



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
Monday, December 1, 2014
Council Chambers, Crested Butte Town Hall

6:15 WORK SESSION

Presentation by Town Attorney John D. Belkin: Primer on Annexation in Crested Butte and Discussion with Town Staff.

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

7:02 APPROVAL OF AGENDA

7:05 EXECUTIVE SESSION

For a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on

Specific Legal Questions under C.R.S. Section 24-6-402(4)(b).

7:35 CONSENT AGENDA

1) Approval of November 17, 2014 Regular Town Council Meeting Minutes.

2) Approval of November 20, 2014 Special Town Council Meeting Minutes.

7:38 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.

7:50 STAFF UPDATES

7:55 PUBLIC HEARING

1) Transfer of East Side Bistro Liquor License, Located at 435 6th Street, From East Side Bistro LLC to Birds of Paradise LLC.

2) Resolution No. 22, Series 2014 – A Resolution to Adopt the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2015, Beginning the First Day of January 2015 and Ending the Last Day of December 2015.

3) Resolution No. 23, Series 2014 – A Resolution Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2015, and Ending the Last Day of December 2015, Estimating the Amount of Money Necessary to be Derived From Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

4) Ordinance No. 13, Series 2014 - An Ordinance Amending Section 13-1-110 of the Crested Butte Municipal Code by Increasing the System Development Fees, Otherwise Known as "Tap-in Fees", to \$8,000 Per EQR for Water and \$9,500 Per EQR for Sewer; Amending Section 13-1-120 of the Code by Increasing the Rates for Water Use Above the "Base Allotment" to \$3.00 Per 1,000 Gallons for the First 5,000 Gallon Block, \$3.25 Per 1,000 Gallons for the Second 5,000 Gallon Block, \$3.50 Per 1,000 Gallons for the Third 5,000 Gallon Block, \$3.75 Per 1,000 Gallons for the Fourth 5,000 Gallon Block, \$4.25 Per 1,000 Gallons for the Fifth 5,000 Gallon Block and \$5.00 Per 1,000 Gallons Thereafter; Amending Section 13-1-150 of the Code by Increasing Sewer Service Rate to \$33.00 Per Month Per EQR.

5) Ordinance No. 14, Series 2014 – An Ordinance Adopting Changes and Additions to the 2014 Budget and Appropriations Relative to the Affordable Housing and Sales Tax Fund.

6) Ordinance No. 15, Series 2014 – On Ordinance Amending Chapter 6-2 of the Crested Butte Municipal Code Providing for a Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year

of 2015; and Providing the Automatic Repeal Thereof Effective on the First Day of January, 2015.

8:45 NEW BUSINESS

- 1) Discussion and Possible Approval of the Crested Butte Avalanche Center Beacon Brush Up Located at Town Park and Special Event Liquor License Located at 419 6th Street on December 7, 2014.
- 2) Discussion and Possible Approval of Santa Bingo by Crested Butte Mountain Educational Radio Special Event Permit and Special Event Liquor License Located at 306 Maroon Avenue on December 12, 2014.
- 3) Discussion and Approval of the 2014/2015 Snow Plan.
- 4) Discussion and Possible Action Regarding Whatever USA Ad Hoc Committee Recommended Allocation and Distribution of Whatever Project Monies.
- 5) Presentation by Town Attorney John D. Belkin, and Discussion by Town Council on Legislative and Quasi-judicial Decision Making Processes in Annexation Proceedings.
- 6) 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.
- 7) Discussion and Possible Action Regarding Engagement Agreement with Town Water Counsel Scott Miller with the Law Firm of Patrick, Miller, Kropf & Noto, PC.

10:30 LEGAL MATTERS

10:45 COUNCIL REPORTS AND COMMITTEE UPDATES

11:00 OTHER BUSINESS TO COME BEFORE THE COUNCIL

11:15 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Wednesday, December 3, 2014 – 6:00PM Whatever USA Re-cap
- Monday, December 15, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, January 5, 2015 – 6:00PM Work Session – 7:00PM Regular Council

11:30 ADJOURNMENT

CRESTED BUTTE TOWN COUNCIL WOKSESSION

ANNEXATION 101, 201 – TOWN OF CRESTED BUTTE

John D. Belkin, Esq.
Crested Butte Town Attorney
J. D. Belkin & Associates, LLC
Crested Butte, Colorado
December 1, 2014

A. GENERAL BACKGROUND:

1. Annexation is the process by which municipalities incorporate new lands, either before or after development has taken place.
2. Annexation can take place in variety of manners; most notably, by petition of the landowners, that is then memorialized in an agreement (i.e., annexation agreement) between the governing body and the landowners separate and apart from the petition.
3. Municipal Annexation Act of 1965; C.R.S. 31-12-101 *et seq.* (the “Act”).
 - Requires one-sixth boundary contiguity between the municipality and the property to be annexed.
 - Requires findings of fact by the municipal governing body.
4. “Town Annexation Ordinance,” Chapter 15, Article 1 (the “Ordinance”), Crested Butte Municipal Code (the “Code”).
 - Sets forth the procedures for annexation in Crested Butte.
 - Effectively contemplates the dual application of the Ordinance and the Act.
 - The Town Council, by Ordinance 3, Series 2008, completely revised its annexation requirements to reflect current day annexation requirements under the Act. The Ordinance is sort of state of the art in that regard and is one of the newer, more complete parts of the Code.

B. ANNEXATION PROCEDURES IN CRESTED BUTTE:

1. **Concept annexation request.**

- Opportunity for the applicant to obtain an informal response from the Town to the general elements of the annexation proposal.
- Rather unique process statewide because it contemplates the Town Council giving preliminary on the annexation proposal outside of a public hearing.
- Because no public hearing is required, no due process requirement exists. Could be compartmentalized as a “legislative” phase, thus permitting *ex parte* communications if the Town Council elects accordingly.
- Only after the Town Council approves the concept annexation request may the applicant proceed to file a formal annexation petition and requisite submittals.

2. **Pre-annexation agreement.**

- Tool to allow the Town Council to address some of the more significant items up front such as, without limitation, the treatment of the old Town landfill, water and wastewater considerations, use of public property, etc.
- Like concept annexation request, no public hearing is required so no due process requirement exists. Could be compartmentalized as a legislative phase, thus permitting *ex parte* communications if the Town Council elects accordingly.

3. **Formal annexation petition.**

- Must meet the requirements of the Act and Section 15-1-60 of the Ordinance.
- Includes, without limitation:
 - ✓ A preliminary master plan for proposed land use and requested zoning of the lands to be annexed, including street layouts, the locations of affordable housing, open lands and public lands required for each housing unit.
 - ✓ A complete subdivision sketch plan that complies with the Town’s subdivision regulations.
- **Involves a determination of the rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed**

at a hearing conducted for the purpose of resolving the particular interests in question and accordingly is a quasi-judicial action and therefor no *ex parte* communications are permitted. (citation omitted)

- Certain requirements, such as, without limitation, submittal of a preliminary master plan and subdivision sketch plan can be waived by the Town Council in its sole discretion.
- Many of the final actions relative to the planning of the lands are undertaken by the Town Council sitting as the Planning Commission and not the Town Council; however, annexation actions are taken by the Town Council as further described below.
- The Planning Commission holds a public hearing and acts on the sketch plan.
- Before a hearing by the Town Council can occur on the formal annexation petition, after sketch plan approval by the Planning Commission, the Ordinance requires that the proposed annexation go through the preliminary plan and final plan processes delineated in the Town's subdivision regulations contained in Chapter 17 of the Code. Preliminary plan is the real meat and potatoes process of the annexation proposal.
- From the preliminary plan process the Town develops the terms of the subdivision improvements agreement pursuant to the Code.
- The Planning Commission holds a public hearing and acts on the preliminary plan.
- Following the preliminary plan approval the applicant must submit a final plan that complies with Chapter 17 of the Code.
- From the preliminary and final plan process, the Town develops the terms of the annexation agreement. Annexation agreements are not required by law and are a matter of negotiation.
 - ✓ Under the Ordinance, the annexation agreement shall include, without limitation, those agreements guaranteeing public benefit to the Town, the applicant's plans for phasing development of the annexation property, agreements concerning streets and trails, water and sewer, drainage, environmental testing, utilities, public lands dedications, zoning, affordable housing, capital expansion recovery fees and any and all other agreements between the Town and the applicant
 - ✓ The annexation agreement should affirmatively reserve the right of the municipality to rezone the property in the future.

- The Planning Director and Town Manager must make certain determinations of completeness and compliance under the Ordinance. The ordinance also allows the following important considerations by the Town Manager, without limitation:
 - “Notwithstanding the failure of any submitted subdivision sketch plan, preliminary subdivision plan or preliminary master plan to comply with Chapter 17 of this Code, the proposed underlying zone district(s) as set forth in Chapter 16 of this Code and/or the Town’s Land Use Plan, the Town Manager may permit the same to be reviewed and processed and allow the formal annexation petition and the other required submittals to proceed through the annexation process by submission of the same to the Town Clerk, provided that:
 - a. The applicant demonstrates the degree to which said subdivision sketch plan, preliminary subdivision plan or preliminary master plan does not comply with the aforesaid requirements;
 - b. The applicant proposes specific alternatives to mitigate or offset such lack of compliance by providing amenities or other items in lieu of those required by the subdivision regulations, the proposed underlying zone district(s) as set forth in Chapter 16 of this Code or the Town’s Land Use Plan that are of such a benefit to the Town that the requirements may be varied or waived in exchange for the receipt of such amenities or other items; and
 - c. Such alternatives are incorporated into the annexation agreement required under this Article.”
- Following findings as described above by the Planning Director and the Town Manager, the Town Council may take action on the compliance of the formal annexation petition under the Ordinance in accordance with procedures described therein. Action is by resolutions of the Town Council.
- Following adoption of the resolutions finding compliance of the formal annexation petition as afore-described, the Town Council may consider adoption of a resolution of intent to annex, finding substantial compliance and setting an annexation hearing as described in the Ordinance. The criteria for such decision are set forth in the Ordinance and include, without limitation:
 - ✓ The proposed annexation is necessary or desirable and will contribute to the general well-being of the community.

- ✓ The proposed annexation will in no way be detrimental to the health, safety, or general welfare of the persons residing within the corporate boundaries of the Town or injurious to property or improvements in the vicinity of the lands proposed to be annexed.
 - ✓ Unless otherwise agreed to by the Town, the extension of services will be financed totally by the applicant.
 - ✓ Revenue and/or public benefit to be gained from the Town's portion of increased tax base and other revenue on account of the proposed annexation is equal to or greater than the cost to the Town of the services required.
 - ✓ The advantages to the Town materially outweigh the disadvantages.
 - ✓ The proposal is consistent with the Town's Land Use Plan.
 - ✓ To the extent the proposal is not consistent with the Town's Zoning and Land Use Ordinance, Subdivision Regulations and Land Use Plan, such inconsistency is addressed and/or adequately mitigated, to the Town Council's satisfaction, in the final annexation agreement.
- The procedure for the hearing on the formal annexation petition is as follows:

“(c) Procedure for Annexation Hearing.

- (1) Town Council opens combined public hearing and takes testimony on:
 - a. proposed annexation;
 - b. proposed zoning; and
 - c. proposed subdivision (also in its capacity as Planning Commission).
- (2) Town Council adopts a resolution pursuant to Section 31-12-110 of the Act making findings of fact and approving the final annexation agreement.
- (3) Town Council adopts ordinance annexing the property.
- (4) Town Council adopts ordinance zoning the property.
- (5) Town Council approves subdivision improvements agreement.
- (6) Convening as the Planning Commission, Town Council approves final subdivision plan [and final plat].”

- The Ordinance requires that the applicant pay all of the Town's costs and expenses in connection with the annexation including, without limitation, costs of all consultants, Town staff time, attorney services, etc.

C. **CHALLENGES:**

1. Section 31-12-116, C.R.S., provides the only means for challenging a municipal annexation. This opportunity is limited to a 60-day period following the effective date of the annexation ordinance. The challenge right is strictly limited to only certain parties such as, without limitation, any landowner or any registered qualified elector in the area proposed annexation.
2. Review of the court is by certiorari and takes into account actions and findings of the governing body in accordance with Colorado Rules of Civil Procedure (CRCP).

####

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 17, 2014
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 7:02PM.

Council members Present: Jim Schmidt, Glenn Michel, Roland Mason, Shaun Matusewicz, and Chris Ladoulis

Staff Present: Town Manager Todd Crossett and Town Clerk Lynelle Stanford

Town Planner Michael Yerman, Finance Director Lois Rozman, Building and Zoning Director Bob Gillie, and Parks and Recreation Director Janna Hansen (all for part of the meeting)

APPROVAL OF AGENDA

Ladoulis moved and Michel seconded a motion to approve the agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

CONSENT AGENDA

Michel moved and Ladoulis seconded a motion to approve the consent agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

PUBLIC COMMENTS

Margot Levy

- Regarding naming the replacement for David Owen, she hoped that the Council considered Owen’s strong commitment and support of housing needs and projects. She hoped an existing council member or one of the candidates would take his place on committee assignments.
- In addition, when reshuffling committee assignments, she asked the Council to please consider the West Elk Scenic Byway. She said it was the strongest defense against industrial development on Kebler, and she asked the Council to please consider appointing a strong representative.
- Reported to agree with newspaper editor, Reaman, related to cuts made in the parks budget. She said anything they did harmed the 50% minus three voters who voted in favor of the sales tax increase. She said to consider things like taking labor out of the capital budget or a user fee for regional users. She didn’t understand the fiscal impact of putting bike racks out later in the season.

STAFF UPDATES

Michael Yerman

- Said the December 1st regular meeting agenda seemed packed, and the annexors could alternatively meet on the 2nd or 4th for the conceptual review.
- Schmidt said before the meeting, they really needed to be briefed by staff and the town attorney if there were liabilities associated with the dump. He said he wanted to know before the presentation. Crossett said the applicant already had a study done. Schmidt explained when the Foothills came in the last time, their attorney said the Town could have liability for the dump, and the issue was never cleared up before the applicant walked away. Yerman said the applicant was addressing it. Huckstep asked if it was critical before sitting down with the applicant. Schmidt said, "Yes." Matusiewicz said it made sense to know. Yerman said they were toeing the line as to what they could require for a conceptual review. Schmidt reiterated he wanted the town to investigate. Yerman said the first step was to talk with the applicant and have these conversations; he didn't know how they could sidestep this process. He further explained the applicant had addressed the dump in the application, and they would have the opportunity to have dialogue in the meeting. Belkin was planning on having a work session to present the Council with two paths, strictly on the process. Huckstep confirmed the application was received, but Yerman said he wasn't sure how appropriate it was to discuss the application.
- The Council decided to deal with the conceptual review of the annexation on December 1st, rather than at a special meeting.
- The Transportation Plan morning meeting was better attended than the evening meeting. He said there were about 14 people who attended in the morning; however, there was not a lot of participation. He was leaving the boards up for people to come in to discuss, and there would be a draft report after the 1st.

Bob Gillie

- Mentioned a meeting with the Center for Arts. They discussed not only site considerations, but also exterior design.
- Anthracite Place PUD process would be in December.
- Reported a lot of things in orbit right now.
- Said he expected activity on the 6th Street Station. Their vested property right terminates next July.
- Ladoulis asked if Gillie had heard anything on the Grubstake Building. He answered they have been eerily silent.

Janna Hansen

- Big Mine Master Plan kick off was last week. She asked if anyone on the Council wanted to serve on the steering committee. After discussion of the time requirement that it might entail, Michel said he was willing to serve, and Schmidt was appointed his alternate.
- Reported that tennis courts were done for the fall.
- She said the conditions of the gates were on her radar. She said most visible was the spacing of the gates. Renner is aware and will fix in the spring.
- Received the McCormick Ditch Report back last week.
- Met with HCCA, and they have a wonderful opportunity for a grant to bring raw water to Gothic field and piping of the ditch between 7th and 8th Streets.

Lynelle Stanford

- Spoke with Belkin and confirmed it was okay to put the sales tax issue on the ballot for the next election.

Todd Crossett

- Working to complete the close out with Whatever USA. He said the dasher boards were checked off, and he was dealing with the final billings in order to withhold money needed to finish contingencies.
- Creative District kicked off today. Working on strategic plan and meeting with stakeholders.
- Met with Jenny Birnie, who reported to be doing well with fund raising efforts. The Center for the Arts needs to demonstrate a partnership on behalf of the Town. There would be some ongoing discussion on different ways they could tell the story moving forward.
- Snow crews were out plowing. He reminded people to please park on the right side of the street.

PUBLIC HEARING

1) Resolution No. 17, Series 2014 – Resolutions of the Crested Butte Town Council Approving the Continued Operation of Rubber-Tracked Snowcat Machines, Restrictions on Operations and the Designated Route.

Public hearing was opened.

Huckstep cited a staff report with the recommendation to approve. He also confirmed Jake Jones was present at the meeting in support of the resolution. Jones said he was also in support of a streamlined process or a single reading of the resolution in the future. Mason confirmed there were no changes to the route this year.

Public hearing was closed.

Mason went on to explain that when this first started (snow cat travel in town) the room was packed, which is why the public process existed. He said people wanted to see how it ran, and he hasn't heard any issues. He suggested if the route stayed the same, it could be approved administratively. If there were changes, the applicant could appear in front of the Council. Huckstep confirmed with Jones that he did not anticipate or foresee any changes. Michel said he agreed with Mason, but if it was handled administratively he wanted to be sure the public still had recourse. He said if there was public comment, then it would be brought to the Council. The Council was told the process was codified and any changes would need to be done by ordinance. Ladoulis wondered if the current route covered travelling to True Value for fuel and what they would do if they couldn't get to True Value. Jones said they would probably mobile fuel from a truck.

Schmidt moved and Matuszewicz seconded a motion to approve Resolution No. 17, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 20, Series 2014 – Resolutions of the Crested Butte Town Council Approving the Designated Route, Restrictions of Operations and the Continued Operation of Nordic Center Snowcats and Snowmobiles.

Public hearing was opened.

Huckstep referred to a staff report with the recommendation to approve, and there were no changes to the staff report since it was written.

There was no public comment. Schmidt asked if this resolution covered the track setting used for the Alley Loop. It was explained they would submit a special event application to determine the approved route for the Alley Loop.

Public hearing was closed.

Mason moved and Schmidt seconded a motion to approve Resolution No. 20, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Review of 2014 Town Council Priorities

Crossett reminded the Council that last January they came up with a list of priorities for 2014. They had a large list of potential objectives, and with staff suggestions and stated community values, they went through a prioritization process.

The #1 goal was Mount Emmons and enhancing working relationships with RLC and HCCA, as well as ensuring appropriate levels of multi-agency scrutiny of the proposed VCUP. The VCUP was withdrawn, which was a success. They continue to track activity, but the discussion moving ahead was if the Council wanted to have further

action and if there was interest in re-engaging with US Energy. Crossett said anecdotally they know what people want, but they don't have strong numbers.

#2 was a solution for parks funding and an advanced master plan. Crossett said staff would work through options with the Council. Moving forward, they would prepare summer staffing, a work plan, and would discuss options with the Council for next year, including a master plan.

#3A was to enhance or add locker room facilities at Big Mine. Crossett said they pitched Whatever USA organizers and stakeholders as a potential funding source. Michel wondered if there could be actual lockers next winter. Crossett said he did not want to wander into that discussion. Crossett said the Big Mine Master Plan would be done in the spring, but he guessed the completion of lockers would be fairly aggressive for next winter. He guessed lockers would be in the year following, dependent upon the funding question, whether they are funded by outside money consisting of: Whatever USA, fund raising efforts, or grants. He said moving forward, they are not fundable within the current capital budget.

#3B was the Fire Hall bathrooms, which were funded in the 2015 budget. The Four-Way bathrooms were not funded for 2015. Moving forward, the Council could engage in a plan for the Four-Way bathrooms.

#4A was the Transportation Plan, which is in progress.

#4B was the Three Mile Plan, which was not undertaken other than preliminary discussions. Moving forward they could continue to build engagement with the county and stakeholders.

#4C was an improved ice/snow removal plan for Elk. The plan has not changed, but it remains the same in spite of parks funding cuts.

#4D was to improve signage for trails around town. There were six projects listed, and two will be completed in each of the next three upcoming years.

The last slide listed a sampling of other miscellaneous items that have been done or have come up.

Ladoulis asked Crossett if he was thinking of going through the same process of prioritizing for 2015. Crossett answered they would go through it again and possibly would marry it with the budget. He said the Council has done a certain amount of prioritization already. Crossett recommended moving it to the future and taking the time to migrate to a strategic plan. He said a strategic plan would not be overly difficult, and it would take a time commitment from staff and Council. He said minimally, they should do what they did last year. Crossett said staff used a five-year plan for capital budget, and it could be formatted to engage the Council. They could see the bigger picture and pull out what to do each year. Ladoulis agreed.

2) Resolution No. 21, Series 2014 – A Resolution Adopting Certain Fees and Charges for the Fiscal Year 2015.

Rozman confirmed that the only changes from the past were an increase in the water meter prices, addition of a composting fee, and the addition of a right of way use permit fee. She said there would be changes in tap fees and water service fees by ordinance.

Schmidt questioned the price of renting Big Mine Ice Arena and Town Ranch for summer events. He asked if staff did any checking when rates were established. Rozman conferred with the staff of the Parks and Rec Department, and she determined the Town was on the cheaper side but was reminded that non-profits use the venues as well. Town was in the realm, but on the lower side. Mason said that doubling the rate still wouldn't pay for parks. Huckstep added that weddings encourage people to come here. Michel wanted to make sure the fee covered the cost to Town, and Hansen confirmed it did. Michel said he wanted to support non-profits, so he was okay with where the fees were. Mason suggested implementing a tiered fee structure. Rozman suggested avoiding tiers because the Town hears outcry from neighbors that users do not pay property tax, but they indeed pay sales tax. Users were large contributors of sales tax. But, the only way so set up tiers would be through the property tax, which goes into the general fund. Rozman said the Master Recreation Plan done in 2010, basically steered Town away from doing it. She said the reason the sales tax increase was proposed because it was the one option both staff and Council agreed spread the burden.

Schmidt moved and Mason seconded a motion to approve Resolution No. 21, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Resolution No. 22, Series 2014 – A Resolution to Adopt the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2015, Beginning the First Day of January 2015 and Ending the Last Day of December 2015.

A short discussion was had when Michel asked what the cost impact would be to an \$800,000 property. He asked if it would be about \$4 or \$5 more per house. Rozman answered for an \$800,000 property, the increase would be about \$24 for residential and about \$100 for commercial.

Schmidt moved and Michel seconded a motion to set Resolution No. 22, Series 2014 for public hearing on December 1, 2014. **Motion passed.**

4) Resolution No. 23, Series 2014 – A Resolution Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal year Beginning the First Day of January 2015, and Ending the Last Day of December 2015, Estimating the Amount of Money Necessary to be Derived From Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

Schmidt questioned if they had decided to cut a staff member or reduce the length of the season in order to accomplish the required cuts. Crossett said the number has been established, but staff has been working to come up with the method. Pete Curvin has been out of the office, and he was needed to discuss. Crossett reported that getting there by cutting seasonal help has to cut service. He said it would be a combination of shortening the season and keeping everything level. Schmidt said he has received comments that suggested the Council was being penny wise and pound-foolish and it didn't make sense. He voiced that it was still his preference to reduce the capital fund balance by the necessary amount. He said, especially, he has heard comments about the flowers. Matuszewicz assured him they were keeping the flowers. Huckstep said they were shaving the edges off the seasons; the flowers would arrive later and leave earlier. Hansen said fewer people means fewer pots that would be maintained. She said raking also might be reduced. Basically, 24% would be cut in all areas. They would have fewer man-hours for everything. Hansen said flowers would be planted in the order of prioritization: beds, planters, and barrels. Matuszewicz said he didn't support trimming when the Town has such a large reserve. He compared it to saving air by holding your breath. Huckstep told the Council those perspectives have put them in the position they are in now. He said it was not a clear majority from the Council on the sales tax initiative. He said the bottom line was it was a tough decision.

Mason moved and Ladoulis seconded a motion to set Resolution No. 23, Series 2014 for public hearing on December 1, 2014. **Motion passed.**

5) Ordinance No. 13, Series 2014 - An Ordinance Amending Section 13-1-110 of the Crested Butte Municipal Code by Increasing the System Development Fees, Otherwise Known as "Tap-in Fees", to \$8,000 Per EQR for Water and \$9,500 Per EQR for Sewer; Amending Section 13-1-120 of the Code by Increasing the Rates for Water Use Above the "Base Allotment" to \$3.00 Per 1,000 Gallons for the First 5,000 Gallon Block, \$3.25 Per 1,000 Gallons for the Second 5,000 Gallon Block, \$3.50 Per 1,000 Gallons for the Third 5,000 Gallon Block, \$3.75 Per 1,000 Gallons for the Fourth 5,000 Gallon Block, \$4.25 Per 1,000 Gallons for the Fifth 5,000 Gallon Block and \$5.00 Per 1,000 Gallons Thereafter; Amending Section 13-1-150 of the Code by Increasing Sewer Service Rate to \$33.00 Per Month Per EQR.

Schmidt said that he hadn't seen Whatever money included in the budget. He asked if there was no anticipation of spending it this year. Rozman answered that she did not have a report of what had been recommended by the committee. She said she would do a budget amendment once the decision had been made. She said she had to have the budget adopted by December 1. Schmidt wondered if the Town physically has the money, if it should be considered as a fund. This particular discussion was continued under the next item of business.

Schmidt moved and Michel seconded a motion to set Ordinance No. 13, Series 2014 for public hearing on December 1, 2014. **Motion passed.**

6) Ordinance No. 14, Series 2014 – An Ordinance Adopting Changes and Additions to the 2014 Budget and Appropriations Relative to the Affordable Housing and Sales Tax Fund.

Schmidt continued the discussion of the Whatever money, and he wondered if the auditor cared about the \$500K. Rozman said it would be shown as revenue. State law requires the expenditure side be shown in the budget. Those monies will be reflected in 2015, when it's spent, and some of it might not be spent until 2016 or 2017. Rozman explained it would be shown as revenue and designated fund balance in 2014. Ladoulis asked if there were state laws or requirements that set any limitations on how the money was spent. The answer was, "No."

Schmidt moved and Ladoulis seconded a motion to set Ordinance No. 14, Series 2014 for public hearing. **Motion passed.**

7) Ordinance No. 15, Series 2014 – On Ordinance Amending Chapter 6-2 of the Crested Butte Municipal Code Providing for a Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year of 2015; and Providing the Automatic Repeal Thereof Effective on the First Day of January, 2015.

Ladoulis moved and Michel seconded a motion to set Ordinance No. 15, Series 2014 for public hearing on December 1, 2014. **Motion passed.**

8) Resolution No. 24, Series 2014 – Resolutions of the Crested Butte Town Council Accepting a Recreational Trail Easement for the Deli Trail Located on that Certain Real Property Legally Described as the NE1/4, NE1/4, Township 14 South, Range 86 West, 6 P.M., County of Gunnison, State of Colorado.

Schmidt asked if this was a one-year lease. Yerman said it was necessary because the property changed hands, and the new property owner was concerned about the re-planting of vegetation on their land. They did not express interest in a permanent easement. Ladoulis asked if there were any cost implications. Yerman answered, \$100 per year.

Mason moved and Ladoulis seconded a motion to approve Resolution No. 24, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

9) Resolution No. 25, Series 2014 – Resolutions of the Crested Butte Town Council for a DOLA Energy and Mineral Impact Program Grant for the Funding of Infrastructure in Block 79 and Block 80, Town of Crested Butte for the Creation of Affordable Housing.

Yerman reported good news back from DOLA that they have upped their funding to \$10M this year.

Ladoulis moved and Schmidt seconded a motion to approve Resolution No. 25, Series 2014. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

10) Resolution No. 26, Series 2014 – Resolutions of the Crested Butte Town Council Approving the Contract for Use of the Big Mine Hockey Arena by Gunnison Valley Hockey Association.

Schmidt referred the Council to an email Belkin sent out regarding changes to the contract. Ladoulis mentioned the consternation of a lessee this summer as a result of the lease at Big Mine. He said it certainly made people upset. He asked if this contract considered foresight for any type of circumstances, and he wondered if anything was learned from the situation this summer. Hansen said what happened this past summer was the reason this contract was approached as a resolution. She said this way it was brought to Council, and they were aware of the contract and terms. She said as far as issues she could foresee, she didn't see any issues with WEHA needing to vacate early. She said WEHA was one of many users in the space throughout the winter. It was one entity sharing public space for a certain use and not sole use of the facility. Crossett said there would be a written schedule and provisions Town could clarify. He said with the situation last summer/fall there was an expectation of a new contract. The deal wasn't done. He said one thing learned was it needs to be nailed down in advance and to not let it float out there, or set the expectation that if it is floating, there is some risk. Huckstep confirmed that what Crossett was referring to was not actually a new contract but an extension to an existing contract. Ladoulis asked for a break down in contracts the Council will see. It was discussed it would be case by case, determined by multiple factors including liability, amount of risk for activity, or for large groups of people. Crossett said basically staff was committing a major town asset, and they wanted to bring it in front of Council. Schmidt asked if there would still be as much free skating as in the past. Hansen said she was still waiting on schedules, but with overall fewer programs, she anticipated additional time becoming available. Schmidt asked if town league hockey was under WEHA. Hansen reported to still be working out the details.

Michel moved and Schmidt seconded a motion to approve Resolution No. 26, Series 2014. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

11) Presentation by Russ Forrest of Community Builders Group Concerning Economic Prosperity.

Forrest said the Community Builders group would like to see increased regional cooperation, and he said this discussion was an example of collaboration at a local level. He reported competition was tough in mountain communities, and he said stakeholders needed the opportunity to simply talk. He said the conversation about regional cooperation was a fun, easy conversation to have. He felt a lot more could be done with collaboration. From an economic standpoint, he said if a person was standing still, he or she was losing ground. He said it was a competitive world, and we don't always look at what others were doing. He said key ingredients for success were starting with vision, alignment, partnership, and with strategic, integrated, and comprehensive planning

objectives were implemented. Paradigm of planning was engaging the community, understanding what they want, and developing framework to serve the public. He listed great assets in the area including: Western State Colorado University, the Hospital, and RMBL. He said there were great ingredients that just needed to mix. Forrest mentioned an economic indicators report whose purpose was to provide economic and demographic information to the board and the public. It illustrated to what extent we were interconnected and interdependent. Communities were interconnected in terms of jobs, where people live, and the amenities.

This area was lower in wages benchmarked against the state of Colorado. Forrest also cited the high cost of living, employment, and a lower diversity of jobs compared to other mountain communities. Natural resource and mining jobs earned the highest wages. In terms of economic drivers, WSCU has experienced a 9% decrease in enrollment since 2001. There are fewer freshmen than in years past, which results in less revenue. Forrest also said in terms of development, we could potentially see 10,000 more people in Gunnison County. There could continue to be build-out for 44 years. Second homeowners and part-timers contribute up to 45% of the economy. This component of the population is having the greatest economic impact as any part of the economy. Forrest also mentioned those who live and work out of their homes but have significant salaries. He said despite slow population growth, a large population of second homeowners, and highly educated population, income numbers don't follow.

Forrest mentioned a goal, as community builders, was to create a vision and action plan to improve economic prosperity. He said they also wanted to create a framework to communicate and work across jurisdictional boundaries. He mentioned they wanted to create future, specific, measurable goals that were far reaching in creating an action plan. Through discussion, values would emerge, given market opportunities. He said they would look at what customers wanted and would continue to implement and monitor the process.

Forrest reported Crested Butte was leveraging \$6,500 to obtain a \$400,000 grant for economic prosperity plus \$100,000 to \$125,000 from the Sonoran Institute and other local partners for a grand total of approximately \$500,000. He said they would be working on a community-generated vision, long-range goals, and an action plan. Forrest said community input plus good technical information equaled results. Michel commented the most valuable was the connectivity, and he saw a lot of potential going forward. Crossett said it was great to commit to working together, but they have actually had an opportunity to practice working together, which was more effective. Forrest said they were asking for continued engagement. Schmidt added that he has seen economic planning groups come together and nothing really came out of it. He said as far as collaboration, it waxed and waned. He asked what Sonoran has produced in the past. He said because of location we just don't compete very well with locations of manufacturing industry. Forrest answered they looked at what worked and what didn't. They have seen a lot of good information but no follow through or execution at the end of the day. He said much of it happened before there was strategic planning framework. Furthermore, he said, they didn't have resources dedicated to the implementation of actions. Forrest

said the county was dedicating real resources in planning and execution. He also mentioned an example of the work the Sonoran Institute did with the Rifle community. Their economy imploded because of oil and gas, and they had to re-invent. Sonoran worked with Rifle, and first found resources in terms of planning and finding capital resources. They creatively told the story to go out and get resources and conveyed what they achieved. Forrest reported their sales tax was now up, and they are sustainable. Sonoran appealed to them that they don't just plan, they have action that meets the needs of constituents. Schmidt said he was concerned that results become the lowest common denominator, and he said he was still skeptical. Forrest suggested that everyone work together in creating this action plan. He was hoping to find a common thread that might be found from up and down the valley. He said the issues and specific actions would vary, but their group wanted the very best for the county.

Schmidt referenced the significant number of people that said there was too much development. Forrest said to look at it in integrative fashion. He mentioned his experience in Vail where they looked at open space and didn't consider affordable housing. He preferred to use the word prosperity versus development. He also said some areas had greater acceptance of growth, but they have to be willing to respect the input. Huckstep said the fundamental question was what we want to be when we grow up. He asked how they addressed those potential game changers with respect to the community. Forrest said to look at it systemically and make tough discussions. He said big, tough issues took community dialogue and discussions. He said people could influence who those neighbors were. Schmidt asked Forrest to include discussions of human waste management. Forrest said they were looking at capacity issues and were having intelligent conversation about thresholds. Huckstep mentioned, in Ouray, they had substantial concerns regarding the influence of people who move to the community to assimilate to the values. He elaborated and said an influx of people could be moving in, who may or not self-select based on values. He asked how to deal with changes. Mason brought up the effects of VRBO with empty lots developed and properties rented to different people every week. Forrest mentioned Snowmass and their pain with developing Base Village. He said they never had the discussion about what their values were. People need to know what they were signing up for and know what the expectations were. Part of that is communication: Here's who we are; here are our values. He said to first get clear about where values are today.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Jim Schmidt

- Regarding the Whatever meeting, he would like to work with Crossett to ask for a short summary from the affected departments and department heads. He asked for three sentences each on things that went well and things that went bad. He asked for them to be displayed on large sheets of paper.
- Mentioned the upcoming Cemetery Committee meeting on Friday.

Aaron Huckstep

- RTA meeting last Friday went really well. Winter flight bookings are looking good. March and April are more challenging because of the calendar.
- Mayor/Manager's was held in Town Council Chambers. The discussion was good, and there was no action.
- There will be a report on the allocation of Whatever USA funds at the next meeting.
- Met with Jenny Birnie. Discussion of coming to talk to Town about how to demonstrate how Town and the Center are working together.
- The Chamber economic forecast indicates that overall things are positive.

Shaun Matuszewicz

- Questioned, under Resolution No. 23 in the 2015 budget, there was \$1500 budgeted for spill response equipment. He wondered if it could be billed to Bud Light. It was explained there was a need to replenish, which had nothing to do with the Bud Light event. Crews ended up borrowing from the fire station for the Bud Light blue. In addition, there have been a number of incidences, including the RV into Coal Creek and the diesel spill in the rainstorm at the tennis courts. Crossett said he would double check if the Town could bill. Also, Huckstep said the booms the Town used belonged to the Fire District. He suggested adding booms to the budget to make sure Town staff have their own.

Glenn Michel

- Has attended Transportation Plan Meetings. Said there was a really good Power Point presentation to review. He said Yerman was reaching out to folks to gather more information.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked the Council if they should plan a combination meeting of an annual review for Crossett and 2015 goal planning. He wondered if they should plan for sometime in December. He asked if it was a retreat type of situation. Huckstep suggested the week of December 15th. Michel asked if they were dealing with two separate things and should have two meetings. It was decided to plan on the 17th and do strategic planning in the morning and the review in the afternoon.

The process for selecting a new councilmember was briefly discussed. Crossett suggested they give each candidate an opportunity to say something. Schmidt said he was going to try to talk to everyone ahead of time. It was decided that each candidate would introduce himself or herself, and there would be a chance for a question and answer session by the Council.

