, but on the seasonal movement of elk and other species along this corridor.

—The developers may argue that they would provide additional affordable housing which would benefit the town. It seems possible, though, that the additional large houses in the development would require more maintenance and service people, thereby increasing rather than reducing the overall demand for affordable housing.

—We urge you to calculate as best possible what additional burdens the annexation would place on the town's infrastructure—schools, public works, etc.—and to ascertain to what extent the developers would offset this burden. At the same time, we think you should satisfy yourselves, if you have not done so, that if the annexation should be approved, the developers would have the necessary financial resources—which, reportedly, the previous developers did not—to complete the project.

—Above all, we hope you will consider who would benefit and who would lose from this annexation. Aside from the obvious gain to the developers, construction and house sales in the annexation would provide

gains to local firms and workers; but much of these would be one-time, relatively short-term gains. On the negative side, the town would lose more of its character; CBMR would be less able to advertise this place as what it now calls "…a holdout, retaining its small town charm." The bigger the town becomes, the less attractive it becomes to key players in our economy: visitors, second-home owners, and the growing number of professional people who, in the electronic age, want to live and work in a small town like ours.

—In this regard, we would also urge discussion of the possible effects that cleanup of the old town dump would have on one or more tourist seasons, as well as the possible effects of noise, air pollution, etc. on residents.

All in all, we do not believe that the annexation would be in the interests of Crested Butte.

Sincerely,

Mary Jane Bridges

Peter Bridges

January 15, 2015

To Whom it May Concern;

I am a twenty-year local in this valley and have seen a lot of changes in my town that I love to call home. We are gifted with beautiful recreational areas that are very abundant in size and resources. Protecting these resources from reel impact is a necessary part by all of us. I don't see this being the case and it is a noise standpoint and opinionated rule being cast on a group that actually puts into the economy.

Your average snowmobiler coming to this area as an outsider in addition to hotel and food costs they are putting money into gas and maintenance. Plus registration fees every year and out of state registrations, trailer registration, vehicle registration. To me this group is spending money on a sport that is Crested Butte. Pretty sure at one point there was snowmobiles racing on Elk Avenue. (Movie Snowball Express).

As a snowmachine enthusiast I can tell you that in my 18 years in the sport I pass others on sleds we wave at each other, we communicate group size it is usually a friendly experience. When I approach Nordic skiers that have heard me coming minutes in advance usually they cant step to side of trail, they seem to think there dogs are ok all over the trail and on a couple occasions myself and other group members have been hit by poles intentionally.

This group to me had the ability to go out and have complete isolation out Gothic, also out Brush Creek and Slate sledding is not recommended and these areas are not huge sled zones anyway, so sharing shouldn't be a big deal.

With our town growing we should be expanding terrain and taking advantage of this market of people that want to come and spend money.

I am strongly opposed to closing down any more terrain.

Thanks;
Jeff Regan
9702752863
Owner (Preferred Construction)

J. D. BELKIN & ASSOCIATES, LLC
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P.O. Box 2919 (U.S. Mail Stop)
Crested Butte, Colorado 81224
Direct: 970.349.6698
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www.jbelkinlaw.com

John D. Belkin, Esq.
E-mail: jbelkin@jbelkinlaw.com

MEMORANDUM

*****Non Attorney - Client Privileged and Confidential Communication*****

TO: Town Council

CC: Lynelle Stanford, Town Clerk

FROM: John D. Belkin, Esq., Town Attorney
Todd Crossett, Town Manager

DATE: January 16, 2015

RE: 2014 Town Election Matters

In light of some of the recent concerns expressed in the *Gunnison Country Times* (the "**Times**"), Todd Crossett and I would like to provide you with some general information relevant thereto so that you may direct Town staff to work towards curative measures, to the extent needed, with respect to Town elections going forward.

If you find the recommendation below satisfactory, please direct the Town staff as set forth below.

BACKGROUND INFORMATION:

- The Gunnison County Clerk's office serves, effectively, as a vendor to the Town relative to the administration of the most recent election. The election was, however, a Town election and ultimately a Town responsibility.

- Town staff entered into an intergovernmental agreement (the "**IGA**") with the Gunnison County Board of County Commissioners. The IGA addresses the obligations of the parties as respects the election.

