



*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, September 15, 2014**  
**Council Chambers, Crested Butte Town Hall**

**6:00 WORK SESSION**

Discussion of Major Special Event: Whatever USA.

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

**7:02 APPROVAL OF AGENDA**

**7:03 CONSENT AGENDA**

- 1) Approval of August 28, 2014 Special Meeting Minutes
- 2) Approval of September 2, 2014 Regular Town Council

Meeting Minutes

**7:05 PUBLIC COMMENTS**

*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.*

**7:20 STAFF UPDATES**

**7:40 NEW BUSINESS**

- 1) Discussion and Possible Approval of the Crested Butte Film Festival Special Event Permit and Special Event Liquor Permit for September 25-28 Adjacent to the Center for the Arts Building.
- 2) Follow-up Discussion on Vinotok Risk Mitigation Efforts.
- 3) Ordinance No. 12, Series 2014 – An Ordinance Authorizing the Sale of Town-owned Real Property Legally Described as Unit B, Redwell Townhouses, According to the Preliminary Plat Recorded June 17, 2004, Bearing Reception No. 543196 and the Party Wall Agreement for Redwell Townhouses Recorded June 17, 2004, Bearing Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado for a Maximum Sale Price of \$145,000.00.
- 4) Resolution No. 13, Series 2014 – Agreement for Installation and Maintenance of Gaging Station.
- 5) Ordinance No. 10, Series 2014 – An Emergency Ordinance Amending Chapter 6 of the Crested Butte Municipal Code to Add Regulations Respecting the Creation of an Entertainment District in Which Common Areas for the Consumption of Alcohol May be Operated by a Promotional Association. (*ratification*).

**8:45 LEGAL MATTERS**

**8:55 COUNCIL REPORTS AND COMMITTEE UPDATES**

**9:15 OTHER BUSINESS TO COME BEFORE THE COUNCIL**

**9:30 DISCUSSION OF SCHEDULING FUTURE WORK SESSION**

**TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, October 6, 2014 – 6:00PM Work Session – 7:00PM Regular Council

- Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 3, 2014 – 6:00PM Work Session – 7:00PM Regular Council

**10:00 ADJOURNMENT**

**Minutes  
Town of Crested Butte  
Special Town Council Meeting  
Thursday, August 28, 2014  
Jerry's Gym**

Mayor Huckstep called the meeting to order at 6:05PM.

Council members Present: Jim Schmidt, David K Owen, Glenn Michel, Roland Mason, Shaun Matuszewicz, and Chris Ladoulis

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, Town Clerk Lynelle Stanford, Chief Marshal Tom Martin, Public Works Director Rodney Due, Finance Director Lois Rozman, Parks and Recreation Director Janna Hansen, and Building and Zoning Director Bob Gillie

**APPROVAL OF AGENDA**

Under New Business, #2, Discussion and Possible Action Regarding Letter of Support for Fund Raising Effort for the Center for Arts for a New Arts Facility Located at Lots 6, 7, 8, 9, 10, and 11, Block 50, Crested Butte, was continued to September 2, 2014 and removed from the agenda.

Matuszewicz moved and Schmidt seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**PUBLIC HEARING**

- 1) **Discussion of Major Special Event Permit Application by Western Colorado Events, LLC for Activities to be Held in Crested Butte between August 26, 2014 and September 12, 2014 and Resolution No. 11, Series 2014 – A Resolution Approving the Application for a Major Special Event Permit by Western Colorado Events, LLC for Activities to be Held in Crested Butte between August 26, 2014 and September 12, 2014. (continued)**

Huckstep confirmed to those in attendance that the intention was to make sure there was a vote tonight. He stated the Council heard six hours of testimony Monday night, and there were no less than 150 emails on the record.

Huckstep brought forth allegations that a news channel reported he was in favor of the event and the fact that people felt Owen knew he was going to vote one way or another and how they relate to the fact that both were asked to recuse themselves. Huckstep said he had been very careful to address it as the Council's decision, and he felt neither should be recused. He then laid out the order of events for the public hearing beginning with a report from Crossett, then further public comments. He said anyone who did not speak at Monday's public hearing was prioritized. Comments were limited to two minutes per person. In order for the Council to deliberate and take action, it was planned to limit the public commentary to 30 minutes.

Public hearing was reopened.

Due to a previously reported conflict of interest, Ladoulis recused himself and left the gym.

Crossett was asked if he received everything that was requested from the event organizers. He confirmed from the staff point of view, it was set to go. He said staff needed time to go over and review. Additionally, the Town received a letter of sign-off from the Fire District Board. He said the Town would require a certificate of inspection for any structure that is built. He thanked the staff, the applicant, the community, and the Council. Owen further questioned Crossett if he meant that staff is recommending approval. Crossett said it was the staff's job to review all the plan materials and see that the event can be done safely and with reasonable mitigation to impacts. He said based on the information that was received and reviewed, he can say, "Yes." However, what the public decides is up to the Council.

Huckstep confirmed with Belkin that the donation pool increased to \$500,000 from \$250,000. The donation amount of \$500,000 was authorized by the applicant.

Schmidt asked Belkin if Anheuser Busch (further referred to as AB in the minutes) would indemnify the event. Belkin said it is not specifically an indemnity; it's a guarantee of all obligations of the applicant. AB is not on the contract, but Fusion, representing AB, is listed as the guarantor. As the Town Attorney, Belkin reported to be satisfied with it.

Matuszewicz addressed the press that was present at the hearing. He said that we are a community. We are a town of people that are passionate about where we live, and he was disappointed in the coverage he saw.

Mike Johnson – 223 Sopris

- If you're going to proceed, you need to expect far more than \$500,000.
- There are significant unmet needs in the area, and this money can make a difference.
- AB spent \$6B in the last year for marketing. They are offering less than .01% of their entire marketing budget.
- High risk low return proposition.

Sarah Coleman – 310 Escalante

- The process has been unacceptable. Transparency, not secrecy.
- Shutting down the heart of the town for families is inappropriate.

Harry Woods – 127 Luisa Lane - Manages the CB Mountain Theatre

- They were approached by AB as a theatre who also rents out the space. They are a community theatre, and they don't limit to whom they rent.
- AB initially only asked if certain dates were available and didn't speak about anything else.

- According to the business the theatre had with event organizers, he felt confident they would not do anything to harm the theatre.
- Nothing was cancelled to accommodate the event, and it filled the theatre for a time that it was available.
- Encouraged the Council to vote, “Yes.”

Andy Eflin – 1106 Vulcan Street

- On behalf of the Chamber and the business community, he is definitely in favor of the event.
- Economics could help our community out.
- Businesses will have great benefit from the event, and employees can get through the off- season.
- Fun and funky event and thinks it will go off that way.
- Urged the Council to vote, “Yes.”

Sean Hartigan – 25 Floyd – Owner of Last Steep Bar and Grill

- There are people with ill feelings toward Bud Light (further referred to as BL in the minutes), and there is no room for that. We are 99.9% luckier than most people for living here.
- 150,000% behind this thing. Great, fun time, but also a needed thing.
- No different than Vinotok or the 4<sup>th</sup>.
- Urging the Council to vote, “Yes.”

Noel Adam - 111 Teocalli

- Against the event.
- Whenever Elk is closed for parking, his sales drop 50% to 70%.
- Questioned poll that 90% of people were in favor.
- Process has been hurried and the public hasn’t had enough information.

Benjamin Diem – Lives above McGill’s

- We have great events that have sponsors. Feeling brand bigotry. Really, what does it matter that it’s a big multi national corporation?
- When we need a sponsor for an event, we’ll look to a big company. These events should take place.

Jennifer Hartman – 725 Cascadilla

- Acceptance, tolerance, and kindness are what bring us together.
- Will not directly benefit financially.

Tracy Hastings – 39 Alpine Court

- Support of the event.
- Every resident makes money off of tourism.
- We need tourism to survive and be successful.
- If we want to be able to sustain day to day life, this event is crucial for us.
- Negative exposure has been frightening.

Cari Freeman – 711 Riverland Drive

- Excited and grateful for the opportunity.
- Asked event organizers to accept sincere apology; true locals are kind and genuine people.
- We are a community that helps each other out at a drop of the hat.
- Majority of us support.