Huckstep brought up the topic of the Town's fiscal policies in regards to the general fund and the reoccurring question if sales tax was doing so well how could the Town have

problems with the general capital fund. He asked the Council if they should review the reserve policies to determine if it was too much or too aggressive to be holding in reserve. Michel commented that after emerging from the recession, the threshold for reserves has gone up, considering the type of economy. Ladoulis said the second part of the question was if Town's reserve numbers have always been higher than other towns. He suggested that Rozman explain the policies that were in place. Schmidt said Town was way above where he would like it to be. He said they needed \$1M, and they have \$1.4M. He said perhaps they needed a discussion a month or two before budget. Michel said they were at the end of budget, and they walked themselves into a corner. Ladoulis said there was a big difference between cutting things in the budget and going halfway on everything. If that were the option, Ladoulis would have wanted to draw down reserves. Huckstep countered it was relatively easy to cut now rather than in a dire situation. Crossett said Rozman was trying to land the Town and hold at \$1M in reserves. The old standard for reserves was 20% to 25%, which constitutes a one-time emergency. He said they were talking about multi-year impacts. Crossett reminded the Council it is a gift to have really healthy reserves. On the other hand, the Town's reserves are on the upper side, and it's a reasonable discussion.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, December 1, 2014 – 6:00PM Regular Council
- Monday, December 15, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, January 5, 2015 – 6:00PM Work Session – 7:00PM Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 9:10PM.

Aaron J. Huckstep, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Thursday, November 20, 2014
Council Chambers, Crested Butte Town Hall

Mayor Huckstep called the meeting to order at 5:07PM.

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

Staff Present: Town Manager Todd Crossett, Town Clerk Lynelle Stanford, Chief Marshal Tom Martin, Building and Zoning Director Bob Gillie

Town Council Candidates Present: Skip Berkshire, Shaun Horne, Paul Merck, and Mark Voegeli

APPROVAL OF AGENDA

Schmidt moved and Michel seconded a motion to approve the agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

CANDIDATE OPENING STATEMENTS

Skip Berkshire

- Said he applied because he was in the same position in the past when he was on the Council, as the Council was in now. They were fortunate enough to bring on Margot Levy, and he said it was a seamless transition.
- He understood the processes.
- It was for a year, and he didn’t know if he would go for another four years. An election is a crapshoot with nothing given.
- He listed positive attributes: he understands the processes; he understands the players; and he feels strongly about the consensus.

Shaun Horne

- Distributed a background resume.
- Reported to have been attending Town Council meetings for a couple of months.
- He would play catch up on most issues the Council considered.
- He is on the Creative District orientation team, and he is personally committed to the Creative District process. Crested Butte has all of the ingredients, and if the Creative District is successful, Crested Butte could be an art destination.
- This body has a long familiarity with the collaborative process.
- Street closings that occur could devastate businesses. He suggested they look for win – win street closings.

- Interested in processes and questions he has seen regarding the Town's governance. Found he might have run for Council in five to ten years, but the timing with the Creative District was too fortuitous to ignore.

Paul Merck

- Said he would like to see if serving on the Council worked out for the year. Then, he would like to continue and run for office to help strategize the upcoming years.
- Worked at the ski area and ran a business.
- Also, worked in Aspen with their transportation. He would like to help with traffic. Believes Town has turned a corner and is bringing more drive in traffic.
- Whatever was whatever. The Council did a good job of picking up the pieces and making it work for Town.
- That amount of money doesn't slice very well (referring to the \$500K gift from Bud Light - Whatever event). There are big issues with roadways and keeping the town how it is. He would work as hard as he possibly could.

Mark Voegeli

- Last fall, he attended the Candidates Forums. He went, saw, and watched body language, and he decided he was interested.
- Has experience on the Fire Board.
- Went to Whatever meetings. He sat through and loved every minute of them.
- He saw the Council opening in the paper and thought that was how he could try to be on the Council. He would test drive the Council and see if he wanted to do it again.
- Doesn't know all of the answers, but he can listen, talk, and work with everyone to come up with good solutions.

COUNCIL QUESTION AND ANSWER SESSION WITH CANDIDATES

Matuszewicz asked Berkshire if he could separate himself from the Nordic Center board. Skip said, "Yes," the current conflict of interest policy was not as rigid as it could be. He said everyone in this town was involved in multiple things. He has been on the Nordic Council for a long time. He is currently the president, but he is planning on stepping down. He reported to be perfectly flexible, and if it seemed appropriate, he would step off the board. He is also on the Land Trust Board, but he called himself just a soldier. He said he wouldn't mind discussing issues, but he would absolutely recuse himself from voting, if the appearance of conflict was too big. Referenced the military and the significance of the appearance of conflict. He didn't want to be perceived as playing favorites.

Matuszewicz asked Horne if he really wanted the position. Horne answered that his hesitation was he knew it was important, and he would be playing catch up on the issues. He guessed the new person would deal with affordable housing, which was a big issue. If he came on, he would stick his nose in affordable housing. He summarized and said his lack of qualification was background information, and he wanted to be honest about his need to catch up on the issues.

Matuszewicz asked Merck how important he thought affordable housing was to Town. Merck said he suffered with it himself. He reported to have gone through different jobs, and there was no real job here that made housing affordable. He felt it was a big concern. He referred to the proposed facility that may be built near True Value and said it was in good taste and would work out well. He mentioned creating more jobs that were community based. He said Town was seeing a demographic that could afford more and spend more. He said there was a housing shortage, and he was ready to help figure it out.

Matuszewicz questioned Voegeli on what his thoughts were on the Town's current financial situation. He answered the hardest part of the topic was getting rid of amenities for guests. He said that because of his background at the ski area, he knows they shouldn't cut amenities for guests. Amenities are why they're here, and guests don't agree with cutting. Said he was playing catch up to really understand what could be a good solution.

Schmidt thanked all four candidates present and also thanked former candidate, Lisa Merck. He said he had a chance to speak with all of them, and he was absolutely impressed by the intelligence of all of the candidates and their obvious work ethics. He asked if any of the candidates had new ideas. Voegeli said what interested him was getting through current issues and moving to the next thing. He said a lot of ideas come from the outside in, and he would be anxious to work on what's currently happening. Horne said he had been in contact with the Council on certain issues, specifically informing them of the impact of street closings on downtown businesses. The job of gathering information from downtown businesses was beyond the scope of the Town staff, and it was up to the business community to provide the information. Horne continued and said a function of the Downtown Business Association was evaluating street closings. He said Crested Butte has a national class street environment. How it looks is really, really special, and they will face this (referring to an event similar to Whatever) again. He said a missing piece was the ability of this town to develop arts and culture destination events. He said arts and culture events could really, really help the business community. People that come in for arts and culture usually don't camp. They stay in hotels, eat in restaurants, and shop. The Music Fest was drawing on this idea that artists want to go to beautiful places. It is an advantage Crested Butte has. Arts and culture events could buttress the ski area. Merck's new idea was for him to sit up there (on the Council). Berkshire said it might not be about coming to the table with new ideas. He said to look at it as a problem solving process. Set a goal and craft a solution to reaching that goal. Craft something that gets implemented. With affordable housing, he has seen how it evolved. He expressed one wish, and suggested to play a role through CAST, to start a movement on getting the Gallagher amendment overturned. He said the way the tax structure was set up was killing commercial business, and it was hurting the schools.

Mason said when he first ran for Council, he didn't realize the time commitment that was required. He said they were looking for someone who could be there for the time slot required, which was often on off Mondays, and possibly even Wednesdays. Once a

person missed meetings, he lost track. He wanted to make the candidates aware of the commitment.

Ladoulis posed the question of how each candidate might approach hot issues or topics when the community was divided. He asked what made each person well suited to have that next conversation. Horne said he had a pretty good look at Whatever, and he saw the consequences of people not keeping cool. He said he was a middle of the road type of person. He could see that what they do is balance ideas. Essentially it was a balancing act, Horne said. Merck answered he would have to see the circumstance to look at what it really was. He gave the example that Snodgrass was a big issue. He said to listen to different views and see what was best for Town. He said he was happy to do that. Voegeli answered that whatever the issue was, he couldn't undermine the process. He said to stay on the high road. He said they couldn't have conversations that undermine what is happening on the Council. Berkshire said he had strong opinions. He owns those, but he would hear the other person out and embrace his/her view and possibly even modify his view. He would work towards the consensus solution.

VOTE

The Council voted via marked ballot. Skip Berkshire prevailed by a 5-1 vote.

APPOINTMENT OF NEW COUNCIL MEMBER

Schmidt moved and Mason seconded a motion to appoint Skip Berkshire to the Crested Butte Town Council to fulfill David Owen's term. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 5:53PM.

Aaron J. Huckstep, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

December 1, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Transfer of Liquor License from Eastside Bistro LLC to Birds of Paradise LLC
Date: November 25, 2014

SUMMARY:

Birds of Paradise LLC has applied for a transfer of a Hotel and Restaurant Liquor License at 435 6th Street. Staff submits the following findings regarding the application:

1. Notice of public hearing on the application was posted on the premise at least 10 days prior to the public hearing, and notice was published in the Crested Butte News on November 14, 2014.
2. A complete application has been submitted and all application fees have been paid.
3. It appears from evidence submitted that the applicant is entitled to possession of the premises for which the application for a transfer of a liquor license has been applied.
4. It is confirmed that the sale of liquor on the premises is not a violation of zoning, building, health and fire laws or regulations.
5. There is an existing Hotel and Restaurant Liquor License at the location, and in the two years prior to the application for transfer there has not been a denial of an application by the Local Liquor Licensing Authority (Crested Butte Town Council) at the location.
6. The Crested Butte Marshal's Department has conducted a background investigation concerning the principle of Birds of Paradise LLC: Angela M. Booth. Fingerprints have been submitted to CBI/FBI.

RECOMMENDATION:

Staff recommends the application be approved with the following motion: I move to approve the transfer of a Hotel and Restaurant Liquor License for Birds of Paradise LLC DBA Paradise Cafe located at 435 6th Street; Crested Butte, Colorado for the reasons stated in the staff report dated November 25, 2014.

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO
DEPARTMENT OF REVENUE**

LIQUOR ENFORCEMENT DIVISION
1881 Pierce Street, Suite 108
Lakewood, Colorado 80214

**BIRDS OF PARADISE, LLC
dba PARADISE CAFE
435 SIXTH ST
CRESTED BUTTE CO 81224**

ALCOHOL BEVERAGE LICENSE

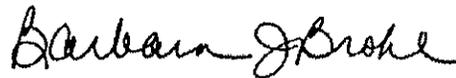
Liquor License Number 4703647	License Expires at Midnight November 04, 2015
License Type HOTEL & RESTAURANT (CITY)	
Authorized Beverages MALT, VINOUS, AND SPIRITUOUS	

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1881 Pierce Street, Suite 108, Lakewood, CO 80214.

In testimony whereof, I have hereunto set my hand. 11/5/2014



Division Director



Executive Director

**COLORADO LIQUOR
 RETAIL LICENSE APPLICATION**

NEW LICENSE TRANSFER OF OWNERSHIP LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ _____
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a
 Corporation Individual
 Partnership (Includes Limited Liability and Husband and Wife Partnerships) Limited Liability Company
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Fein Number
 Birds of Paradise LLC [REDACTED]

2a. Trade Name of Establishment (DBA) State Sales Tax No. Business Telephone
 Paradise Cafe [REDACTED] 970 349 5622

3. Address of Premises (specify exact location of premises)
 435 Sixth St

City County State ZIP Code
 Crested Butte Gunnison CO 81224

4. Mailing Address (Number and Street) City or Town State ZIP Code
 PO Box 1385 Crested Butte CO 81224

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:
 Present Trade Name of Establishment (DBA) Present State License No. Present Class of License Present Expiration Date
 Eastside Bistro [REDACTED] Malt/Vineries, Spirits Aug 5 2015

LIAB SECTION A NONREFUNDABLE APPLICATION FEES		LIAB SECTION B (CONT.) LIQUOR LICENSE FEES	
2300 <input type="checkbox"/> Application Fee for New License	\$1,025.00	1985 <input type="checkbox"/> Resort Complex License (City)	\$500.00
2302 <input type="checkbox"/> Application Fee for New License - w/Concurrent Review	\$1,125.00	1986 <input type="checkbox"/> Resort Complex License (County)	\$500.00
2310 <input checked="" type="checkbox"/> Application Fee for Transfer	\$1,025.00	1988 <input type="checkbox"/> Add Related Facility to Resort Complex ... \$ 75.00 X	Total
LIAB SECTION B LIQUOR LICENSE FEES		1990 <input type="checkbox"/> Club License (City)	\$308.75
1905 <input type="checkbox"/> Retail Gaming Tavern License (City)	\$500.00	1991 <input type="checkbox"/> Club License (County)	\$308.75
1906 <input type="checkbox"/> Retail Gaming Tavern License (County)	\$500.00	2010 <input type="checkbox"/> Tavern License (City)	\$500.00
1940 <input type="checkbox"/> Retail Liquor Store License (City)	\$227.50	2011 <input type="checkbox"/> Tavern License (County)	\$500.00
1941 <input type="checkbox"/> Retail Liquor Store License (County)	\$312.50	2012 <input type="checkbox"/> Manager Registration - Tavern	\$ 75.00
1950 <input type="checkbox"/> Liquor Licensed Drugstore (City)	\$227.50	2020 <input type="checkbox"/> Arts License (City)	\$308.75
1951 <input type="checkbox"/> Liquor Licensed Drugstore (County)	\$312.50	2021 <input type="checkbox"/> Arts License (County)	\$308.75
1960 <input type="checkbox"/> Beer and Wine License (City)	\$351.25	2030 <input type="checkbox"/> Racetrack License (City)	\$500.00
1961 <input type="checkbox"/> Beer and Wine License (County)	\$436.25	2031 <input type="checkbox"/> Racetrack License (County)	\$500.00
1970 <input checked="" type="checkbox"/> Hotel and Restaurant License (City)	\$500.00	2040 <input type="checkbox"/> Optional Premises License (City)	\$500.00
1971 <input type="checkbox"/> Hotel and Restaurant License (County)	\$500.00	2041 <input type="checkbox"/> Optional Premises License (County)	\$500.00
1975 <input type="checkbox"/> Brew Pub License (City)	\$750.00	2045 <input type="checkbox"/> Vintners Restaurant License (City)	\$750.00
1976 <input type="checkbox"/> Brew Pub License (County)	\$750.00	2046 <input type="checkbox"/> Vintners Restaurant License (County)	\$750.00
1980 <input type="checkbox"/> Hotel and Restaurant License w/opt premises (City)	\$500.00	2220 <input type="checkbox"/> Add Optional Premises to H & R	\$100.00 X
1981 <input type="checkbox"/> Hotel and Restaurant License w/opt premises (County) \$500.00		2370 <input type="checkbox"/> Master File Location Fee	\$ 25.00 X
1983 <input type="checkbox"/> Manager Registration - H & R	\$ 75.00	2375 <input type="checkbox"/> Master File Background	\$250.00 X

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

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State -750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg -750 (999)		
Cash Fund New License 2300-100 (999)		Cash Fund Transfer License 2310-100 (999)		TOTAL	
				\$.

** Am I missing a town of CB application and corresponding check/payment (?)*

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord <u>Crested Butte Synergy LLC</u>	Tenant <u>Birds of Paradise LLC</u>	Expires <u>4/30/2015</u>
--	--	-----------------------------

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
NA			

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No

 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store applicants, answer the following:** Yes No

 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED. NA

15. **Club Liquor License applicants answer the following and attach:** Yes No

 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? NA
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (Three years required)
 (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants answer the following:** Yes No

 (a) Has the applicant received or applied for a Federal Permit? NA
 (Copy of permit or application must be attached)

17a. Name of Manager (for all on-premises applicants) Angele M Booth (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth
2/24/1973

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. Yes No

19. If applicant is a corporation, partnership, association or limited liability company, applicant must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant must list any stockholders, partners, or members with OWNERSHIP OF 10% OR MORE IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Angela M Booth	PO Box 1385 / 1024 Wildcat Trail Butte CO 81224	2/24/1973	owner	100

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable) _____ Address for Service _____

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: Angela M Booth Title: owner Date: 2/24/1973

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

Date application filed with local authority: 8-21-2014 Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.): 10-06-2014

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-I (Individual History Record) has:
- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| <input checked="" type="checkbox"/> Been fingerprinted | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- | | | |
|--|-------------------------------------|--------------------------|
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|
- (Check One)
 Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority for: Town of Crested Butte Telephone Number: 970-349-5338

TOWN, CITY COUNTY

Signature: [Signature] Title: Town Clerk Date: 8-21-2014

Signature (attest): Molly Mummman Title: Crested Butte Design Review Coordinator Date: 8-21-2014

NO LOCAL RECORD FOUND
Fingerprints forwarded to C.B.:
Will notify council of ANY
PROBLEMS OR CONCERNS
Tom
in ART 11

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
 Birds of Paradise LLC dba Paradise Cafe'

2. Your Full Name (last, first, middle)
 Booth Angela Morgan

3. List any other names you have used.

4. Mailing address (if different from residence)
 PO Box 1385 Crested Butte CO 81224

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 1024 Wildcat Trail	Crested Butte CO 81224	5/28/2013	present
Previous 514 Fourth St	Crested Butte CO 81224	6/1/2008	5/27/2013

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Evergreen Oasis LLC	319 Elk Ave Crested Butte CO 81224	owner	Aug 2008	present
Leisure Dome LLC	303 Elk Ave Crested Butte CO 81224	waitress	6/1/2003	10/31/2013

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
NA			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.

The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth 2/24/1973	b. Social Security Number SSN [REDACTED]	c. Place of Birth Melbourne, Victoria, Australia	d. U.S. Citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. If Naturalized, State where	f. When	g. Name of District Court	
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number [REDACTED]
l. Height 5'6"	m. Weight 140 lb	n. Hair Color blonde	o. Eye Color brown
p. Sex F	q. Race W	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO 963100281	

14. Financial Information.

a. Total purchase price \$ 8500.00 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 24,000.00

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Cash	\$15,000 loan from Evergreen Basis LLC	\$15,000
Cash	Angela Booth	\$9,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature Angela Booth	Title Owner	Date 7/23/14
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AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

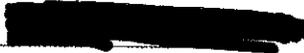
Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the: Licensee Applicant

- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 20th day of August, 2014.

Seller:

Eastside Bistro LLC 
Licensee & License Number

EASTSIDE BISTRO
Trade name

Alison Satterlee
Signature

OWNER
Position

ALISON SATTERLEE
Print Name

Buyer:

Birds of Paradise LLC
Applicant

Paradise Cafe
Trade name

Angela M Booth
Signature

OWNER
Position

Angela M Booth
Print Name



Staff Report

November 12, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lois Rozman, Finance Director
Subject: **Resolution No. 22, Adopting Mill Levy for 2015 Budget**

SUMMARY:

The Town has two distinct mill levies, one for the General Fund and one for the Street Fund.

- *General Fund:* The General Fund mill levy must follow TABOR rules and the calculation for 2015 using a calculated local growth rate plus Denver/Boulder/Greeley CPI per TABOR requirements, sets the mill levy to a net of 2.862 mills. This is a 0.115 net mill increase from 2014 due to the TABOR growth rate calculations. The maximum mill levy for the General Fund is 7.30 mills. In order to preserve this mill level, the Town annually issues a temporary tax credit allowed under TABOR to get the net mill levy. For 2015 budget, the mill credit is 4.438.
- *Street Fund:* The Street Fund mill levy is exempt from TABOR requirements by virtue of the ballot language with which it was voted upon. The maximum mill levy for the Street Fund is 16.00 mills. The mill levy for the 2015 budget is set at 8.500 which is an increase of 0.441 mills from 2014. The majority of this increase (0.395) is requested to begin a reserve designated for new transportation projects coming out of the Transportation Plan currently in progress. This additional 0.441 mills is \$3.51 per \$100,000 of residential market valuation and \$12.79 per \$100,000 of commercial market valuation. The increased revenue to the Street Fund in 2015 for transportation projects is approximately \$30,000.

RECOMMENDATION: Staff recommends approving Resolution No. 22.

MOTION: I move to approve Resolution No. 22, Series 2014.

**RESOLUTION NO. 22
SERIES 2014**

A RESOLUTION TO ADOPT THE MILL LEVY FOR THE TOWN OF CRESTED BUTTE, COLORADO FOR THE FISCAL YEAR 2015, BEGINNING THE FIRST DAY OF JANUARY 2015 AND ENDING THE LAST DAY OF DECEMBER 2015.

WHEREAS, the mill levy for the Town is presently 7.30 for General operating purposes and 8.059 for Street and Alley on an assessed valuation of \$79,564,700; and

WHEREAS, the assessed valuation of taxable property for the year 2014 in the Town of Crested Butte, as returned by the County Assessor of Gunnison County, Colorado is \$79,288,090; and

WHEREAS, the Town Council has determined that it is in the public interest to maintain the mill levy for the upcoming fiscal year.

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

Section 1. That for the purpose of defraying expenses of the "General Fund", the Town Council has determined that the proper mill levy shall be 7.300 mills with a Temporary Tax Credit of 4.438 mills for a net mill levy of 2.862 mills; and during the fiscal year beginning January 1, 2015 and ending December 31, 2015, there is hereby levied a net tax of 2.862 mills upon each dollar of total assessed valuation of all taxable property within the Town of Crested Butte, Colorado.

Section 2. That for the purpose of maintaining a "Street and Alley Fund" pursuant to Ordinance No. 3, Series 1987, Town of Crested Butte, Colorado, the Town Council has determined that the proper mill levy shall be 8.500 mills; and during the fiscal year beginning January 1, 2015 and ending December 31, 2015, there is hereby levied a tax of 8.500 mills upon each dollar of total assessed valuation of all taxable property within the Town of Crested Butte, Colorado.

INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS SEVENTEENTH DAY OF NOVEMBER, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF DECEMBER, 2014.

TOWN OF CRESTED BUTTE, COLORADO

(SEAL)

By _____
Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



Staff Report

December 1, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Janna Hansen - Parks and Recreation Director
Subject: Summer Parks Staffing Cut Proposal

Background:

At the budget work session on November 10th, the Council asked the staff to create a realistic plan for cutting the seasonal park budget of the Capital Fund by \$30,000 to address budget shortfalls for FY15. Multiple options were explored including shortening the season, hiring fewer seasonal staff, and cutting amenities and services. It was determined that delaying hiring or shortening our employment period during a strengthening job market might result in a negative impact on our hiring options. We identified ways to cut two seasonal positions over the summer season along with appropriate corresponding services. We attempted to minimize loss of critical services and avoid cuts that would result in loss of investment, or that would result in no actual (or negative) cost savings.

Recommendation:

Staff recommends approaching the Parks seasonal staffing cuts by eliminating the following two positions and accompanying services:

Position #1: Parks Maintenance Crew - Summer Seasonal

Impact on an existing position: we can likely accomplish this through attrition

Impact on services:

- Reduce frequency of weed whacking and trimming (enough to prevent weeds going to seed but less than currently). Unlike mowing grass, reducing the frequency of weed trimming does not result in an increased workload.
- Benches and bike racks put out later. Crews would attempt to have benches and bike racks out by Bike Week but it is possible that everything would not be out before the week of the 4th of July.
- No striping or regular raking of baseball diamonds. Some raking would be provided to mitigate holes, divots or ruts that could create a hazard.
- Reduced support for special events. More volunteers would likely be needed for some special events.

Position #2: Gardener

Impact on an existing position: We currently have 2.5 gardener positions. We propose to reduce this to 1.5. One of our long-time gardeners has already let us know she will not be returning next year, so we could accomplish this by attrition.

Impact on services:

- We would be able to continue to maintain all of the garden beds as well as all of the planter boxes. This keeps us from losing our investment in existing beds and gets some flowers out by way of the planter boxes. This would require some assistance from parks maintenance to keep up with watering.
- We would need to cut the 116 flower barrels.

In terms of cutting seasonal services, there was not much that we were able to identify in the way of reasonable additional options. Cutting an additional parks maintenance position (instead of a gardener position) or substantially altering parks services would result in dramatically cutting essential services such as frequency of trash removal and bathroom cleaning. Staff does not recommend this option as it would create a sanitary hazard and other potential problems such as clogged pipes, etc. Reductions in other service areas would result in a loss of investment, impede recreational programming, create a hazard, or are a small enough time commitment that the impact would be negligible. Cutting early season raking temporary labor was also explored and it was found that this funding source comes out of the General Fund and has no impact on the shortfalls in the Capital Fund.



Staff Report

November 13, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lois Rozman, Finance Director
Subject: Resolution No. 23 Adopting the 2015 Budget

SUMMARY:

Resolution No. 23, Series 2014 adopts the 2015 budget. Council has held several work sessions over the past couple of months dealing with the proposed 2015 budget for the various funds of the Town. The budget attached to Resolution No. 23, is the product of those work sessions. There have been no changes to the budget draft from the last meeting.

Council instructed staff to bring forward what cutting back on park maintenance services in the 2015 budget would look like. Included in your Council packet is a separate staff report outlining the recommended cuts. The proposed cuts would save approximately \$30,000 in 2015. There are no easy cuts. Staff has made the “easy” cuts and postponed purchases over the past 5 to 8 years, in hopes of solving the maintenance of capital assets issue. Many things have taken a back seat in order to keep the parks going at the level expressed by the community in the Parks Master Plan, and this can no longer continue.

There has been a lot of discussion about restoring the proposed cuts and taking the \$30,000 out of the Capital Fund balance. The council can choose to do this, but it merely masks the issue for another year. And the bigger picture is getting lost—it’s about not being able to take care of what we already have AND the inability to bring new amenities online. There is always a desire for more amenities by both the public and the staff, but we cannot take on any more until we develop an ability to take care of them and, more importantly, what we already have. The 5 year capital plan had been pushing projects down the road year after year. We now must take such things as the perimeter trail, Baxter Gulch trail, campground, Big Mine Park enhancements, 8th Street greenway, etc. off of the table unless specific maintenance funding mechanisms are identified.

Many ask the question “Why can’t we just take the money out of the General Fund as it has plenty of money?”

- Use of fund balance is for non-recurring items (special projects, disasters, etc.) and to help provide essential services through economic downturns. It is not sound or sustainable policy to use it for on-going regular items. Park maintenance is an on-going item, not a one-year deal.
- The current 2015 budget proposes to take out \$430,000 (a 12% reduction) bringing the reserve back to just under 100% of General Fund expenses. A good example of the use

of fund balance is the Block 79 & 80 infrastructure project. Having this money available is what is allowing Town to address an increasingly critical need by moving forward with this infrastructure project, making it possible for affordable housing projects to begin happening in 2016.

RECOMMENDATION: Time is of the essence. We are at the last date by which to adopt our budget and be in compliance with state budget rules. Therefore, staff recommends approving Resolution No. 23.

MOTION: I move to approve Resolution No. 23, Series 2014.

**RESOLUTION NO. 23
SERIES 2014**

A RESOLUTION ADOPTING THE BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE TOWN OF CRESTED BUTTE, COLORADO FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JANUARY 2015, AND ENDING THE LAST DAY OF DECEMBER 2015, ESTIMATING THE AMOUNT OF MONEY NECESSARY TO BE DERIVED FROM REVENUE SOURCES, AND SETTING FORTH THE TOTAL ESTIMATED EXPENDITURES FOR EACH FUND.

WHEREAS, the Town Manager is directed to prepare the annual budget for the Town of Crested Butte, Colorado for the fiscal year beginning January 1, 2015, and ending December 31, 2015, and has prepared said budget and submitted to the Town Council, and

WHEREAS, the Town Council has reviewed the proposed budget as submitted by the Town Manager and is fully advised in the premises, and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at the Town Hall, so that interested taxpayers could be given the opportunity to file or register any objections to said proposed budget at the Council meetings when budget was set for public hearing, and then heard, and

WHEREAS, the Town Council has held its public hearing, and

WHEREAS, whatever increases may have been made in the expenditures, equal increases were added to the revenues so that the budget remains in balance, as required by law.

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

That the following expenditures for the various funds of the Town of Crested Butte be as follows:

GENERAL FUND	\$ 3,614,958
GENERAL CAPITAL FUND	\$ 2,422,846
SEWER & WATER FUND	\$ 1,714,150
STREET & ALLEY FUND (The Street & Alley Fund budget includes Highway Users money in the amount of \$47,050.)	\$ 649,232

CONSERVATION TRUST FUND	\$ 9,500
SALES TAX FUND	\$ 2,956,375
AFFORDABLE HOUSING FUND	\$ 979,800
TOTAL	\$12,346,861

That the budget for the Town of Crested Butte, Colorado for the fiscal year beginning January 1, 2015, and ending December 31, 2015, as heretofore submitted to the Town Council by the Town Manager is hereby adopted and approved as the Budget for the Town of Crested Butte, Colorado for said fiscal year.

INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS SEVENTEENTH DAY OF NOVEMBER, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS ____ DAY OF DECEMBER, 2014.

TOWN OF CRESTED BUTTE

(SEAL)

By _____
Aaron J. Huckstep, Mayor

ATTEST:

By _____
Lynelle Stanford, Town Clerk

GENERAL FUND SUMMARY					Variance	% Change
	2013	2014	2014	2015	Budget 14	14 Budget
	ACTUAL	BUDGET	PROJECTED	BUDGET	to Budget 15	15 Budget
REVENUES	2,929,444	3,010,867	3,012,926	3,190,084	179,217	6.0%
CONTRIBUTION FROM RESERVE		156,700	33,779	429,991		
TOTAL REVENUES	2,929,444	3,167,567	3,046,705	3,620,075	452,508	14.3%
DEPARTMENT EXPENSES:						
GENERAL GOVERNMENT	274,615	417,560	424,294	653,616	(236,056)	56.5%
COURT	4,666	7,709	7,534	7,710	(1)	0.0%
COUNCIL	47,054	55,788	52,268	56,237	(449)	0.8%
ELECTIONS	3,221	3,450	3,450	3,450	0	0.0%
LEGAL	155,452	147,100	159,100	187,100	(40,000)	27.2%
CLERK	100,335	142,750	124,367	159,053	(16,303)	11.4%
MANAGER	117,130	147,662	146,305	183,072	(35,410)	24.0%
FINANCE	277,780	300,794	289,244	318,289	(17,495)	5.8%
MARSHALS	699,934	734,002	749,957	758,672	(24,670)	3.4%
PLANNING/GIS	82,274	107,232	92,873	148,854	(41,622)	38.8%
DYER SHOP	93,709	108,274	104,563	167,877	(59,603)	55.0%
PUBLIC WORKS	161,224	169,108	171,468	171,103	(1,995)	1.2%
BUILDING	325,650	355,007	353,160	392,304	(37,297)	10.5%
RECREATION	339,210	461,901	368,123	407,622	54,279	-11.8%
TOTAL EXPENSES	2,682,254	3,158,336	3,046,705	3,614,958	(456,622)	14.5%
REVENUE OVER(UNDER) EXPENSES	247,190	9,231	(0)	5,117		
SALARIES/WAGES/BENEFITS				2,218,142		
% OF GENERAL FUND BUDGET				61%		
FUND BALANCE	3,577,201	3,429,732	3,543,422	3,118,548		
2015 Contribution from Reserve = \$76,275 Community Grants, \$63,216 Computer Capital, \$15,000 Building Software						
\$30,000 water attorney, \$20,000 GIS/GPS base system, \$6,000 Valley Wide Economic Plan,						
\$19,500 for Big Mine Planning project and \$200,000 Block 79 & 80 infrastructure						

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-REVENUES				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
PROPERTY TAX	211,889	219,059	219,059	226,913
SPECIFIC OWNERSHIP TAX	46,978	40,000	45,000	45,000
SALES TAX	1,920,000	2,009,708	2,050,000	2,239,296
CIGARETTE TAX	8,682	8,000	7,000	7,000
USE TAX - GENERAL CAPITAL	94,956	55,000	55,000	55,000
CNTY SALES/MINERAL LEASE	41,297	65,000	50,000	42,000
TELEPHONE TAX	3,116	4,000	3,000	3,000
GAS FRANCHISE TAX	12,396	30,000	30,000	30,000
INTEREST & PENALTIES	958	500	750	500
CATV LEASE	10,778	9,500	9,500	9,500
LIQUOR LICENSES	9,632	8,000	8,000	8,000
BUSINESS LICENSES	21,345	20,000	20,000	20,000
DOG LICENSES	738	700	700	700
BUILDING PERMITS	74,091	62,000	66,700	68,000
PLAN REVIEW-BLDG	24,476	18,000	19,000	19,000
SPECIAL REVIEW/INSPECTION-BLDG	0	300	300	300
ENERGY MITIGATION FEE	3,421	0	23,236	0
SIGN PERMITS	768	500	600	600
CERTIFICATE OF ASSESSMENT	230	150	165	175
MISC BUILDING FEES	4,436	2,000	2,000	2,000
BOZAR FEES	15,720	15,000	15,000	15,000
SIDEWALK CAFÉ LICENSE	2,911	2,900	2,900	2,900
MISC LICENSE FEES	0	500	4,950	500
LICENSE PLATE FEES	6,104	6,500	6,000	6,000
OCCUPATION TAX	45,788	44,000	44,000	44,000
LEAF GRANT	418	500	0	500
BIG MINE PLANNING GRANT		60,000	16,500	43,500
PUBLICATIONS			10	
MGMT FEES SEWER AND WATER	65,000	65,000	65,000	65,000
R&M VEHICLE-S/W	18,000	18,000	18,000	18,000
COUNTY COURT - FINES	3,796	2,500	1,800	2,500
TICKET SURCHARGE	653	1,000	650	1,000
FINES - GENERAL	20,615	25,000	23,000	25,000
COURT COSTS	1,662	1,000	1,300	1,300
DOG TICKETS	835	1,000	1,000	1,000
TOWING INCOME	5,680	8,000	23,000	20,000
VIN INSPECTIONS/FINGERPRINTS	1,096	1,000	800	1,000
INTEREST INCOME	1,043	2,000	1,000	2,000
RENT- TOWN BLDGS	39,973	40,000	40,000	40,000
SPECIAL EVENTS FEES	7,084	6,000	11,000	6,000
COPIES/RESEARCH FEES	2,193	500	300	500
GYMNASTICS	28,316	12,500	16,000	12,500
TUMBLE BUG	559	600	600	600
HOCKEY ADULT FEES	17,610	14,000	2,340	0
SOCCER FEES	38,344	26,000	35,600	18,000
BASKETBALL FEES	1,905	1,000	850	1,000
HOCKEY KIDS FEES	47,405	38,000	3,210	0

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-REVENUES				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
TENNIS LESSONS	13,495	12,000	12,800	8,000
SOFTBALL FEES-ADULT	12,380	12,000	12,200	12,000
DODGEBALL	1,000	0	400	500
VOLLEYBALL FEE	0	1,250	0	1,000
LITTLE LEAGUE FEES	7,070	9,000	7,600	9,000
FLAG FOOTBALL	890	1,200	1,500	1,200
GARDEN CAMP FEES	5,980	6,000	8,600	8,000
SUMMER CAMP				10,000
PARK FEES	22,136	22,000	25,000	32,000
OTHER REVENUE	3,459	2,500		3,500
INDOOR CLIMBING	137	0	6	100
CONTR. FROM RESERVE	0	156,700		426,491
Total Revenue	2,929,444	3,167,567	3,012,926	3,616,575

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-GENERAL GOVERNMENT				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	41,800	43,680	43,680	43,680
Building Maintenance				49,060
FICA	3,198	3,341	3,341	3,342
TELEPHONE	5,510	5,750	5,750	6,000
TELEPHONE-DEPOT	0	300	0	300
UTILITIES - 308 OFFICES	4,235	6,100	5,000	6,000
UTILITIES - OTH/JAIL	28	100	0	100
UTILITIES-TOWN HALL	12,417	14,300	11,000	12,100
UTILITIES-DEPOT	6,219	8,316	7,000	8,300
UTILITIES-OTHER	1,802	2,200	2,000	2,200
OFFICE SUPPLIES	7,594	10,000	8,500	9,000
POSTAGE	2,999	5,000	5,000	5,000
COPIER LEASE/MAINTENANCE	5,307	6,500	6,000	6,500
AUDITING	4,357	5,100	4,400	5,100
RECORDING - COUNTY	413	750	500	750
INSURANCE AND BONDS	21,004	23,100	19,000	20,900
INSURANCE LIABILITY	358	4,000	2,500	4,000
UNEMPLOYMENT INSURANCE	125	131	131	131
WORKERS COMP	1,412	1,620	1,800	1,890
DUES AND SUBSRIPTIONS	11,126	13,000	13,000	13,000
SPECIAL EVENTS	1,733	3,000	3,000	3,000
TRASH PICKUP	4,835	5,000	4,500	5,000
REPAIR & MAINT - MACHINES	9,139	15,000	15,000	3,000
POSTAGE METER RENTAL	675	1,000	750	1,000
TOWING EXPENSE	5,570	10,000	25,000	20,000
FUEL	0	300	300	300
R&M VEHICLE	33	1,200	1,200	3,000
TOWN CLEANUP	2,485	3,500	3,500	3,500
OTHER EXPENSES	12,191	8,000	8,000	8,000
SERVICE GRANTS	52,971	73,700	73,700	76,275
PRO CHALLENGE GRANT		25,000	30,170	
TREASURER FEES	4,318	6,572	6,572	6,807
OCCUPATIONAL TAX - CHAMBER	45,730	44,000	46,000	44,000
COMPENSATION POOL FUND		30,000	30,000	
COMPUTER/IT - MAINTENANCE & CAPITAL	5,031	38,000	38,000	67,381 **
Employee Retirement/Transition Contingency				15,000
CONTRIBUTION TO AFFORDABLE HOUSING				200,000
TOTAL EXPENSES	274,615	417,560	424,294	653,616