- Todd, Town Finance Director Lois Rozman and Town Clerk Lynelle Stanford and I participated in a teleconference call with the General Counsel of the Colorado Municipal League (CML), Geoff Wilson and the Lakewood City Clerk regarding the concerns raised in the Times' article of last week and the following are the headlines from that call:

- ✓ Similar issues with the new State mail ballot law, at least as of earlier this week were unknown to CML, none having been reported to it.

- ✓ The issues as presented seemed to CML to be relatively complex, largely because of the unknowns as to the delivery to, and receipt of, ballots by non-electors, if any, and the process thereof resulting in the alleged situation.

- ✓ The Town should consult with others who have dealt with a similar nucleus of election issues as seem to be presented in the instant case.

- ✓ Todd and I have engaged in two conversations with Kendra Carberry, an attorney with Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C. in Denver. She came recommended by Geoff Wilson as an attorney that is currently working on election issues in several front-range communities.

- Based on recommendations from Wilson and Carberry, and upon review of the applicable election laws and the IGA, Todd and I recommend the following curative actions based on current alleged issues:

  (1) Town Clerk Lynelle Stanford should communicate with the Gunnison County Clerk's office to discuss the current processes undertaken by the Town Clerk and County Clerk's office alike to check the elector rolls.

  (2) Following this exercise, the Town Clerk, under the oversight of the Town Manager and the Town Attorney should develop a written process for checking the elector rolls in Crested Butte going forward.

  (3) The written process for checking the elector rolls in Crested Butte may include an ancillary process, perhaps in connection other Town administrative processes to the extent possible, designed to confirm the residency requirements of electors under applicable election law going forward.

  (4) Once the process is complete, the Town Clerk should go through the elector rolls and purge the same of any names, etc. not eligible to vote in Crested Butte. This step would be coordinated closely with the County Clerk.

  (5) Once the Town Clerk completes the purge exercise, the Town Clerk should provide a written report to the Town Council explaining the process undertaken, identifying its completeness and setting forth for

information purposes the process to be undertaken going forward to prevent any reoccurrence of similar issues in the future.

(6) Upon completion of the foregoing steps, in the event that the Town staff finds that there are incurable matters germane to the State's mail ballot law and associated process, the Town Clerk, in conjunction with the Town Manager and the Town Attorney, will make recommendations to the Town Council relative to reporting the same to the Colorado Secretary of State's office for their potential handling.

- **RECOMMENDATION**: Direct the Town staff to engage in the exercise described in the preceding bullet.

Why?

(1) The election in the instant case is a Town election that calls for Town action such as the foregoing in response to the alleged issues.

(2) The Town election is an important governmental function and it is the responsibility of the Town to see to it that any potential issues with election going forward are resolved now.

(3) Doing nothing is not an option if the alleged voting concerns are accurate, whether in whole or in part.

###

February 2, 2015

Work Session

Public Hearing
Teocalli Tamale Liquor License Transfer

New Business
Discussion on Budget Reserve Policy

Future Worksession Items:

1. Cemetery Committee (Update and planning future work)

2. Camping @ Town Ranch (allow? Not allow? Allow camping in other places?)

3. BLM and OBJ Campground/Seasonal Housing Shortage (this could be combined with others – especially the Affordable Housing item at the bottom of this list)

4. CBMBA and Trail priorities/signage (basically – what is the future plan for new trails/existing trail completion in the valley? What should be our priorities as a Council?)

5. Perimeter Trail – Update, timelines, costs, what does this look like when finished

6. Land Trust and Town Preservation Priorities – basically a joint planning/discussion with the CBLT (maybe in Exec Session if they would like) to confer on the priority parcels identified by the CBLT and the priorities of the Town (for planning future open space acquisitions). Maybe even a discussion about purchasing trail easements.

7. Elk Avenue Rule Set re: Private Clubs – the whole "private clubs on Elk Avenue" concern that was raised when Irwin obtained a private liquor license for the Scarp Ridge Lodge.

8. What do we want to become? – or said differently, follow-up planning process for the Whatever USA

9. Affordable Housing/Density/Workforce – Blk 79/80 – Discussion of the question "how do we deal with the shortage of employees from the 2014 summer? What should we expect in 2015 and how will we address another shortage?"