Molly Maxwell – 31 Snowmass

- Thanked Bobby, Shaun, and the entire BL crew. Apologized to them for a small, rude minority.
- Bodes well financially for all businesses and the employees. The event will make us go into off-season a little better.

Sara Potoker – 401 3<sup>rd</sup> St

- Feels like AB is a company to respect. Who cares if they sell beer?
- Budweiser has already sponsored events. They are not asking how much we will pay for them to come to the Town. We're not treating them like it's a privilege.
- Public was kept in the dark because of the safety factor.
- She supports you, BL. Thank you for supporting us already.

Justin Dobbie – 304 Van Tuyl Circle – Student at Western

- Questioned if Western students were included as locals.
- Everyone at Western is pretty stoked. Hope they respect Western IDs. Want to be considered as locals.

Mark Alling – 818 Sopris

- Cited a section of the plan regarding leaving things the way they found them in original or better condition. Not sure if the plan to mitigate the painting on the asphalt is really going to leave it in original or better condition.
- 3,000 Gallons of paint – toxic material per coat.
- All stuff that's being brought in valley and planted in the watershed.
- Event is fine, but need to take care of the details. We'll be even more upset if something bad happens pollution wise.

Jason Vernon – 103 Maroon Ave

- It's a wedding party with more flowers.
- Greed – not so nice. The spitting – I'm sorry.
- The only point is the only way we get to defend this is to do good.

Nick Danni – 414 North Spruce

- 100% in support of the event.
- We accepted tourism 30 years ago. Gift from God that we got BL. It's a time of year that we don't make money.

Katie Thomas – 622 Teocalli Ave

- Change is a perpetual circumstance in Crested Butte.
- We're all here for the ski area. We rely on tourism.
- Best thing about the Town is the community.

Wendy Fisher – 16 Ruby Drive

- Makes me happy that friends on Elk Avenue will benefit.
- Crested Butte/Mt. Crested Butte are known for taking risks. Why not try?
- Loves fun festivals and creativity. I support it. It's what this town is about.

Jill Hughes – 16 3<sup>rd</sup> Street

- Great place for our kids to grow up. Chose to move family here because of community.
- Why would we let this opportunity pass by?
- Kids want to do these amazing things (Kids' Program).
- Urged them to vote, "Yes."

Scott Stewart AKA King of Soul –

- Council will mitigate concerns.
- Responsibility is key.

Laura Silva – 53 Escalante

- Apologized to AB for behavior they witnessed.
- Suggestion of buying Mt Emmons is pretty much ridiculous. Participants will be spending money in addition to the gifts AB has given.

Tim Wirth –

- Thought Monday night was a tribute to democracy. Spoke on Monday to the process. One suggestion of process to help heal the wounds.
- Town Council and BL got us in a terrible corner.
- Develop an amendment to the resolution that sharply increases the funds being asked of BL. Paltry fee compared to what BL is getting. BL can significantly up the ante. Neighborhood of \$10M. Guarantee that Arnold didn't give up on Bud's first offer. In good bargaining position right now.

Kyleena Falzone – 222 Sopris

- Felt slightly embarrassed that BL should come in and pay for the Town's problems.
- Referenced a petition with 505 names on it. Petitions should hold some weight.
- Mentioned other events sponsored by companies. If you don't like BL, don't drink it.

Jennifer McGruther – 501 Sopris

- Supports all special events in Town. Would like to see more of them, especially during shoulder seasons. They celebrate our unique heritage.
- Exclusion of minors from their home is wrong.
- What troubles her most is deliberate and divisive secrecy. Could have been unifying instead of divisive.

David Ochs – 801 Red Lady Ave

- Spoke to Chamber poll that was taken last week. Numbers that they have received indicate 84% in favor.
- Consider the \$500,000, not including over \$2M they are injecting into our economy deliberately.
- Let's put on our biggest Crested Butte smiles and give them the best Crested Butte welcome.

Lyn Maresca – 618 9<sup>th</sup> Street

- Concern is one of public safety.
- Event has gone viral. People are discounting the fact we might be overrun with 1,000s of people. Are we prepared for crowd control? Are we at least considering how to take care of this?
- Damage. Who's liable? AB has been disrespectful to our Town government.

Kat Hassebroek –

- Not BL's responsibility to come in and give money.
- That is not representative of how we are as a community. We choose to live here and struggle and make ends meet.
- Secretive – the whole nature of the event is secretive.
- In full support of it.

At the end of the public comments, Crossett was asked to respond to Dobbie's question of whether Western students are included in the event. Crossett said, "Yes," anyone 21 years or over will be able to attend the event.

Martin was asked about public safety with the recent press coverage. Martin answered that with the plan the applicant proposed, he became less comfortable with the resources after Tuesday. He reported to have submitted a new proposal asking for additional law enforcement. He said he felt people would be turned away if numbers grew too large. He summarized he is as comfortable as he can be at this time.

Public hearing was closed. The discussion turned to the Council.

Schmidt apologized to all for the process, and he said he took full responsibility for the process. He said the staff worked very hard analyzing the application; it was a failure as a Council for not communicating with the community. He said he has the greatest respect for the people that were here, and he very much appreciated the civility. He referred to the press and said he is disappointed TV cameras were here and not covering

things that were very important. He reported being offended by accusations of impropriety by the Council. The balance often makes people unhappy. Every councilman knows he will have arrows his back. He wondered what color the arrows would be.

Owen asked about the signage and architectural plan. He confirmed businesses must opt in to participate. Reported he has been contacted by businesses located in the entertainment district that have not been contacted, and he wondered how they would opt in. Event organizer, Bobby Wells, answered that the anticipation of the vote has taken us to this point. This morning they started going business to business. If the application is approved tonight, they would start canvassing and would be providing all the signage referred to in the plan.

Owen asked event organizers if the offer was still on the table to mention Crested Butte in their ads. Event organizer, Shaun Byrne, said they were 100% open to the idea. Owen asked for this aspect to be addressed in the contract. Byrne said he can go back to the brand. Owen further described issues they had with the whole process: Insufficient time in this process; Not time enough for the public to read the application, digest it, and come up with comments to share; Not enough time to notice impacted neighbors. A two week notice for amplified sound was typically required. The hard question was if there has been enough time to adequately consider the public health and safety associated with the event. There has been no time at all for community to have the discussion to decide if it's something we want to do or not. We have been shorted the opportunity to have the conversation at the community level. When Owen looked at the application, with an objective eye, he said we have standards in which to judge the pros and cons of major special events. Captured in the resolution are the findings of fact. Proposed event is a major special event. The major special event would provide significant, public benefit to the Town and impact on the businesses. The major special event is appropriately sized in proportion to the site. Owen was very concerned about the Big Mine Ice Arena venue, but he referred to a letter dated August 28, 2014 from the Fire Protection District that said that the fire, life, and safety plan event organizers have submitted is supported by the Fire Protection District. He said he was very relieved that the public health and safety issues have been addressed. Owen said there would not be unreasonable traffic or congestion, and the plan addressed that issue as well. There was sufficient parking in terms of parking places, and contestants are being flown in and bussed around. Owen added that there were sufficient safe guards in the plan to be conducted to reduce adverse impacts on adjacent properties. He also said he does not see any issues with the event unreasonably affecting public health, safety, and welfare. Owen cited the staff recommendation to approve and said if everyone says we can pull this off, he has to say we can. Owen heard rumors of people spitting at employees, and he said it saddens him a lot. He apologized and asked everyone to remember that is not who we are. We hope they have a positive experience. We're friendly; we're polite. We want these people to come.

Matuszewicz drew attention to the Major Special Event Ordinance and cited the cost of the permit is \$5,000. He reminded people that anything above \$5,000 is a gift. He said that he sees a lot of fear. He said he doesn't operate from a place of fear, but he operates on

the facts. He said that people will have jobs and people will gain important economic benefits. In speaking of standards, he said he was insulted by the cameras present at the meeting. Lastly, Matuszewicz referenced a permit to shut down Central Park that was seven pages long. With what has been asked of the applicant, they have been held to the highest standards. He said as a personal standard, no matter what happens, we are a community, and let's show people what Crested Butte is all about.

Mason said he has seen the Town change over time. He felt each person's comments were taken personally, and they have been heard. From the last meeting until now, the support was evident from the people that stayed until 2AM. He addressed Martin and asked what would happen if a lot of people come here, what we would do with the rest of the community and anything happening outside of the event. He wanted to be sure the rest of town was protected. He asked if people would be turned away at the gate, or if they could be turned away before they get to Crested Butte. Martin said there could be a possibility of highway check points, and he was comfortable with the probabilities.