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL FUND-COURT					
	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
PERMANENT SALARIES	4,311	6,500	6,500	6,500	
FICA	330	496	496	497	
CONTRACT LABOR	0	350	350	350	*
TRIAL COSTS	0	325	150	325	
UNEMPLOYMENT INSURANCE	13	20	20	20	
WORKMANS COMP INSURANCE	12	18	18	18	
TOTAL EXPENSES	4,666	7,709	7,534	7,710	
*For Interpreter as needed					

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-COUNCIL				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
FICA	2,380	2,662	2,662	2,694
TELEPHONE	1,476	2,100	1,600	2,100
OFFICE SUPPLIES	1,138	400	400	400
COUNCIL COMPENSATION	29,632	34,800	34,800	35,216
DESCRETIONARY FUND	5,867	7,500	7,500	7,500
TRAVEL AND EDUCATION	6,262	8,000	5,000	8,000
UNEMPLOYMENT INSURANCE	86	104	104	106
WORKMANS COMP INSURANCE	213	221	201	221
TOTAL EXPENSES	47,054	55,788	52,268	56,237
Add additional Council salary for 1/2 November and all December for 3 Council seats up for election				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-ELECTIONS				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
PROFESSIONAL SERVICES	3,180	3,100	3,100	3,500
OFFICE SUPPLIES	41	350	350	350
ADVERTISING AND LEGAL				
TOTAL EXPENSES	3,221	3,450	3,450	3,850

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-LEGAL				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
OFFICE SUPPLIES	1,808	2,000	2,000	2,000
LEGAL RETAINER	144,365	125,000	125,000	125,000
LEGAL FILING FEES	0	100	100	100
LITIGATION/CONSULTING	9,279	10,000	2,000	35,000 **
MT. EMMONS-SPECIAL PROJECT		10,000	30,000	25,000
TOTAL EXPENSES	155,452	147,100	159,100	187,100
**Water Attorney = \$30,000				
Misc Consulting = \$5,000				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-CLERK				
	2013	2014	2014	2015
	ACTUALS	BUDGET	PROJECTED	BUDGET
PERMANENT SALARIES	64,273	93,209	77,246	96,000
FICA	4,940	7,130	5,909	7,344
HEALTH INSURANCE	10,077	16,336	15,443	24,510
RETIREMENT	377	4,063	3,050	4,145
TELEPHONE	300	300	270	300
OFFICE SUPPLIES	1,248	1,000	1,000	1,750
SOFTWARE/WEBSITE MAINTENANCE	0	3,300	3,600	3,000
ADVERTISING AND LEGAL	2,377		2,000	2,500
TRAVEL AND EDUCATION	1,636	2,500	1,257	4,500
UNEMPLOYMENT INSURANCE	189	280	232	288
WORKMANS COMP INSURANCE	164	182	160	176
DUES AND SUBSCRIPTIONS	165	450	200	540
OTHER EXPENSES/CODIFICATION	14,589	14,000	14,000	14,000
TOTAL EXPENSES	100,335	142,750	124,367	159,053

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-MANAGER				
	2013	2014	2014	2015
	ACTUALS	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	71,701	95,000	91,800	96,390
FICA	6,384	8,186	7,023	8,292
HEALTH INSURANCE	3,625	8,459	12,615	27,138
RETIREMENT	2,857	3,325	3,213	5,783
TELEPHONE	913	1,500	1,500	1,500
OFFICE SUPPLIES	552	500	500	500
TRAVEL AND EDUCATION	1,489	6,000	6,000	6,500
RECRUITING EXPENSES	8,771			
UNEMPLOYMENT INSURANCE	243	285	285	289
WORKMANS COMP INSURANCE	176	211	172	182
DUES AND SUBSCRIPTIONS	153	1,500	1,500	1,500
GAS AND OIL	755	2,000	1,500	2,500
R&M VEHICLE	313	1,500	1,000	1,500
TIRES	0	0	0	800
LEASE-PRINCIPAL	15,415	16,208	16,208	16,208
LEASE-INTEREST	3,783	2,989	2,989	2,989
EMPLOYEE RECOGNITION PROGRAM				5,000
VALLEY WIDE ECONOMIC PLANNING				6,000
TOTAL EXPENSES	117,130	147,662	146,305	183,072

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-FINANCE				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	193,138	202,639	197,057	214,499
FICA	14,607	15,501	15,075	16,409
HEALTH INSURANCE	43,260	49,385	46,665	51,525
RETIREMENT	20,377	21,762	21,766	22,998
TELEPHONE	300	300	300	300
OFFICE SUPPLIES	1,090	1,300	1,200	4,200
SOFTWARE MAINTENANCE	3,466	6,500	3,900	5,000
TRAVEL AND EDUCATION	318	1,300	1,300	1,300
UNEMPLOYMENT INSURANCE	574	608	591	643
WORKMANS COMP INSURANCE	450	509	400	424
DUES AND SUBSCRIPTIONS	200	990	990	990
	277,780	300,794	289,244	318,289
Office Supplies:				
Regular annual supplies = \$1300				
Heavy duty printer = \$2500 Current printer is 12 years old				
New chairs = \$400				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-MARSHALS				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
PERMANENT SALARIES	432,287	435,537	464,757	453,403
OVERTIME	3,892	5,000	7,000	8,000
FICA	32,849	33,701	36,089	35,297
HEALTH INSURANCE	77,266	95,032	81,140	100,194
RETIREMENT	39,442	39,874	36,548	35,662
TELEPHONE	4,886	5,200	5,200	5,200
UTILITIES	4,326	5,000	5,000	5,400
OFFICE SUPPLIES	1,652	1,400	1,700	1,700
OPERATING SUPPLIES	781	1,000	1,100	1,250
SOFTWARE MAINTENANCE	3,282	3,228	3,228	3,345
ADVERTISING AND LEGAL	545	300	500	300
TRAVEL AND EDUCATION	4,178	7,000	5,000	5,000
UNEMPLOYMENT INSURANCE	1,405	1,322	1,322	1,384
WORKMANS COMP INSURANCE	13,842	13,409	16,000	16,960
DUES AND SUBSCRIPTIONS	649	1,000	1,000	1,250
REPAIR & MAINT - MACHINES	1,899	700	700	1,000
UNIFORM EXPENSE	4,845	2,800	3,500	4,200
MEDICAL EXPENSE	220	300	500	300
EQUIPMENT	8,404	8,500	8,500	8,500
GAS AND OIL	13,044	15,500	15,500	16,500
R&M VEHICLES	3,600	5,000	5,000	5,000
TIRES	1,948	1,600	1,600	1,600
DISPATCH FEES	38,178	43,899	43,873	40,527
COUNTY JAIL/LANGUAGE LINE	14	200	200	200
VICTIMS ASSISTANCE PROGRAM	6,500	7,500	5,000	6,500
TOTAL EXPENSES	699,934	734,002	749,957	758,672

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL FUND-PLANNING/GIS					
	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
PERMANENT SALARIES	65,587	79,165	69,209	96,136	
FICA	5,005	6,056	5,294	7,354	
HEALTH INSURANCE	2,719	8,207	4,100	8,617	
RETIREMENT	6,440	6,200	6,087	5,544	
TELEPHONE	115	300	200	300	
OFFICE SUPPLIES	525	1,000	2,000	1,000	
GIS SUPPLIES	0	1,000	500	1,000	
R&M MACHINES	0	400	400	500	
TRAVEL AND EDUCATION	705	2,000	2,000	2,500	**
UNEMPLOYMENT INSURANCE	99	211	208	211	
WORKMANS COMP INSURANCE	176	194	175	193	
DUES AND SUBSCRIPTIONS	426	500	500	500	
TRAIL TOOLS & SIGNAGE				500	
SPECIAL PROJECTS	477	2,000	2,200	2,000	
GIS/GPS SOFTWARE				20,000	
CREATIVE DISTRICT DESIGNATION PROJECT				2,500	
TOTAL EXPENSES	82,274	107,232	92,873	148,854	
**Increase is for APA exam fee					

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL FUND-DYER SHOP					
	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
PERMANENT SALARIES	48,531	56,538	53,895	62,005	
2nd Mechanic				48,907	**
FICA	3,720	4,325	4,123	4,743	
HEALTH INSURANCE	16,425	18,568	18,000	19,365	
RETIREMENT	3,831	5,277	5,120	5,787	
TELEPHONE	594	900	800	900	
UTILITIES	7,332	6,000	6,000	7,000	
SUPPLIES	3,757	4,500	4,500	4,500	
SHOP TOWELS	909	1,080	1,080	1,100	
TRASH PICKUP	1,070	2,000	1,750	2,000	
TRAVEL & EDUCATION	541	250	250	1,000	
UNEMPLOYMENT INSURANCE	165	170	162	186	
WORKMANS COMP INS	828	1,183	1,400	1,484	
MEDICAL	166	150	150	150	
TOOLS & EQUIPMENT	1,593	2,083	2,083	3,500	
UNIFORM ALLOWANCE	243	250	250	250	
SAFETY EQUIPMENT	271	500	500	500	
OIL & FLUIDS	3,733	4,500	4,500	4,500	
TOTAL EXPENSES	93,709	108,274	104,563	167,877	
**2nd mechanic/pw crew member total cost					

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL FUND-PUBLIC WORKS					
	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
SALARIES & WAGES	92,340	87,148	95,000	88,782	*
OVERTIME	499	500	1,700	500	
FICA	7,115	6,705	7,398	6,830	
HEALTH INSURANCE	19,079	25,833	23,000	25,834	*
RETIREMENT	8,270	8,273	9,500	8,549	
TELEPHONE	633	800	800	800	
UTILITIES	2,670	3,000	3,500	3,500	
SUPPLIES	754	2,001	2,001	2,000	
SAFETY EQUIPMENT	183	1,000	1,000	1,000	
ENGINEERING AND SURVEYS	0	1,000	1,000	1,000	
ADVERTISING	826	1,000	1,000	1,000	
TRAVEL AND EDUCATION	609	1,000	500	1,000	
UNEMPLOYMENT INSURANCE	529	263	290	268	
WORKMANS COMP INSURANCE	3,640	4,486	4,000	4,240	
DUES AND SUBSCRIPTIONS	284	300	300	300	
REPAIR AND MAINT.	860	2,000	2,000	2,000	
MEDICAL	300	500	500	500	
TOOLS AND EQUIPMENT	1,108	1,000	1,000	1,000	
GAS AND OIL	15,943	8,979	8,979	9,000	
R&M VEHICLES	2,737	7,500	5,000	7,500	
TIRES	1,744	4,820	2,000	4,500	
UNIFORM ALLOWANCE	1,101	1,000	1,000	1,000	
TOTAL EXPENSES	161,224	169,108	171,468	171,103	
*70% of wages & corresponding share of Health insurance/retirement moved to Street & Alley fund (street/alley/row maintenance & snow removal functions)					

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-BUILDING				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	222,566	231,397	237,373	245,881
OVERTIME	156		600	
FICA	16,470	17,702	18,205	18,810
HEALTH INSURANCE	42,185	49,617	42,000	45,572
RETIREMENT	20,387	22,411	21,368	22,224
TELEPHONE	300	300	300	300
OFFICE SUPPLIES	784	3,000	3,000	3,000
BOZAR PROFESSIONAL SERVICE	10,095	12,000	12,000	12,000
COPIER MAINTENANCE	405	750	750	750
ADVERTISING & LEGAL	3,698	6,500	6,500	6,500
TRAVEL & ED-BOZAR	1,395	2,000	2,000	2,000
CODE BOOKS	0	300	300	300
TRAVEL & ED-BLDG	1,385	3,000	3,000	3,000
UNEMPLOYMENT TAX	720	694	714	738
WORKMANS COMP	1,765	2,087	1,800	1,980
DUES & SUBSCRIPTIONS	740	800	800	800
HISTORIC PRESERVATION	1,159	1,200	1,200	1,200
SHED PRESERVATION	200	300	300	300
GAS AND OIL	410	450	450	450
R&M VEHICLES	830	500	500	500
TIRES		0		
TEMPORARY HELP				11,000
SOFTWARE				15,000
TOTAL EXPENSES	325,650	355,007	353,160	392,304

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-RECREATION				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
SALARIES & WAGES	102,795	109,151	108,091	102,752
GYMNASTIC COACHES	10,557	11,222	13,000	12,000
TUMBLE BUG EXPENSES	0	500	500	500
PART TIME-TENNIS LABOR	8,209	9,000	8,500	6,000
INTERN WAGES	2,580	3,000	6,400	9,000
REC FACILITY EXPENSE	4,083	12,000	12,000	12,000
TEMPORARY LABOR	3,447	5,000	3,300	5,000
ZAMBONI OPERATOR	306	4,000	4,000	4,000
FICA	1,059	11,650	11,650	10,691
HEALTH INSURANCE	23,212	26,761	19,200	27,803
RETIREMENT	6,517	6,975	5,720	8,835
TELEPHONE	949	700	900	700
TELEPHONE-WRMG HOUSE	514	1,100	600	1,100
TELEPHONE-SHOP	631	1,100	750	1,100
TRASH PICKUP	4,517	5,000	6,500	6,500
UTILITIES-SHOP	4,618	6,000	4,750	6,000
UTILITIES-ICE RINK	7,220	7,000	7,600	7,000
UTILITIES-WARMING HSE	3,742	6,500	4,500	6,500
UTILITIES-PARKS	6,730	13,000	9,000	13,000
OFFICE/CLEANING SUPPLIES	2,975	2,000	4,000	2,500
SOFTWARE MAINTENANCE	2,945	3,000	3,270	3,000
BANKCARD PROCESSING	3,866	4,000	3,500	3,000
ADVERTISING	4,829	3,200	5,000	4,000
TRAVEL AND EDUCATION	1,090	2,000	1,000	7,540
UNEMPLOYMENT INSURANCE	387	444	444	383
WORKERS COMP	2,961	3,498	3,498	3,708
DUES AND SUBSCRIPTIONS	577	600	600	1,560
UNIFORM ALLOWANCE	613	600	600	600
MEDICAL	76	500	450	350
FLAG FOOTBALL	648	600	600	600
SOCCER EXPENSES	28,030	15,000	17,000	8,000
SOCCER COACHES	4,016	12,000	6,000	7,000
BASKETBALL	336	750	800	750
INDOOR CLIMBING EXPENSE	0	50	350	400
TENNIS LESSONS EXP	652	1,000	700	1,000
GYMNASTIC EXPENSES	5,734	1,500	750	3,000
DODGEBALL EXPENSE	150	200	200	200
VOLLEYBALL EXPENSE	0	500	0	750
SOFTBALL EXP-ADULT	8,091	7,000	10,100	10,000
HOCKEY EXPENSES-JR	28,581	26,000	10,500	0
HOCKEY COACHES	11,524	9,000	10,000	0
SKATEBOARD/SKATEPARK	404	500	0	500
GARDEN CAMP EXPENSE	5,996	5,000	5,000	6,000
LITTLE LEAGUE EXPENSES	3,648	6,000	3,500	6,000
LITTLE LEAGUE COACHES	997	3,000	2,000	3,000
HOCKEY EXP-ADULTS	7,140	11,000	8,000	0

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-RECREATION				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
SUMMER CAMP				9,000
GAS & OIL	13,789	10,000	13,000	13,000
R&M VEHICLES	6,636	7,500	7,500	7,500
TIRES	833	800	800	800
BIG MINE PLANNING		85,000	22,000	63,000
TOTAL EXPENSES	339,210	461,901	368,123	407,622

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-RECREATION PROGRAM SUMMARY				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
LITTLE LEAGUE				
Revenue	7,070	9,000	7,600	9,000
Expenses	3,648	6,000	3,500	6,000
Coaches	997	3,000	2,000	3,000
NET REV(COST)	2,425	0	2,100	0
FLAG FOOTBALL				
Revenue	890	1,200	1,500	1,200
Expenses	648	600	600	600
NET REV(COST)	242	600	900	600
SOFTBALL				
Revenue	12,380	12,000	12,200	12,000
Expenses	8,091	7,000	10,100	10,000
NET REV(COST)	4,289	5,000	2,100	2,000
SOCCER				
Revenue	38,344	25,000	35,600	18,000
Expenses	28,030	15,000	17,000	8,000
Coaches	4,016	12,000	6,000	7,000
NET REV(COST)	6,298	(2,000)	12,600	3,000
TUMBLE BUGS				
Revenue	559	600	600	600
Expenses	0	500	500	500
NET REV(COST)	559	100	100	100
GYMNASTICS				
Revenue	28,316	12,500	16,000	12,500
Coaches	10,557	11,222	13,000	12,000
Expenses	5,734	1,500	750	3,000
NET REV(COST)	12,025	(222)	2,250	(2,500)

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-RECREATION PROGRAM SUMMARY				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
TENNIS LESSONS				
Revenue	13,495	12,000	12,800	8,000
Expenses	652	1,000	700	1,000
Labor	8,209	9,000	8,500	6,000
NET REV(COST)	4,634	2,000	3,600	1,000
HOCKEY-JUNIOR				
Revenue	47,405	38,000	3,210	0
Expense	28,581	26,000	10,500	0
Coaches	11,524	9,000	10,000	0
NET REV(COST)	7,300	3,000	(17,290)	0
HOCKEY-ADULT				
Revenue	17,610	14,000	2,340	0
Expense	7,140	11,000	8,000	0
NET REV(COST)	10,470	3,000	(5,660)	0
TOTAL HOCKEY				
REV(COST)	17,770	6,000	(22,950)	0
SKATEPARK				
Revenue	0	0	0	-
Expense	404	500	0	500
NET REV(COST)	(404)	(500)	0	(500)

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL FUND-RECREATION PROGRAM SUMMARY				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
GARDEN CAMP				
Revenue	5,980	6,000	8,600	8,000
Expense	5,996	5,000	5,000	6,000
NET REV(COST)	(16)	1,000	3,600	2,000
VOLLEYBALL				
Revenue	0	1,250	0	1,000
Expense	0	500	0	750
NET REV(COST)	0	750	0	250
DODGEBALL				
Revenue	1,000	1,000	400	500
Expenses	150	200	200	200
NET REV(COST)	850	800	200	300
BASKETBALL				
Revenue	1,905	1,000	850	1,000
Expenses	336	750	800	750
NET REV(COST)	1,569	250	50	250
SUMMER CAMP				
Revenue	0	0	0	10,000
Expenses	0	0	0	9,000
NET REV (COST)	0	0	0	1,000
TOTAL REVENUES				
TOTAL REVENUES	174,954	133,550	101,700	81,800
TOTAL EXPENSES				
TOTAL EXPENSES	124,713	119,772	97,150	74,300
NET REV(COST)				
NET REV(COST)	50,241	13,778	4,550	7,500

TOWN OF CRESTED BUTTE				
2015 BUDGET				
WATER & WASTEWATER				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
INTEREST & PENALTIES	4,974	5,000	5,000	5,000
WATER METERS	13,850	15,000	7,500	7,500
INTEREST INCOME	3,091	2,800	2,800	3,000
OTHER	478	20,500	6,000	20,500
ATAD CONTRIBUTION-MT CBW&S	53,139	75,000	55,000	45,000
SEPTIC STATION FEE	2,726	2,000	2,500	2,000
WATER TAP FEE	128,805	98,000	113,700	320,000
SEWER TAP FEE	128,805	123,500	141,300	373,500
SEWER CHARGES	569,635	587,520	587,520	611,028
SEWER AVAILABILITY CHG	12,040	12,576	12,000	11,712
PRE-TREATMENT CHARGES		8,000	8,000	8,000
WATER CHARGES	560,866	565,000	560,000	568,636
WATER AVAILABILITY CHG	13,136	12,864	12,500	12,864
SANITATION CHARGES	233,392	239,000	239,000	239,000
TOTAL REVENUE	1,724,937	1,766,760	1,752,820	2,227,740
EXPENSES (SUMMARY):				
ADMINISTRATION	453,020	471,727	461,130	476,743
WATER	255,789	316,451	304,192	321,883
SEWER	597,076	641,357	622,322	671,525
CAPITAL	82,032	230,225	135,225	244,000
TOTAL EXPENSES	1,387,917	1,659,760	1,522,869	1,714,150
AVAILABLE RESOURCES:				
GENERAL	2,486,248	2,668,248	2,716,199	3,304,789
FILTER MODULE REPLACEMENT	234,000	159,000	234,000	159,000
DEBT SERVICE	160,736	160,736	160,736	160,736

TOWN OF CRESTED BUTTE				
2015 BUDGET				
WATER & WASTEWATER				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
Water Sewer Administration				
SALARIES & WAGES	61,037	62,388	62,388	66,750
FICA	4,666	4,741	4,742	5,073
HEALTH INSURANCE	11,377	11,385	11,385	11,837
RETIREMENT	3,939	4,367	4,367	4,673
TELEPHONE	816	1,200	1,200	1,200
OFFICE SUPPLIES	1,144	2,500	1,000	2,500
POSTAGE	3,881	4,000	4,000	4,000
WATERSHED STANDARDS	4,200	5,000	5,000	5,000
WATER LEVEL STUDIES	2,000	2,000	2,000	2,000
DAMAGE LIABILITY	0	2,500	0	2,500
LEGAL SERVICES	85	1,500	0	1,500
AUDITING	3,113	4,000	3,200	4,000
MANAGEMENT FEES	65,000	65,000	65,000	65,000
COAL CREEK STUDY	11,350	5,000	5,000	5,000
TRAVEL AND EDUCATION	385	1,500	1,500	1,500
INSURANCE	28,962	33,000	30,000	33,000
UNEMPLOYMENT INSURANCE	228	187	187	200
WORKERS COMP INSURANCE	1,133	1,708	900	990
DUES AND SUBSCRIPTIONS	783	900	911	920
REPAIR & MAINT VEHICLES	1,315	500	750	750
UNIFORM ALLOWANCE	0	250	250	250
MEDICAL	90	200	200	200
GAS & OIL	598	1,200	650	1,200
MECHANIC/GIS SVCS	18,000	18,000	18,000	18,000
SANITATION CONTRACT PYMT	227,586	236,500	236,500	236,500
OTHER EXPENSES	1,332	2,200	2,000	2,200
TOTAL EXPENSES	453,020	471,727	461,130	476,743

TOWN OF CRESTED BUTTE				
2015 BUDGET				
WATER & WASTEWATER				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
Water				
SALARIES & WAGES	122,250	126,152	126,152	135,082
OVERTIME	648	1,500	1,500	1,500
FICA	9,477	9,765	9,764	10,449
HEALTH INSURANCE	27,975	33,136	27,100	27,874
RETIREMENT	9,648	10,046	10,046	10,085
TELEPHONE	2,026	2,100	2,100	2,100
UTILITIES-FILTER PLANT	18,446	30,371	27,000	30,371
OPERATING SUPPLIES-WATER	5,780	20,000	23,368	25,000
STATE DRINKING H2O PERMIT	1,318	600	930	1,400
ENGINEERING AND SURVEYS	420	500	0	500
ADVERTISING AND LEGAL	954	2,000	2,000	2,000
TRAVEL AND EDUCATION	1,117	2,500	2,500	2,500
UNEMPLOYMENT INSURANCE	372	383	383	410
WORKERS COMP INSURANCE	5,315	7,135	7,135	7,849
INTEREST EXPENSE-WATER	7,832	7,549	7,549	7,202
SOFTWARE LICENSE/MAINT	1,940	2,000	2,000	2,000
LAB TEST FEES - WATER	3,617	5,000	5,000	5,000
REPAIR & MAINT - DISTRIBUTION	2,142	10,000	13,000	10,000
REPAIR & MAINT - WATER	6,578	10,000	7,500	10,000
METERS & HYDRANTS	4,420	7,500	2,000	2,000
UNIFORM ALLOWANCE	600	625	625	625
MEDICAL	135	350	550	350
EQUIPMENT & TOOLS	1,565	1,500	1,500	1,500
SAFETY EQUIPMENT	47	500	250	500
GAS & OIL	4,236	6,000	6,000	6,000
R&M VEHICLE	31	1,500	500	1,500
TIRES	0	500	500	500
BOND PRINCIPAL - WATER	16,900	17,240	17,240	17,587
TOTAL EXPENSES	255,789	316,451	304,192	321,883

TOWN OF CRESTED BUTTE				
2015 BUDGET	2013	2014	2014	2015
WATER & WASTEWATER	ACTUAL	BUDGET	PROJECTED	BUDGET
Sewer				
SALARIES & WAGES	109,185	113,319	119,000	127,696
OVERTIME	1,057	2,000	2,000	2,000
FICA	8,581	8,822	9,257	9,922
HEALTH INSURANCE	17,670	20,359	20,359	22,201
RETIREMENT	5,873	6,069	4,000	5,795
TELEPHONE	2,698	2,532	2,500	2,500
UTILITIES-LIFT STATIONS	2,024	2,400	2,400	2,500
UTILITIES- WWT PLANT	36,430	42,000	42,000	42,000
UTILITIES-ATAD SOLIDS HANDLING	27,506	31,500	29,000	31,000
OPERATING SUPPLIES-WW PLANT	3,542	4,200	4,200	5,000
OPERATING SUPPLIES-ATAD	13,114	16,000	13,000	15,000
ATAD-SOLIDS HANDLING	31,125	38,000	30,000	18,000
STATE DISCHARGE PERMIT	3,795	4,000	4,000	4,000
ENGINEERING AND SURVEYS	2,000	2,000	0	2,000
ADVERTISING AND LEGAL	548	500	0	500
TRAVEL AND EDUCATION	1,626	2,500	2,500	2,500
UNEMPLOYMENT INSURANCE	331	346	346	389
WORKERS COMP INSURANCE	4,186	4,738	4,738	4,880
INTEREST EXPENSE - SEWER	58,634	55,029	55,029	48,990
SOFTWARE LICENSE/MAINT	57	180	180	200
LAB TEST FEES - WW PLANT	6,527	7,500	6,000	7,000
LAB TEST FEES - ATAD	0	2,400	0	1,400
COMPOSTING				24,000
GREASE HANDLING		8,000	8,000	8,000
REPAIR & MAINT - COLLECTIONS	9,917	7,000	7,500	10,000
REPAIR & MAINT - ATAD	4,343	5,000	2,500	5,000
REPAIR & MAINT - WW PLANT	16,693	14,000	14,000	15,000
TRASH PICKUP	1,366	1,500	1,500	1,500
UNIFORM ALLOWANCE	724	625	625	625
MEDICAL	567	350	450	450
REFUND TO SENIORS - SEWER	0	0		0
EQUIPMENT & TOOLS	2,794	3,500	3,500	3,500
EQUIPMENT-ATAD	529	4,000	2,000	4,000
SAFETY EQUIPMENT	588	1,000	1,000	1,000
GAS & OIL	3,338	3,000	4,500	4,000
R&M VEHICLE	367	1,000	500	1,000
TIRES	725	750	500	750
BOND PRINCIPAL - SEWER	218,616	225,238	225,238	237,226
TOTAL EXPENSES	597,076	641,357	622,322	671,525

TOWN OF CRESTED BUTTE				
2015 BUDGET				
WATER & WASTEWATER				
	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
CAPITAL				
CAPITAL EQUIPMENT		85,000	65,000	25,000
ATAD/SOLIDS HANDLING CAPITAL	2,497	58,975	58,975	102,500
WASTEWATER PLANT CAPITAL	77,035	11,250	11,250	41,500
WATERLINE REPLACEMENT				
SEWER MAIN REPLACEMENT				
WATER PLANT CAPITAL	2,500	75,000	0	75,000
TOTAL CAPITAL EXPENSES	82,032	230,225	135,225	244,000
2014 CAPITAL BREAKDOWN				
Capital Equipment:				
Vehicle-Water	25,000	(carry forward from 2014 not purchased)		
Total Capital Equipment		25,000		
Water Plant:				
Filter Replacement	75,000			
Total Water		75,000		
Wastewater Plant:				
Clarifier #1 Rebuild Engineering	22,000			
Man Hole Rehab	7,500			
Comprehensive System Performance Evaluation	12,000			
Subtotal:		41,500		
ATAD - Solids Handling				
Jet Truck	20,000			
Vehicle storage building	75,000			
Centrifuge Rebuild	7,500			
Subtotal:		102,500		
Total Wastewater		144,000		

TOWN OF CRESTED BUTTE				
2015 BUDGET				
WATER & WASTEWATER SEGMENT INFORMATION				
	WATER	WASTE- WATER	TRASH	TOTAL
Operating Revenues	591,750	680,490	239,000	1,511,240
Operating Expenses	448,004	499,430	236,500	1,183,934
Depreciation Expense	138,353	199,712		338,065
Total Operating Expenses	586,357	699,142	236,500	1,521,999
Net Operating Income(loss)	5,393	-18,652	2,500	-10,759
Non-Operating income(expenses)				
Interest income	1,500	1,500		3,000
Interest expense	-7,202	-48,990		-56,192
Sale of Equipment				0
Total non-operating income(expense)	-5,702	-47,490		-53,192
Income(loss)before capital contrib.	-309	-66,142	2,500	-63,951
Capital Contribution tap fees	320,000	373,500		693,500
Debt Service Principal	17,587	237,226		254,813
Capital Outlay	100,000	144,000		244,000

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL CAPITAL	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
OPEN SPACE:					
Revenue:					
TRANSFER TAX-OPEN SPACE	510,496	425,000	500,000	475,000	
GRANT REVENUE/OTHER	1,200	1,200	1,200	1,200	
CONTRIBUTION FROM RESERVE-OPEN SPACE	265,411			248,800	
Total Open Space Revenue	777,107	426,200	501,200	725,000	
Expenses:					
OPEN SPACE TRUST	776,673	200,000	200,500	700,000	
OPEN SPACE MAINT/ADMIN	434	8,000	5,000	10,000	
OPEN SPACE - BAXTER GULCH EASEMENT				15,000	
Total Open Space Expenses	777,107	208,000	205,500	725,000	
CAPITAL:					
Revenue:					
SALES TAX-CAPITAL	85,000	23,000	65,000	53,229	
USE TAX-AUTOMOBILE	39,237	40,000	40,000	40,000	
USE TAX-BLDG MATERIAL	113,949	75,000	90,000	90,000	
TRANSFER TAX-GEN CAP	510,496	425,000	500,000	475,000	
INTEREST INCOME	1,752	1,300	1,300	1,300	
DEBT/LEASE PROCEEDS	30,918		131,200		
CONTRIBUTION RESERVE-GENERAL CAP		243,622			
SALE OF EQUIPMENT	23,302	3,000	1,700	2,000	
CEMETERY FEES	2,800	4,000	8,525	4,000	
CONTRIBUTION-TRANSPORTATION FUND	5,000	5,000	5,000	5,000 *	
GRANTS-DEPOT	25,672	206,972	88,989	207,292	
GRANTS-TRAIL	147,280				
GRANTS/FUNDRAISING-TENNIS COURTS		231,000	119,895	80,000	
GRANTS/FUNDRAISING-SKATEPARK		70,000	0	0	
OTHER REVENUE	46,959	50,000	45,000	45,000	
Total Capital Revenue	1,032,365	1,377,894	1,096,609	1,002,821	

TOWN OF CRESTED BUTTE				
2015 BUDGET				
GENERAL CAPITAL	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
EXPENSES				
WAGES - FULL TIME	154,725	160,881	160,881	172,162
WAGES - SEASONAL	73,876	87,778	84,000	66,143
OVERTIME	4,652	3,000	3,000	3,000
FICA	17,582	19,224	18,963	18,460
HEALTH INSURANCE	39,158	42,807	39,807	44,607
RETIREMENT	11,527	12,084	11,100	11,626
AUDITING	4,357	5,500	4,400	5,500
UNEMPLOYMENT INSURANCE	712	758	725	724
WORKERS COMPENSATION INSURANCE	8,753	9,900	9,300	10,230
USE TAX RETURN	10,753	25,000	20,000	25,000
DEBT SERVICE PRINCIPAL	21,324	52,185	32,800	42,123
DEBT SERVICE INTEREST	246	5,270	4,788	4,362
INSURANCE	17,650	22,000	22,000	24,200
DAMAGE LIABILITY		1,000	3,500	1,000
MARSHAL CAPITAL EQUIP	31,186	40,000	40,000	40,000
COMPUTER/OFFICE EQUIP	8,801			
CAPITAL EQUIPMENT	13,166	25,000	156,200	225,000
PARK MAINT SUPPLIES	25,616	35,000	30,000	35,000
PORTABLE TOILETS	5,983	6,000	6,000	6,000
TREE PROJECT	2,180	2,000	200	
FLOWERS & SHRUBS	6,166	8,000	7,500	8,000
DOGGIE DOO PROJECT	2,080	2,500	2,000	2,500
PARK CAPITAL EQUIPMENT	47,880	9,500	9,500	137,500
PARK PROJECTS		10,000	10,000	80,000
CEMETERY	11,545	5,000	5,000	15,000
STEPPING STONE-MAINT	1,500	1,500	1,500	1,500
BUILDING/PROPERTY MAINT	36,826	50,000	50,000	100,000
STREAMBANK PROJECT				25,000
TOWN HALL HEATING SYSTEM/ROOF	59,444	60,000	60,000	
308 3RD STREET HEAT SYSTEM				50,000
308 3RD STREET PUBLIC RESTROOMS				60,000
MARSHALS BUILDING HEAT SYSTEM				90,000
TOWN HALL LOWER LEVEL MENS ROOM				50,000
VERZUH REC PATH EXTENSION	135,990			
AERIAL SURVEY & MAPPING	10,195			
ELK AVE HOLIDAY LIGHTS	5,831	6,000	6,000	
DEPOT RENOVATION	26,910	332,902	118,652	276,390

TOWN OF CRESTED BUTTE					
2015 BUDGET					
GENERAL CAPITAL	2013	2014	2014	2015	
	ACTUAL	BUDGET	PROJECTED	BUDGET	
TENNIS COURTS RENOVATION		231,000	220,062	39,819	
DELI TRAIL CONSTRUCTION				7,000	
TONY'S SHED STORAGE BUILDING				10,000	
TRAIL KIOSKS				5,000	
SKATEPARK RENOVATIONS		100,000	0	0	
OTHER EXPENSES	3,250	5,000	5,000	5,000	
Total Capital Expenditures	799,864	1,376,789	1,142,878	1,697,846	
REVENUE OVER(UNDER) EXPENSES	232,501	1,105	-46,269	-695,025	
FUND BALANCES:					
GENERAL CAPITAL	1,890,755	1,688,107	1,934,149	1,439,749	
DEPOT RENOVATION	140,287	0	110,624	0	
BUILDING MAINTENANCE FUND	178,625	118,625	118,625	118,625	
HEATING SYSTEM REPAIR FUND	251,211	161,211	161,211	161,211	
OPEN SPACE FUND:					
OPEN SPACE TRUST	581,664	779,864	857,364	588,564	
CONSERVATION EASEMENT ENDOWMENT	100,000	120,000	120,000	140,000	
*Contribution from Transportation Fund is for snow removal at the bus stops					

Equipment/Projects 2015	
Marshals Capital Equipment:	
Patrol Car	40,000
Capital Equipment:	
Roller (used)	60,000
Portable Hotsy	8,000
Dump Truck	157,000
Park Capital Equipment:	
Snowblowers for Bobcat	9,500
Ice Resurfacer	100,000
Man lift	20,000
Hot Water Heater for Ice Resurfacer	8,000
Park Projects:	
Gothic Field Renovations	10,000
Gothic Field Raw Water Irrigation	40,000
Pitsker Park Irrigation Pump	30,000
Capital Projects:	
<u>Carry Over Projects:</u>	
Tennis Courts Project	39,819
Depot Renovation	276,390
<u>New Projects</u>	
Town Hall Lower Level Mens Room	50,000
Marshals Building Heat System	90,000
Tony's Shed Siding	10,000
308 Building Heat System	50,000
308 Building Public Restrooms	60,000
Trail Kiosks	5,000
Deli Trail Construction	7,000
Total Capital Requests:	1,070,709