Michel: "Let's have a party!"

Huckstep said he first wanted to say thank you to the organizers. BL was the guinea pig. He also thanked department heads, H Baum, Stephanie Prater, and Dano Marshall. Huckstep went on to say the impacts are not just on Elk Avenue, they are also in Mt. Crested Butte. The suggestion to allocate funds is they need to be allocated from a joint committee with the two Councils. The contract reflects the funds are not just for Crested Butte, they're also for Mt. Crested Butte. The benefit should be felt by all. Council is concerned about how people have treated each other. The community needs to move beyond the negative. Ours is a "talkable" community. We all need to be a part of the solution.

Michel moved and Schmidt seconded a motion to approve the Major Special Event Permit Application by Western Colorado Events, LLC and Resolution No. 11, Series 2014. A roll call vote was taken with all voting, "Yes." Ladoulis recused himself and did not vote. **Motion passed unanimously.**

2) **Ordinance No. 10, Series 2014 – An Ordinance Amending Chapter 6 of the Crested Butte Municipal Code to Add Regulations for the Creation of an Entertainment District in which Common Areas for the Consumption of Alcohol May be Operated by a Promotional Association.**

Public hearing was opened.

Belkin immediately said the ordinance would be an emergency ordinance due to posting requirements not possibly being met. Ordinance No. 10, Series 2014 was changed to an emergency ordinance and Belkin said he would revise findings in the ordinance to make it an emergency. He would add a section to deal with the emergency nature of it. He said the Council could adopt as an emergency ordinance, and it would become effective

right away. No one on the Council objected to the change to an emergency ordinance, once Owen confirmed it was legal to make the change.

Belkin added that once the legislative exists, the Council can approve or disprove the consumption area for each event. The promotional association will come back to Council, and the consumption area is the final step. Additionally, BL will pay for insurance costs for this event. \$6,000 will be left in the fund, and it is additional money that can be used for the promotional association in the future.

Public hearing was closed.

Schmidt moved and Mason seconded a motion to adopt Ordinance No. 10, Series 2014 as an emergency ordinance with changes that the town attorney sees as advisable to make. A roll call vote was taken with all voting, "Yes." Ladoulis recused himself and did not vote. **Motion passed unanimously.**

### **NEW BUSINESS**

- 1) **Resolution No. 10, Series 2014 - Resolutions of the Crested Butte Town Council Creating an Entertainment District Authorized by C.R.S., § 12-47-301. (*if necessary*).**

Belkin said Resolution No.10, Series 2014 must accompany Ordinance No. 10, Series 2014.

Discussion was had about whether certain businesses were included in the entertainment district. Matuszewicz questioned if the 1<sup>st</sup> and Elk Parking Lot should be included. Belkin said the Entertainment District is the starting point, then the consumption areas. A resolution can make changes to the district.

Matuszewicz moved and Michel seconded a motion to approve Resolution No. 10, Series 2014 with three changes to the border as discussed. A roll call vote was taken with all voting, "Yes." Ladoulis recused himself and did not vote. **Motion passed unanimously.**

**ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 8:36PM.

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Aaron J. Huckstep, Mayor

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Lynelle Stanford, Town Clerk      (SEAL)

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Tuesday, September 2, 2014**  
**Council Chambers, Crested Butte Town Hall**

Mayor Huckstep called the meeting to order at 6:04PM.

Council members Present: Jim Schmidt, David K Owen, Glenn Michel  
Shaun Matuszewicz, Roland Mason, and Chris Ladoulis

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, Town Clerk Lynelle Stanford, Finance Director Lois Rozman, Chief Marshal Tom Martin, Parks and Recreation Director Janna Hansen, and Town Planner Michael Yerman

**APPROVAL OF AGENDA**

Item #4 under Public Hearing, Discussion and Possible Action on Special Event Liquor Permit for Crested Butte/Mt Crested Butte Chamber of Commerce for September 5 – 7, 2014 in the 100, 200, and 300 Blocks of Elk Avenue, Including Alley to Alley on Each Side, was not necessary and was removed from the agenda. Also, Resolution No. 10, Series 2014 was added as Item #3 under New Business.

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

**CONSENT AGENDA**

1) Approval of August 25, 2014 Minutes

Ladoulis moved and Mason seconded a motion to approve the Consent Agenda with change to August 25, 2014 Minutes as requested by a citizen. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**PUBLIC COMMENTS**

Steve Glazer - 718 9<sup>th</sup> Street

- Came to the Council with a flow gauge status update.
- The flow gauge will be installed on Gothic at the confluence of Coal Creek by USGS, and funding has been secured for the installation.
- The Upper Gunnison Water Conservancy District will take annual O and M cost share, and Glazer asked the Council for further consideration that the Town would share the cost (\$3,600 annual cost to the Town).

## **STAFF UPDATES**

Hansen

- Asked regarding a revised Big Mine Fence plan in regards to the upcoming event. Determined she would work with event organizer, Bobby Wells, to answer her question.

Yerman

- Reminded the Council they passed an ordinance to move on 818 B Teocalli Ave property.
- Reported the former resident has until September 5 to empty the unit.
- There will be a 60-day qualification period; it will then be put on the market.

Rozman

- July sales tax is up 10.4%.
- For both medical and retail marijuana combined in July the Town collected \$14,163 in taxes. The total collected was 3.3% of total sales tax.
- Schmidt asked Rozman if the sales tax numbers were affected by any large non-reportees. Rozman answered that a few are still missing.
- Currently in the process of getting new desktop workstations in Town Hall, which should be completed by mid-September.

Crossett and Martin jointly reported on aspects of the Security Plan for the Bud Light (BL) /Anheuser Busch (AB) major special event. The main question addressed was of whom is invited to the event. The answer was the entire Upper Valley, CB Fire District, including all full-time and part-time residents over 21 are invited. Also, guests to the valley over the age of 21 were invited, including anyone who was here staying at a hotel, bed and breakfast, including people staying with family. In regards to the Lower Gunnison Valley, including Gunnison, all full-time residents were invited. Martin said they were working to separately credential anyone from the University to sign students up through the school. They will be starting to credential on Thursday at a booth next to the Museum and also at the Chamber. People that live within the perimeter will have their own wristbands to avoid standing in line to go home. They have worked out some kinks with the fencing plan, and there was a system in place for residents who need to get in and out. Alley residents will have a number to call security, and they can call if they need access in or out. It was further mentioned that the gates were movable, and they were coordinating with security for people to be let through the fence. Schmidt asked about the situation of someone just moving here who doesn't have a local address on his or her ID. Martin said someone local would help to determine locals at the credentialing locations. Crossett said information would be up on the Town's website tomorrow. He said credentialing should take place from 9AM to 9PM at the booth by the Museum and also at the Chamber during their regular business hours. Schmidt asked for further clarification regarding who is considered a guest. He asked if someone could invite 1000 friends, all buddies from college. Crossett said ideally they would have a key or a reservation made before knowledge of the event. The idea was trying to keep

credentialing a reasonable experience, but people minimally should have details about where they're staying. They were trying to be sensitive and visitor friendly. Martin said they could restrict numbers in case there become too many people. He further said if someone is staying here, they should be able to provide something, but it won't take too much to get into the venue. Martin said William Buck's security company would have a few people at the credential tent to help, but he realized it was not absolutely black and white. Crossett added people would need to at least provide a piece of ID and something to show where they're staying. He specifically doesn't want to wrongfully turn away second homeowners. Huckstep said he wanted to be confident there were controls in place. The Council's concern was how to answer questions of citizens and visitors that are coming in now. Crossett cited the example of a wedding party that was invited due to their long-term plans that had been in place. He said staff needed to know if something special was planned. Ladoulis asked about a person that wanted to come in on Friday and then again on Saturday. Event organizer, Bobby Wells, said that once a wristband is on, it has to stay on. Wells said the overall communication needed to be you can't get in if you're not invited. The message needed to be out that you can't get in if you're not local. Huckstep said the challenge was that what was being said now was the opposite message from last week. He said misinformation couldn't be spread. Crossett said there are two separate messages: Outside the valley, we want to discourage people from coming, but people that are here and coming as guests, we need them to know they're invited. Owen asked about Gunnison people and if event organizers have thought about reaching out to the lodging people to work off their lists. Martin said they are trying to make arrangements for people who had previous reservations. Crossett said if a person lives in Gunnison, they have to show they're a full-time resident. He said the intention was to accommodate people who already had reservations. Huckstep asked about people camping. Martin said at some point, people were not getting in. He said for law enforcement and security, they were really trying to restrict access. Martin said a person couldn't camp up Slate River and then come to the event. Huckstep said from a communication perspective the expectations we're setting made it sound open. He said hard and fast rules were needed, so the Council can communicate. Huckstep was concerned about the information if you come, you can get in. Crossett said after the national press, it had to be rescaled and harder edges drawn. Schmidt said he heard the same thing: If you're 21, you can all come. He said he has no problem with the tact, but it's not the message that came out. Matuszewicz said that to have not hit this, they're behind the ball and need to get the information out.

Michel asked Martin about a potential mob scenario and if anything came of a potential highway roadblock. Martin said he left a message, and the person making the decision has not called him back. Martin said he would call him back tomorrow. Martin said they would not shut down Town because of operating at capacity. He said if they had to, they would determine who gets through at the state barn near Town. Event organizer, Wells, offered to develop a pre-registration website. He wondered if everyone needed to be invited; he said it could be a BL private event. He said a message could be sent that it's not a wide-open event, and sorry you heard that. Huckstep said that chance happened long ago and it can't be changed.

Methods of qualifying who would be considered a local were discussed. Wells said that people that live here should not be hassled. Huckstep said there was no question if a person has a local ID they would get in. He also said he didn't want employees standing in line to get to work. He said the best-case scenario was people were banded by Thursday. A citizen mentioned businesses have been contacted, but offices have not. Owen added that residents inside the fenced in perimeter haven't been contacted either. An Elk Avenue tenant questioned the event organizers on what kind of security they could plan for her unable to be locked building.

Martin referenced a list of questions he was asked by newspaper editor, Mark Reaman. Martin confirmed he (the Marshal's Office) ultimately has jurisdiction over the special event area. He said there would be 90 security officers led by the Patriot Group, who is mostly comprised of ex-law enforcement and ex-FBI. They have very good verbal judo skills and will diffuse most situations before law enforcement needs to be called. Reaman had asked Martin how many people are necessary to upgrade the security plan. Martin said there would be 20 law enforcement officers and 90 security officers, and there is no plan to upgrade those numbers. However, if a highway check point becomes necessary, the Sheriff said Kebler would be addressed as well. Reaman questioned what happens to those who might want to protest. Martin confirmed the event footprint was a private venue as granted by the Council, and a private venue has the right to refuse service. He said they would try to regulate at that level.

#### Martin

- There have been increased bear calls in the past ten days. He said it is the norm throughout the state. There has been a mid sized male bear sighted in Town almost every evening.
- He publically acknowledged staff for their work volunteering for the Pro Challenge. He said it went very smoothly, and he gave kudos to staff.

#### Crossett

- Tennis courts are under construction. Renner will be here on the 21<sup>st</sup>.
- Met with the Foothills people. They will be back here with a proposal.
- DOLA is here on the 4<sup>th</sup> to meet with the mayor/manager's group.
- On the 25<sup>th</sup>, there is a meeting for the Transportation Plan.
- Health insurance increase was 3.5%.

#### Stanford

- Mentioned upcoming special events: Eagle Eye Target Golf Tournament with Birdie Ball at Pitsker Field, September 5 and 6; Big Beers for Big Gears at Totem Pole Park, September 19; Vinotok, September 19 and 20; Film Fest at Center for Arts, September 25 through September 28.

## **PUBLIC HEARING**

### **1) Ordinance 11, Series 2014 – An Ordinance Amending Chapter 16, Article 18 of the Crested Butte Municipal Code to Include Regulations for the Allowance of Signs on Public Property where Certain Conditions Are Met.**

Public hearing opened.

Huckstep referred to a staff report from Yerman with recommendation to approve. Yerman confirmed there were no changes from the time of the staff report. Yerman said the main concern was trail kiosk signs. The problem is putting the kiosks in the historical core area of Town. He said the ordinance gives staff the ability to look at an application and work with Parks and Rec and Public Works. Matuszewicz asked what would happen if the public felt there were gross violations. Michel said the appeal process was not cited in the ordinance. Belkin said he would include a citation to deal with the appeal process.

Public hearing closed. Opened for Council discussion.

Schmidt said that BOZAR says any citizen can appeal. Belkin said he would include an appeals clause.

Schmidt moved and Owen seconded a motion to approve Ordinance No. 11, Series 2014 with a citation of an appeals clause. A roll call vote was taken with all voting, "Yes."  
**Motion passed unanimously.**

### **2) Discussion and Possible Action on Application for Certification of Elk Avenue Promotional Association, Inc. Pursuant to Section 6-7-40 of the Crested Butte Municipal Code.**

Ladoulis recused himself and left the room because Bacchanale, the restaurant he owns, would be a part of the association.

Belkin said the first step was to certify the organization. Joel Lewis, owner of the Talk of the Town, is the Chairman of the Association, and the action was to certify the association. It was mentioned that they were still working on the insurance for the association, and the association would name the Town as additionally insured. The special event applicant (BL/AB) would be paying for the insurance.

Discussion was had regarding Marchitelli's and the Dogwood. Marchitelli's confirmed they were not serving alcohol to leave their premises and enter into the entertainment district, and the Dogwood owners haven't responded to calls. Belkin said they could extend the consumption area to run adjacent to these businesses. It was recommended Belkin was allowed to draw the line so it runs contiguous with the two properties.

No public comment. Public hearing closed. Opened to Council discussion.

Schmidt moved and Mason seconded a motion to approve the application for certification of Elk Avenue Promotional Association, Inc with the change to Appendix D, provided that the association obtains insurance. A roll call vote was taken with all voting, "Yes." Except for Ladoulis who recused himself. **Motion passed unanimously.**

**3) Discussion and Possible Action on Application by Elk Avenue Promotional Association, Inc. for Designation of a Common Consumption Area between First and Fourth Streets for September 5-7, 2014 Pursuant to Section 6-7-30 of the Crested Butte Municipal Code.**

Ladoulis again recused himself and left the room. Public hearing opened.

Belkin said the consumption area included private properties. He said that there had to be a security person at the door of each bar. Businesses that don't serve alcohol were required to have signage indicating people can't drink. They need to make sure the fencing was completed and people could not access consumption area if IDs have not been checked. Belkin said he was comfortable the promotional association could produce insurance. Mason asked the requirements for fencing for the consumption area. Crossett said fencing would go between the buildings and there would be demarcation, so people could see where they were.

Joel Lewis had the only public comment when he confirmed no one was allowed to take a drink inside another establishment. Belkin said the originating bar would mark their bottles. Huckstep then confirmed that Belkin's work was covered under a reimbursement agreement with AB, and said it was worth noting to the public.

Schmidt moved and Matuszewicz seconded a motion to approve the common consumption area except for the extent of private properties therein reflected in the amended diagram, contingent upon appropriate fencing. A roll call vote was taken with all voting, "Yes." Except for Ladoulis who recused himself. **Motion passed unanimously.**

**NEW BUSINESS**

**1) Discussion and Possible Approval of the Vinotok Special Event Permit for September 19 and September 20, 2014 Affecting the 100 Block of Elk Avenue on September 19th and the Chamber Lot and Elk Avenue on September 20<sup>th</sup>.**

At the time the packets were published there was an outstanding issue with the fire plan and the construction of the fire. Crossett was concerned the Fire Department did not want to inspect the actual building of the fire. He wanted to be sure the responsibility of the inspection of the fire did not fall on Town staff. The solution was an independent inspector, Bob Wojtalik, would inspect the fire, and the Fire Department has signed off as part of the plan.

Vinotok event organizer, Molly Murfee, spoke to the Council regarding the event. She reported a fall out of the BL event was Chili and Beer Fest, being held in Mt. Crested Butte, was scheduled for earlier the same day as Vinotok. She expressed a major concern with a beer tasting event starting at 11AM, when mumming as a part of Vinotok starts at 5PM. Murfee said both events have drinking associated with them, and the two events scheduled together warrants some attention. Huckstep added it was important to recognize the resolution is not the role of the Chamber. Murfee clarified and said the involvement is the Chamber runs the Chili and Beer Fest, and the problem is caused by the two events being held on the same day.