TOWN OF CRESTED BUTTE					
2015 BUDGET REQUEST					
CONSERVATION TRUST FUND	2013	2014	2014	2015	
	ACTUALS	BUDGET	PROJECTED	BUDGET	
STATE LOTTERY PROCEEDS	8,982	8,000	8,000	8,000	
INTEREST INCOME	15	15	15	15	
GUNN CNTY REC DIST	0	4,000	4,000	4,000	
CONTRIBUTION FROM RESERVE	0	12,985	12,985		
TOTAL REVENUE	8,997	25,000	25,000	12,015	
EXPENSES					
PARK MAINTENANCE		0	0	9,500	
CAPITAL-PROJECT	15,000	25,000	25,000	0	**
TOTAL EXPENSES	15,000	25,000	25,000	9,500	
EXCESS REVENUE OVER(UNDER) EXPENSES	(6,003)	0	0	2,515	
FUND BALANCE	20,630	10,663	7,645	10,160	
** Capital Project:					
2013 = Verzuh Recreation Path Extension					
2014 = Tennis Court Renovations					
(These are Town's matching funds for grants to do the projects.)					
Park Maintenance Projects:					
Rainbow Park Pond Dredging	4,000				
Rainbow Park Pond Fill Valve	3,000				
Deep Tine Aeration of Rainbow/Tommy V Fields	2,500				

TOWN OF CRESTED BUTTE					
2015 BUDGET					
	2013	2014	2014	2015	
SALES TAX FUND	ACTUAL	BUDGET	PROJECTED	BUDGET	
INTEREST & PENALTY	10,065	8,000	8,000	8,000	
TOWN SALES TAX-MISC	2,252	0	2,000	0	
TOWN SALES TAX-DIRECT	2,407,324	2,357,151	2,651,802	2,663,995	
COUNTY SALES TAXES	269,110	256,845	270,000	281,580	
CONTR. RESERVE-TRANSPORTATION		71,535	31,535	5,000	
INTEREST INCOME	931	1,200	1,200	1,200	
TOTAL REVENUE	2,689,682	2,694,731	2,964,537	2,959,775	
EXPENSES					
GENERAL FUND DISTRIBUTION	1,920,000	2,009,708	2,150,000	2,226,296	
TRANSPORTATION DISTR	572,274	559,823	630,000	632,699	
GENERAL CAPTIAL DISTRIBUTION	85,000	23,000	82,000	53,280	
OTHER	31	100	100	100	
TRANSPORTATION CHARGES	15,461	19,000	19,000	19,000	**
CONTRIBUTION-RTA	15,608			5,000	
BUS STOP UPGRADES		12,000	12,000	0	
TRANSPORTATION STUDY		70,000	50,000	20,000	
TOTAL EXPENSES	2,608,374	2,693,631	2,943,100	2,956,375	
NET REVENUE	81,308	1,100	21,437	3,400	
FUND BALANCE					
TRANSPORTATION	112,905	41,369	65,078	54,377	
INTEREST	474,510	465,710	465,710	456,910	
TABOR RESERVE	189,400	199,400	199,400	209,400	
** Breakdown of Transportation Charges:					
Bus Stop Utilities	\$ 1,300				
Bus Stop Maintenance	\$ 3,000				
Bus Stop Snow Removal	\$ 5,000				
Late Night Taxi Contribution	\$ 7,700				
Other Expenses	\$ 2,000				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
STREET & ALLEY	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
REVENUE:				
TAX FROM MILL LEVY	676,020	642,639	642,639	673,949
INTEREST & PENALTIES	3,059	1,500	1,800	2,000
OTHER REVENUE	5,384	4,000	4,000	4,000
PARKING IN LIEU	25,999	27,000	27,000	27,000
HIGHWAY USERS TAX	48,509	46,500	46,500	47,050
INTEREST INCOME	822	1,000	850	1,000
TOTAL REVENUE	759,793	722,639	722,789	754,999
EXPENSES:				
SNOW REMOVAL-LABOR	72,135	74,388	90,000	101,149
SNOW REMOVAL-SEASONAL LABOR	17,647	30,000	30,000	30,000
R&M STREETS-LABOR	75,390	74,388	68,000	60,766
FICA	12,972	13,676	14,382	14,681
HEALTH INSURANCE	41,839	43,810	41,800	43,617
RETIREMENT	14,163	16,421	15,500	17,755
UNEMPLOYMENT INSURANCE	184	536	536	576
WORKMANS COMP INSURANCE	7,928	9,900	8,000	8,800
R&M STREETS-SUPPLIES	23,266	35,000	35,000	35,000
SIDEWALK REPAIR/MAINT	5,825	50,000	53,424	20,000
SIDWEALK PROJECT - BELLEVIEW				35,000
WEED SPRAY-RIGHT OF WAY	0	2,800	2,800	2,800
SPILL RESPONSE				1,500
PARKING LOTS	1,980	2,000	2,000	2,000
ENGINEERING	0	10,000	10,000	10,000
PAVING PROJECT	0	85,000	85,000	85,000
STORM WATER PROJECT	576	25,000	18,000	25,000
8TH STREET SIDEWALK (SAFE TO SCHOOL)	4,471			
FUEL	22,568	40,000	41,000	40,000
R&M VEHICLES	7,886	12,000	14,000	15,000
SNOW REMOVAL-SUPPLIES	14,068	35,000	20,000	35,000
STREET SIGNS	964	5,000	5,000	3,000
DAMAGE LIABILITY		5,000		5,000
TREASURER FEES	20,375	20,400	23,000	23,588
CAPITAL EQUIPMENT	116,237			31,000
OTHER EXPENSES	266	3,000	3,000	3,000
TOTAL EXPENSES	460,740	593,318	580,442	649,232
EXCESS REVENUE OVER(UNDER) EXPENSES				
	299,053	129,321	142,347	105,767
FUND BALANCE				
	1,573,416	1,677,737	1,490,763	1,571,530
SNOW REMOVAL CONTINGENCY	100,000	100,000	100,000	100,000
PARKING IN LIEU FUND BALANCE	224,475	249,475	249,475	274,475
RESERVED FOR TRANS. PLAN NEEDS			200,000	228,695
Paving Projects:				
\$85,000 is chip/seal coating various streets				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
STREET & ALLEY	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
Sidewalk Repair/Maint/Projects:				
Belleview between 7th & 8th-new sidewalk				
Capital Equipment:				
Oscillating plow blade				
V-plow blade				

TOWN OF CRESTED BUTTE				
2015 BUDGET				
AFFORDABLE HOUSING	2013	2014	2014	2015
	ACTUAL	BUDGET	PROJECTED	BUDGET
REVENUES:				
AFFORDABLE HOUSING PMT IN LIEU	26,958	40,000	115,000	90,000
DUPLEX/RANCH HOUSE-RENTS	29,945	35,280	30,500	35,280
RED LADY ESTATE RENT	28,620	6,960	6,960	6,960
PARADISE PARK LOT SALES				300,000
PARADISE PARK - UNIT SALES				135,000
INTEREST INCOME	69	100	75	100
OTHER/GRANTS	50			350,000
CONTRIBUTION FROM RESERVE	0		61,065	62,460
TOTAL REVENUE	85,642	82,340	213,600	979,800
EXPENSES:				
LEGAL FEES	6,838	1,000	3,000	1,000
AUDITING	622	1,000	1,000	1,200
INSURANCE	3,533	3,600	3,600	3,600
AFFORDABLE HOUSING TAPS	22,667	24,000	24,000	374,000
TRAVEL & EDUCATION	37	2,000	2,000	2,000
HOUSING AUTHORITY	27,000	30,000	30,000	30,000
HOUSING MAINTENANCE	2,969	7,500	19,000	15,000
UTILITIES	1,586	3,500	3,000	3,000
PARADISE PARK - UNIT PURCHASE			128,000	
BLOCK 79/80 INFRASTRUCTURE				550,000
OTHER EXPENSES	2,619			
TOTAL EXPENSES	67,871	72,600	213,600	979,800
REVENUE OVER(UNDER) EXPENSES	17,771	9,740	0	0
FUND BALANCE	199,034	208,774	137,969	75,509
Affordable Housing Tap Fees:				
\$ 24,000 for regular units				
\$350,000 for Anthracite Place				



Staff Report

November 25, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lois Rozman, Finance Director

Subject: Ordinance No. 13, Series 2014 - Increasing Tap-In Fees, Tiered Water Usage Rates and Sewer Service Charge

SUMMARY:

Ordinance No. 13, Series 2014 proposes to adjust the tap-in fees, water usage rates and sewer service fee per our work session discussions on the budget.

TAP-IN FEES:

For the 2015 budget, staff is requesting a \$500 increase to the total tap-in fee (\$17,000 per EQR to \$17,500 per EQR) with the break down between water and sewer as \$8,000 for water and \$9,500 for sewer. This is a 2.9% increase and is based upon the need in the wastewater plant to cover current debt payments and capital outlays. The last increase was \$1,000 in 2011.

TIERED WATER USAGE FEES:

The base monthly charge of \$27.00 per EQR for up to 8,000 gallons is not changing. Staff is requesting an increase to the tiered rates for usage over the base allotment. This is to more accurately reflect the cost of producing the potable water and to encourage conservation of water. The first tier increases by \$0.15, the 2nd through 5th tiers increase by \$0.25 and the 6th tier increases by \$0.50.

SEWER SERVICE FEE:

The 2015 budget proposes to increase the monthly sewer service fee from \$32.00 per EQR per month to \$33.00 per EQR per month, a 3.1% increase. During the 2015 budget discussion, staff presented the need to increase the sewer service rate to cover costs of operations including depreciation expense. With the increase, total operating revenues for sewer for 2015 are expected to be \$680,490 and operating expenses are expected to be \$699,142 for net operating loss of \$18,652 before debt service. Staff believes this loss may well be made up with a successful composting project, however, because composting is still in the start-up mode, we have budgeted conservatively concerning the costs of that program and the overall handling of solids.

RECOMMENDATION: Staff recommends approving Ordinance No. 13.

MOTION: I move to approve Ordinance No. 13, Series 2014.

**ORDINANCE NO. 13
SERIES 2014**

AN ORDINANCE AMENDING SECTION 13-1-110 OF THE CRESTED BUTTE MUNICIPAL CODE BY INCREASING THE SYSTEM DEVELOPMENT FEES, OTHERWISE KNOWN AS “TAP-IN FEES”, TO \$8,000 PER EQR FOR WATER AND \$9,500 PER EQR FOR SEWER; AMENDING SECTION 13-1-120 OF THE CODE BY INCREASING THE RATES FOR WATER USE ABOVE THE “BASE ALLOTMENT” TO \$3.00 PER 1,000 GALLONS FOR THE FIRST 5,000 GALLON BLOCK, \$3.25 PER 1,000 GALLONS FOR THE SECOND 5,000 GALLON BLOCK, \$3.50 PER 1,000 GALLONS FOR THE THIRD 5,000 GALLON BLOCK, \$3.75 PER 1,000 GALLONS FOR THE FOURTH 5,000 GALLON BLOCK, \$4.25 PER 1,000 GALLONS FOR THE FIFTH 5,000 GALLON BLOCK AND \$5.00 PER 1,000 GALLONS THEREAFTER; AMENDING SECTION 13-1-150 OF THE CODE BY INCREASING SEWER SERVICE RATE TO \$33.00 PER MONTH PER EQR.

WHEREAS, the Town of Crested Butte, Colorado 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; and

WHEREAS, the Town Council of the Town of Crested Butte, Colorado has established and implemented a plan of Tap-In Fees which are designed to reflect the incremental costs of water and sewer system expansion, and the Town staff has found that the current water and sewer Tap-In Fees are inadequate to meet the anticipated future costs of water and sewer system expansions; and

WHEREAS, the Town Council has established monthly service charges for the provision of sewer services to properties located within the Town, and the Town staff has recommended that adjustments be made in these charges because the present service rates are inadequate to meet the costs of providing these services; and

WHEREAS, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

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

Section 1. Increase in System Development (Tap-In) Fees. Section 13-1-110, Paragraphs (b), (c), (d)(1) and (2) of the Crested Butte Municipal Code (hereafter “Code”) are hereby amended by deleting them in their entirety and replacing them with the following:

“(b) The system development fee for a single family residence shall be eight thousand dollars (\$8,000) multiplied by the EQR of that use for the Town System-Water, except as otherwise set forth in Subsection (e) below; and an amount equal to nine thousand five hundred dollars (\$9,500) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set for in Subsection (e) below.

(c) The system development fee for every other type of use shall be an amount

equal to eight thousand dollars (\$8,000) multiplied by the EQR of that use for Town System-Water, except as otherwise set forth in subsection (e) below; and an amount equal to nine thousand five hundred dollars (\$9,500) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set forth in subsection (e) below.

(d)(1) Incremental Water System Development Fee = [(EQR) new minus (EQR) old] times (\$8,000), for Town System-Water.

(2) Incremental Sewer System Development Fee = [(EQR) new minus (EQR) old] times (\$9,500), for Town System-Sewer.”

Section 2. Increase in Water Usage Block Rates. Section 13-1-120 paragraphs (a)(1), (2), (3), (4), (5) and (6) of the Code are hereby amended by deleting them in their entirety and replacing with the following:

“(a)(1) The first five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, there shall be an additional assessment of three dollars (\$3.00) for each of the next one thousand (1,000) gallons, or portion thereof, of water used above the base allotment.

(2) The second five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars and twenty-five cents (\$3.25) for each additional one thousand (1,000) gallons of usage or portion thereof.

(3) The third five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars and fifty cents (\$3.50) for each additional one thousand (1,000) gallons of usage or portion thereof.

(4) The fourth five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars and seventy-five cents (\$3.75) for each additional one thousand (1,000) gallons of usage or portion thereof.

(5) The fifth five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged four dollars and twenty-five (\$4.25) for each additional one thousand (1,000) gallons of usage or portion thereof.

(6) Thereafter, each five-thousand-gallon block multiplied by the applicable EQR and fraction thereof, shall be charged five dollars (\$5.00) for each additional 1,000 gallons of usage or portion thereof.”

Section 4. Increase in Monthly Sewer Service rates. Section 13-1-150 of the Code is hereby amended by deleting it in its entirety and replacing it with the following:

“There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of Town sewer system. The monthly service charge for use of Town sewer system shall be thirty-three dollars (\$33.00) times the respective EQR calculated pursuant to Section 13-1-170 below. Monthly service charges shall commence upon the issuance of a certificate of occupancy, or six (6) months after payment of the system development fee, whichever occurs first. There

shall be no abatement or reduction of the monthly service charge, except as otherwise provided in Section 13-1-140 above.”

Section 6. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 7. Savings Clause. Except as hereby amended, the Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

Section 8. Effective Date. The provisions of this Ordinance shall take effect as of January 1, 2015.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS SEVENTEENTH DAY OF NOVEMBER, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF DECEMBER, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By _____
Aaron J. Huckstep, Mayor

(SEAL)

ATTEST:

By _____
Lynelle Stanford, Town Clerk



Staff Report

November 25, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lois Rozman, Finance Director
Subject: Ordinance No. 14 – Amending the 2014 Budget

Summary:

Ordinance No. 14 adopts changes to the 2014 budget for additional expenditures out of the Affordable Housing and Sales Tax funds. The changes are as follows:

Affordable Housing Fund is increased from \$72,600 to \$213,600:

- \$128,000 for the purchase of Redwell Townhouse Unit B, 818 Teocalli
- \$11,500 increase in housing maintenance line item for work on 818 unit, Town Ranch units boiler, hot water tank and entrance to upper unit, and replacing trim boards and stain the Town Duplex
- \$500 reduction in utilities
- \$2,000 increase in legal fees for work on Redwell unit
- Total revenue is anticipated to be \$213,600 including \$61,065 contribution from reserve

Sales Tax Fund in increased from \$2,693,631 to \$2,943,100:

- Increase Transportation Distribution from \$559,823 to \$630,000 due to increased sales tax collection
- Increase General Capital Distribution from \$23,000 to \$82,000 due to increased sales tax collection
- Increase General Distribution from \$2,009,708 to \$2,150,000 due to increased sales tax collection
- Reduce Transportation Study to \$50,000 as the project will not be completed by the end of the year
- Total revenue is anticipated to be \$2,964,537 including \$31,535 contribution from transportation reserve

Recommendation: Staff recommends approving Ordinance No. 14.

Motion: I move to approve Ordinance No. 14, Series 2014.

**ORDINANCE NO. 14
SERIES 2014**

AN ORDINANCE ADOPTING CHANGES AND ADDITIONS TO THE 2014 BUDGET AND APPROPRIATIONS RELATIVE TO THE AFFORDABLE HOUSING AND SALES TAX FUND

WHEREAS, the Town Council, pursuant to Resolution No. 10, Series 2013, adopted the budget and projected expenditures for the Town for 2014, and

WHEREAS, the income and expenditures for the Affordable Housing Fund and Sales Tax Fund for the fiscal year 2014, January 1 through December 31, are more than budgeted and appropriated, and

WHEREAS, the increases and contingencies could not have been reasonably foreseen at the time of adoption of Resolution No. 10, Series 2013, and

WHEREAS, the revenues to pay the increased expenditures are available in the same funds from unappropriated funds and surpluses,

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

That the appropriation for expenditures from the following funds are increased as set forth below:

1. Affordable Housing Fund from \$72,600 to \$213,600

4. Sales Tax Fund from \$2,693,631 to \$2,943,100

INTRODUCED AND FIRST READ BEFORE THE TOWN COUNCIL THIS SEVENTEENTH DAY OF NOVEMBER, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF DECEMBER, 2014.

TOWN OF CRESTED BUTTE

(SEAL)

By _____
Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk



Staff Report

November 25, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lois Rozman, Finance Director

Subject: Ordinance No. 15 Setting Business & Occupation License Tax (BOLT) for 2014 (Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax)

SUMMARY:

Ordinance No. 15, Series 2014 sets the Business and Occupation License Tax (“BOLT”) for 2015 to \$100.00, \$25.00 if the business has paid BOLT in Mt. Crested Butte. Voters passed a significantly higher BOLT tax based on the number of employees a business had, however, in an effort to get more business to join the Chamber, both Crested Butte and Mt. Crested Butte annually lower the BOLT to \$100.00 per year. In order to comply with TABOR regulations and preserve the higher voter approved BOLT rate, the Council must adopt the lower BOLT rate annually.

RECOMMENDATION: Staff recommends approving Ordinance No. 15.

MOTION: I move to approve Ordinance No. 15, Series 2014.

**ORDINANCE NO. 15
SERIES 2014**

AN ORDINANCE AMENDING CHAPTER 6-2 OF THE CRESTED BUTTE MUNICIPAL CODE PROVIDING FOR A TEMPORARY REDUCTION TO CERTAIN PORTIONS OF THE BUSINESS AND OCCUPATION LICENSING TAX FOR FISCAL AND CALENDAR YEAR OF 2015; AND PROVIDING THE AUTOMATIC REPEAL THEREOF EFFECTIVE ON THE FIRST DAY OF JANUARY, 2016.

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; and,

WHEREAS, by reason of a petition and election conducted pursuant to Title 29, Article 25, Colorado Revised Statutes, a local marketing district known as the “Gunnison Valley Local Marketing District” has been formed for Gunnison County including the incorporated limits of the Town of Crested Butte, Colorado; and,

WHEREAS, the combined Chamber of Commerce of the towns of Crested Butte and Mt. Crested Butte participates in the Gunnison Valley Local Marketing District and Tourism Association to which businesses pay additional dues and membership fees; and,

WHEREAS, the Town Council of the Town of Crested Butte wishes to encourage businesses subject to the various provisions of the Town Code pertaining to the licensing of businesses within the Town, and, specifically, Section 6-2-40 of the Town Code pertaining to the required payments of the Business and Occupation Licensing Tax, to participate both in the Chamber of Commerce and Local Marketing District in order to more effectively market and promote Gunnison County and the Town of Crested Butte as a year-around resort and tourist destination, and promote activities and events beneficial to the business community; and,

WHEREAS, the Town Council finds that temporarily amending the Business Occupation and Licensing Tax for the calendar and fiscal year 2015 is in the best interest of the businesses within the Town of Crested Butte;

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

Section 1. Amending the Ordinance. Section 6-2-40 of the Crested Butte Municipal Code is temporarily amended to read as follows: “A Business Occupation Licensing Tax is hereby levied and there shall be collected and paid on any person doing business in the Town of Crested Butte, Colorado in the amount as set forth in Appendix A to this Code, in the calendar and fiscal year 2015.

Section 2. Amending Appendix A. Chapter 6 Business Licenses is hereby amended to change the effective date to Calendar Year 2015 and adding provision for additional fees due to late

payment of business license renewals. Appendix A is hereby attached as “Exhibit A.”

Section 3. Effective Date. The provisions of this Ordinance amending Section 6-2-40 of the Town Code shall take effect at 12:01 A.M. on January 1, 2015, and shall expire at 12:00 Midnight on December, 31, 2015 without further action by the Town Council of the Town of Crested Butte, Colorado. Upon expiration of the terms of this Ordinance, the provisions of Section 6-2-40, of the Town Code of the Town of Crested Butte, Colorado as enacted prior to the effective date hereof shall be in full force and effect.

Section 4. Savings Clause. Except as hereby amended, the Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this Ordinance is hereby repealed as of the enforcement date thereof.

Section 5. Severability. If any Section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining Sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any Section, sentence clause, phrase, word or other provision. If any Section, provision, clause, phrase, word or other provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS SEVENTEENTH DAY OF NOVEMBER, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF DECEMBER, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By: _____

Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

(SEAL)

“Exhibit A”

APPENDIX A

Fee Schedule

CHAPTER 6 <i>Business Licenses</i>			
<i>Code Section</i>	<i>Description</i>	<i>Effective Dates</i>	<i>Fee</i>
6-2-40	Business license occupation license	Calendar Year 2015	\$100.00
6-2-40	Late fee for renewals after January 31 st - additional fee	Calendar Year 2015	\$25.00
6-2-40	Late fee for renewals after March 31 st -additional fee	Calendar Year 2015	\$50.00
6-2-40	Late fee for renewals after June 30 th -additional fee	Calendar Year 2015	\$75.00
6-2-40	Late fee for renewals after September 30 th -additional fee	Calendar Year 2015	\$100.00



Staff Report

December 1, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Beacon Brush Up Special Event Application & Special Event Liquor Permit**
Date: November 26, 2014

Summary: Presuming the event is approved, the Crested Butte Avalanche Center will be hosting the 3rd Annual Beacon Brush Up on December 7, 2014 in Town Park from Noon to 4PM. Participants will receive training and practice using avalanche beacons with assistance from industry professionals. Following the event at the park, there will be a reception at the Alpineer, located at 419 6th Street, for which they have applied for a special event liquor permit. There will be two separate liquor control points staffed by volunteers. There will be six total volunteers for the event to prohibit the travel of alcohol in and out of the building.

Recommendation: To approve the Crested Butte Avalanche Center Beacon Brush Up special event application and special event liquor permit.

Suggested Motion: To approve the Crested Butte Avalanche Center Beacon Brush Up 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 Avalanche Center - Beacon Brush UP

Date(s) of Event: December 7th, 2014

Name of Organization Holding the Event ("Permittee"): Crested Butte Avalanche Center

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

Name of Event Organizer: Jake Jones

Phone: 209.6742 Cell Phone: SAME

E-Mail: jakejones808@gmail.com Fax Number: —

Name of Assistant or Co-Organizer (if applicable): Than Ault

Phone: ~~275~~ 275.5761 Cell Phone: SAME E-Mail: than@crestedbuttenews.com

Mailing Address of Organization Holding the Event: PO Box 2351

Email Address of Organization: cbac@cbavalanchecenter.org Phone Number: 349.4022

cbavalanche@gmail.com

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

We will offer ~~be~~ Avalanche Rescue Beacon clinics and avalanche equipment demos FREE to the public.

Event Location: (Attach map showing location of event; Also attach 8 1/2" 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): 12-4 pm
Total Time (including set-up, scheduled event, break-down & clean-up): 6 hours
Expected Numbers: Participants: 100 Spectators: ✓

Do You Intend to Sell or Serve Alcohol? Yes / No
If Yes, a Special Event Liquor License is Required, 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.

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: _____

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: [Signature]

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? Minimal - we will remove

What recyclable products will be generated at the event? Minimal - we will remove

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 emphasize increased recycling and decreased waste production. 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:

Nothing will be sold or given away that will generate trash. Any waste that is created by organizers or participants will be properly disposal of privately.

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):

N/A

Describe Plan for Parking:

Art Center parking lot or Academy parking lot - As always, a Bikes are preferred.

Describe Plan for Portable Toilets and/or Restrooms:

Alpineer - Pontoon Co The event.

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):

Will Your Event Require Any Road Closures Yes / No

If Yes, Explain in Detail Streets Closures and Times of Closures:

Will Your Event Impact Mt. Express Bus Service and/or Routes Yes / No

If Yes, Explain Impact:

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:

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 Avalanche Center will host The 3rd Annual Beacon Brush up in CB Town Park. Participants will receive training or practice with avalanche beacons with

Contact Name & Phone Number for the Calendar: Jake Jones 209.6742

Event Fee for the Calendar: _____ Website for More Info: _____

assistance from industry professionals.

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/Idemnitor 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

Jake Jones / [Signature]
Print Name Clearly / Signature of Applicant (Permittee)

10/30/14
Date

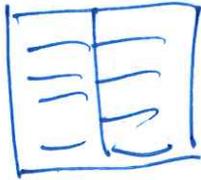
Application is Approved: _____ Date: _____

**CERTIFICATE OF INSURANCE
SPECIAL EVENT LIABILITY GROUP INSURANCE TRUST, A RISK PURCHASING GROUP**

FACILITY OWNER: (Additional Insured)		PRODUCER:		Certificate #	47613	
Town of Crested Butte P.O. Box 39 Crested Butte, CO 81224 Attention: Betty Warren		HUB International Insurance Services Inc. P.O. Box 4047 Concord, CA 94524-4047 PH: 925 609 6500 FX: 925 609 6550 specialevent@hubinternational.us		CA License #0757776		
EVENT HOLDER: (Named Insured)		EVENT INFORMATION				
Crested Butte Avalanche Center PO Box 2351 Crested Butte, CO 81224 Attention: Jake Jones		TYPE OF EVENT:	Avalanche Rescue Instruction			
		EVENT DATE(S):	12/7/2014			
		EVENT LOCATION:	Crested Butte Town Park Crested Butte, CO			
		ATTENDANCE:	75	CLASS:	II	
This is to certify that the policies of insurance listed below have been issued to the insured named above for the event date(s) indicated above. 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.						
INSURER A:		COLONY INSURANCE COMPANY				
INSR LTR	Type of Insurance	Policy Number	Effective	Expiration	Policy Limits	
A	Commercial General Liability	AR6360147	1/1/2014	1/1/2015	Each Occurrence	\$1,000,000
					General Aggregate	\$2,000,000
					Personal & Advertising Injury	\$1,000,000
					Products/Completed Operations Aggregate	\$2,000,000
					Damage to Premises Rented to You	\$500,000
					Medical Payments	\$5,000
					Liquor Liability Each Occurrence	Not Included
					Liquor Liability Aggregate	Not Included
COVERAGE TERMS:						
Occurrence Form (CG 0010) Host Liquor Liability <u>Included</u> . Full Liquor Liability Included <u>when a separate premium has been charged</u> . All participants in athletic activities are <u>required</u> to sign Release and Waiver of Liability forms.		The coverage afforded by this insurance is primary and not contributing with any insurance held by the "ADDITIONAL INSURED", WHEN REQUIRED BY WRITTEN CONTRACT. The limits of insurance apply separately to each event insured by this policy as if a separate policy of insurance has been issued for that event. Who is an insured is amended to include as an additional insured the "Facility Owner - Additional Insured" above and any person or organization shown in the schedule below. This insurance does not apply to: any "occurrence" which takes place after the event holder ceases to be a tenant in that premises. This insurance applies only to: an "occurrence" which takes place during the dates indicated under "Event Information" above.				
COVERAGE EXCLUSIONS: (REFER TO POLICY FOR COMPLETE LISTING OF EXCLUSIONS)						
-- Sexual Abuse & Molestation		Specific Events are excluded from coverage. Please see second page for list of excluded events.				
-- Terrorism		On behalf of the Risk Purchasing Group and each Member, the Trustee has declined coverage for the Terrorism Risk Insurance Act (TRIA).				
OTHER ADDITIONAL INSUREDS:						
CANCELLATION: Should the above described policy(s) be canceled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the insured event holder and additional insureds listed.						
AUTHORIZED REPRESENTATIVE:				DATE ISSUED:	11/18/2014	

Entity Copy

CBAC Beacon Brush up



NORTH
↑

CB
Center for
The
Arts

BEACON
DEMO
AREA

PARKING

6th Street

Alpineer

Academy
parking
lot

APPLICATION FOR A SPECIAL EVENTS PERMIT

303 205 2341 Fax
 Department Use Only
 Faxed 11-26-2014

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

<input checked="" type="checkbox"/> SOCIAL	<input type="checkbox"/> ATHLETIC	<input type="checkbox"/> PHILANTHROPIC INSTITUTION
<input type="checkbox"/> FRATERNAL	<input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER	<input type="checkbox"/> POLITICAL CANDIDATE
<input type="checkbox"/> PATRIOTIC	<input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY	<input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES
<input type="checkbox"/> POLITICAL	<input type="checkbox"/> RELIGIOUS INSTITUTION	

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	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
Crested Butte Avalanche Center

State Sales Tax Number (Required)
98-16092-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
*Box 2351
 CO, CO 81224
 Crested Butte*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*Alpiner
 419 6th Street
 CO, CO 81224 Crested Butte*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Nathaniel Aubt</i>	<i>11/19/68</i>	<i>Box 1572 / 113 Lower Alka Rd CO, CO 81224 CRESTED BUTTE, CO</i>	<i>970-275-5761</i>
5. EVENT MANAGER <i>Jake Jones</i>	<i>6/21/73</i>	<i>Box 2648 705 BUTTE AVE. CO, CO 81224 CRESTED BUTTE, CO</i>	<i>970-209-6742</i>

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	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>12/7/14</i>				
<i>5 P.m. To 8 P.m.</i>				

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 <i>[Signature]</i>	TITLE <i>PRESIDENT</i>	DATE <i>10/30/14</i>
---------------------------------	---------------------------	-------------------------

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) <i>Town of Crested Butte</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <i>970-349-5338</i>
SIGNATURE <i>[Signature]</i>	TITLE <i>TOWN Clerk</i>	DATE <i>11-20-2014</i>

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

LIABILITY INFORMATION

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

APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises. *Town Permit*
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; or
- If not incorporated, a NONPROFIT charter; or
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

Betty Warren

From: Jake Jones <jjones@irwinguides.com>
Sent: Thursday, November 13, 2014 5:11 PM
To: Lynelle Stanford; Betty Warren
Subject: Fwd: Beacon Brush Up

Please see the email below regarding the Beacon Brush up from Mary Frame, the Alpineer's landlord.

I hope this is sufficient for the special event liquor permit.

Thanks.

Jake

Jake Jones
Director of North American Operations



jjones@irwinguides.com
Skype ID: jakejones808
www.irwinguides.com

PO Box 1807, 330 Belleview Avenue
Crested Butte, Colorado 81224 USA
C: +1 970 209 6742 O: +1 970 349 7761

Begin forwarded message:

From: "PJ Hildebrandt" <pj@alpineer.com>
Subject: FW: Beacon Brush Up
Date: November 13, 2014 at 5:06:02 PM MST
To: "Jake Jones" <jjones@irwinguides.com>

-----Original Message-----

From: Mary Frame [<mailto:meframe@roadrunner.com>]
Sent: Thursday, November 13, 2014 2:48 PM
To: PJ Hildebrandt
Subject: Re: Beacon Brush Up

To: Town of Crested Butte
Nov 13, 2014

From: Mary Frame, Landlord
Bullion King Building/The Alpineer

Re: Beacon Brush Up Reception

The Crested Butte Avalanche Center and The Alpineer have my permission to host the Beacon Brush Up Reception on December 7th, 2014, from 3pm to 6pm, at The Alpineer. I understand that there is a special event liquor permit required for this event. All necessary permits and or notifications will be handled by Crested Butte Avalanche Center.

If anything further is required, please contact me directly. 641-3705
Thank you.

Alpineer

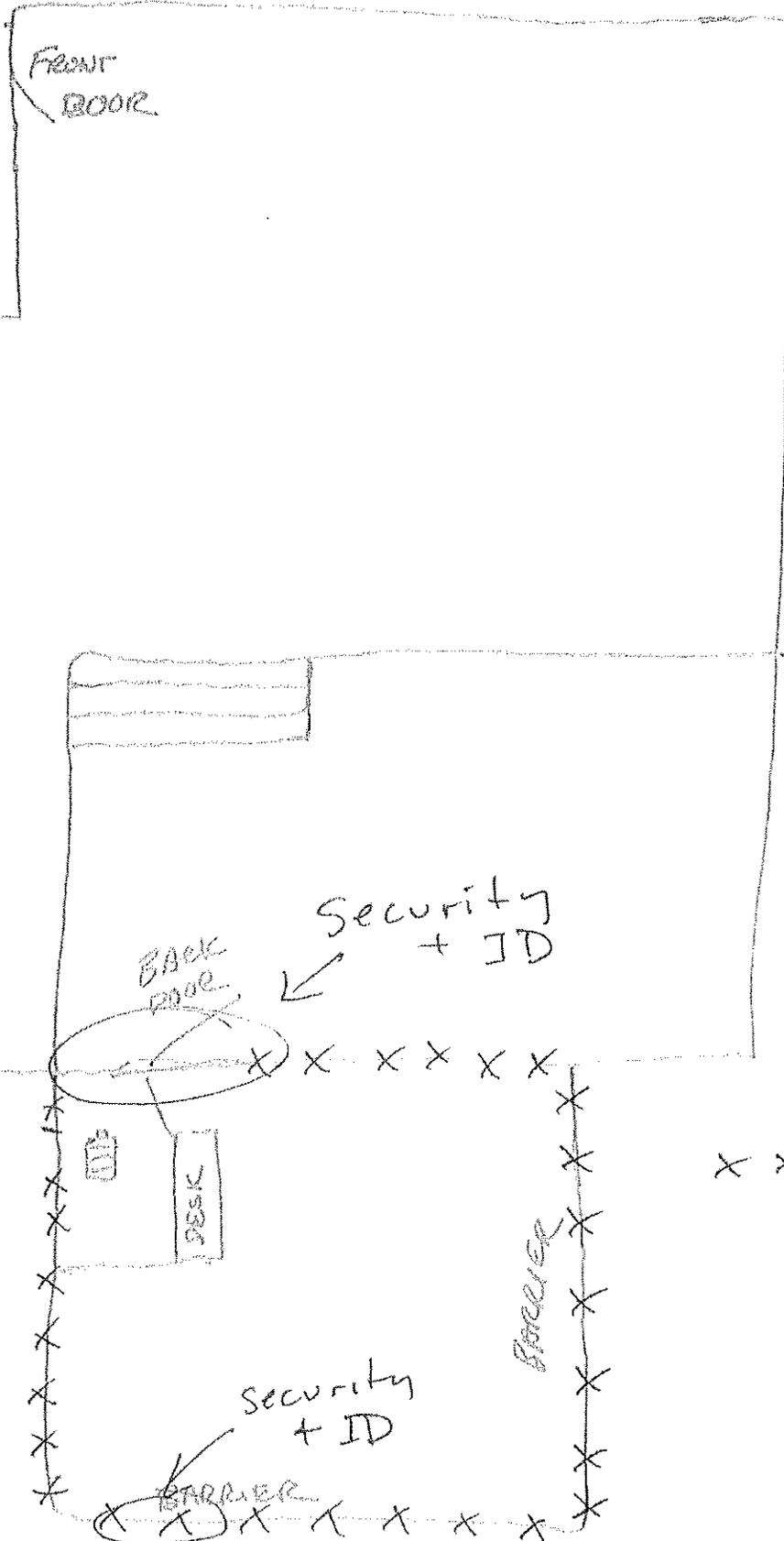
6th St.

Beacon Brush Up
12/7/14

There will be 2 separate liquor control points as indicated on this map.

Those points will be staffed by volunteers & will only allow 21+ persons into Area.

There will be 6 volunteers total for the event.



X X X = Liquor Service Area

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO
CERTIFICATE OF REGISTRATION

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

C.B. AVALANCHE CENTER INC

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20133011172.

The status of its registration is **GOOD**, and this status has been in effect since 08/18/2014.

The organization's registration is or was due to be renewed by 08/15/2015.

Registrations in good or delinquent status remain valid until the registration becomes suspended or revoked. An organization whose registration has been suspended is prohibited by law from soliciting contributions, providing consulting services in connection with a solicitation campaign, or conducting a solicitation campaign in Colorado.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 10/30/2014.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 10-30-2014 18:53:17



A handwritten signature in blue ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

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.

Marshal's Department :

From: Tom Martin
Sent: Monday, November 24, 2014 8:01 AM
To: Betty Warren
Subject: RE: Special Event: CB Avalanche Center-Beacon Brush Up

Conditions/Restrictions/Comments:

OK with the Marshal's department.

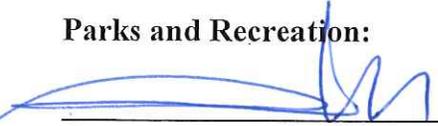
Public Works:

 11/24/2014
Signature _____ Date _____
Name (Printed) Rodney E Dae

Conditions/Restrictions/Comments:

OK

Parks and Recreation:

 11/24/14
Signature _____ Date _____
Name (Printed) Janna Hansen

Conditions/Restrictions/Comments:

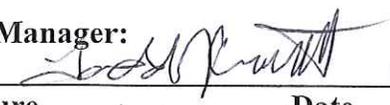
Have Fun!

Town Clerk:

 11-18-2014
Signature _____ Date _____
Printed Name (Printed) Lynelle Stanford

Conditions/Restrictions/Comments:

Town Manager:

 11/24/14
Signature _____ Date _____
Printed Name (Printed) Todd Crosssett

Conditions/Restrictions/Comments:

CRESTED BUTTE AVALANCHE CTR - BEACON BRUSH UP

Crested Butte Fire Protection District:

[Signature] 11/25/14
Signature Date

Printed Name (Printed)

Conditions/Restrictions/Comments:

Good Luck with
your event !!

Mt. Express Bus Service:

[Signature] 11/24/14
Signature Date

Printed Name (Printed)

Conditions/Restrictions/Comments:

Conditions/Restrictions/Comments:

NO impact on Mx

Official Use Only:

Application Received 11/2/14 Date Distributed 11/18/14

Council Date (if applicable) DECEMBER 1, 2014

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$ 25.00 Check # 2450 Date Paid 11/13/14

Permit Fee \$ 50.00 Check # 2450 Date Paid 11/13/14

Local Liquor License Fee \$ 25.00 Check # 2450 Date Paid 11/13/14

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

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$ 50.00 Check # 2450 Date Paid 11/13/14 Date Returned: _____



Staff Report

December 1, 2014

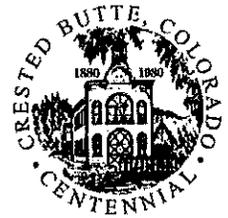
To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Santa Bingo Special Event Application & Special Event Liquor Permit**
Date: November 26, 2014

Summary: Crested Butte Mountain Radio, also known as KBUT, has organized Santa Bingo to take place on December 12, 2014 from 8PM to 11:30PM in the Pump Room on the 2nd floor of 306 Maroon Avenue. Santa suits will be provided, and participants purchase bingo cards. They would serve beer, wine, and drinks, assuming the special event liquor permit is approved. A diagram is included in the packets that depicts two security volunteers stationed, through the duration of the event, at the main entry point to prohibit anyone from arriving or leaving the event with alcohol.

Recommendation: To approve the Santa Bingo special event application and special event liquor permit.

Suggested Motion: To approve the Santa Bingo 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: Santa Bingo

Date(s) of Event: December 12, 2014

Name of Organization Holding the Event ("Permittee"): Crested Butte Mountain Educational Radio,

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

Name of Event Organizer: Tyler Lucas

Phone: 349-5225 Cell Phone: 720 201 9333

E-Mail: underwriting@kbut.org Fax Number: 349 6444

Name of Assistant or Co-Organizer (if applicable): Shaun Matusewicz

Phone: 970-596-1699 Cell Phone: _____ E-Mail: info@ironorchidevents.

Mailing Address of Organization Holding the Event: P.O. Box 308

Email Address of Organization: underwriting@kbut.org Phone Number: 349-5225

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

Bingo games, santa costumes encouraged. prizes, drinks

Event Location: (Attach map showing location of event; Also attach 8 1/2" 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

306 Maroon Ave.
2nd floor

Event Time (start time of scheduled event to end time of scheduled event): 8 pm-11:30 p.m.
Total Time (including set-up, scheduled event, break-down & clean-up): 5.5
Expected Numbers: Participants: 75 Spectators: 0

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

If Yes, a Special Event Liquor License is Required, 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.

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: pending

Will There Be Amplified Sound at This Event? Yes / No

If Yes, Describe: Just microphone for announcer

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 No
Town Manager Approval: _____

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence? Yes / No 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? 1 trash can

What recyclable products will be generated at the event? bottles, plastic cups, cans

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 emphasize increased recycling and decreased waste production. 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 will have recycle bins for bottles, plastic cups and cans. We will have trash cans for other trash.

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):

WE will have volunteer security folks
2 security at door throughout event. Back is locked.

Describe Plan for Parking: on street parking, walk on bicycles

Describe Plan for Portable Toilets and/or Restrooms: Restrooms on site

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):

Will Your Event Require Any Road Closures Yes / No

If Yes, Explain in Detail Streets Closures and Times of Closures:

Will Your Event Impact Mt. Express Bus Service and/or Routes Yes / No

If Yes, Explain Impact:

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:

N/A

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: KBUT'S SANTA BINGO will be held FRIDAY Dec. 12th AT The Pump Room In Crested Butte. SANTA SUITS will be AVAILABLE. \$10 for 10 pack of BINGO CARDS. BEER, WINE, DRINKS

Festive Fun!

Contact Name & Phone Number for the Calendar: TYLER LUCAS

Event Fee for the Calendar: \$10 Website for More Info: KBUT.ORG

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/Idemnitor 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

Tyler Lucas / [Signature]
Print Name Clearly / Signature of Applicant (Permittee)

11/3/14
Date

Application is Approved: _____ Date: _____

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

303-205-2341 Fax

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

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR	\$25.00 PER DAY
2170	<input type="checkbox"/> 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 State Sales Tax Number (Required)
Crested Butte Mountain Educational Radio, Inc 98-17895-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
*P.O. Box 308
 Crested Butte, Co 81224*

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

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Jeff Scott</i>	<i>2/1/65</i>	<i>P.O. Box 306 CRESTED BUTTE, 810 EKAUE CO 81224</i>	<i>970-901-4210</i>
5. EVENT MANAGER <i>TYLER LUCAS</i>	<i>9/8/82</i>	<i>32 Whiterock #2 Crested Butte CO</i>	<i>720-201-9333</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? 1

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	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>12/12/14</i>				
From <i>7</i> p.m. To <i>11:30</i> p.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 <i>Tyler Lucas</i>	TITLE <i>Event Coordinator</i>	DATE <i>11/3/14</i>
------------------------------	--------------------------------	---------------------

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) <i>Town of Crested Butte</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <i>970-349-5338</i>
SIGNATURE <i>[Signature]</i>	TITLE <i>Town Clerk</i>	DATE <i>11-20-2014</i>

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

CRESTED BUTTE MOUNTAIN EDUCATIONAL RADIO, INC.

is a **Nonprofit Corporation** formed or registered on 01/23/1984 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871554227.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 10/31/2014 that have been posted, and by documents delivered to this office electronically through 11/03/2014 @ 14:13:23.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 11/03/2014 @ 14:13:23 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9000373.



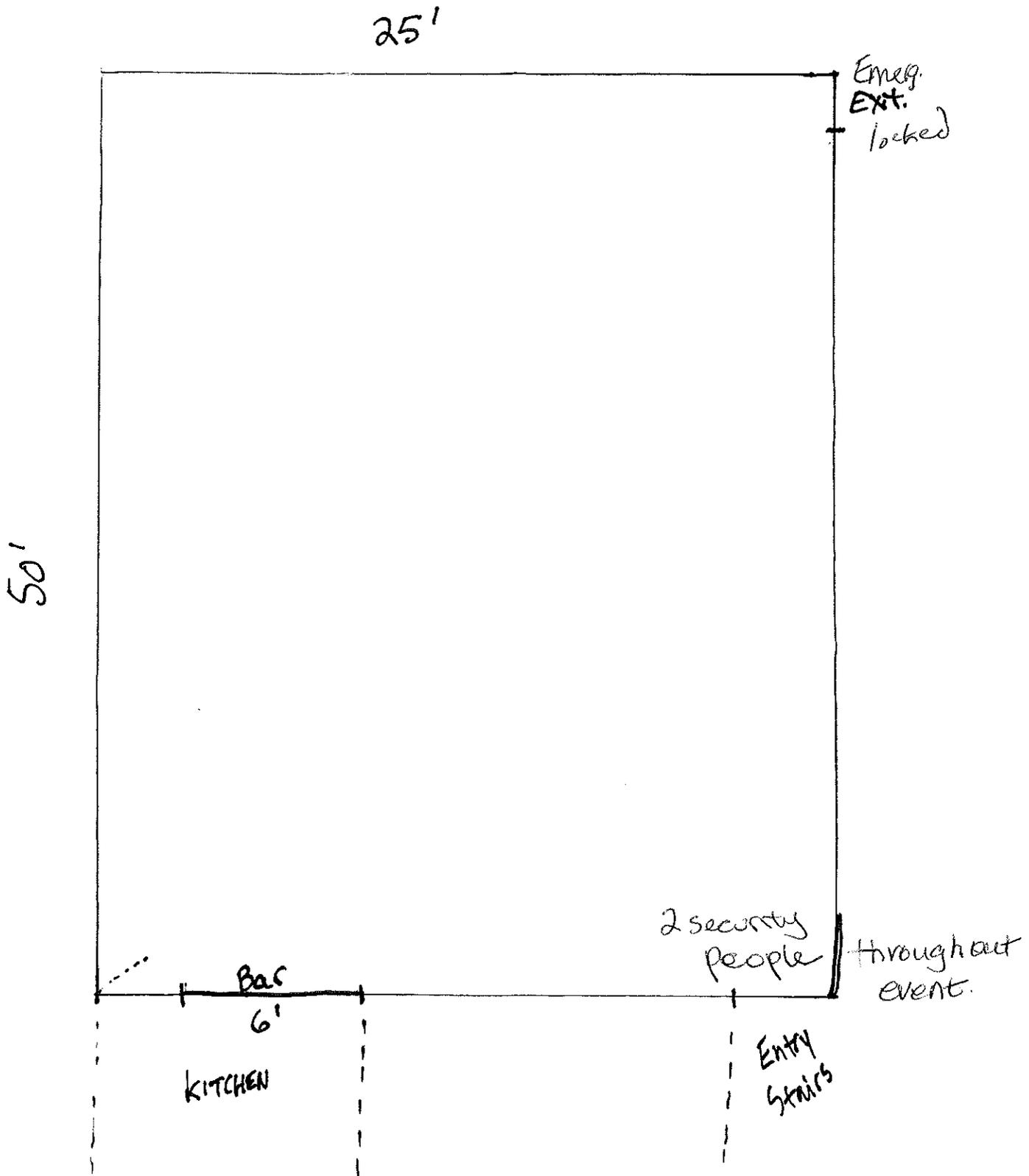
A handwritten signature in blue ink, reading "Scott Gessler".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

The Pump Room - Crested Butte



**CERTIFICATE OF INSURANCE
SPECIAL EVENT LIABILITY GROUP INSURANCE TRUST, A RISK PURCHASING GROUP**

FACILITY OWNER: (Additional Insured)		PRODUCER:		Certificate #	47614	
Town of Crested Butte P.O. Box 39 Crested Butte, CO 81224 <u>Attention: Betty Warren</u>		HUB International Insurance Services Inc. P.O. Box 4047 Concord, CA 94524-4047 PH: 925 609 6500 FX: 925 609 6550 specialevent@hubinternational.us		CA License #0757776		
EVENT HOLDER: (Named Insured)		EVENT INFORMATION				
Crested Butte Mountain Educational Radio Inc, DBA KBUT PO Box 308 Crested Butte, CO 81224 <u>Attention: Tyler Lucas</u>		TYPE OF EVENT:	Bingo Games			
		EVENT DATE(S):	12/12/2014			
		EVENT LOCATION:	Pump Room 306 Maroon Ave. Crested Butte, CO			
		ATTENDANCE:	85	CLASS:	I	
This is to certify that the policies of insurance listed below have been issued to the insured named above for the event date(s) indicated above. 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.						
INSURER A:		COLONY INSURANCE COMPANY				
INSR LTR	Type of Insurance	Policy Number	Effective	Expiration	Policy Limits	
A	Commercial General Liability	AR6360147	1/1/2014	1/1/2015	Each Occurrence	\$1,000,000
					General Aggregate	\$2,000,000
					Personal & Advertising Injury	\$1,000,000
					Products/Completed Operations Aggregate	\$2,000,000
					Damage to Premises Rented to You	\$500,000
					Medical Payments	\$5,000
					Liquor Liability Each Occurrence	\$1,000,000
					Liquor Liability Aggregate	Incl. in GL Agg.
COVERAGE TERMS:						
Occurrence Form (CG 0010) Host Liquor Liability <u>Included</u> . Full Liquor Liability Included <u>when a separate premium has been charged</u> . All participants in athletic activities are required to sign Release and Waiver of Liability forms.		The coverage afforded by this insurance is primary and not contributing with any insurance held by the "ADDITIONAL INSURED", WHEN REQUIRED BY WRITTEN CONTRACT. The limits of insurance apply separately to each event insured by this policy as if a separate policy of insurance has been issued for that event. Who is an insured is amended to include as an additional insured the "Facility Owner – Additional Insured" above and any person or organization shown in the schedule below. This insurance does not apply to: any "occurrence" which takes place after the event holder ceases to be a tenant in that premises. This insurance applies only to: an "occurrence" which takes place during the dates indicated under "Event Information" above.				
COVERAGE EXCLUSIONS: (REFER TO POLICY FOR COMPLETE LISTING OF EXCLUSIONS)						
-- Sexual Abuse & Molestation		Specific Events are excluded from coverage. Please see second page for list of excluded events.				
-- Terrorism		On behalf of the Risk Purchasing Group and each Member, the Trustee has declined coverage for the Terrorism Risk Insurance Act (TRIA).				
OTHER ADDITIONAL INSUREDS:						
<i>CANCELLATION: Should the above described policy(s) be canceled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the insured event holder and additional insureds listed.</i>						
AUTHORIZED REPRESENTATIVE:				DATE ISSUED:	11/18/2014	

SANTA BINGO - K BUT

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.

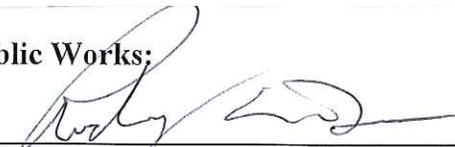
From: Tom Martin
Sent: Monday, November 17, 2014 4:36 PM
To: Betty Warren
Subject: RE: Special Event: Santa Bingo

Restrictions/Comments:

OK with the Marshal's department

Tom Martin

Public Works:

 11/24/2014

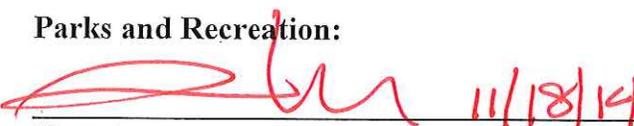
Signature Date
Rodney E Jones

Name (Printed)

Conditions/Restrictions/Comments:

OK

Parks and Recreation:

 11/18/14

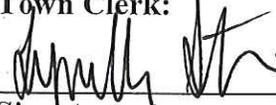
Signature Date
Janna Hansen

Name (Printed)

Conditions/Restrictions/Comments:

Merry
Christmas!

Town Clerk:

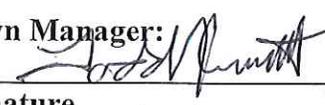
 11-17-2014

Signature Date
Lynelle Stanford

Printed Name (Printed)

Conditions/Restrictions/Comments:

Town Manager:

 11/25/14

Signature Date
Todd Crossett

Printed Name (Printed)

Conditions/Restrictions/Comments:

SANTA BINGO - KBut

Crested Butte Fire Protection District:

W Scott Wimmer 11/18/14
Signature Date

Printed Name (Printed)

Conditions/Restrictions/Comments:

Good luck with
you went !!

Mt. Express Bus Service:

[Signature] 11/18/14
Signature Date
Chris Larsen

Printed Name (Printed)

Conditions/Restrictions/Comments:

No impact on M.P.

Official Use Only:

Application Received 11/3/14 Date Distributed 11/17/2014

Council Date (if applicable) 12/1/2014

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee \$ 25.00 Check # 12300 Date Paid 11/3/14

Permit Fee _____ Check # _____ Date Paid _____

Local Liquor License Fee \$ 25.00 Check # 12300 Date Paid 11/3/14

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

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit _____ Check # _____ Date Paid _____ Date Returned: _____



Staff Report

December 01, 2014

To: Mayor and Town Council

Thru: Todd Crossett, Town Manager

From: Rodney E. Due- Public Works Director, Janna Hansen- Parks and Recreation Director

Subject: Snow and Ice Control Operations Plan

Date: November 25, 2014

Summary: At the beginning of each snow season Public Works and the Parks and Recreation Department presents the Snow and Ice Control Operations Plan to the Town Council for approval. The purpose of the plan is to outline municipal responsibilities and procedures for controlling snow and ice accumulation on the streets and sidewalks of this community. Appropriate snow and ice control is necessary to maintain emergency services and routine travel.

Discussion: Some of the highlights in the 2014-15 Snow and Ice Control Plan are listed below:

1. Snow plowing will commence at 3 inches of accumulation, **between December 1st and March 31st**.
*Note – prior to December 1st and after March 31st snow plowing will commence at 6 inches of accumulation.
2. Every effort will be made to keep no more than 6 inches of pack on the streets prior to removal.
3. The bus route and emergency routes will be cleared of snow pack after each 3 inch event.
4. The primary snow crew will remove snow from the banks on Elk Avenue **between snow events** to promote pedestrian safety, enhance pedestrian and vehicular visibility, and provide easy access to businesses.
5. Snow banks may remain on Elk Avenue the week prior to Christmas through the week after New Years, and to accommodate additional snow required for Special Events.

Recommendation: Staff recommends approval of the Town of Crested Butte 2014-15 Snow and Ice Control Operations Plan as presented.

Proposed Motion: I move to approve the Town of Crested Butte 2014-15 Snow and Ice Control Operations Plan



Town of Crested Butte Snow and Ice Control Operations Plan 2014-2015

INTRODUCTION

A. Purpose

The Town of Crested Butte develops a Snow and Ice Control Operations Plan with the primary purpose of outlining municipal responsibilities and procedures for controlling snow and ice accumulation on the streets and sidewalks of this community. Appropriate snow and ice control is necessary to maintain emergency services and routine travel. These responsibilities and procedures will provide a guide for efficient and effective snow and ice control.

B. Annual Snow Summit

The purpose of the Town of Crested Butte's annual Snow Summit is to discuss with the involved stake-holders general snow removal procedures, outline any proposed changes, and develop a dialogue between the involved parties allowing them to exchange ideas and voice concerns. This Summit should be scheduled in early November of each year with the following stake-holders invited:

Gunnison County Public Works
Gunnison County Sheriff's Department
Crested Butte Fire District
Crested Butte Search and Rescue
Crested Butte Marshal's Office
Crested Butte Public Works Department
Crested Butte Parks and Recreation Department
CDOT (Colorado Department of Transportation)
Mt. Express Bus Service
Regional Transportation Authority (RTA)
Atmos Energy (Gas Company)
GCEA/REA (Electric Company)
Waste Management (Refuse Disposal)
FEDEX/UPS
Century Link/Time Warner
Chamber of Commerce
Private Snow Removal Contractors

C. Responsibilities

1. The Street Division is responsible for conducting snow and ice control operations on municipal streets and public parking areas.
2. The Parks Maintenance Division is responsible for clearing sidewalks, crosswalks, park paths and creating “cut-outs” as identified in the sidewalk plan and the snow removal at the Ice Rink.
3. Adjacent property owners are responsible for maintaining the sidewalk snow clearance and ice control after the initial removal by the Parks Maintenance Division identified in the sidewalk plan. (Attachment 1 - Ordinance 3, 2007)
4. Private Contractors removing snow from private property must not obstruct traffic signs, fire hydrants, handicap access areas and public right of ways. Private contractors will also maintain line of sight on intersections, sidewalks, driveways and parking areas for both vehicles and pedestrians.
5. Gunnison County Public Works Department works cooperatively with the Town of Crested Butte Public Works Department while plowing snow through town.
6. The Water Division will mark fire hydrants with poles by November 1st, and will clear snow from fire hydrants for access.

D. Periodic Reviews

The Director of Public Works will review and update the Snow and Ice Control Operations Plan on an annual basis, and present any revisions to the Town Manager in preparation for presentation to the Town Council prior to December 1st of each year.

PERSONNEL

A. Staffing

1. All CDL certified personnel are subject to duty during major snow and ice storms.
2. Tasks assigned during a snow and ice storm will remain within the capabilities of the employee’s skill set.
3. The Public Works Department and the Parks Maintenance Division will develop a secondary snow crew in preparation for an extended snow cycle.
4. The primary snow crew will begin at 1200 a.m. and work until 08:30 a.m. (Crews may work until 10:00a.m. during snow events). One seasonal plow operator will be hired, and augment the crew, from December 1st through March 31st each year.
5. If continued operations are necessary due to an extreme event, the Public Works Director will determine the procedures necessary to direct resources.
6. Parks Maintenance Division begins between 6:00-6:30 a.m. and the sidewalk removal involves approximately 4 hours of snow and ice removal.

B. Control and Direction

The Public Works Department retains responsibility for the overall coordination of snow and ice control preparations for the streets. The Parks Maintenance Division will coordinate with the Public Works Department in providing effective direction to maintain the sidewalks during a snow event.

C. Organization

The normal chain of command and line of authority will be followed during snow and ice storms unless otherwise designated.

D. Telephone Number Lists

A telephone number list will be updated on an annual basis prior to November 1st.

OPERATIONAL PROCEDURES

The Town's response to a storm event depends on the type, severity, and duration of the weather conditions. The Public Works Director determines plow routes and the sequencing of operations and retains the flexibility to adjust the route assignments based on storm conditions.

A. Roadways

The following strategic plan shall serve as guidelines for roadway operations subject to specific conditions. The areas below are listed in the sequence of plowing. Snow plowing will commence at 3 inches of accumulation.

1. Plow Public Works yard including access to bus area, search and rescue building, tow lot and wastewater facilities;
2. Plow east side of 6th Street including Chamber Parking Lot, and Chamber bus stop;
3. Plow southwest of 6th and Elk;
4. Plow 4-way including parking lots, bus turn, and bus pull-out;
5. Plow core area including 5th, 4th, 3th, 2th streets on both sides of Elk; Elk Avenue Public Parking Lot, Fire Hall and adjacent public parking lot; Alleys one block north and south of Elk Avenue (2nd Ave. to 5th Ave.); and public buildings (e.g. Town Hall, Marshall's and Old Rock Library) parking and access areas.
6. Plow northwest of Elk and 6th;
7. Plow Treasury Hill;
8. Center for the Arts

Snow will be plowed to alternate sides of the streets to coincide with the following winter parking rules:

Residential parking restrictions are in effect November 1st through April 30th and enforced between 01:00 a.m. – 10:00 a.m. Vehicles may be parked on the north and east sides of the streets on Tuesday, Thursday, and Saturdays. Vehicles may be parked on the South and West sides of the streets on Sunday, Monday, Wednesday, and Fridays.

1. Snow Banks on Elk Avenue

The primary snow crew will remove snow from the banks on Elk Avenue ***between snow events*** to promote pedestrian safety, enhance pedestrian and vehicular visibility, and provide easy access to businesses. ****Snow banks may remain on Elk Avenue the week prior to Christmas through the week after New Years, and to accommodate additional snow required for special events.***

2. Snow pack

Every effort will be made to keep no more than 6 inches of snow pack on the streets prior to removal. The bus route and emergency routes will be cleared of snow after each 3 inch event.

3. Sand

The Public Works Department deposits sand at the intersections along Elk Avenue, bus routes, and the school zone during normal business hours. The Mt. Express Supervisor will sand the bus routes after normal business hours, weekends, and holidays. The Parks Maintenance Division deposits sand at the cross walks. These tasks are completed when conditions merit, and the Town has the available personnel. The Town of Crested Butte tries to minimize the amount of sand placed on streets due to air quality standards, and to prevent Storm Drain blockages.

4. Snow Hauling

Certain public right of way locations and dedicated snow storage areas within our community require additional service after snow plowing operations cease. These areas will be maintained between snow events by the primary snow crew. During extended snow cycles this will be done by the secondary snow crew during normal business hours.

The existing snow storage areas include the abutting street right of ways and the following lots:

1. First and Beckwith
2. Ruth's Road Dead-End
3. Three Ladies Park
4. Gravel Pit
5. Public Works Yard
6. Teocalli Eastside Dead-End
7. Totem Pole Park
8. Lots North of Nordic Center/Ice Rink Parking Lot
9. Lots North of Rainbow Park (Temporary)
10. Lots West of BMX (Temporary) Park
11. Academy Lots (Temporary)

5. Clean-up Procedures

The Public Works Department begins street cleaning to remove the sand when both the streets and curb/gutters are dry. Generally, this service begins in late spring.

B. Pedestrian Areas

The Parks Maintenance Division will clear snow from the following sidewalks and other pedestrian areas after each snow event of 1 inch or greater. These areas are depicted on snow removal map.

1. Sidewalks /Handicap Ramps – All sidewalks and handicap ramps will be cleared as indicated on the snow removal map.
2. Cut-outs on both Elk Avenue and Sixth Street will be completed as indicated by the snow removal map.
3. Crosswalks- All entrances to crosswalks on Elk Avenue will be cleared, and the crosswalks entrances on Sixth Street will be cleared as indicated on the snow removal map.
4. Bus Stop Shelters- Reasonable access to bus stops will be maintained and bus shelters will be cleared of snow when necessary.

C. Residents/Business and Property Owners

This snow and ice control plan identifies the streets, sidewalks, and public facilities that the Town will maintain during a snow event. ***Property and business owners also have certain responsibilities that include clearing their own driveways and maintain adjacent sidewalks, clearing areas for wildlife resistant containers and dumpsters, removing snow from sidewalks and public parking areas resulting from plowing, roof and overhang shedding, and remove ice dams created from heated sidewalks.*** We regret that snow must be plowed off the street into driveways, but there is no other choice. Residents are responsible for these areas and should be cleared without depositing any snow or ice into the roadway, and should not obstruct the vision of driveways and sidewalks. (Attachment 1 – Ordinance 3, 2007)

Snow pushed into the street not only makes snow plowing more difficult for street crews, but can cause a dangerous obstacle in the roadway or a nuisance to your neighbors. Garbage containers placed too close to the street may be subject to damage by snow plowing operations.

EMERGENCY SNOW OPERATIONS PLAN

In the event of an extreme and long snow event, the Public Works Director reserves the authority to modify the operational snow plan according to the availability of personnel and equipment, and to ensure employee safety.

If declared, the Public Works Director will convene a stakeholder meeting to initiate the following plan, and initiate a public service notification plan that includes KBUT, and social media.

Priority 1 – Emergency Routes for ambulance and fire equipment, Public Works yard, and Marshal’s parking area.

Priority 2 – Mt. Express Bus Routes as determined by the snow event, and Red Lady Avenue near Community School (if open).

A. Elastic Clause

This plan may be superseded by verbal or written orders when, due to a shortage of personnel, equipment failure, and/or extreme weather cycles, conditions warrant necessary changes to accomplish snow and ice control operations.



To: Town Councils of Crested Butte and Mt. Crested Butte

From: Whatever Ad Hoc Committee
(CB: Huckstep, Mason, Crossett)(Mt. CB: Clayton, Barnes, Fitzpatrick)

Date: November 13, 2014

Subject: Recommended Allocation and Distribution of Whatever Project Monies

As part of the Whatever, USA, event that occurred in September 2014, Western Colorado Events agreed to donate \$500,000.00 towards a community project as agreed upon by the Towns of Crested Butte and Mt. Crested Butte. On November 7, 2014, Crested Butte's representatives met with Mt. Crested Butte's representatives. The Joint Committee discussed projects that would benefit the overall community in the upper valley, developing a list of recommended projects for funding from the Whatever funds.

The Joint Committee presents the following recommendations for use of the Whatever funds:

1. **Recreation Path Extension (Approx. \$60,000):** The Recreation Path connecting Mt. Crested Butte and Crested Butte is concrete from the northern side of the Slate River Recreation Path Bridge to Mt. Crested Butte. The Committee recommends that approximately \$60,000 of the Whatever funds be allocated to hard-surface the Recreation Path from the southern end of the Bridge to 8th Avenue.

Timeline: This project could be completed in Spring 2015. It has a short planning/engineering timeline and minimal recurring costs.

Benefits: Hard-surfacing the entire Recreation Path will complete access between the Towns for use by multiple forms of mobility. Currently, individuals on road bikes, wheelchairs or limited mobility avoid the Recreation Path principally because of the gravel, uneven surface from 8th Avenue to the Bridge. Hard-surfacing will help these individuals have better access to an important amenity for both communities. This project will benefit our local citizens and tourists.

2. **Big Mine Park Improvements (Approx. \$300,000):** The Big Mine Park has been an ongoing focus for improvements for many years, most recently through the construction of a metal roof over the Ice Rink in 2011. Since that time, the Hockey Program has seen substantial growth in volume. The Crested Butte Nordic Center, located in the Big Mine Warming House, has also seen substantial growth (59% in Winter 2013/14). The growth

**Whatever Ad Hoc Committee
Joint Recommendation Report
November 13, 2014**

of these two programs has created significant challenges in sharing the limited space of the Warming House. In addition, Big Mine Ice Arena has seen increasing use (and demand for use) in the summer by various nonprofit groups in the community. The Committee recommends that approximately \$300,000 of the Whatever funds be allocated to improve Big Mine Park pursuant to the recommendations set forth within the Master Plan currently being performed for the Big Mine Park.

Timeline: This project could feasibly begin in 2015. The Whatever funds are not expected to be sufficient to complete improvements. The Committee recommends that the Towns ask the Nordic Center and the Hockey Association to raise matching funds collectively equivalent to half of these funds, or \$150,000. It is expected that additional funds may need to be raised for the project, but that these \$450,000 funds would represent a majority of funds needed.

Benefits: Improving Big Mine Park will help improve an existing public amenity by alleviating the congestion of the Warming House in the winter, benefitting individuals from all walks of life within our community. This will also help encourage the economic growth of both the hockey and the Nordic programs in our valley, benefitting both Towns. Improvements will also benefit summertime users of Big Mine Park, including nonprofits in the valley.

3. **Block 79/80 Infrastructure (Approx. \$140,000):** Blocks 79 and 80 in Crested Butte are platted to include a major number of affordable housing units. Infrastructure does not currently serve these two blocks, thus preventing any new affordable housing development. The Town's 2015 Budget anticipates completing the infrastructure at a cost of \$550,000. \$150,000 of these funds are projected to come from a DOLA Grant, although receipt of the grant is not guaranteed. The Town also initially projected \$200,000 of necessary revenues to come from the Gunnison Valley Housing Foundation. The Foundation's funds have become unavailable due to lending requirements for the Anthracite Place project. The Town can feasibly pay up to \$410,000 of project costs without subjecting itself to undue financial risk, taking \$200,000 from the Affordable Housing fund and \$210,000 from General Fund reserves. The remaining cost of approximately \$140,000 is necessary to ensure project completion in 2015.

Timeline: With the additional \$140,000 of Whatever funds, this project can be completed in 2015.

Benefits: Affordable Housing is a major concern and need across both communities of Crested Butte and Mt. Crested Butte. The installation of infrastructure in Blocks 79 and 80 will allow for significant future development of affordable housing, benefitting the workforces of both Towns. These blocks could also serve as the foundation for future affordable housing projects by both Towns, in the event other lands are not available for affordable housing development.

**Whatever Ad Hoc Committee
Joint Recommendation Report
November 13, 2014**

Contingency: The Town of Crested Butte's 2015 budget anticipates the sale of one lot within Paradise Park after releasing the deed restriction on the lot. The net proceeds from the sale are designated to pay the tap fees for the Anthracite Place project. Those tap fee waivers have a total cost of approximately \$350,000. The budgeted net proceeds from sale of the lot are \$300,000. In the event that the net proceeds of the lot sale are in excess of the tap fee waivers for Anthracite Place, then the remainder of the net proceeds are recommended to reduce the Whatever funds designated towards Block 79/80 infrastructure on a dollar-for-dollar basis. In that event, the released Whatever funds are recommended to be directed to the Big Mine Park project.

(For example: if the sale of the Paradise Park lot nets \$400,000, the funds would fully pay off the \$350,000 of Anthracite Place tap fees. The excess \$50,000 would be directed to Block 79/80 infrastructure. Under that scenario, the recommended \$140,000 of Whatever funds would be reduced to \$90,000. The Whatever funds used towards Big Mine Park improvements would then increase from \$300,000 to \$350,000).

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MEMORANDUM

Non Attorney - Client Privileged and Confidential Communication

TO: Town Council

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

FROM: John Belkin, Town Attorney

DATE: November 4, 2014

RE: Town Council Decisions in Annexation Proceedings

As you are aware, an application for concept review for an annexation was submitted with the Town on or about October 9, 2014. Town staff, the Crested Butte Fire Protection District and the Gunnison County Planning Department have conducted a review of the application. Town Planner Michael Yerman and I met with the applicant, their civil engineers and attorneys on November 3, 2014. It is anticipated that the concept application will be before the Town Council at its December 3, 2014 regular Town Council meeting.

This memo focuses on the Town Council's role in reviewing and making decisions on the annexation application.

TYPES OF ACTIONS OF THE TOWN COUNCIL - GENERALLY

As we deal with regularly, the actions of local governments can generally be categorized as "quasi-judicial," "legislative" or "administrative" in nature. Due process notice and hearing are not generally required for legislative actions. Examples of local government actions that qualify as quasi-judicial (i.e., requiring due process notice and hearing) and legislative or administrative (i.e., not requiring due process notice and hearing) include the following:

Quasi-Judicial:

- Action on a development plan.
- Rezoning decisions.

Non Attorney - Client Privileged and Confidential Communication

- Individual license or permit decisions, such as, for example, liquor and beer licensing.
- Various decisions by other public officials on personnel terminations (and perhaps other significant personnel disciplinary decisions), at least where the employee has a property interest in employment.
- A decision on a planned unit development sketch plan.
- Grant or denial of a zoning variance.
- Apportioning the cost of special improvements to properties within a special improvement district.
- Grant or denial of a special use permit or special review use.
- Tax assessment.
- Approval or denial of a subdivision plat.

Legislative:

- Adoption of a non-binding land use plan or master plan.
- Adoption of an amendment to a mountain view ordinance, extending building height restrictions to several hundred lots.
- Setting of salaries and establishment of prevailing rates as an incident to fixing salaries.

Administrative:

- Amendment of a lease agreement.

Not all actions of local governments fall neatly into one category or another, however. For example, rezoning decisions are quasi-judicial for purposes of judicial review, but are legislative for the purpose of initiative and referendum actions.

QUASI-JUDICIAL DECISION-MAKING; EX PARTE COMMUNICATIONS

Courts have determined that the decision to annex is a legislative decision. This being said, many of the other parts of the annexation process, including zoning and subdivision generally require quasi-judicial decisions that are subject to constitutional due process and the satisfaction of notice and hearing requirements.

In your position as a member of the Town Council and the Planning Commission, it is important that you recognize that some of the positions, statements and communications that you take or make now could affect your ability to participate in certain proceedings down the road in connection with the annexation application. For this reason, as you make statements, you need to understand certain important legal requirements that affect your decision-making that have foundations in constitutional due process.

In making quasi-judicial decisions, due process (constitutionally fair procedure) generally requires that the decision-maker only consider evidence and testimony that it receives at the hearing or like proceeding on the matter and not be based on *personal opinion*, bias and/or pre-disposition on the issue at hand. That testimony and evidence make up the record of the proceeding. If there is an appeal of your decision, the reviewing court will look to see if evidence in the record supports the decision. Pre-made decisions not made based on the evidence on the record would clearly violate this requirement and potentially subject you and the Town to costly liability.

Generally speaking, you are free to discuss legislative matters with citizens at any time; however, you should not receive evidence or argument on pending quasi-judicial matters outside of the official record (including any hearings on the matter). By extension, a pre-made decision or position not established based on the record would violate this requirement.

Information received outside of the record is an “*ex-parte* communication.” Courts generally hold that such communications are improper and may provide legal grounds for overturning a decision. This rule against *ex-parte* communications ensures impartial decisions by requiring disclosure of all evidence and argument presented to the decision maker. The rule also gives everyone involved a fair chance to respond to all evidence and argument that may affect the decision.