Murfee wanted to ensure safety around the bonfire itself. She also expressed concerns related to maintaining safety and peace out in the crowd and maintaining the fire perimeter. She said as part of a proposal to BL, she requested funds for the advertisement of safe rides, extra security in the crowd around the bonfire, and she asked for peacemakers in the crowd to take care of disruptive people. Murfee reported that she hasn't heard back from BL. She said she is trying to be proactive with one drinking event on top of another drinking event. Murfee expounded on her proposal to BL. She said she added a provision for safe rides through Alpine Express and RTA rides available through the "drunk taxi." In her proposal she also requested funds for extra EMT and police on staff. Murfee guessed her proposal was floating around BL world. Dano Marshall forwarded the proposal to the person in charge of regional marketing for AB and confirmed it's in his hands. Marshall followed up last week, and they understand what's going on. Ladoulis questioned if these mitigation efforts should occur with Vintok regardless if BL covers the cost. Murfee said she chose AB because it's literally their event that is pushing other events.

Huckstep reminded Murfee that any mitigation efforts create a precedent for Vinotok. He said it would be very difficult to take precautions this year, and then dial it back for next year. People start looking at it differently once you've started implementing security measures. Murfee countered that this year is an extraordinary instance. She felt like Vinotok was trying to come forward. They wanted to be responsible. They wanted to do the right thing. She said the precedent was not there because Chili and Beer and Vinotok hopefully do not fall on the same day in the future.

Martin said he was as concerned for Vinotok as he was for this upcoming weekend. Chili and Beer typically draws Western State students. He has found that people start to drink at Noon and they go until 2AM. He said this year would be crazier because of consumption. Martin asked BL to cover the overtime for two officers for Vinotok. He reported he would have all hands on deck.

Mason mentioned the Council gave Big Air on Elk money to hire a consultant to get a safety plan in play. He suggested the Council do something similar where they throw a little bit of Town money to get concerns met. Ladoulis said doing what's right and who pays are two different issues. Michel asked Murfee if it put her at ease that the Council understood that BL has put her in a complicated situation. Murfee said she thought the

acknowledgment was awesome. She felt Vinotok was a good place to place blame, and she doesn't want Vinotok to be blamed for problems caused by people drinking at Noon.

Ladoulis questioned Murfee on the estimated number of bathrooms for the attendees. He wondered if it's enough to have just the Chamber bathrooms available. Crossett confirmed Vinotok has not been required to provide additional porta-potties in the past. Murfee said they have worked with Parks and Rec to use the outlying portolets. Owen questioned if all of these issues, safe rides and more toilets, need to be in the approval. He wondered if in regards to public health, safety, and welfare, they could reconcile the information now brought to light. Huckstep reminded the Council that staff believed they could carry the event safely, and the Council could further discuss the BL proposal and mitigating factors on September 15<sup>th</sup>. Owen questioned Crossett if Vinotok could be a safe event without additional measures. Crossett said we could expect it to be more challenging with events. He said he has full faith in the Marshals. Of course, additional assistance would be better. He said introducing mitigative measures would certainly help. Murfee said without additional funding, additional mitigative measures could be joint letters to the paper, more substantial food offered, or a banner against drunk driving.

Matusewicz moved and Schmidt seconded a motion to approve the Vinotok Special Event Permit for September 19 and September 20, 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **2) Discussion and Possible Action Regarding Letter of Support for Fund Raising Effort for the Center for Arts for a New Arts Facility Located at Lots 6,7,8,9,10 and 11, Block 50, Crested Butte.**

Owen asked that compared to the draft of the letter provided in the packets, the City of Crested Butte be changed to Town of Crested Butte.

Michel asked if it was more appropriate for the Mayor (as opposed to the Town Manager) to sign.

Mason asked Belkin if it was a conflict of interest for him to be present because his wife was employed by the Center for Arts. The Council concurred that Mason need not recuse himself.

Jenny Birnie, Executive Director for the Center for Arts, introduced board members in attendance. She explained she was requesting a letter from the Town demonstrating support for a project that is moving forward. Birnie reported fund raising efforts were going well. She has been overwhelmed by the amount of support, and she wanted that work to continue. She further explained the role of the Town of Crested Butte providing the longest term of support ever because of providing the building. The Town is the reason the Center even exists. Birnie said the letter of support confirmed the commitment that people may not know.

Schmidt asked Birnie if there would be expanded theatre seating. Birnie answered there would be 260 – 300 seats, but they don't want to go over 300 seats. Birnie reported they took into account the Biery-Witt Center on the mountain. They have an agreement with Mt. Crested Butte that they would not build at the same time. Michel asked if Birnie saw donor fatigue. He wondered if there was that much money. Birnie said they have worked with a consulting firm who said it made sense to move forward. The Center's story was different from others, and they haven't found donor fatigue to be a problem. Schmidt said it has been implied that Mt. Crested Butte would be building first. Birnie said if they gained a \$10M donor, they would put a shovel to the ground. She also confirmed they would have permanent renters in the new facility, they have a history of operations, and they know how they will operate a new facility.

Matusewicz moved and Mason seconded a motion to authorize the Mayor to sign a letter of support for fund raising effort for the Center for Arts for a new arts facility with the change of City to Town of Crested Butte. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Resolution No 12, Series 2014 – Resolutions of the Crested Butte Town Council approving the short term lease agreement with Elk Avenue Promotional Association.**

Ladoulis recused himself from voting.

Schmidt moved and Owen seconded a motion to approve Resolution No. 12, Series 2014 on the contingency the association provides proof of insurance. A roll call vote was taken with all voting, "Yes." Except Ladoulis recused himself. **Motion passed unanimously.**

### **LEGAL MATTERS**

Belkin asked the Council to check with him ahead of the meeting time with any conflicts of interest.

Belkin asked for direction from the Council to prepare an agreement with BL entities for the promotional association, asking the promotional association to name the Town as additionally insured. He also said this association needed to be on its own two feet, despite initial funds from BL.

Mason wanted to make sure it was clear to people they can't get on the bus in Mt. Crested Butte and offload with beer. Crossett said there would be a checkpoint to get into the Crested Butte entertainment district.

## COUNCIL REPORTS AND COMMITTEE UPDATES

### Schmidt

- Reported the Cemetery Committee met. They will be sending out a survey about the cemetery, and the survey information will be in the paper.
- He mentioned columbariums in reference to the survey.

### Ladoulis

- Spoke to Scott Truex at RTA about employee transportation back to Gunnison. Truex submitted a grant for a late night bus returning to Gunnison at 11:15PM. The bus would also allow people going to dinner at Garlic Mike's to come back to Crested Butte at 10:45PM. He is in full support as a business owner.
- Town of Mt. Crested Butte found it compelling and allocated funds to RTA. Ladoulis said the Council should talk about contemplating the question for Crested Butte. Huckstep reminded the Council about the admissions tax in Mt. Crested Butte. Huckstep also said the RTA has a meeting on September 19<sup>th</sup>. Matuszewicz said the RTA needed to come and request funds.

### Matuszewicz

- Attended a Center for Arts meeting. Center has agreed to continue to contract with funding consultant, who seems really top notch.

### Owen

- Has received feedback regarding the \$1/2M gift and concern about sharing it with Mt. Crested Butte. He said the feedback he has heard includes the impact is in our Town, not theirs. Matuszewicz said it is not appropriate to go back. They're listed as a party on the contract. It started out as \$1/4M that was dedicated to this Town. Ladoulis suggested a cooling period to revisit later in the year. Huckstep said he would like to see the Council embrace the working relationship of a small group that meets in November using the proceeds to benefit our community. Owen confirmed the contract said it is to be considered jointly as both see fit.

### Mason

- Attended a Mountain Express meeting.
- Ridership was up 17% YTD. Reported it usually reflects sales tax.
- Express Bus was put in play to alleviate bikes on bus. It carried 4500 bikes from June to August.
- Chose an artist to decorate the newest bus. The design will represent biking in Crested Butte.

### Huckstep

- Attended a Paradise Place ribbon cutting.
- Mentioned CASTA conference in Mt. Crested Butte Tuesday, the 9<sup>th</sup>, at 5:30PM.