Ex-parte communication means any oral, written, electronic or graphic communication with you about a quasi-judicial matter that may directly or indirectly relate to the matter and that could influence the disposition of the matter – except communications made “on the record” of the quasi-judicial proceeding. This includes communications by the applicant, members of the public and the Town staff outside of the public meeting.

ANNEXATION DECISION-MAKING

As a board, you need to collectively decide how you want the information flow and decision-making to occur in regards to the annexation application.

From a legal perspective, and from the administrative perspective of the Town staff, we strongly recommend that you treat the entire annexation process from its inception as a quasi-judicial matter.

In sum, the Town staff and I will process the application and all its associated parts pursuant to the Crested Butte Municipal Code, Crested Butte Area Plan and Colorado law, and the Town Council and the Planning Commission will have every opportunity to make decisions on each part of the same on the public record at the appropriate times in the public process. The only matters limited by this model, as opposed to the Town Council approaching the matter as legislative per se, is that the applicant, the public and to some extent the Town staff cannot communicate with the Town Council and the Planning Commission outside of a public meeting. All discussions and decisions must be had and made by the Town Council and Planning

Commission during a public meeting. This affords the applicant due process; it affords the public the opportunity for its input to be considered in the process; and it requires the Town Council and Planning Commission to consider all the evidence, establish its findings and perform all of the foregoing on the record in public. It also sets clear demarcation lines on the Town Council's inability to have *ex parte* communications.

In conclusion, the most prudent manner in which to process the annexation application from a legal and administrative perspective is as a quasi-judicial matter. It allows the Town staff to perform its functions and bring the application and its associated parts to the Town Council for its ultimate decision on the record. It affords the applicant its full, unadulterated due process rights, allows the public to have its input considered on the record and puts clear limits on *ex parte* communications. Lastly, it keeps the Town Council together as a unified body in considering all the evidence at the same time, as opposed to piecemeal in separate conversations.

Please call me if you would like to discuss the contents of this memorandum or should you have any questions. I will include an agenda item on the Town Council agenda for December 3, 2014, before you consider the concept application, to address my recommendation above and get clear direction from the Town Council on how it would like to proceed.

###

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MEMORANDUM

Non Attorney - Client Privileged and Confidential Communication

TO: Town Council

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

FROM: John D. Belkin, Town Attorney

DATE: November 26, 2014

RE: Part 2 - Town Council Decisions in Annexation Proceedings

-
- On November 4, 2014, I delivered to you the attached memorandum.
 - To be clear, my recommendation and that of the Staff remains as set forth in that memorandum parroted as follows:
 - That the Town Council treats the entire annexation process from start to finish as a quasi-judicial matter.

This being said, and having heard from several Town Council members concerned about not being able to have open discussions with the public outside of a public hearing on the matter, I suggest that the Town Council consider the following “combined model” that should satisfy everybody’s concerns:

- The Town Council can, under Colorado law, consider the concept annexation request as a legislative matter, thus allowing *ex parte* communications with the public and the applicant.
 - ✓ This is permissible because no public hearing is required under the Town Annexation Ordinance, so no due process requirement exists.
 - ✓ The concept review process is an annexation process per se, not a land use process subject to important due process requirements.

- The Town Council can, under Colorado law, consider any pre-annexation agreement in the same manner as the concept annexation request, i.e., legislatively, for the same reasons applicable to the concept annexation request.
- Following the Town Council's approval of the concept annexation request and any pre-annexation agreement, once a formal annexation petition is submitted, the annexation proposal must be reviewed and considered entirely as a quasi-judicial matter. Why?
 - ✓ Because the formal annexation petition and all its integrated parts involve a determination of the rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the particular interests in question and accordingly is a quasi-judicial action and therefore no *ex parte* communications are permitted.
- As to *ex parte* communications, here are some good rules of thumb to live by that are sometimes preached by Gerald Dahl, long-time special legal counsel to the Town and annexation guru:
 - ✓ Contacts between the applicant, opponents or interest persons, including members of the public, and the Town Council or Planning Commission outside of publicly scheduled hearings and meetings on the application after it has been filed with the Town are prohibited.
 - ✓ The consequence of engaging in *ex parte* communications can be as severe as invalidating the final action of the Town Council or Planning Commission.
 - ✓ Once approached or called by the applicant, opponents or interest persons, including members of the public, and the matter is identified, immediately advise such persons that it is improper for you to talk about the case outside of the hearing room. Urge these persons to bring their points of view and testimony to the hearing.
 - ✓ Make sure that any materials that you receive from the applicant, opponents or interested parties, including members of the public, outside of the hearing room are given to the Town staff to be copied and shared with everyone at the time of hearing.

- ✓ Disclose the contact at the beginning of the hearing. Describe its content as completely as possible. In extreme cases, you may be required to step down and not be allowed to participate any further.
- ✓ On site visits, it is prudent that you avoid any contact with the applicant, opponents or interested parties, including members of the public. Even “informational” contacts at the site are still considered *ex-parte* communications.
- ✓ Staff contact is permitted; *however*, staff cannot be used as a “human telephone” with which to communicate with the applicants, opponents or interested parties, including members of the public.
- Both Town staff and I understand that the limitations on *ex parte* communications under Colorado law described above put the Town Council in a difficult position with members of the public; namely, it is often difficult for the public to understand why they can’t communicate with Town Council members outside of the public hearing, especially when some of these persons cannot attend Town Council meetings.
 - ✓ My recommendation on addressing these kinds of situations is as follows:
 - First, you should explain the concept of *ex parte* communications to the effected person and why such communications are not permitted under Colorado law. I suggest using the example of a judge hearing a criminal matter and the prohibition on the judge discussing the case in the hallway while on a break with a member of the public, the defense attorney and/or prosecuting attorney.
 - Secondly, if the member of the public cannot attend the public hearing to make his or her comments, concerns, etc. known on the hearing record, again, after explaining to that person the concept of *ex parte* communications and using the above example, you should refer the effected person to the Town staff, namely the Town’s Planning Director. The Town Planning Director can then assure that the subject comments, concerns, etc. are properly included on the public record and can be deliberated on by the Town Council or Planning Commission as testimony on the matter.

RECOMMENDATION:

- I recommend that you review this memorandum carefully along with my previous memorandum delivered to you on November 4, 2014. Following which, if you have any questions, we can discuss the same during the meeting on Monday night under the item on this topic that I have included on the agenda.

Town Council
Re: Part 2 - Town Council Decisions in Annexation Proceedings
November 26, 2014
Page 4

- I also recommend that we discuss the contents of this memorandum during the meeting Monday night and that the Town Council as a body confirm during the meeting its approach toward the annexation proposal as discussed.

Enclosure

###



To: Mayor Huckstep and Town Council
From: Michael Yerman, Town Planner
Thru: Todd Crossett, Town Manager
Subject: **Slate River Annexation Concept Review**
Date: December 1, 2014

Process

Concept Review is the first step in the annexation process and is intended to allow the applicant to obtain an informal response from the Town Council on their application prior to the submittal of a formal annexation petition. The code requires the applicant provide detail to three main concepts in their submittal which include transportation, land uses, and water and sewer services. The applicant has also provided additional details on several other aspects of the project for the Town Council to consider. However, it is important to understand that the applicant is not required to submit detailed engineered plans, lot layouts, wetland studies, and other details at the Concept Review stage. While there may be a desire to see additional details, the requirements of the code only require the applicant have a concept for the layout for the property. The concept layout in turn will dictate more detailed plans as we move forward.

Staff is recommending the Council utilize the following agenda in considering this proposal by the applicant.

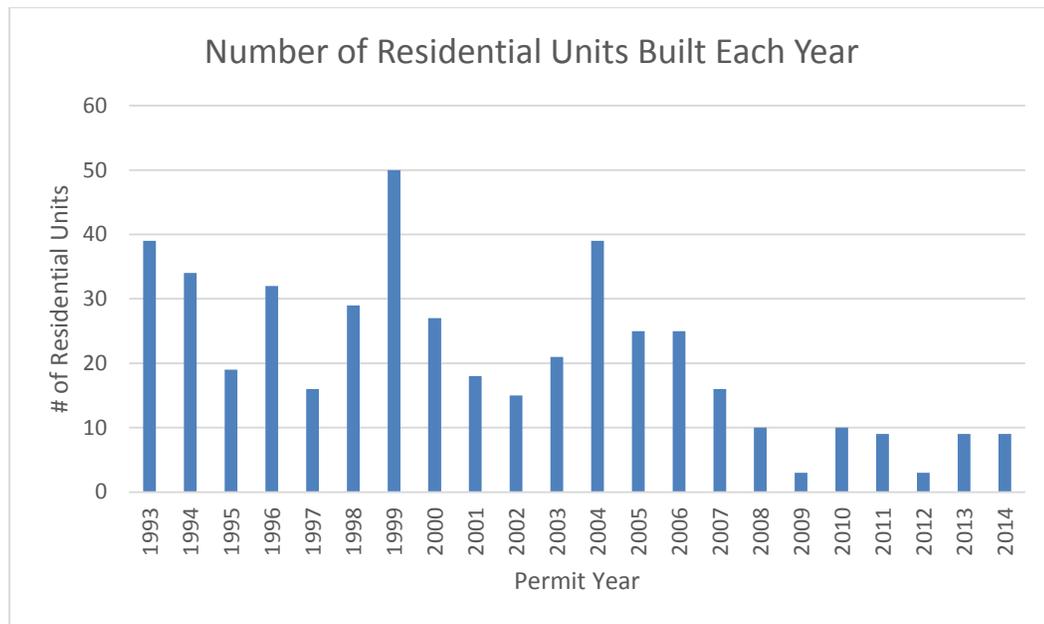
1. Presentation of application by applicant
2. Council questions of the applicant
3. Public input
4. Applicant response
5. Staff review
6. Council deliberation and discussion

General Overview

The Slate River Annexation will annex a 44.5 acre parcel that shares contiguity with the Town Boundary on the northeast side of the Town. The applicant will meet the statutory requirements of the 1/6 contiguity of the Municipal Annexation Act of 1965 with the proposed application. The annexation proposal will create a new neighborhood on the Town's northern gateway and a residential development to the east of the Slate River. There are several unique characteristics of this property

including a former town landfill, wetlands, topography, and wildlife habitat. This parcel also shares contiguity with the Town Cemetery.

The application includes a variety of land uses including commercial and mix uses along the Gothic corridor and up to 115 residential units on 75 lots. The Town of Crested Butte currently contains 1,114 residential units. The applicant’s proposal at complete build out would add an additional 10% of residential units to the Town. The graph below shows new home startups since 1993. While a complete market study has not been conducted this graph is intended to help illustrate the Town’s absorption of new residential units since 1993.



Landfill Remediation

The applicant is proposing to remediate the old Town landfill through the Voluntary Cleanup and Redevelopment Program. The applicant has also proposed to clean up the portion of the landfill located on the Town’s property at no cost to the Town. The applicant has engaged a professional cleanup company Casey Resources to conduct the cleanup of the landfill. Environmental analysis reports have not been reviewed by Town Staff at this time.

Key Discussion Points:

- Does the Town Council want to explore remediation of the landfill?
- Does the Town Council want to allow the applicant to remediate the landfill on the Town’s property?
- What other considerations does the Council want staff to explore with applicant in regards to the Landfill remediation?

Transportation Review

The applicant has proposed 2 different design layouts that create two different street layouts. Direction is needed by the Town Council on the preferred design layout.

Grid Proposal

Maintaining the grid is essential to the absorption of this development into the Town to help reduce the impacts caused by increased traffic. The grid allows the dilution of traffic by providing additional options to paths of travel. This is particularly important with this development because of its location in respects to the Gothic Corridor.

While both proposals include a grid on the western half of the development, the grid is also maintained on the eastern portion of the property as well with the Grid proposal. The eastern portion of the property is particularly challenging due to the topography and sensitive wetlands. However, either plan will require disturbance to the natural environment of the eastern portion of the property. Maintaining the grid has numerous benefits just as it does in the remainder of the Town. It allows for traditional lot sizes, minimizes front loaded garages, provides for better circulation, will allow for the look and feel of a Town neighborhood, architectural standards will be those of typical Town lots, and provides essential space for utilities in alleys. While the grading for new roads and creating the grid will require additional disturbance the eastern half of the property, there are significant long term benefits to maintaining the traditional neighborhood development over suburban sprawl.

Key Discussion Points:

- Would Town Council be willing to consider reduction in wetland setbacks to maintain the grid on the eastern portion of the property?
- How important is maintaining the grid and the fabric of the Town to the Council?
- Can additional mitigation measures be put in place to protect wetlands in areas where the wetland setbacks are reduced?

Natural Proposal

The natural proposal maintains the grid on the western half of the development which is essential to making connections to 7th and 8th Street. However, the natural proposal creates an organic street layout to incorporate the proposed residential neighbor. This proposal utilizes topography and respects the required wetland setbacks. However, to construct new roads and install the necessary utilities will still require significant amounts of grading and cut and fill to accomplish this layout. This will also result in odd shaped lots, the loss of the traditional development pattern of the Town and could have long term consequences cause by suburban sprawl.

Key Discussion Points:

- Is the Town Council willing to allow the applicant to deviate from the requirements of maintaining the grid?
- Will this development lose the look and feel of a Town Block and therefor become an exclusive community?
- What will be the long term costs of maintaining the utilities?

Gothic Road

The applicant is proposing two additional access points to Gothic Road which is essential to not creating a bottle neck at new intersections. This will help dilute traffic impacts at each of the proposed intersections. However, the applicant is proposing the Gothic Road corridor will continue to remain in County and be maintained by the County. While the County has indicated that they may be willing to entertain this proposal, this issue is very important for the Council to consider with this application. Particularly because Gothic Road corridor requires 24 hour snow removal maintenance which the Town cannot absorb without significant long term costs to the Town.

Key Discussion Points:

- What improvements should be required of the Gothic Road Corridor? i.e sidewalks, curb and gutter, streetlights?
- What provisions should be considered with the County on future maintenance of this Corridor if this application is approved?
- What improvements will be required of the road surface of Gothic Road?

Other Roads and Alleys

The proposal will continue to utilize Town standards for the construction of roads within the development. The applicant is proposing one bridge within the development to access the eastern half of the development. Initial discussions with the Crested Butte Fire Protection District have indicated that one bridge will be suitable for the proposed density on the east side of the development. Staff would like to see 8th Street continue to the parcel to the North to make a future connection if this property ever chooses to develop. Also staff would like to see the proposed park expanded over the alley space behind Poverty Gulch to allow additional playing area for this future park.

Key Discussion Points:

- Does the proposed street network adequately meet the needs of the proposed development?
- Should 8th Street continue north to accommodate future development?
- Is there a need for an alley behind Poverty Gulch or should this area be added to a new park to create enough space for a new playing field?

Trails

The applicant is proposing a variety of trails and sidewalks within the development. Overall the proposal makes connections to the critical public uses within the development. This includes extending the 8th Street sidewalk connection, extension of sidewalks on Gothic, a Slate River Trail, and an east/west connection to the perimeter trail along Road B.

Key Discussion Points:

- Are there any areas that should also be serviced by additional trails?
- Is it appropriate to have a Slate River trail and how will this trail effect wildlife habitat?
- What is Council's vision for the construction and maintenance of these trail surfaces?
- What will be the expectations for the construction and maintenance of the trails within the development?

Other Transportation Items

The applicant is proposing a transit stop on the 8th Street Corridor. At this time, Mountain Express has not been asked to comment on the application. If approved, they will be asked to comment at the next stage on possible transit facilities.

Key Discussion Points:

- What other transportation improvements should be considered with this application?
- Is a stop on the 8th Street Corridor the logical spot for transit expansion?
- How would a circulator bus work with this development?

Land Use Review

The applicant has proposed a variety of land uses within the development which will create a new neighborhood on the northern edge of the Town. The land uses range from commercial, business, office, and multi-family to single-family residential and new public spaces for parks. The proposal includes areas for affordable housing, civic uses such as a fire station and public works storage facilities, and new parks for the community.

As part of the application, the applicant is proposing including a portion of Town owned land to be incorporated into the development. A majority of the Town owned land will be turned into a park or become right-of-ways for the development's road network.

Key Discussion Points:

- Is the Town Council willing to consider allowing the annexation to include a portion of Town owned land as part of the development proposal?

Commercial, Business, and Professional Services

The applicant is proposing two blocks of commercial, business, and professional services uses. These uses are located along the Gothic Corridor. These blocks will help provide additional funding within the Street and Alley property tax mill levy to help fund the future maintenance of roads located in the development. While an analysis of tax revenues has not been produced at this point in the application process, commercial property tax rates are three times those of residential and are significant to maintaining the infrastructure in the proposed development.

Key Discussion Points:

- Are commercial uses appropriate in the proposed locations?
- How important is it to Town Council that the property tax mill levy will pay for the future maintenance of this development?

Residential

The applicant is proposing a variety of residential uses ranging from a large multi-family affordable housing project to single-family homes on the eastern portion of the development. The applicant is proposing 75 lots with up to 115 units. The applicant is proposing densities of 5 units per acre on the west side of the development and 3.5 units per acre on the east side of the development. The applicant is also proposing a mixed-use residential component to the commercial uses.

Key Discussion Points:

- Is the proposed density appropriate for this development proposal?
- Are the different housing types proposed suitable for this development?
- Is the low density neighborhood appropriate on the eastern portion of the property?

Fire Station Relocation

The applicant is proposing the possibility of relocating the fire station to the northern parcel on this property. The initial conversations with the Crested Butte Fire Protection District have been receptive of the possibility of moving to a new location. Town staff would encourage a dialogue between the Council and the District's Board on the possible relocation of this facility if Concept Review is approved and the application moves forward.

Key Discussion Points:

- Does the Town Council want to consider the relocation of this facility to a new location within the development?

- Is the space provided enough room for additional emergencies services to co-locate at this site?

Public Work Yard

The proposed development will have significant operational impacts on the Public Works, Parks and Rec, Sewer Plant, and Mt. Express operations. The area to be converted as a new park will remove outdoor storage and the tow lot. As the Town continues to grow we are reducing the space in this location by about 1/4. We are also creating a neighborhood that will surround this vital facility that currently sits on the edge of the Town.

Key Discussion Points:

- As the Town grows where will the vital operations of the Town grow?
- Should a facility plan be created to understand the long term needs of the Town's operations?
- What opportunities exist with this proposal to allow responsible growth of this facility?
- What additional mitigation measures can be done to ensure public safety at this existing facility?

Affordable Housing

The applicant acknowledges the requirements of the Town code for affordable housing. There are a variety of options for fulfilling the requirements of the code. The applicant has also proposed building a similar project to Anthracite Place to help fulfill the requirements of the code.

Key Discussion Points:

- Does the Town Council want to consider allowing the applicant to fulfill the affordable housing requirements by allowing the applicant to construct units?
- Is the Council interested in considering a multi-family rental affordable housing project with this development?
- What are Council's other thoughts on how this requirement might be met by the applicant?
- Will affordable housing in this development receive the 2/3 system development subsidy?

Parks and Open Space

The applicant is proposing to leave 70% of the site as open public lands. The applicant is proposing two park facilities and creating a river park trail system. With the inclusion of the alley behind Poverty Gulch there is a possibility of creating a playing field on the eastern proposed park. The northeast park would be a natural park which could be possibly utilized for disc golf and trails.

Key Discussion Points:

- Does the Town Council want to consider allowing the applicant to fulfill park requirements on Town owned land?
- What are the Council's thoughts on the applicant's obligations to help construct these park improvements?
- Does the Council feel the park space proposals are adequate to serve the proposed development?
- What will be the ownership structure of the open space areas?

School Land

Since the densities in the proposed development will only equal a land dedication of a third of an acre, the applicant is proposing to make a payment in lieu or to provide teacher affordable housing. The School Board will have to weigh in on this proposal as well if concept review is approved.

Key Discussion Points:

- Does the Town Council want to consider allowing the applicant to fulfill the school requirement with affordable housing?

Water and Sewer Services

As part of annexing new lands into the Town, the applicant is required to discuss how the development will provide additional water and sewer infrastructure. The applicant is also responsible for offsetting the additional demands that are placed on the Town's systems. The applicant will be responsible for installing water and sewer infrastructure for the development. There are a variety of forms this could take including participation in upgrades to the systems, additional water rights, or payments to help offset costs.

At this time the Town's water rights could be sufficient to accommodate the potential growth from this development. However, the Town's water treatment capacity will require system upgrades in the future. Irrigation water for the Town parks also places a large demand on the Town's treatment capacity.

The Town's sewer treatment capacity has reached capacity and Town staff will be performing a performance evaluation to see whether the plant has additional capacity in 2015. However, this development, if approved, will require the Town to begin expensive engineering and upgrades to the Town's plant. The applicant has proposed providing funding for engineering if the application is approved which would require these upgrades.

Key Discussion Points:

- Does the Town Council want explore system upgrades instead of additional water rights with this application?
- Does the Town Council feel system development fees from the proposal are adequate to upgrade the Town's water and sewer plants?
- Is the Council willing to consider allowing the applicant to assist in designing and engineering for the sewer plant if the application is approved and the State requires the Town to begin this process?

Required Action on Application

Town Council may approve or deny the application. The conceptual review application must be approved to allow the applicant to submit a formal annexation petition and continue the process. The Council may also continue the application to a date certain to allow the applicant to provide additional information.

If the Council desires to approve the application, Town staff would recommend that Council consider the following condition at a minimum:

1. The applicant and Town execute a pre-annexation agreement prior to the submittal of an annexation petition and subdivision application.



The Slate River Addition Concept Annexation Application October 10, 2014

PREPARED BY:

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CYPRESS

Introduction

Cypress Foothills LP (the “Applicant”) is pleased to present this concept annexation request to the Town of Crested Butte (the “Town”) in accordance with Section 15-1-50 of the Town Code. Applicant looks forward to working cooperatively with the Town, Council, and Staff to develop the best possible project at this unique location.

Applicant has assembled a dynamic team of experienced development professionals, each bringing a breadth of experience and creativity in their own respective disciplines. Together, the team combines world-class expertise with intimate local knowledge that will prove vital to delivering the collective goal: a responsible, sustainable development that not only preserves the unique character of the Town, but further enhances the quality of life for its current and future residents for many years to come. The development team is comprised of:

Cypress Equities – founded in 1995 by Chris Maguire, a long-time second homeowner in the Crested Butte community, Cypress Equities companies have acquired and constructed over 18 million square feet of retail, residential, office, and resort projects in markets across the country.

HKS Architects – globally recognized as one of the world’s premier architecture firms, with a specialty practice in hospitality and urban design, HKS Architects have envisioned and delivered exceptional spaces for people to live, work and play in nearly 1,500 cities throughout 84 countries.

SGM Civil Engineers – one of the top engineering firms on the Western Slope, and undoubtedly a familiar name in the East River Valley, SGM has provided engineering solutions to Colorado communities for decades. SGM’s Tyler Harpel brings a vital familiarity with Town of Crested Butte and an intimate knowledge of the subject property in particular.

Law of the Rockies – based in Gunnison and widely respected in the local community, Law of the Rockies has established itself as one of the preeminent legal practices on the Western Slope. Law of the Rockies’ member Marcus Lock is known for crafting creative solutions to complex problems.

The primary goal of this submittal, as stated in section 15-1-50 is “to allow the applicant to obtain an informal response from the town to the general elements of the proposed annexation.” Accordingly, this narrative and the accompanying materials are only intended to introduce the annexation concept consistent with the requirements of Section 15-1-50. Applicant will, of course, provide additional details and specifics, reflecting input from the Town, in the formal annexation petition submitted pursuant to Section 15-1-60 of the Town Code.

This concept annexation request includes the following materials consistent with Section 15-1-50(a) through (d):

- (a) Concept maps showing the lands proposed to be annexed and the method for achieving the one-sixth (1/6) contiguity required by the Municipal Annexation act of 1965;
- (b) A general description of proposed land uses and densities for the lands proposed to be annexed;
- (c) A description of proposed water, sewer and transportation service to the lands proposed to be annexed; and
- (d) A description of proposed roads, sidewalks, and pedestrian access and circulation as they relate to the lands proposed to be annexed.

Concept Maps (Town Code 15-1-50 1.a)

For the convenience of the Town, and in order to illustrate the general elements of this annexation concept, Applicant is providing five different maps with this concept annexation request:

- A concept annexation map showing the legal description and boundaries of the property (containing two sheets);
- Two sets of land use maps illustrating alternative proposed layouts of the annexation concept, land uses, and densities. As discussed further below, Applicant and Town Staff identified competing goals with respect to the layout of the proposed annexation. On the one hand, the Town has historically desired to preserve the Town grid to the extent practical. On the other hand, the Town Code seeks to preserve the natural character of the land in various ways. Accordingly, Applicant and Town Staff thought it would be appropriate to present the Town Council with two different layouts, one more grid-like in appearance (the “Grid Plan”), shown on **Exhibits 1** and **2**, and the other more consistent with the natural features of the property (the “Natural Plan”), shown on **Exhibits 3** and **4**. Presentation of both the Grid Plan and the Natural Plan affords the Town Council the opportunity to decide which of these two approaches is more desirable. The differences between these two layouts are further described below.

General Description of Proposed Land uses and Densities (Town Code 15-1-50 1.b)

The proposed Slate River Addition is a 44.50-acre parcel of land directly adjacent to and immediately north of Butte Avenue on the northeast side of the Town of Crested Butte. This piece of property was historically owned by the Trampe family, but is no longer viable for ranching and has not been used for active ranching in many years.

The property contained within the proposed Slate River Addition is identified in the Crested Butte Area Plan (the “Area Plan”) as appropriate for transitional density between the denser more urban areas in Town and the lower density residential areas outside of Town.

The majority of the property has relatively mild grades, but there are some areas with highly variable topography. In addition, the Slate River bisects the property, and there are wetlands on the site. Therefore, Applicant acknowledges the need to reach an appropriate balance between respect for the Town grid and preservation of “the natural character of the land” to ensure compatibility with “existing topography, drainage patterns and other natural features” of the property, as required by Section 17-8-20 of the Town Code. Thus, Applicant has prepared two plans exhibiting these competing concepts. Despite their differences, both plans provide the following:

- Public Access to the Slate River, including a proposed river park and trail
- Land for the proposed new fire station (or other civic use)
- Key trail connections, further described herein
- Proposed park space spanning a 325’ x 125’ block
- Large park space in the northeast area of the annexation
- Important 7th Street and 8th Street connections
- Proposed built affordable housing, to be constructed by Applicant
- Cleanup of the old Town Landfill

Both plans are very similar on the west side of the Slate River, each striving to maintain the Town grid as much as possible near the southwest corner of the property. The only difference is a straightening of “Road B” on the Grid Plan, which encroaches into the wetlands buffer of the Pond Wetlands. As for the east side of the river, the primary differences between these two alternatives are summarized below and illustrated on Exhibits 1-4.

Exhibit 1: The Grid Plan

As mentioned above, Road B will impact the existing Pond Wetlands in order to maintain the grid structure and spacing. The combination of the Pond Wetlands, rolling topography, and limited space limit the potential to extend the grid into the area north of Road B in both proposed plans.

The bridge crossing the Slate River is set at the best possible location to:

- limit the overall length of the bridge,

- make the bridge it as perpendicular to the river as possible, and
- establish relatively similar landing-point elevations

On the east side of the river a single block grid structure is set up similar in size to a standard Town block but slightly smaller due to available space. The block is also oriented north to south to best fit the area between two wetlands. Some of the lots will have to encroach into the 100' wetland setbacks from the East Wetlands in order to accommodate the grid. To achieve this configuration, the entire residential area east of the bridge would have to be disturbed and re-graded, which is invasive to the natural topography, inconsistent with natural drainage patterns, and would require significant cut and fill work.

There is an alley in the center of the grid on the east side but the perimeter lots would be front loaded from the street. Adding alleys around the back side of the perimeter lots would not only take up more space but add additional impacts to the wetlands, increase the amount of plowed area and storm water runoff, and increase the area that would need to be maintained.

Exhibit 2: Grid Plan Overlay

Exhibit 2 shows the same proposed Grid Plan layout as Exhibit 1 and overlays the topography, wetlands, wetlands setbacks, Town landfill, and flood plain boundaries.

Exhibit 3: The Natural Plan

Exhibit 3 shows a more natural layout option. This option does not completely abandon the grid concept; adjacent to Butte Avenue it follows the grid format with a transition to a more natural composition as you move to the north and east of the Property. The Road B connection point onto Gothic road and the river crossing are both in the same locations as the Grid layout. However, in this plan, Road B curves to the south near the Pond Wetlands so there is not such an abrupt increase in elevation. More importantly, in this configuration Road B maintains at least a 25' buffer from the Pond Wetland.

A key component of the Natural Plan design is ensuring a 25' buffer from lower quality wetlands, a 100' buffer from higher quality wetlands and a variable buffer based on topography along the Slate River. This layout very strictly follows the wetland buffer setbacks, flood plain setback and tries to follow the natural topography as much as possible. The road follows the higher elevations on the east side of the river, which would be far less invasive to the natural topography, require less cut and fill, and result in shorter roadway length and easier and less expensive future maintenance. This also leads to less area for snow plowing and a lower overall impact of the development due to storm water runoff. The natural drainage paths can also be followed much more closely with this layout, keeping within the open channel flow as much as possible.

In response to preliminary discussions with Town Staff, Applicant has strived to avoid making the east side of the river feel like private neighborhood in this plan, but rather has taken measures to maintain continuity with the character of Town while still providing a transitional connection between the higher density areas in Town and the lower density areas nestled in the rolling foothills and nearby elevated terrain. Accordingly, Applicant has adhered to geometric structures for the roadways in this area to enhance its compatibility and consistency with the existing Town layout while striving to balance this more traditional layout with the natural topography and wetlands located in this area.

Exhibit 4: Natural Plan Overlay

Exhibit 4 shows the same natural layout as Exhibit 3, but incorporates topography, wetlands, wetlands setbacks, Town landfill, and flood plain boundaries.

Lots in the eastern portion of the development in both plans will be accessed primarily from street-front driveways. Since this area is proposed to be strictly residential and is not a through area, Applicant does not anticipate any problems associated with street-front access. Other examples of street front access in Town include:

- Portions of the existing blocks between 7th Street and 8th Street
- Beckwith and Journey's End roads
- The west half of Butte Avenue
- The Kapushion Annexation

Applicant proposes to develop the majority of the land within the annexation area as residential, with two blocks adjacent to Gothic Road set aside for a mix of uses. Applicant understands from Town Staff that there is a need for additional commercial, business and professional space within the Town that may be appropriate at these locations, in addition to residential. The additional tax revenue derived from the proposed commercial space, as compared to that generated by residential property alone, will also provide an increase in long-term funding to support future maintenance and repair of public infrastructure, not only within the proposed development, but off-site as well. Applicant's development concept also provides space adjacent to Gothic Road at the Northwest corner of the annexation parcel that could be used for a new, larger, and more modern fire station.

The residential areas can largely fit within existing residential zoning districts. There will be more R2 and R2A closer to Butte Avenue to provide for some multifamily housing and much-needed deed-restricted affordable housing closer to the Town core with better access to other Town facilities like the school. Various R1 zones will comprise the remainder of the development, from traditional R1 to R1E so that deed restricted units can be mixed in throughout the development, and potentially an R1D zone on the east side of the river to help transition to larger existing lots and open space outside of Town, consistent with the Crested Butte Area Plan.

Applicant anticipates that there will ultimately be approximately 115 units developed on about 75 total lots, though this estimate is subject to revision as Applicant and the Town move through the

annexation process. Consequently, this concept annexation proposal reflects a substantial reduction in density compared to the 155 units proposed for this land by the prior development group. It is also significantly less than the Recommended Maximum Density contemplated for this property in the Area Plan of 180.60 recommended maximum units when applying densities of 5.00 and 3.50 units per acre for the west and east side of the Slate River, respectively.

Town Code Review Standards

After taking into account the park space, public space, and open space being proposed in this annexation concept, developable lots will comprise less than 30% of the land in this proposed annexation, while more than 70% of the overall 44.5 acres of the property will be public.

Affordable and Local Housing

The current Town code requirement in article 17-12 calls for 60% of the overall proposed residential units to be deed-restricted for local housing, and 21% of the overall proposed residential units to be deed-restricted for affordable housing. Section 17-12-20 (3) authorizes adjustments to these percentages if Applicant were to actually construct the local or affordable housing. Applicant is interested in exploring the potential opportunity to design and build local and affordable housing to enhance the entry point to the Town as residents are traveling from the resort area back into the Town of Crested Butte. This would be consistent with the Area Plan's suggestion of enhancing entry points into the Town.

Applicant also proposes screening through berms, natural landscaping, and fencing to further enhance this entry point into the Town, and create a separation between the Public Works yard and the proposed development. Applicant understands the importance of maintaining the functionality of the Public Works facility adjacent to the proposed development and is interested in working with the Town to identify ways to ensure the preservation, or even enhancement of, resources available to the Public Works facility.

Applicant understands from discussions with Town Staff that an urgent need exists for additional multi-family affordable housing rental properties within the Town, and is interested in discussing the potential for building such developments as part of this project.

Applicant also appreciates and acknowledges the substantial time and effort the Town already has dedicated to the important issue of providing viable affordable housing options within Crested Butte. Accordingly, Applicant looks forward to working with the Town to identify and implement the best solution to providing local and affordable housing for the residents of the Town.

Public and Park Space

The exact acreages dedicated for public and park space will change slightly as the specific number of units is finalized during the annexation process. Regardless, Applicant will satisfy these requirements to ensure the character of Town and access to existing amenities are not adversely impacted by the annexation. The proposed land use maps show three parks; one will be a river access park, the second will be a large park space on the northeast area of the annexation, and the third will be a more traditional park located on the west side of the river between 7th Street and 8th Street.

River Park: A major amenity that is not currently available to residents in Town is public access to the Slate River, which would be possible with the addition of this River Park. Applicant proposes a park area on the east side of the river with a paved parking area for visitors to park. A trail will lead from the parking area along the Slate River northward to the bridge, and as suggested by Town Staff, potentially southward along the river as well, across a wetlands area to connect to the Rec Path.

Northeast Park: It is important to balance park types with Town needs and to respect the environmental sensitivity of the natural areas adjacent to the cemetery. Accordingly, Applicant believes that this area would be suitable for a more “natural” park setting with trails, benches, and potentially a relocated disk golf course, which would free up much-needed space at Big Mine Park. This would also limit the amount of water being used for irrigation.

West-End Park: After remediating the dump area (as further described below), Applicant proposes to incorporate a portion of the remediated dump area currently owned by the Town for purposes of providing a park on the west side of the river spanning nearly an entire 325’ x 125’ block, with the only exception being a small area abutting the Public Works yard designated for other civic use.

Overall the Applicant is proposing potentially more park space than what is required in the Town Code, based on the current proposed lot count. In addition to the park space, Applicant is proposing to set aside a large parcel of land at the northwest corner of the annexation area adjacent to Gothic Road for public civic use. A new fire station is one possible example for this area. This location would provide the Crested Butte Fire Protection District enough room for expanded modern facilities with quick access to both the Town of Crested Butte as well as the Town of Mt. Crested Butte. Conversations with Town Staff suggest that the relocation of the fire station is one subject that may be addressed in a pre-annexation agreement between the Town and Applicant.

Town Staff has also indicated the possible need of additional space for storage buildings near the existing Public Works yard, to offset land being incorporated into the development for park space. Applicant has provided a public parcel along 8th Street adjacent to the existing Public Works yard that could be used for enclosed/covered storage of vehicles, or other similar uses.

Additional public space is shown on the proposed land use maps for snow storage. Applicant's goal is to have various snow storage areas spread throughout the annexation, with the total snow storage space being equal to 1/3 the amount of overall plowed road and alley square footage.

Trails

The location of this annexation has the unique opportunity to connect the Town with the existing trail system outside of the Town. The concrete walkway along 8th Street is proposed to be extended into the annexation and across the bridge allowing for a seamless connection from the School, past Rainbow Park, and across the river to the existing recreation path. This connection could potentially even tie into the Nordic trail system in the winter. As previously mentioned, a trail along the east side of the river may also connect the Rec Path to the proposed River Park, should Town Council decide to permit the passage across the wetlands area. Accordingly, this project has the potential to greatly enhance the Town's already impressive trail system and recreational facilities.

School Land

Given the relatively low density being proposed, the amount of land the Town Code requires to be dedicated for school purposes is only about a third of an acre. Since this is too small to be usable for a school, Applicant anticipates that the Town would prefer a payment in lieu of such land, or to discuss the possibility for teacher housing. As with the other annexation requirements, Applicant looks forward to discussing these ideas further with the Town Council.