- Vacancy on CIRSA board of directors.
- Gunnison Public Land's initiative hike on Teocalli on Saturday.

**OTHER BUSINESS TO COME BEFORE THE COUNCIL**

None

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

- Monday, September 15, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 6, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council

**ADJOURNMENT**

Mayor Huckstep adjourned the meeting at 9:19PM.

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Aaron J. Huckstep, Mayor

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Lynelle Stanford, Town Clerk (SEAL)



## Staff Report

September 9, 2014

**To:** Mayor and Town Council  
**Thru:** Todd Crossett, Town Manager  
**From:** Lynelle Stanford, Town Clerk  
**Subject:** Crested Butte Film Festival Special Event Application  
**Date:** 9-9-2014

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**Summary:** The Crested Butte Film Festival has applied for a special event to be held in conjunction with the Center for Arts on September 25 – 28, 2014. At the Center for Arts they are proposing to set up one 10x20 tent for gathering, one tipi, and one 10x10 tent to be used for beer and wine service. The spaces they have proposed to use are the grassy area in front of the Center for Arts and possibly a section of the adjacent parking lot. In the application there are a proposed Plan A and proposed Plan B. Plan B is the contingency plan if more space is needed for set up beyond the grassy area in the front of the building. In Plan B, they propose to repurpose 3-5 parking spaces on the west side of the Center for Arts parking lot. They have agreed to provide handicap parking in an adjacent section based on the parking spots they take for the event. People can alternatively park along 7<sup>th</sup> Street and in adjoining neighborhoods for access to the park and the soccer fields. In addition, the Center for the Arts has applied for a special event liquor permit for September 26 - 27, 2014. The event organizer indicated the liquor boundaries would be clearly delineated. The application states that volunteers would be required to attend a training session. In addition, they would have volunteers to provide security at the location of the tents and surrounding areas to monitor alcohol travel.

**Recommendation:** Approve the Crested Butte Film Festival special event application to take place at the Center for Arts from September 25-28, 2014.

**Suggested Motion:** Approve the Crested Butte Film Festival special event application to take place at the Center for Arts from September 25-28, 2014.

# 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 Film Festival

**Date(s) of Event:** September 25 - 28, 2014

**Name of Organization Holding the Event ("Permittee"):** Center for the Arts Inc

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

**Name of Event Organizer:** Jennifer Brody

**Phone:** (303) 204 - 9080      **Cell Phone:** (303) 204 - 9080

**E-Mail:** cbfilmfestival@gmail.com      **Fax Number:** N/A

**Name of Assistant or Co-Organizer (if applicable):** Michael Brody

**Phone:** N/A      **Cell Phone:** (310) 463 - 0707      **E-Mail:** cbfilmfestival@gmail.com

**Mailing Address of Organization Holding the Event:** PO Box 1256, Crested Butte, CO, 81224

**Email Address of Organization:** cbfilmfestival@gmail.com      **Phone Number:** (303) 204 - 9080

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

At the film festival's largest venue, the Center for the Arts, we would like to apply to have one 10 x 20 tent outside for use during the festival, one tipi, and one 10 x 10 one beer/wine tent for our beer and wine sponso  
use during designated hours, fully staffed by representatives and festival volunteers.

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

**Map Attached Showing Location of Event**

**Diagram Attached Detailing Event**

Event Time (start time of scheduled event to end time of scheduled event): 3:00 pm Thurs. Sept. 25  
Total Time (including set-up, scheduled event, break-down & clean-up): 4 days ending Sun. Sept. 28, 7 pm  
Expected Numbers: Participants: 500 Spectators: 500

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: We are waiting for this in the mail, but have already applied for this. We can submit upon re

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

If Yes, Describe: N/A

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: \_\_\_\_\_

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

What recyclable products will be generated at the event? Aluminum cans, plastic cups, paper food boats.

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](http://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 use the Center for the Arts recycling bins and trash bins that are housed outside of the Center and right next to the tents we are applying for. Most of our items will be recyclable with minimal trash. We will have volunteers helping direct people to where these receptacles are located. We will also have them help patrol the area and pick up any recyclables/trash left out throughout the entire event.

Crested Butte, CO 81224

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**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 have volunteers scheduled to provide security at the location of the tents and surrounding area.  
Volunteers will also attend a training session about safety, security and procedures.

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**Describe Plan for Parking:** Parking will be located in the Center for the Arts parking lot. Many festival attendees ride their bike from film venue to film venue instead of driving and we have many bike racks.

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**Describe Plan for Portable Toilets and/or Restrooms:** Restrooms are located inside the Center for the Arts.

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**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): No.

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**Will Your Event Require Any Road Closures? Yes / No ✓**

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

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

If Yes, Explain Impact: N/A

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**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:**

The Center for the Arts supports our plan to have tents outside of their building, there are not any close by neighbors that will be affected, especially as there is not music/noise associated.

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**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. N/A

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:** N/A

**Contact Name & Phone Number for the Calendar:** N/A

**Event Fee for the Calendar:** N/A

**Website for More Info:** N/A

**Additional Applicant Comments:** Thank you for your consideration! We are looking forward to the upcoming festival at the end of September and are excited to include a tent for people to gather as well as have important Sponsor information inside. We are also excited to have our first beer and wine sponsor tent.

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**

Jennifer Brody

Jennifer Brody

August 25, 2014

**Print Name Clearly**

/

**Signature of Applicant (Permittee)**

**Date**

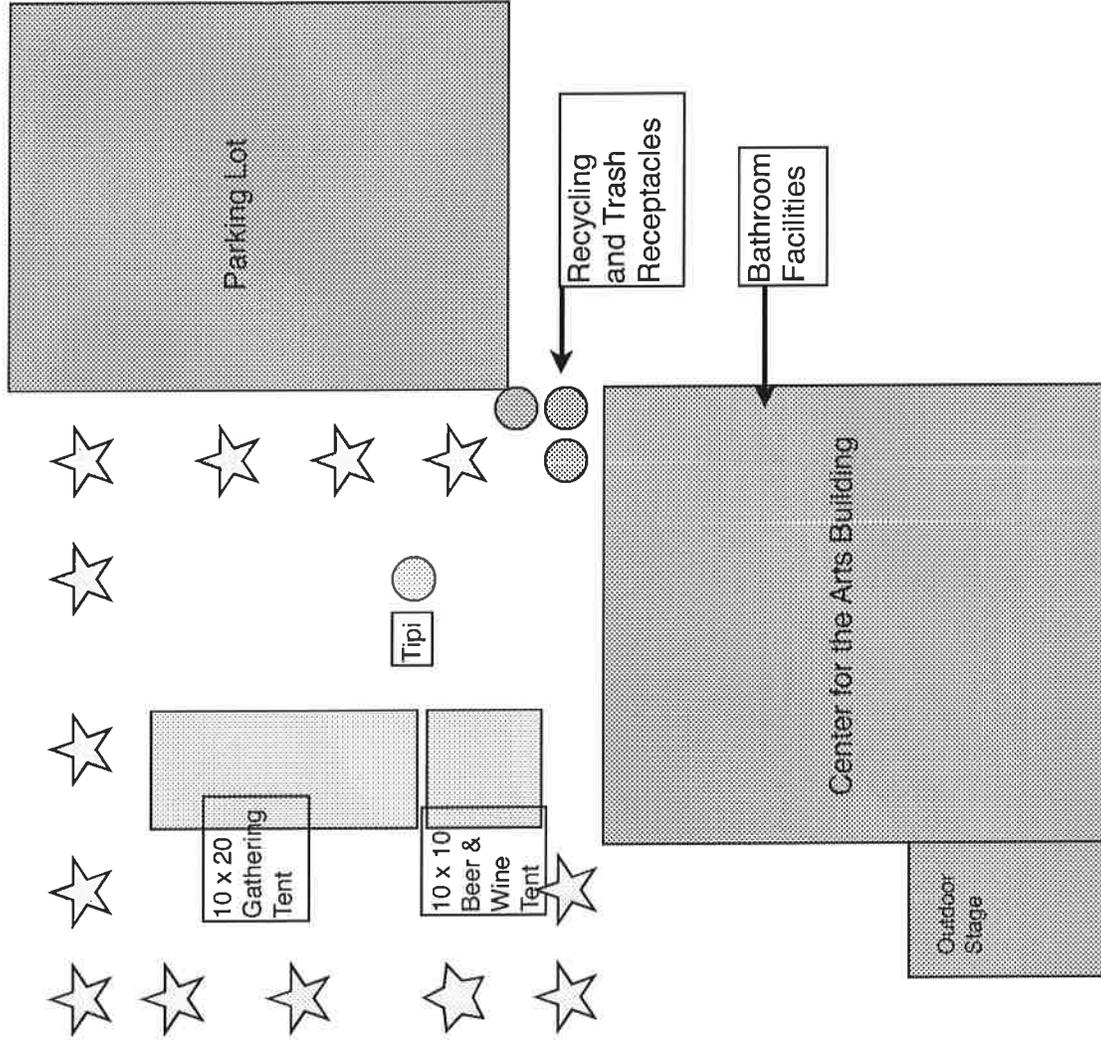
Application is Approved: \_\_\_\_\_ Date: \_\_\_\_\_



# CRESTED BUTTE FILM FESTIVAL - PLAN A

Diagram for Special Event Permit and Special Event Liquor License  
September 26 - 27, 2014

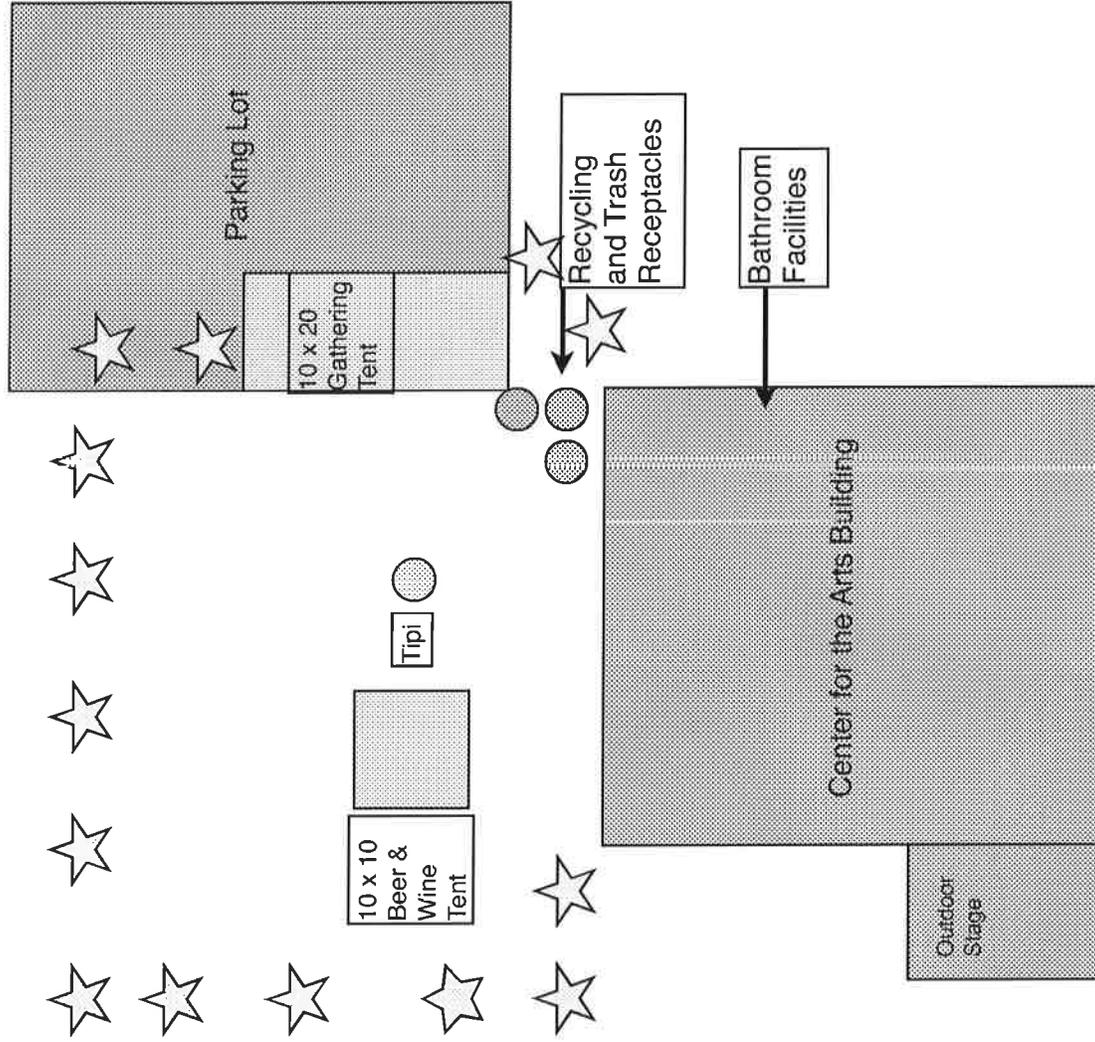
Yellow Stars denote a series of staked signs in the ground that read "NO ALCOHOL BEYOND THIS POINT" also stating the liquor laws (just as at Alpenglow events).



# CRESTED BUTTE FILM FESTIVAL - PLAN B

Diagram for Special Event Permit and Special Event Liquor License  
September 26 - 27, 2014

Yellow Stars denote a series of staked signs in the ground that read "NO ALCOHOL BEYOND THIS POINT" also stating the liquor laws (just as at Alpenglow events).



## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

- |  |  |  |
|--|--|--|
| <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  MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY  
 2170  FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

**1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE**  
 Center for the Arts Crested Butte

State Sales Tax Number (Required)

98-07364

**2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE**  
 (include street, city/town and ZIP)  
 PO Box 1819, Crested Butte, CO, 81224

**3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT**  
 (include street, city/town and ZIP)  
 606 6th Street, Crested Butte, CO, 81224

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
<b>4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE</b> Jennifer Birnie	12/6/69	76 Kubler St., Crested Butte, CO, 81224	970.349.7487
<b>5. EVENT MANAGER</b> Jennifer Brody	4/11/78	201 Pitchfork, Mt. Crested Butte, CO, 81224	303.204.9080

**6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?**  
 NO  YES HOW MANY DAYS? 13

**7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?**  
 NO  YES TO WHOM? Center for the Arts

**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
9/26/14	9/27			
Hours From 1:00 pm m. To 7:30 pm m.	Hours From 1:00 pm m. To 7:00 pm m.	Hours From .m To .m	Hours From .m To .m	Hours From .m To .m

### OATH OF APPLICANT

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

SIGNATURE <i>Jennifer Birnie</i>	TITLE Jennifer Birnie, Executive Director	DATE 9/5/14
-------------------------------------	--	----------------

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

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

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) Town of Crested Butte	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK 970-349-5338
---	---	---

SIGNATURE <i>[Signature]</i>	TITLE Town Clerk	DATE 9-8-2014
---------------------------------	---------------------	------------------

**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.
- 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.

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,

**THE CENTER FOR THE ARTS**

is a **Nonprofit Corporation** formed or registered on 12/26/1986 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 19871703440.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/04/2014 that have been posted, and by documents delivered to this office electronically through 09/05/2014 @ 13:30:50.

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 09/05/2014 @ 13:30:50 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8947904.



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."*



# Town of Crested Butte Special Event Sales Tax License Application

FOR OFFICE USE

EVENT: \_\_\_\_\_

DATE: \_\_\_\_\_

EXS: \_\_\_\_\_ LVR: \_\_\_\_\_

VL: \_\_\_\_\_ STR: \_\_\_\_\_

Event Name Crested Butte Film Festival Date(s) September 25 - 28

Location Center for the Arts, 606 6th Street, CB

Contact Jennifer Brody

Phone (303) 204 - 9080

email cbfilmfestival@gmail.com

### Mailing Address

PO Box 1256

Crested Butte, CO 81224

### Physical Address

306 Belleview 2B

Crested Butte, CO 81224

How many vendors? 3

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

GOODS FOOD/BEVERAGE SERVICE

HOW MANY VENDORS?