Open Space

The River corridor, including a corresponding wildlife corridor, and the areas in and around the wetlands are all proposed to be preserved as open space totaling approximately 18.7 acres on site or 42% of the total annexation. Applicant acknowledges that the Town Code requires additional open space, that offsite open space is one means of meeting this requirement, and that the Town's preference is preservation of these lands through conservation organizations like the Crested Butte Land Trust. Applicant looks forward to working closely with such organizations to preserve more valuable open space.

General Description of Proposed Water and Sewer Services (Town Code 15-1-50 1.c)

The properties contained within the proposed annexation will be serviced by existing utility infrastructure. Utility infrastructure systems will need to be extended to meet the service requirements of the subdivision.

Although the exact unit count has not been finalized, project design will accommodate anticipated water, sewer, and shallow utility demands. Applicant will contact each utility provider and discuss the ability of these providers to serve the project. Utility providers include

the Town of Crested Butte for water and sanitation, Atmos Energy for natural gas, Gunnison County Electric Association for electricity, and Time Warner for cable.

Both water and sewer distribution systems will connect to the project at multiple points along Butte Avenue at 6th, 7th, and 8th Streets and mostly follow the street layout, being separated by a minimum of 10'. This will allow the water system to be looped through the annexation and minimize dead end lines.

Water will need to be brought across the Slate River. The sewer distribution system on the east side of the river will be independent from the west side. On the east side of the river, a gravity pipe that leads to a lift station will pump wastewater back to the west side where it will be re-incorporated in to the gravity system that will flow to the existing Wastewater Treatment plant. If so desired, this also allows the Town the possibility of providing the cemetery better access to central water and sewer system connections.

The current capacity of the Wastewater Treatment Plant and Water Treatment Plant are 0.60 MGD (million gallons per day) and 1.25 MGD respectively. The Town also has 1.10 MGD of treated water storage capacity. Again, the specifics of the concept annexation have not been finalized, but it is estimated (using approximately 350 GPD per single family home) that the annexation will only use about 30,000 gallons of water/wastewater per day; or 0.03 MGD per day.

As part of the subsequent Sketch Plan submittal, Applicant will prepare a facilities report that will specify anticipated usage requirements and allow Applicant to evaluate the specific impacts the annexation may have on the two treatment facilities. The anticipated usage of 0.03 MGD represents approximately 5% of the existing wastewater treatment facility and 3% of the water treatment and storage facilities.

It is important to note that in addition to Applicant's paying for and installing the new water and wastewater distribution system, the water and sewer connections for each home or business will be paying the appropriate water and sewer tap fees and monthly usage fees, thus providing the Town with a constant revenue stream to cover future water and wastewater costs, and mitigating the initial impact the annexation may have on existing infrastructure and facilities.

The Town's potable water system is comprised of many different components: legal water supply (water rights), physical water supply, raw water storage capacity, water treatment capacity, treated water storage capacity, and distribution system and distribution system capacity. The capacities of certain components of this system are likely to limit the actual potable water supply available to the Town long before others. For instance, the Town is likely to reach its water treatment capacity long before it runs out of legal or physical water. It may be possible to modify or enhance existing infrastructure to "free up" already existing capacity. For example, Applicant understands that the Town is currently using treated water for irrigation purposes while underutilizing certain irrigation water rights owned by the Town. If additional infrastructure would allow irrigation water rights to be used to water parks and playing fields

instead of treated water, this would free up a corresponding amount of treatment capacity at the Town's water treatment facility. There are likely a number of other ideas that would prove to be equally beneficial to the Town's water supply system. Accordingly, Applicant looks forward to working with the Town to determine how it can best contribute to optimizing this multi-faceted system.

Applicant understands that the Town is currently discussing its wastewater treatment system and the capacity thereof with the Colorado Department of Public Health and Environment ("CDPHE"). Applicant further understands that while the Town has budgeted for, and is undertaking, a performance evaluation of its current wastewater treatment system, it does not have available funds for an actual expansion of the wastewater treatment system or the engineering necessary to accomplish such an expansion until 2016. Applicant understands from Town Staff that in the event this annexation process reaches a certain point of maturity, CDPHE may require the Town to commence the engineering work necessary to support an expansion of the wastewater treatment system. If the Town is faced with such a requirement before 2016, it would not have the funds necessary to pay for this engineering. In order to address this problem, Applicant is willing to work with the Town to develop a pre-annexation agreement in which Applicant agrees to provide the means necessary to cover any temporary funding shortfall attributable to the Town's processing of the proposed annexation. In this fashion, the Town can move forward with the annexation process without having to worry that doing so will inadvertently result in a violation of applicable CDPHE requirements.

General Description of Proposed Transportation, Roads and Pedestrian Access Circulation (Town Code 15-1-50 1.c and 1.d)

The proposed annexation will connect to the existing Town roadway grid and expand it along Gothic Road with four access points:

- Butte Avenue and 7th Street
- Butte Avenue and 8th Street
- Gothic Road and Road A
- Gothic Road and Road B

Applicant is proposing right-of-way widths 60 feet in diameter consistent with existing Town right-of-ways. Gothic road itself is not part of the annexation; it will continue to be owned by Gunnison County, which has indicated that it is comfortable with two access points onto Gothic Road in order to help maintain the Town of Crested Butte grid.

The four roadway access points – with two going to the south and two going to the west and north – are very important for dispersing traffic to and from the annexation and relieving pressure from the intersection of Gothic and Butte. This allows traffic traveling up valley to access Gothic Road directly via Road A and Road B at new intersection points proposed. Traffic traveling down valley or into Town will now have the choice of using 6th 7th or 8th Streets.

The connection to 8th Street is critical as it allows:

- Direct connection to the school
- Direct connection to other Town recreation facilities
- The 8' wide pedestrian walkway on 8th Street can be extended up to Road B and across the bridge to the east side of the Slate River and to access the river and new park facilities
- Direct connection to the new proposed bus loop along 8th Street that can simply continue in to the annexation with a new bus stop at or near 8th Street and Road B

Applicant will provide a more detailed traffic study at the appropriate time in the review process that will look not only at the traffic impacts to the adjacent intersections but also other important intersections throughout Town and along 6th Street. This traffic study will correspond with and integrate into the current traffic study being produced for the Town by Kimley-Horn.

In addition to the extension of the 8' pedestrian walkway up 8th Street and across the bridge, a pedestrian way/trail is proposed to run through the annexation east and west. This will provide a connection to the proposed park areas, and a possible connection to the existing recreation path, all connecting back in at Butte and 6th Street. As previously stated, the connection to the existing Rec Path would provide the possibility of connecting to the Nordic Trail system as well.

In order to minimize the impact on the river and wetlands, there is only one proposed bridge (providing both vehicular and pedestrian access) crossing the Slate River corridor. This bridge will be designed to accommodate Nordic skiing and grooming. Applicant respectfully submits that with only approximately 30 single family homes and park access located on the east side of the Slate River, more than one bridge is not necessary. Examples of other areas of the community adequately served by a single bridge include:

- Prospect in Mt. Crested Butte, one intersection and one bridge with 185 lots
- Meridian Lake, one intersection and one bridge with 175 lots
- Trappers Crossing @ Wildcat, one intersection and one bridge 45 lots
- Crested Butte South, two intersections onto Cement Creek Road, one bridge, one intersection with highway, and more than 550 active residential units

General Description of Drainage and Floodplain

The current FEMA 100 year floodplain that was just updated in May of 2013 is shown on the concept annexation map. With the exception of possible river park access, there is no proposed development within the floodplain.

Drainage control features will be utilized throughout the annexation to ensure that historic runoff flow rates and flow paths are maintained while protecting water quality.

Other Considerations**Wetlands**

Wetlands of varying quality have been identified on site. There have been at least four different wetlands evaluations performed on the site since 1993, all with some level of variation between them. For purposes of this proposal, Applicant is using the most current 2010 Army Corp of Engineers jurisdictional wetlands delineations. There is one exception to this, commonly known as the Pond Wetlands on the west side of the river. In a previous annexation application, the Town's wetlands consultant identified the Pond Wetlands as true functional wetlands, whereas the Army Corp of Engineers in 2010 did not classify this area as jurisdictional wetlands. Applicant is honoring the Town's delineation of this area as wetlands.

Applicant looks forward to working with the Town to determine the size and location of wetlands buffers, taking into account topography and wetlands functionality. The Applicant respectfully submits that whereas in some instances as much as 100' buffers will be appropriate for higher quality wetlands, only 25' buffers will be appropriate for lower quality wetlands, and in some instances an appropriate variable buffer between the 25' and 100' would be most suitable. Additionally, measures can be taken to enhance the wetlands buffer with natural vegetation which would protect the integrity of the wetlands in a shorter-buffered area as effectively as would a larger buffer with no vegetative enhancements.

Applicant acknowledges that the Grid Plan results in encroachments into the wetlands setbacks in various areas and seeks the Town Council's recommendation as to the preference of observing wetlands setbacks proposed in the Town Code (along with Council's desire to avoid invasive "cut and fill" measures) versus preserving the Town grid.

Town Landfill

A portion of the annexation contains what was once the old Town Landfill. The Applicant has done extensive environmental testing on the site and proposes to obtain a specialized contractor to clean up the entire dump both on Applicant's land and on Town land at no cost to the Town. In addition, Applicant has obtained an environmental insurance policy to cover the cleanup process.

Applicant intends to contract with an experienced, professional environmental engineering company that specializes in environmental consulting, remediation, and remediation management in order to remediate the entire landfill.

Currently, Applicant is working with Casey Resources, Inc. (“Casey Resources”). Casey Resources is one of Colorado’s top remediation firms. Principal Engineer Paul Casey has been involved in the environmental engineering and remediation industry for over 30 years. His past and present projects include being designated Environmental Program Manager for the following projects:

- Relocation of Elitch Gardens to a 68-acre site in downtown Denver
- Construction of the New Pepsi Center Arena in Denver
- Colorado's Ocean Journey Aquarium in Denver
- Closure of the Robinson Brick Plant and its conversion to a Home Depot store for Home Depot U.S.A in Denver
- The Gold Hill Redevelopment site in Colorado Springs, and
- The Prairie Gateway Development in Commerce City

Mr. Casey is also the Environmental Project Manager for the redevelopment of the former Stapleton International Airport for Forest City. This is the largest urban redevelopment project in the United States. Duties relating to these projects include waste management and site restoration of the subject properties, which have had significant historic industrial operations within the property boundaries. Most of these remedial activities have included or include the characterization, manifesting, transportation, and disposal of hazardous and industrial waste generated at the site and providing appropriate solutions to site remediation.

Applicant and its environmental engineer intend to pursue participation in the CDPHE’s Voluntary Cleanup and Redevelopment Program, which provides both federal and state remedial plan approval. This process includes preparation and submission of the Voluntary Cleanup Plan (“VCUP”) Application, approval of the VCUP, remediation planning, remediation and remediation oversight, and submission of a formal remediation completion report.

During the remediation phase of the project, landfill debris will be removed from the old Town Dump to an alternative, approved location that is authorized and qualified to accept such debris. The remediation work will be monitored by a licensed professional to ensure that all excavated materials are managed according to regulation. Once the remediation field work and any confirmation sampling have been completed, Applicant

and its environmental engineer will submit a formal completion report to CDPHE and request approval of the remediation. This completion report documents all of the activities that took place during the remediation including volumes of materials removed and disposed, discussion of the handling and disposal of specific wastes, and sampling results. In short, through participation in CDPHE's Voluntary Cleanup and Redevelopment Program, Applicant's goal is to provide the Town of Crested Butte with documented evidence that the old Town Dump has been remediated to the satisfaction of both the State and Federal governments. Additional information on CDPHE's Voluntary Cleanup and Redevelopment Program can be found at:

<https://www.colorado.gov/pacific/cdphe/voluntary-cleanup>

Applicant anticipates addressing the cleanup of the old Town Landfill in a pre-annexation agreement with the Town.

Conclusion

Applicant and its team are pleased to present this concept for the Slate River Addition annexation project. Applicant's intent is to develop a project that is consistent with the values of the Town of Crested Butte and its plan for future growth, as reflected in the Crested Butte Area Plan. The team's vision for the Slate River Addition is to further enhance the beauty of the Town of Crested Butte and the quality of life of its residents, while at the same time respecting and preserving the key component of this beauty and quality: the natural environment of the Crested Butte area. The Slate River Addition offers the possibility of new parks, new trails, new public facilities, affordable housing, and new commercial and residential space. But, it also seeks to protect wetlands, natural areas, and the Slate River corridor.

As set forth above, this narrative and the accompanying materials are intended to introduce this annexation concept to the Town and its Staff in accordance with Section 15-1-50 of the Town Code. Applicant recognizes that this submission is just the first step in a process designed to ensure that the Town realizes the multitude of public benefits associated with this project. Applicant shares in this goal. Accordingly, Applicant looks forward to working collaboratively with Town Staff and Council to satisfy the Town's annexation requirements and reach an agreement on a project that best serves the needs of the Town of Crested Butte and its residents.



October 9, 2014

Mr. Michael Yearman
PO Box 39
Crested Butte, CO 81224

**Re: General Planning Development Application – Cypress Foothills, LP -
Designation of Agent Representative**

Dear Mr. Yearman:

Cypress Foothills, LP hereby appoints Marcus J. Lock to be its agent representative in connection with the preliminary planning of the Slate River Addition. Mr. Lock's contact information is listed below:

Marcus J. Lock
Law of the Rockies
525 North Main St.
Gunnison, CO 81230
Tel: 970-641-1903 ext. 2
Fax: 970-641-1943
mlock@lawoftherockies.com

If you have any questions regarding this appointment, please contact me at 214-561-8858.

Sincerely,

Cypress Foothills, L.P.
By: Cypress Foothills, G.P., L.L.C.
By: Brian Parro, Vice President

A handwritten signature in blue ink, appearing to read "Brian Parro", written over a horizontal line.



PLANNING GENERAL DEVELOPMENT APPLICATION

PO Box 39
Crested Butte, CO 81224
Phone: 970-349-5338
Email: myerman@crestedbutte-co.gov

1. TYPE OF APPLICATION (Check-off as appropriate)

- Concept Annexation
- Formal Annexation Petition Review
- Sketch Plan
- Preliminary Plan
- Final Subdivision Plan Review
- Other: _____

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: Cypress Foothills I.P.

Mailing Address: 8343 Douglas Ave, Suite 200

Telephone Number: 214-561-8800 FAX: _____

Email Address: Cameron.Aderhold@CypressEquities.com

Power of Attorney/ Authorized Representative: Marcus J. Lock
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

Name of Development: Slate River Addition

Street Address: n/a

Legal Description: Lot _____ Block _____ Subdivision _____ *(legal description attached)*

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the Town Attorney)

(owner's title policy attached)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent [Signature] Date 10/9/2014

Signature of property owner:
Cypress Foothills, I.P.
by: Cypress Foothills G.P., I.L.C.
by: Chris Maguire, President [Signature] Date 10/9/2014

**SLATE RIVER ADDITION
CONCEPT ANNEXATION MAP**
Situating in the SW¼ Section 35
Township 13 South, Range 86 West of the 6th P.M.,
Gunnison County, Colorado.

Legal Description:

Know all persons by these presents that Cypress Foothills L.P. are the sole owner(s), mortgagee(s), or lien holder(s) of all that real property described as follows:

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.

That said owners have by these presents caused this annexation as shown hereon and designate the same as the Slate River Addition to the Town of Crested Butte, County of Gunnison, State of Colorado.

Executed this ____ day of _____, 2014.

Chris Maguire, C.E.O. Cypress Foothills L.P.

State of Colorado)

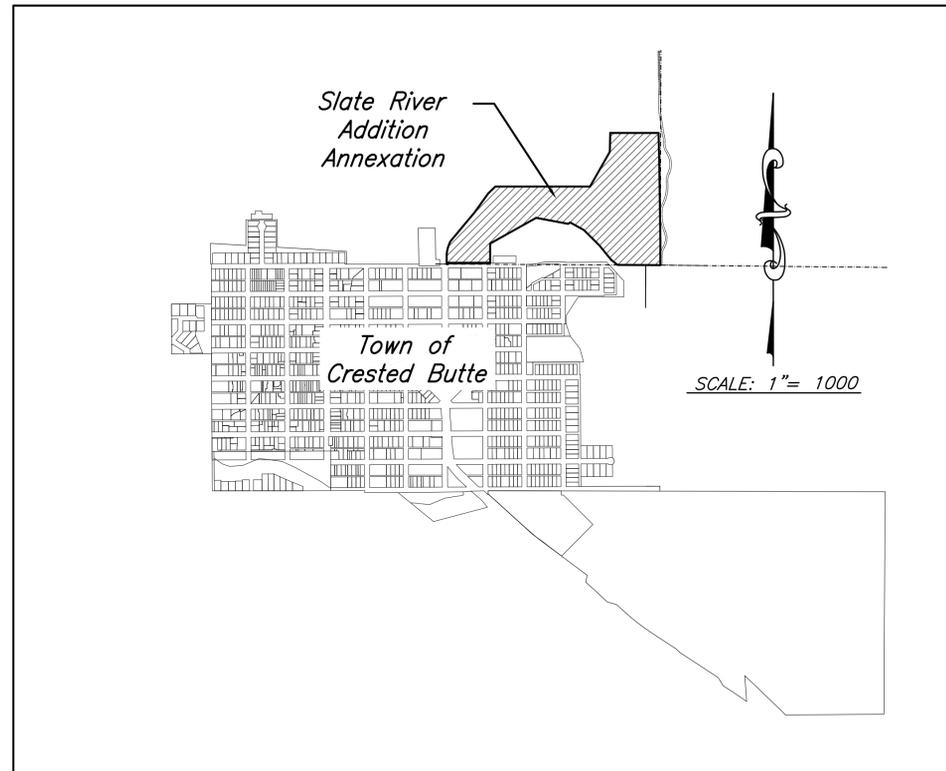
County of Gunnison)

The foregoing was acknowledged before me this ____ day of _____, 2014 by Cypress Foothills L.P.

Witness my hand and official seal.

My Commission expires: _____

Notary Public



VICINITY MAP
1" = 1000'

OWNER/APPLICANT:

Cypress Foothills L.P.
Chris Maguire, C.E.O.
8343 Douglas Ave., Suite 200
Dallas, Texas 75225

LEGAL COUNSEL:

Law of the Rockies
Marcus Lock
525 North Main Street
Gunnison, Colorado 81230

ENGINEER-SURVEYOR

S.G.M.
Tyler Harpel, P.E.
Steve Ehlers P.L.S.
103 West Tomichi Ave., Suite A
Gunnison, Colorado 81230

ARCHITECT PLANNER

HKS
John Hessler
350 North St. Paul Street, Suite 100
Dallas, Texas 75201-4240

Gunnison Clerk and Recorder's Acceptance

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, A.D. 201____, Reception Number _____ Time _____, Date _____.

Gunnison County Clerk and Recorder

SURVEYOR'S NOTES

-Legal Description per the Foothills ALTA recorded at Reception No. 628973 of the Gunnison County Clerk and Recorders Office.

-Units of linear measurements are displayed in US Survey Feet.

-Contiguity:

Overall Perimeter of Parcel: 8,087.35 feet

Contiguity (1/6 required by State Statute): 1,347.89 feet

Boundary Contiguous with Town of Crested Butte: 2,876.27 feet

Town Council Approval Certificate

The Town Council of the Town of Crested Butte, Colorado, by Resolution No. _____, duly adopted on the ____ day of _____, 2014, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the Town of Crested Butte.

The Town Council of the Town of Crested Butte, Colorado, by Ordinance No. _____, duly adopted on the ____ day of _____, 2014, did annex the property herein described to the town of Crested Butte, Colorado

Mayor

Planning Commission Certificate:

This map approved by the Town of Crested Butte Commission this ____ day of _____, A.D., 2014.

Chairman

Surveyor's Certificate:

I, Stephen L. Ehlers, a registered Professional Land Surveyor, licensed under the laws of the State of Colorado, do hereby certify that this annexation map was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the Town of Crested Butte, Colorado. I further certify that recent surveys of record referenced hereon indicate that the external boundaries of the property shown on this annexation map have been previously monumented on the ground.

EXECUTED THIS 30TH DAY OF SEPTEMBER, 2014

Stephen L. Ehlers
Colo. Reg. P.L.S. # 29030
For, and on
behalf of SGM

- PRELIMINARY -
FOR REVIEW ONLY

Notice:
According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

 103 W. Tomichi Ave., Suite A Gunnison, CO 81230 970.641.5355 www.sgm-inc.com	Slate River Addition Town of Crested Butte	# 1 2 3 4 5	Revision Date By		Concept Annexation Map	Job No. 2012-208.003 Drawn by: EB Date: 09/30/14 Approved: SE File: Foothills-amx2014	1 2
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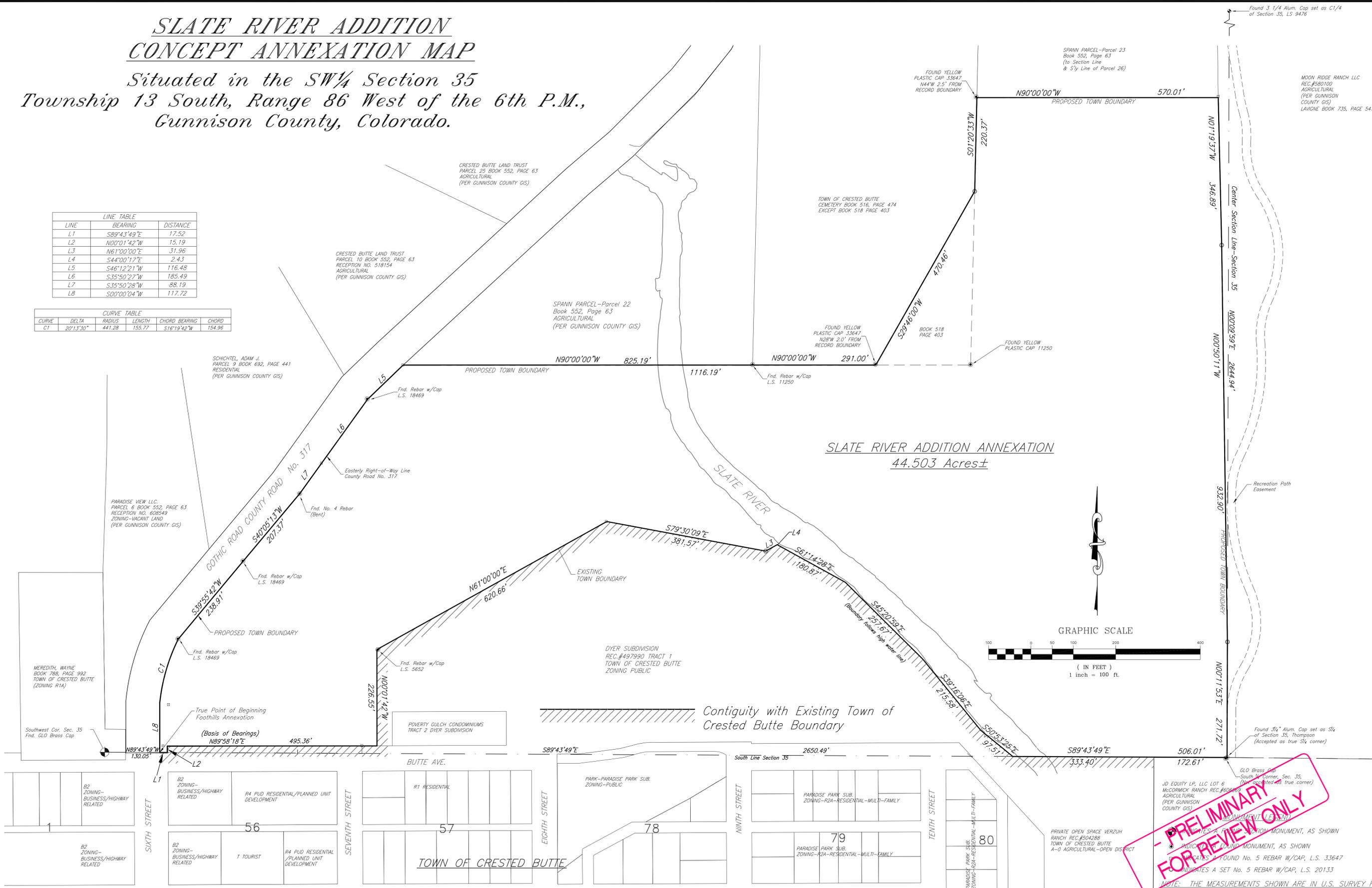
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SLATE RIVER ADDITION CONCEPT ANNEXATION MAP

Situated in the SW 1/4 Section 35
Township 13 South, Range 86 West of the 6th P.M.,
Gunnison County, Colorado.

LINE	BEARING	DISTANCE
L1	S89°43'49"E	17.52
L2	N00°01'42"W	15.19
L3	N61°00'00"E	31.96
L4	S44°00'17"E	2.43
L5	S46°12'21"W	116.48
L6	S35°50'27"W	185.49
L7	S35°50'28"W	88.19
L8	S00°00'04"W	117.72

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	201°3'30"	441.28	155.77	S16°19'42"W	154.96



1	B2 ZONING-BUSINESS/HIGHWAY RELATED
56	R4 PUD RESIDENTIAL/PLANNED UNIT DEVELOPMENT
57	R1 RESIDENTIAL
78	PARK-PARADISE PARK SUB. ZONING-PUBLIC
79	PARADISE PARK SUB. ZONING-R2A-RESIDENTIAL-MULTI-FAMILY
80	PARADISE PARK SUB. ZONING-R2A-RESIDENTIAL-MULTI-FAMILY

56	R4 PUD RESIDENTIAL/PLANNED UNIT DEVELOPMENT
57	R1 RESIDENTIAL
78	PARK-PARADISE PARK SUB. ZONING-PUBLIC
79	PARADISE PARK SUB. ZONING-R2A-RESIDENTIAL-MULTI-FAMILY
80	PARADISE PARK SUB. ZONING-R2A-RESIDENTIAL-MULTI-FAMILY

Notice:
According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

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

Slate River Addition
Town of Crested Butte

#	Revision	Date	By
1			
2			
3			
4			
5			

Concept Annexation Map

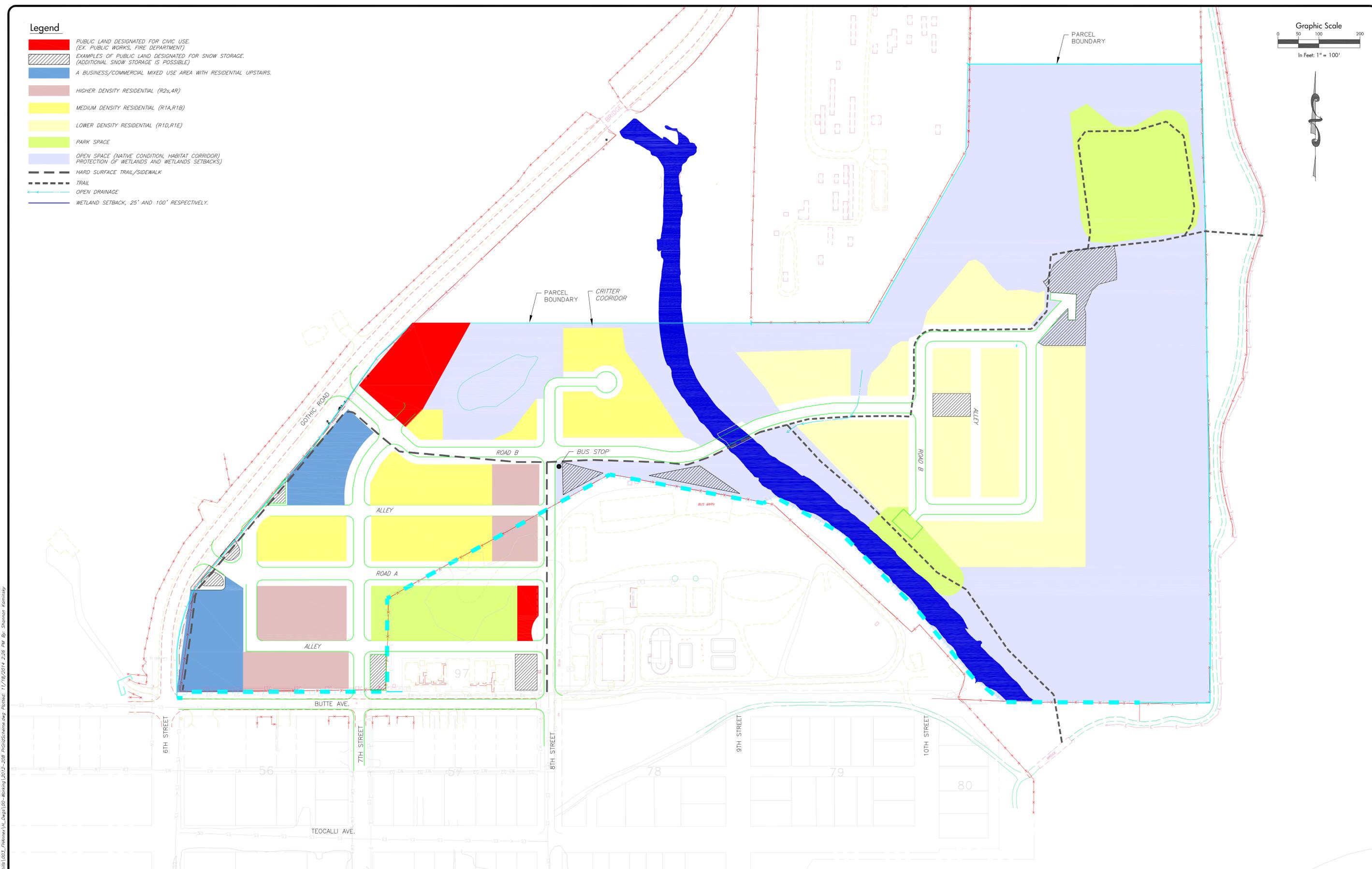
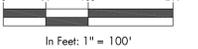
Job No.	2012-208.003	2
Drawn by:	EB	
Date:	09/30/14	
Approved:	SE	2
File:	Foothills-amx2014	

PRELIMINARY FOR REVIEW ONLY

Legend

- PUBLIC LAND DESIGNATED FOR CIVIC USE.
(EX. PUBLIC WORKS, FIRE DEPARTMENT)
- EXAMPLES OF PUBLIC LAND DESIGNATED FOR SNOW STORAGE.
(ADDITIONAL SNOW STORAGE IS POSSIBLE)
- A BUSINESS/COMMERCIAL MIXED USE AREA WITH RESIDENTIAL UPSTAIRS.
- HIGHER DENSITY RESIDENTIAL (R2S,4R)
- MEDIUM DENSITY RESIDENTIAL (R1A,R1B)
- LOWER DENSITY RESIDENTIAL (R1D,R1E)
- PARK SPACE
- OPEN SPACE (NATIVE CONDITION, HABITAT CORRIDOR)
PROTECTION OF WETLANDS AND WETLANDS SETBACKS)
- HARD SURFACE TRAIL/SIDEWALK
- TRAIL
- OPEN DRAINAGE
- WETLAND SETBACK, 25' AND 100' RESPECTIVELY.

Graphic Scale



I:\2012\2012-2018_Foothills\003_Foothills\03_Plansets\03-Working\2012-2018_ProposedScheme.dwg Plotter: 11/18/2014 2:26 PM By: Shannon Kominsky

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			

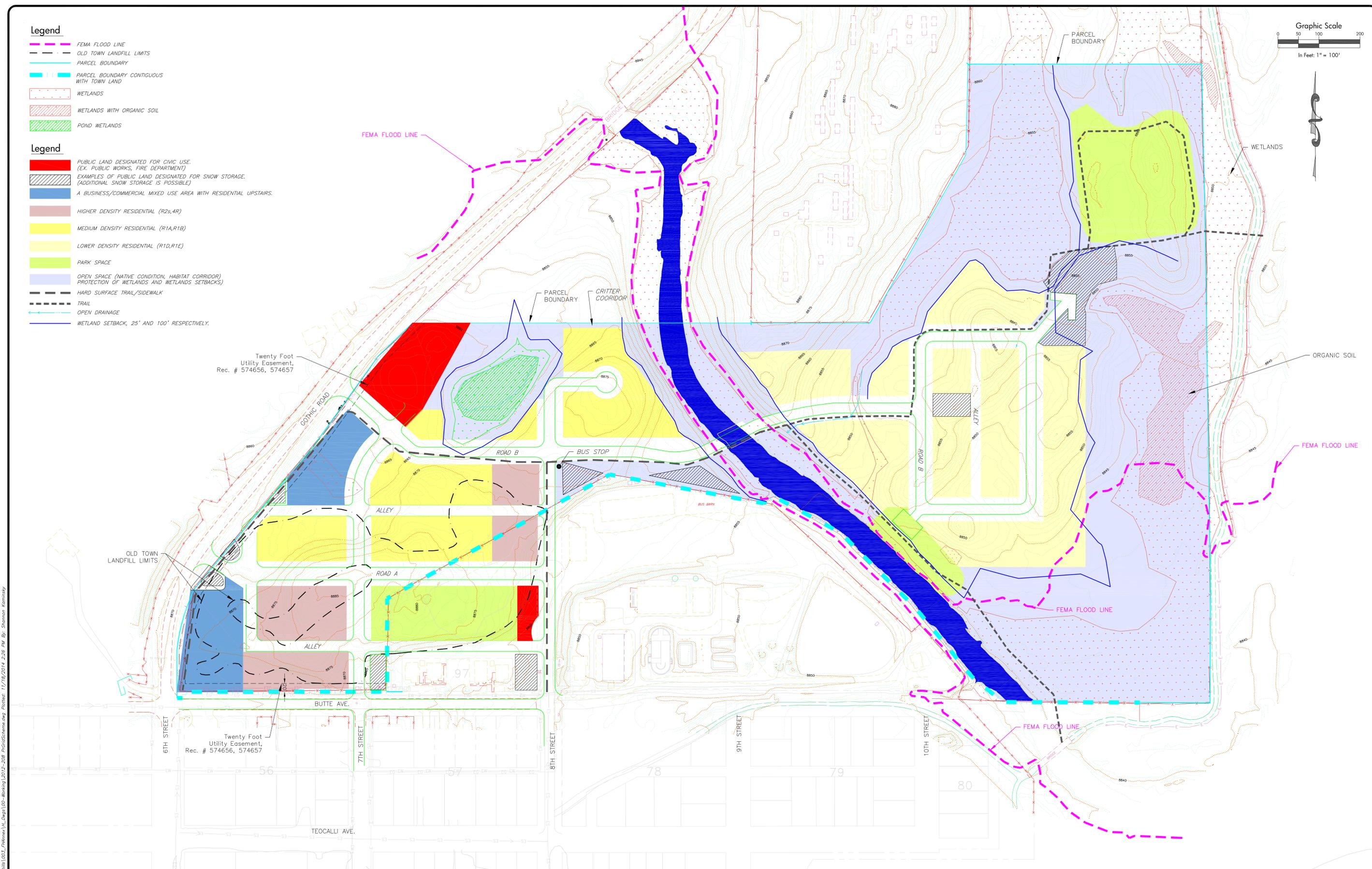
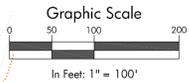
Concept Annexation
Proposed Grid Scheme

Job No.	2012-208.003
Drawn by:	SK
Date:	11/18/2014
QC:	PE: TJH
File:	2012-208 PrGridScheme

EX 1
Of 4

- Legend**
- FEMA FLOOD LINE
 - OLD TOWN LANDFILL LIMITS
 - PARCEL BOUNDARY
 - PARCEL BOUNDARY CONTIGUOUS WITH TOWN LAND
 - WETLANDS
 - WETLANDS WITH ORGANIC SOIL
 - POND WETLANDS

- Legend**
- PUBLIC LAND DESIGNATED FOR CIVIC USE. (EX. PUBLIC WORKS, FIRE DEPARTMENT)
 - EXAMPLES OF PUBLIC LAND DESIGNATED FOR SNOW STORAGE. (ADDITIONAL SNOW STORAGE IS POSSIBLE)
 - A BUSINESS/COMMERCIAL MIXED USE AREA WITH RESIDENTIAL UPSTAIRS.
 - HIGHER DENSITY RESIDENTIAL (R2S,4R)
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 - PARK SPACE
 - OPEN SPACE (NATIVE CONDITION, HABITAT CORRIDOR) PROTECTION OF WETLANDS AND WETLANDS SETBACKS)
 - HARD SURFACE TRAIL/SIDEWALK
 - TRAIL
 - OPEN DRAINAGE
 - WETLAND SETBACK, 25' AND 100' RESPECTIVELY.



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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			

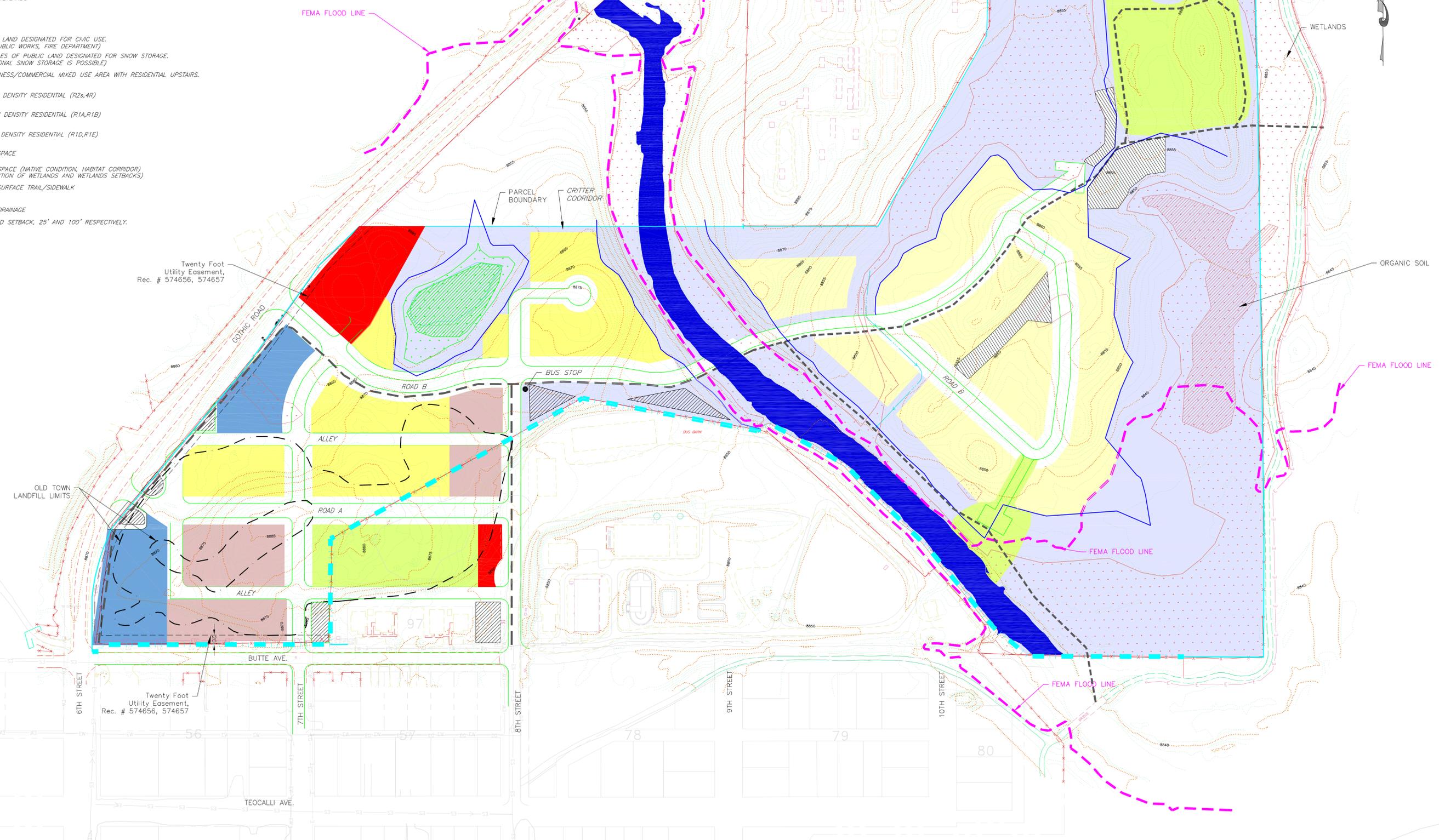
Concept Annexation
Proposed Grid Scheme

Job No.	2012-208.003
Drawn by:	SK
Date:	11/18/2014
QC:	PE: TJH
File:	2012-208 PrGridScheme

EX 2
Of 4

- Legend**
- FEMA FLOOD LINE
 - OLD TOWN LANDFILL LIMITS
 - PARCEL BOUNDARY
 - PARCEL BOUNDARY CONTIGUOUS WITH TOWN LAND
 - WETLANDS
 - WETLANDS WITH ORGANIC SOIL
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- Legend**
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 - TRAIL
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 - WETLAND SETBACK, 25' AND 100' RESPECTIVELY.



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Preliminary
Not For
Construction

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Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Slate River Addition
Cypress Foothills LP

#	Revision	Date	By
1			

Concept Annexation
Proposed Non Grid Scheme

Job No.	2012-208.003
Drawn by:	SK
Date:	11/18/2014
QC:	PE: TJH
File:	2012-208 PftNonGridScheme

EX 4
Of 4

Date: April 22, 2014

**CYPRESS FOOTHILLS, LP, A TEXAS LIMITED PARTNERSHIP
8343 DOUGLAS AVENUE, SUITE 200
DALLAS, TX 75225**

**Subject: Attached Title Policy SC87007356
for 46.16 ACRES VACANT LAND**

Enclosed please find the Owner's Title Insurance Policy for your purchase of the property listed above.

This title policy is the final step in your real estate transaction, and we want to take a moment to remind you of its importance. Please review all information in this document carefully and be sure to safeguard this policy along with your other legal documents.

Your owner's policy insures you as long as you own the property and requires no additional premium payments.

Please feel free to contact any member of our staff if you have questions or concerns regarding your policy, or you may contact the Final Policy Department directly at 719-634-4821.

As a Colorado-owned and operated title company for over 45 years, with offices throughout the state, we take pride in serving our customers one transaction at a time. We sincerely appreciate your business and welcome the opportunity to assist you with any future real estate needs. Not only will Land Title be able to provide you with the title services quickly and professionally, but you may also be entitled to a discount on title premiums if you sell or refinance the property described in the enclosed policy.

Thank you for giving us the opportunity to work with you on this transaction. We look forward to serving you again in the future.

Sincerely,

Land Title Guarantee Company

Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

ANY NOTICE OF CLAIM AND ANY OTHER NOTICE OR STATEMENT IN WRITING REQUIRED TO BE GIVEN TO THE COMPANY UNDER THIS POLICY MUST BE GIVEN TO THE COMPANY AT THE ADDRESS SHOWN IN SECTION 18 OF THE CONDITIONS.

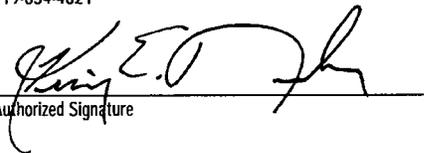
COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the title; This covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

Issued through the Office of:
Land Title Guarantee Company
1561 OXBOW DR #200
MONTROSE, CO 81401
719-634-4821


Authorized Signature



FIRST AMERICAN TITLE INSURANCE COMPANY


Dennis J. Gilmore
President

Dennis J. Gilmore
President


Timothy Kemp
Secretary

Timothy Kemp
Secretary



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EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b) or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured.
 - (2) if the grantee wholly owns the named Insured.
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenue, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.

"Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligation to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in the subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.
Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE, REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies. If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons, Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim or loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law; The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.
Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum; Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:
1 First American Way, Santa Ana, CA 92707, Attn: Claims Department

**ANTI-FRAUD STATEMENT: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.
This anti-fraud statement is affixed and made a part of this policy.**

This jacket was created electronically and constitutes on original document

Form AO/FA

**Land Title Guarantee Company
Representing First American Title Insurance Company**

Our Order No. SC87007356

Schedule A

Property Address: 46.16 ACRES VACANT LAND

1. Policy Date: March 31, 2014 at 5:00 P.M.

2. Name of Insured:

CYPRESS FOOTHILLS, LP, A TEXAS LIMITED PARTNERSHIP

3. The estate or interest in the Land described or referred to in this Schedule and which is covered by this policy is:

A Fee Simple

4. Title to the estate or interest covered by this policy at the date hereof is vested in:

CYPRESS FOOTHILLS, LP, A TEXAS LIMITED PARTNERSHIP

5. The land referred to in this policy is described as follows:

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION

This Policy valid only if Schedule B is attached.

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EXHIBIT "A" 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 DEGREES 43 MINUTES 49 SECONDS W A DISTANCE OF 130.05 FEET; THENCE S89 DEGREES 43 MINUTES 49 SECONDS 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 DEGREES 01 MINUTES 42 SECONDS W A DISTANCE OF 15.19 FEET, 2) N89 DEGREES 58 MINUTES 18 SECONDS E A DISTANCE OF 495.36 FEET, 3) N00 DEGREES 01 MINUTES 42 SECONDS W A DISTANCE OF 226.55 FEET, 4) N61 DEGREES 00 MINUTES 00 SECONDS E A DISTANCE OF 620.66 FEET, 5) S79 DEGREES 30 MINUTES 09 SECONDS E A DISTANCE OF 381.57 FEET, 6) N61 DEGREES 00 MINUTES 00 SECONDS 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 DEGREES 00 MINUTES 17 SECONDS E A DISTANCE OF 2.43 FEET, 8) S61 DEGREES 14 MINUTES 28 SECONDS E A DISTANCE OF 180.87 FEET, 9) S45 DEGREES 20 MINUTES 59 SECONDS E A DISTANCE OF 257.67 FEET, 10) S39 DEGREES 16 MINUTES 06 SECONDS E A DISTANCE OF 215.58 FEET, 11) S50 DEGREES 53 MINUTES 25 SECONDS 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 DEGREES 43 MINUTES 49 SECONDS 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 DEGREES 11 MINUTES 53 SECONDS E A DISTANCE OF 271.72 FEET, 2) N00 DEGREES 50 MINUTES 11 SECONDS W A DISTANCE OF 932.90 FEET, 3) N01 DEGREES 19 MINUTES 37 SECONDS 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 DEGREES 00 MINUTES 00 SECONDS 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 DEGREES 20 MINUTES 33 SECONDS 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 DEGREES 46 MINUTES 00 SECONDS 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 DEGREES 00 MINUTES 00 SECONDS W A DISTANCE OF 1116.19 FEET TO A POINT ON THE

EXHIBIT "A" LEGAL DESCRIPTION

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 DEGREES 12 MINUTES 21 SECONDS W A DISTANCE OF 116.48 FEET, 2) S35 DEGREES 50 MINUTES 27 SECONDS W A DISTANCE OF 185.49 FEET, 3) S35 DEGREES 50 MINUTES 28 SECONDS W A DISTANCE OF 88.19 FEET, 4) S40 DEGREES 05 MINUTES 13 SECONDS W A DISTANCE OF 207.37 FEET, 5) S39 DEGREES 55 MINUTES 42 SECONDS 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 DEGREES 13 MINUTES 30 SECONDS AND A LONG CHORD WHICH BEARS S16 DEGREES 19 MINUTES 42 SECONDS 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 DEGREES 00 MINUTES 04 SECONDS 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.

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Our Order No. SC87007356

Schedule B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

This policy does not insure against loss or damage by reason of the following:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land of that may asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. TAXES AND ASSESSMENTS FOR THE YEAR 2014, NOT YET DUE OR PAYABLE.
7. 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, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENTS RECORDED NOVEMBER 30, 1885 IN BOOK 45 AT PAGE 305 AND APRIL 15, 1886 IN BOOK 45 AT PAGE 314, AS NOTED ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
8. ANY RIGHT, TITLE AND INTEREST OF THE UNITED STATES, STATE OF COLORADO OR GENERAL PUBLIC IN THE WATER OF THE SLATE RIVER TRAVERSING A PORTION OF THE SUBJECT PROPERTY, AS NOTED ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
9. TERMS, CONDITIONS, RESERVATIONS AND AGREEMENTS REGARDING THE RIGHT OF THE PARTIES TO CONSTRUCT DITCHES REASONABLE NECESSARY TO CONVEY WATER AS

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Our Order No. SC87007356

Schedule B

CONTAINED IN THE FINAL PARTITION OF PROPERTY RECORDED JUNE 28, 1978 IN BOOK 516 AT PAGE 474, AS NOTED ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.

10. THE EFFECT OF INCLUSION OF SUBJECT PROPERTY IN THE CRESTED BUTTE FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENTS RECORDED JANUARY 13, 1995, IN BOOK 758 AT PAGE 689 AND RECORDED JANUARY 13, 1995 IN BOOK 758 AT PAGE 694, AS NOTED ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
11. RIGHT OF WAY EASEMENT, 20 FEET IN WIDTH, AS GRANTED TO ATMOS ENERGY IN INSTRUMENT RECORDED AUGUST 29, 2005 UNDER RECEPTION NO. 557487, AS SHOWN ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
12. TERMS, CONDITIONS, RESTRICTIONS AND AGREEMENTS AS CONTAINED IN ROAD RESTRICTION AGREEMENT RECORDED JULY 12, 2006 UNDER RECEPTION NO. 566803, AS NOTED ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
13. RIGHT OF WAY EASEMENT AS GRANTED TO GUNNISON COUNTY ELECTRIC ASSOCIATION, INC. IN INSTRUMENT RECORDED APRIL 26, 2007, UNDER RECEPTION NO. 574656, AS SHOWN ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED JANUARY 17, 2014.
14. RIGHT OF WAY EASEMENT AS GRANTED TO BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO IN INSTRUMENT RECORDED APRIL 26, 2007, UNDER RECEPTION NO. 574657, AS SHOWN ON ALTA/ACSM SURVEY (JOB NO. 2012-208.002) PREPARED BY STEPHEN L. EHLERS, PLS NO. 20133 FOR CYPRESS ACQUISITIONS, LLC OR ITS ASSIGNEE, HSUMY INC., LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 17, 2014, LAST REVISED

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Schedule B

JANUARY 17, 2014.

NOTE: ITEMS 1-3 AND 5(B) OF THE STANDARD EXCEPTIONS ARE HEREBY DELETED.

ITEM NO. 4 OF THE STANDARD EXCEPTIONS IS DELETED AS TO ANY LIENS RESULTING FROM WORK OR MATERIAL CONTRACTED FOR OR FURNISHED AT THE REQUEST OF HSUMY, INC..

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE REQUEST OF CYPRESS FOOTHILLS, LP, A TEXAS LIMITED PARTNERSHIP.

LAND TITLE GUARANTEE COMPANY

ENDORSEMENT ALTA 25 - 06

Case **SC87007356**
Policy **TAAH87007356**
Loan #

The Company insures against loss or damage sustained by the Insured by reason of the failure of the Land as described in Schedule A to be the same as that identified on the survey made by **STEPHEN L. EHLERS**

dated **JANUARY 17, 2014**

and designated Job No. **2012-208.002**

This endorsement is issued as part of the Policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the Policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the Policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the Policy and of any prior endorsements.

Representing First American Title Insurance Company



Land Title Guarantee Company

Case **SC87007356**
Policy **TAAH87007356**
Loan #

ENDORSEMENT ALTA 18 - 06
TAX PARCEL - 06

The Company insures against loss or damage sustained by the Insured by reason of the Land being taxed as part of a larger parcel of land or failing to constitute a separate tax parcel for real estate taxes.

This endorsement is issued as part of the Policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the Policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the Policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the Policy and of any prior endorsements.

Representing First American Title Insurance Company



ENDORSEMENT ALTA 9.1 - 06
Revised 04-02-12

Case **SC87007356**
Policy **TAAH87007356**
Loan #

1. *The insurance provided by this endorsement is subject to the exclusions in Section 4 of this endorsement; and the Exclusions from Coverage, the Exceptions from Coverage contained in Schedule B, and the Conditions in the policy.*
2. *For the purposes of this endorsement only, "Covenant" means a covenant, condition, limitation or restriction in a document or instrument in effect at Date of Policy.*
3. *The Company insures against loss or damage sustained by the Insured by reason of:*
 - a. *A violation on the Land at Date of Policy of an enforceable Covenant, unless an exception in Schedule B of the policy identifies the violation; or*
 - b. *A notice of a violation, recorded in the Public Records at Date of Policy, of an enforceable Covenant relating to environmental protection describing any part of the Land and referring to that Covenant, but only to the extent of the violation of the Covenant referred to in that notice, unless an exception in Schedule B of the policy identifies the notice of the violation.*
4. *This endorsement does not insure against loss or damage (and the Company will not pay costs, attorneys' fees, or expenses) resulting from:*
 - a. *any Covenant contained in an instrument creating a lease;*
 - b. *any Covenant relating to obligations of any type to perform maintenance, repair, or remediation on the Land; or*
 - c. *except as provided in Section 3.b. any Covenant relating to environmental protection of any kind or nature, including hazardous or toxic matters, conditions, or substances.*

This endorsement is issued as part of the Policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the Policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the Policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the Policy and of any prior endorsements.

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Land Title Guarantee Company

ENDORSEMENT ARBITRATION DELETION - 06

Case **SC87007356**
Policy **TAAH87007356**
Loan #

Condition 14 of the Policy, entitled Arbitration, is hereby modified so as to remove the Company's right to demand arbitration.

This endorsement is issued as part of the Policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the Policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the Policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the Policy and of any prior endorsements.

Representing First American Title Insurance Company

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
Rodney Due, Director of Public Works

RE: Retention of Special Water Counsel

DATE: November 26, 2014

- As we discussed at your July 7, 2014 Town Council meeting, and also previously during the summer of 2013, Jay Cope with the law firm Frasca, Joiner, Goodman and Greenstein, P.C., located in Boulder, Colorado, the Town's long-time water attorney, passed away about two years ago.
- Since Jay's passing, and again following a discussion that I shared with the Town Council during the summer of 2013, I have discussed with Scott Miller with the law firm of Patrick, Miller, Kropf & Noto, PC, in Basalt, Colorado retaining Scott and his firm to serve as the Town's special water counsel in Jay's stead. I have worked with Scott for almost a decade and his work and that of his firm are excellent. Scott's resume is attached hereto.
- As an aside, just several weeks ago Rodney Due and I shared a telephone conversation with Scott about some of the Town's water needs and Scott familiarized himself with the Town's water rights and issues in advance of that telephone call.
- It is my recommendation that the Town Council authorize me pursuant to Section 7.1 of the Town Charter to use Scott and his firm as special counsel advising the Town on water matters, both general and specific, as and when needed by the Town. Pursuant to Section 7.1, Scott and his firm would serve the Town under the direction of the Town Attorney.

Town Council

Non Attorney-Client Privileged and Confidential Communication

RE: Retention of Special Water Counsel

November 26, 2014

Page 2

- **RECOMMENDATION**: Move to authorize the Mayor to execute the attached engagement letter for Patrick, Miller, Kropf & Noto, PC for the Town's use of Scott and his firm as special counsel advising the Town on water matters, both general and specific, under the direction of the Town Attorney pursuant to Section 7.1 of the Town Charter.

Encls./2

Scott C. Miller

miller@waterlaw.com

www.waterlaw.com

Mr. Miller is a shareholder in the law firm of **PATRICK, MILLER & KROPF, P.C.**, with offices in Colorado, Arizona, Texas and Oklahoma. The firm limits its practice to the following:

- water rights law, including Indian water law
- water resource and wastewater planning
- water quality law and environmental regulation
- water and wastewater infrastructure planning and development; and
- watershed and basin planning and protection

The firm represents numerous municipalities and water and wastewater providers, industry, developers, ski area operators, public and private water and wastewater companies, individuals and ranchers in the western United States. Please visit www.waterlaw.com.

Education

- Juris Doctorate, Vermont Law School (1995)
- Masters of Science in Environmental Law, Vermont Law School (1995)
- Bachelor of Arts in International Business & Marketing, University of Colorado (1987)

Professional Affiliations/Admissions

- American Bar Association, Natural Resource Section
- Colorado Bar Association
- Pitkin County Bar Association
- Admitted to practice before U.S. Tenth Circuit Court of Appeals
- Admitted to practice before U.S. Supreme Court

Selected Professional Experience

- Member, Moot Court Advisory Board
- Member, Water Law Section, Colorado State Bar
- Member, Water Resources Committee; Environment, Energy and Resources Section, American Bar Association
- Chairperson, Water Bench Bar Committee, Division No. 5 Water Court
- Member, Nominating Committee, Bench/Bar Committee, Water Division No. 5 (1999)
- Admitted to practice in Colorado in 1995

Presentations & Publications

- Speaker at the Colorado Special District Association Annual Conference Keystone: “*The Future of Water Supply for Your District*,” on September 19–21, 2012
- Speaker, “*Water Supply Reliability in the Face of Climate Change*,” Colorado Special District Association Annual Conference, Keystone, Colorado, September 2009

- Speaker, “*Ditch Easement Law*,” CLE International 8th Annual Colorado Water Law Conference, Denver, Colorado, March 2008
- Speaker/Moderator, Bench Bar Committee Conference, Water Division No 5, CLE Accredited, Glenwood Springs, Colorado, March, 2004 and May, 2006
- Speaker/Moderator, “*Eastern Water Resources*,” American Bar Association, Section of Environment, Energy and Resources, Miami, Florida, May, 2006
- Speaker, “*Water Law in Dry Time*,” American Bar Association Water Resources Committee, Half Day Brown Bag Conference, Telluride, Colorado, September, 2003
- Author, Topical Article: “*Climate Change and Water in Colorado*” 12 Western Water Law & Policy Reporter 40, December, 2007
- Author, Feature Article: “*Colorado Supreme Court to Address Groundwater Rules*” 11 Western Water Law & Policy Reporter 299, October, 2007
- Author, Feature Article: “*Colorado Supreme Court Expands on Can and Will Doctrine*” 11 Western Water Law & Policy Reporter 35, December, 2006
- Author, “*Colorado Groundwater Management, Conjunctive Use and Water Banking*,” 10 Western Water Law & Policy Reporter 125, March, 2006
- Author, “*Colorado: Water Supply and The Land Use Connection*,” 9 Western Water Law & Policy Reporter, September, 2005
- Author, “*Colorado Interstate and International Water Issues*,” 9 Western Water Law & Policy Reporter 124, March, 2005
- Author, “*Colorado Enforcement of Water Quality Regulation and Penalties*,” 8 Western Water Law & Policy Reporter 289, September, 2004
- Author, “*Endangered Species Act, Issues Impacting Colorado*,” 8 Western Water Law & Policy Reporter 121, March, 2004
- Author, “*Issues Facing Colorado's Rivers and Streams*,” 7 Western Water Law & Policy Reporter 305, September, 2003
- Author, “*Developments Spur Revisions in Ditch Easement Case Law in Colorado*,” 7 Western Water Law & Policy Reporter 267, August, 2003
- Author, *New Ditch Easement Law in Colorado*, American Bar Association Water Resources Committee Newsletter, February, 2002, Vol. 5, No. 3.
- Co-Author, *A Practitioner's Guide to Working with the Colorado State Engineer's Office and the Colorado Water Conservation Board*, Annual Colorado Water Law Conference, Denver, CLE International, 1998

AGREEMENT FOR EMPLOYMENT OF ATTORNEYS

Pursuant to Colorado Rule of Professional Conduct 1.5, as of April 20, 2000, all new clients must be advised of the basis of attorneys fees in writing. This Agreement memorializes that requirement.

TOWN of CRESTED BUTTE hereby employs Patrick Miller Kropf Noto PC, a Professional Corporation, 229 Midland Ave., Basalt, Colorado 81621 and Denver Place 999 18th Street 30th Floor Denver, CO 80202 upon the terms and conditions set forth below:

1. Town of Crested Butte hereby retains and employs attorney to represent them (hereinafter, "Client" or "client") in matters relating to water, water rights and water resources owned or controlled by client. Client empowers attorney to undertake or file any legal actions as may be advisable after consultation with client. No settlement will be made without client's authorization.
2. Upon the execution hereof client shall deposit with attorney, in a non-interest bearing escrow account, a retainer in the amount of \$ **NONE** to be credited to the last statement given to client by attorney. Client shall pay attorney an attorney's fee as described on the attached Exhibit "A." All costs, necessary disbursements, and reasonable expenses (hereafter referred to as "costs") incurred by attorney for and on behalf of client and client's cause, are to be paid by client. In the event that such costs are advanced by attorney, attorney shall be reimbursed within thirty (30) days of billing. All fees, expenses and costs will be billed by the attorney on a monthly basis and are due upon receipt; if such fees, expenses or costs remain unpaid beyond thirty (30) days, such will be subject to a service charge of eighteen percent (18%) per annum or the maximum rate then allowed by law, whichever is less. Fees, costs or expenses remaining unpaid beyond sixty (60) days will be grounds for attorney terminating this employment agreement. All statements not objected to in writing within thirty (30) days of receipt shall be deemed conclusive as to fees and expenses due, work authorized and the value of the services rendered.
3. Attorney is given a lien on the claim or cause of action, on any sum recovered by way of settlement, and on any judgment that may be recovered, for the sum and share provided herein as attorney's fee, and for any unpaid costs advanced by attorney as herein provided. Further, attorney shall have all general, possessory, retaining liens, and all special or charging liens known to common law.
4. Attorney, in his discretion, and with the prior consultation with and approval of client, may arrange employment of experts to examine and report to attorney on the facts related to this representation, and also to testify if necessary. All such experts will be employed by client, although for convenience such experts may present bills for their services to attorney for payment by client.
5. Should any party hereto employ an attorney for the purpose of enforcing or construing this Agreement, or any judgment based on this Agreement, for any reason or in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or other litigation, including appeals or rehearing, and whether or not an action is actually commenced, the prevailing party shall be entitled to receive from the other party or parties thereto reimbursement for all attorneys' fees and all costs and expenses. Should any judgment or final order be issued in that proceeding, said reimbursement shall be specified

therein.

6. Attorney makes no representations or warranties concerning the successful termination of client's claim or the favorable outcome of any legal action that may be filed, and does not guarantee that attorney will obtain compensation or reimbursement to client of any of client's costs or damages resulting from the matters out of which client's claim arises. All statements of attorney on the merits of the claim and potential recovery are statements of opinions only.
7. Attorney notifies the client that it may use the following types of communication methods and devices in the course of its representation of client: E-mail, the Internet, cellular and cordless phones and the like. Attorney makes it explicitly clear that these types of communications are inherently *not* confidential because of the technology employed and can result in a waiver of the attorney/client privilege. Client understands the risks of the use of the above-described forms of communication and expressly consents to the same.
8. Unless you request in writing that we deliver files for a matter to you (or transfer the files to other counsel) within ten years after our involvement in the matter has ended, we will have no obligation to retain the files, and we may destroy them without further notice to you.
9. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this contract shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. Each party represents that they have either had the advice of counsel concerning this effect and reading of this document or have elected not to consult counsel.

EXECUTED at _____, Colorado, on this _____ day of _____, 2014.

CLIENT:
Town of Crested Butte

By: _____
Authorized Signature

Accepted and agreed on _____, 2014.

PATRICK MILLER KROPF NOTO PC

By: _____
Scott C. Miller
miller@waterlaw.com

EXHIBIT A

	<u>RATE</u>
Kevin L. Patrick	\$230.00
Scott C. Miller	\$230.00
Ramsey L. Kropf	\$230.00
Paul L. Noto	\$230.00
Danielle L. Van Arsdale	\$175.00
Jason M. Groves	\$175.00
Paralegal	\$125.00
Clerk	\$100.00

All expenses billed at actual cost. Copying billed at \$0.15 per copy for black and white, \$0.30 for color copy. Mileage billed at \$0.55.5 per mile. Hourly rates are subject to periodic modification at the reasonable discretion of Attorney and are intended as a guideline only.

December 15, 2014

Work Session 6:15PM

Upper Gunnison's Presentation on Colorado Water Plan

Consent Agenda

Approval of December 1, 2014 Regular Town Council Meeting Minutes

Public Hearing

New Business

Thank you letter to the Housing Foundation

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?”



VIA: AIRMAIL/FEDERAL EXPRESS

November 21, 2014

Aaron Huckstep
Mayor
Town of Crested Butte
507 Maroon Avenue
Crested Butte, CO 81224

Dear Mayor Huckstep:

From time to time we make certain changes in the services that we offer in order to better serve our customers. In an effort to provide our customers a better TV experience, beginning on or about January 13, 2015, we will be standardizing and reorganizing our channel lineup by category.

Channels over 100 will be organized by genre providing a simpler experience to navigate and discover specific types of programming. Channels 1 through 99 are not changing and will stay on the same channel positions. Enclosed please find a copy of our new Channel Lineup. If you have any questions or concerns, please do not hesitate to call me at (970) 941-4774.

Sincerely,

A handwritten signature in cursive script that reads "Mike Miller".

Mike Miller
General Manager
Time Warner Cable

Enclosures

ADDITIONAL TV PLANS

CHANNEL NAME	CHANNEL NAME
VARIETY PASS	TWC SPORTS PASS
American Heroes Channel	CBS Sports Network
BBC America	ESPN Classic
CBS Sports Network	ESPN
Chiller	ESPN2
CNBC World	Fox College Sports-Atlantic
Destination America	Fox College Sports-Central
Discovery Family	Fox College Sports-Pacific
Discovery Fit & Health	FOX Sports 2
Disney XD	Golf Channel
ESPN	GSN
ESPN2	NBA TV
Esquire Network	NFL Network
FOX Sports 2	NFL Redzone
Fuse	Outdoor Channel
Fuse East HD	Pac-12 National
GAC	Tennis Channel
Golf Channel	TWC SportsNet
Hallmark Movies & Mysteries	
IFC	TWC MOVIE PASS
IFC East HD	Encore
MTV2	Encore Action
Nat Geo Wild	Encore Action East
NBA TV	Encore Black
NFL Network	Encore Black East
Nick Jr.	Encore Classic
OWN	Encore Classic East
pivot	Encore East
Science	Encore East HD
Sprout	Encore Suspense
TBN	Encore Suspense East
Tennis Channel	Encore Westerns
TV Land	Encore Westerns East
Up	Flix
VH1 Classic	IFC
	IFC East HD
VARIETY PASS PLUS	
Bloomberg TV	
CMT Pure Country	
Destination America	
DIY Network	
ESPN	
FXX	
FYI	
GSN	
H2	
Logic	
MLB Network	
National Geographic	
Nicktoons	
Nicktoons Channel	
TCM	
The World Network	

Programming is subject to availability in your area and the video package to which you subscribe. Not all equipment supports all services. To receive all services, Preferred TV remote and base of a digital Set-Top Box are required. Some functions require compatible Set-Top Box or DVR. Depending on your reception device, you may need additional equipment provided by Time Warner Cable to access certain channels to which you subscribe. For example, some channels require a digital Set-Top Box, Digital Adapter, or a CableCARD™ installed in a customer-owned Unidirectional Digital Cable Product (UDCP); others require a digital Set-Top Box or a CableCARD™-equipped UDCP used in conjunction with a Tuning Adapter. Visit time WarnerCable.com for more information. TWC TV+ requires Standard TV or higher. TWC authorized modem required for in-home viewing and WiFi connection required for out-of-home viewing. Requires iOS 6, Android 2.3 or kindle's Fire HD/HDX. Some functions require compatible Set-Top Box or DVR. Programming is subject to availability in your area and the video package to which you subscribe. Not all equipment supports all services. All services may not be available in all areas. Subject to change without notice. Some restrictions apply. All trademarks remain the property of their respective owners. ©2015 Time Warner Cable Enterprises, LLC. All Rights Reserved. Time Warner Cable and the eye/ear logo are trademarks of Time Warner Inc. Used under license.

Gannison
Effective January 2015

3 MORE WAYS TO ENJOY TV BETTER.

OUR CHANNELS ARE BETTER ORGANIZED THAN EVER.

You'll spend less time searching and more time watching thanks to our intuitive new channel organization.

Now you can browse by genres like Sports (ESPN, NFL Network), Kids (Disney, Nick Jr.), Movie channels (Encore - Hallmark Movie Channel) and more. It's easier than ever to find the networks you love so you can enjoy TV better.

TURN YOUR DEVICES INTO TVs AT HOME OR ON-THE-GO.



With the TWC TV+ app, you can watch up to 300 live channels and 5,000 On Demand shows and movies on virtually any device, anywhere in your home. And now you can even catch select live TV and On Demand choices when you're away from home.



Go to TWC.com/TV+ to download the app and see compatible devices.

ALWAYS GET THE BEST PICTURE.

We'll automatically bring you the best picture quality possible on any channel you choose, so you don't have to search for HD or SD channels any more.



SIMPLER. SMARTER. BETTER.



ENJOY
BETTER

{JOHN SMITH}
{APT 100}
{3708 E EMANUEL CLEAVER II BLVD}
{CHARLOTTE, NC 28217}

BARCODE & CLEARANCE

SIMPLER.
SMARTER.
BETTER.

Get a better TV
experience than ever.

Your new channel lineup arrives {XX/XX}.

{April 24, 2014}

Dear {John Smith},

We're working hard at Time Warner Cable to bring you a better TV experience. You asked for an easier way to search for channels, so we're delivering by reorganizing our lineup. That means finding your favorite networks will be easier than ever.

A new channel lineup card is included with this letter. Hold onto it so you can find all your new channel numbers when they change.

Our channels will be more intuitive and better organized than ever, so it will be simpler to navigate and discover specific types of programs. Browse by Sports (ESPN, NFL Network), Kids (Disney, Nick Jr.), Movie channels (Encore, Hallmark Movie Channel) and more. **Channels 1-99 will stay the same.**

Here's where you can find some of your other favorite channels:

- Entertainment (Ch. 100)
- News & Info (Ch. 200)
- Kids & Teens (Ch. 250)
- Sports (Ch. 300)
- Movies & Premiums (Ch. 500)
- Sport Packages (Ch. 700)
- Latino (Ch. 800)
- On Demand (Ch. 1000)
- Local Programming (Ch. 1200)
- International (Ch. 1400)
- Radio (Ch. 1900)
- TWC Info (Ch. 1998)

Always get the best picture. We automatically bring you to the best-quality picture possible on any channel you choose. No more searching for HD or SD channels.

Use our online Channel Finder to instantly find the new number for a favorite channel. Visit twc.com/mychannels.

Check your settings. Your DVR settings and scheduled recordings may be affected, so be sure to check them once the new lineup is in place. You can also reset your Favorite channels and Power On channel settings by clicking the SETTINGS button on your remote. Note that your Parental Controls settings will stay exactly the same.

Questions about the new lineup? We're always happy to help. Just call 1-855-225-7898 or visit twc.com/mychannels, where you can print copies of the new lineup.

Thank you for being a Time Warner Cable customer.

Your new channel lineup is coming.



ENJOY
BETTER

7910 Crescent Executive Dr, Charlotte, NC 28217

STD. RESORT
U.S. POSTAGE
PAID
TIME WARNER CABLE



ENJOY
BETTER

SIMPLER. SMARTER. BETTER.

Get a better TV
experience than ever.

We're working hard at Time Warner Cable to bring you a better TV experience. You asked for an easier way to search for channels, so we're delivering by reorganizing our lineup. That means finding your favorite networks will be easier than ever.

A new channel lineup card is included with this letter. Hold onto it so you can find all your new channel numbers when they change.

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- Latino (Ch. 800)
- On Demand (Ch. 1000)
- Local Programming (Ch. 1200)
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- TWC Info (Ch. 1998)

Always get the best picture. We automatically bring you to the best-quality picture possible on any channel you choose. No more searching for HD or SD channels.

Use our online Channel Finder to instantly find the new number for a favorite channel. Visit twc.com/mychannels.

Check your settings. Your DVR settings and scheduled recordings may be affected, so be sure to check them once the new lineup is in place. You can also reset your Favorite channels and Power On channel settings by clicking the SETTINGS button on your remote. Note that your Parental Controls settings will stay exactly the same.

Questions about the new lineup? We're always happy to help. Just call 1-855-225-7898 or visit twc.com/mychannels, where you can print copies of the new lineup.

Thank you for being a Time Warner Cable customer.



ENJOY
BETTER

7910 Crescent Executive Dr., Charlotte, NC 28217

STD PRESORT
US POSTAGE
PAID
TIME WARNER CABLE

Your updated **channel lineup**
is enclosed.

Important Information for DVR Customers:

Your recordings may need to be rescheduled.

Your new channel lineup brings you the best quality picture available on any channel. When a program is available in both SD and HD, you'll automatically see and record the higher-quality HD picture.

Please review your current recordings.

Any recordings scheduled in SD format for a program that's also available in HD will be cancelled when the new lineup launches. The programs will remain available, but can only be recorded in HD.

It's easy to reprogram your recordings:

1. Press the Menu button on your remote to access the DVR Manager.
2. Make a note of the programs you have set to record, along with the channel number.
3. Make sure you are recording on an HD channel.*
4. If not, set up a new recording for your program with the HD channel number.*
5. Check your DVR recordings after the new lineup launches to ensure everything transferred.

*Find the HD version of a channel with the Channel Finder tool at twc.com/channels. If no HD version exists, then no action is needed for that channel.

Note: If you have one of these DVRs, no action is required. All other DVRs will be affected. Model numbers can be found on the lower left corner of your DVR.

- Motorola DCX 3400 M
- Motorola DCX 3510