3

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

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

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

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

Printed Name Jennifer Brody

Date August 25, 2014

Signature Jennifer Brody

Digitally signed by Jennifer Brody  
DN: cn=Jennifer Brody, o=, ou=, email=jbrody@gmail.com, c=US  
Date: 2014.08.25 10:12:00-0700

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

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



## Town of Crested Butte Special Event Vendor List

**Event Name:** Crested Butte Film Festival

**Date of Event:** September 25 - 28

### Name of Vendor

### Nature of Business

(what are they selling)

Oskar Blues Beer, selling beer

Crested Butte, CO 81224

Naked Grape, selling wine

One food vendor, selling food

**This form is due two weeks prior to your event. If there are any changes please notify the sales tax department as soon as possible!**

**Please remit this list to:**

Town of Crested Butte - Sales Tax  
PO Box 39  
Crested Butte, CO 81224

or

email: [tinac@crestedbutte-co.gov](mailto:tinac@crestedbutte-co.gov)  
Fax: (970)349-6626

# Crested Butte Film Festival

## 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.

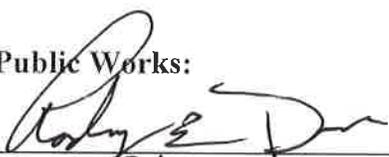
### Marshal's Department :

 9-9-14  
Signature Date  
TOM MARTIN  
Name (Printed)

### Conditions/Restrictions/Comments:

OK

### Public Works:

 9-9-14  
Signature Date  
Rodney E Due  
Name (Printed)

### Conditions/Restrictions/Comments:

OK

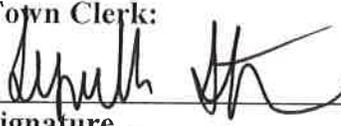
### Parks and Recreation:

 9/8/14  
Signature Date  
Janna Hansen  
Name (Printed)

### Conditions/Restrictions/Comments:

Contingent upon approval of new event area map. Please note that tents may not be staked. Please use H<sub>2</sub>O or sand in juss to secure tents.

### Town Clerk:

 9-8-2014  
Signature Date  
Lynelle Stanford  
Printed Name (Printed)

*Received insurance + new diagrams*

### Conditions/Restrictions/Comments:

~~Contingent upon insurance + new map. Location was changed due to soccer being held at proposed location~~

### Town Manager:

  
Signature Date  
Todd Cross  
Printed Name (Printed)

### Conditions/Restrictions/Comments:

contingent upon Parks above

# Crested Butte Film Festival

## Crested Butte Fire Protection District:

S  
P

W. Smith 9/10/14  
Signature Date

\_\_\_\_\_  
Printed Name (Printed)

Conditions/Restrictions/Comments:  
Good Luck with  
your event!

Mt. Express Bus Service:  
[Signature] 9/9/14  
Signature Date

Chris Lower  
Printed Name (Printed)

Conditions/Restrictions/Comments:  
No impact on MX

### Official Use Only:

Application Received 9-5-2014 Date Distributed 9-8-2014

Council Date (if applicable) 9-15-2014

Approval Date \_\_\_\_\_ Method of Approval:  Administratively  By Town Council

Approval Contingencies Insurance + updated map of location Received LMS

Application fee \$25 Check # 24405 Date Paid 9-5-14

Permit Fee \$50 Check # 24405 Date Paid 9-5-14

Local Liquor License Fee \$50 Check # 24405 Date Paid 9-5-14

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

Additional Fee \_\_\_\_\_ Check # \_\_\_\_\_ Date Paid \_\_\_\_\_

Clean Up Deposit \$50 Check # 24405 Date Paid 9-5-14 Date Returned: \_\_\_\_\_



## Staff Report

September 11, 2014

**To:** Mayor and Town Council  
**From:** Todd Crossett, Town Manager with Tom Martin and Lynelle Stanford  
**Subject:** Vinotok Risk Mitigation Efforts  
**Date:** 9-11-2014

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**Summary and Discussion:** At the previous Council meeting on September 2, 2014, Vinotok event organizer, Molly Murfee, mentioned a proposal she made to Anheuser Bush (AB) requesting funds for risk mitigation efforts for Vinotok. The reason for the proposal was AB's major special event caused the Chili and Beer Festival to move their event to the same day as Vinotok, therefore stacking two events on the same day in which there could be potential problems associated with the over consumption of alcohol. Specifically, funding was requested for additional security and bussing for Western students.

The Council has asked to reconvene on the issue at its 9/15 meeting.

While Vinotok's concerns are well warranted and appreciated, the responsibility for law enforcement within the Town of Crested Butte ultimately lies with the Marshal's Office. Chief Marshal Martin has concerns regarding people drinking over a longer duration of time due to the combination of events and expects that dynamic to add a level of activity for his police force. In consideration of the schedule of events, Tom secured \$800 from AB to account for extra staffing through the Marshal's Office for Vinotok. He is not in favor of bringing in outside security and believes his local force is best equipped to deal with the law enforcement aspects the event. In addition, Martin does not support the idea of transporting students via bus to and from Gunnison. In his experience, many students do not return to Gunnison on the bus. If Western was willing to supply a bus, he recommended the busses leave Crested Butte at 1AM and 2:15AM.

Tom believes that his agency understands Vinotok, and though it is likely to be busier for the Marshals, it is still not outside the scope of their law enforcement parameters.

In terms of seeking funding from AB, the request for additional monetary support has been passed on to the regional distributorship by Dan Marshall. As of this writing, it is unclear whether such additional monetary support is forthcoming. Staff is cautious about mandating requirements on special events to pay for their potential impact on other special events, as it would set a significant new precedent, likely having ramifications for other special events in the valley. For this reason

staff has not mandated a payment from AB or its event organizers as a requirement of the recent special event.

**Staff Recommendation:**

Accept any money that is offered voluntarily by AB or its affiliates for use by the Marshalls office. Accept the recommendations of the Marshalls' office in terms of their needs and empower them to handle law enforcement at the event as they deem necessary.

If Western wishes to supply bussing, recommend that they do so on a schedule recommended by Tom Martin.



## Staff Report

September 15, 2014

**To:** Mayor and Town Council  
**From:** Michael Yerman, Town Planner  
**Thru:** Todd Crossett, Town Manager  
**Subject:** Ordinance 2014, 12- Sale of 818 Teocalli Unit B and Setting a Maximum Sales Price  
**Date:** September 15, 2014

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### BACKGROUND:

In an effort to continue to try to expedite the sale of 818 Teocalli Unit B, staff has prepared an ordinance for the sale of Town owned property and to set the maximum sales price for the unit. Staff is working on repairing the unit and should have it ready for prospective buyers to view the unit the first week in October once the ordinance is adopted. The previous owner was given 30 days or until September 5, 2014 to remove her personal belongings from the unit. At this time, staff is now able to clean and repair the unit since a majority of the personal items have been removed.

This unit was a self-help build unit that was targeted to be offered to a one person household at 80% AMI. Ordinance 2014-9 set the guidelines for the sale of the unit to target a one person household at 80% AMI. A person who would qualify would have an income equal to around \$38,500. The affordability price range for the resale of this unit for someone in this category to qualify for a home loan would be \$135,000-\$145,000.

In setting the maximum sales price, the Town Council should consider some of the anticipated costs the Town has incurred or will incur in repairing the unit for its resale. Ordinance 2014-12 will set a maximum price which can be lowered once the Town has finalized all the expenses for its resale. The price also includes a 5% contingency to allow flexibility to any unseen expenses at this time. The following expenses have been included in setting the maximum sales price for this unit.

Purchase Price:	\$127,363
Mechanical done already:	\$363
Survey Work/Replat:	\$1,500
Fix Trim and Garage:	\$2,000
Attorney Cost:	\$2,000
Refrigerator:	\$500
Cleaning:	\$500
Real Estate Broker 2%:	\$2,684
Closing Costs:	\$1,000

5% Contingency	<u>\$6,845</u>
Total:	<b>\$144,845</b>

Staff anticipates selling the unit at a lower price than \$144,845. Several cost saving measures such as Town staff serving as the real estate broker and assisting with repairs should help reduce the cost. However, Town staff would recommend the Council set a maximum sales price at \$145,000 to allow flexibility if unforeseen costs arise as the Town prepares the unit for sale.

**RECOMMENDATION:**

Staff would suggest approving the first reading of Ordinance 2014-12 and setting the public hearing for October 6, 2014.

**RECOMMENDED ACTION:**

Staff recommends a motion “to approve Ordinance 2014-12 and setting the public hearing at second reading for October 6, 2014.”

## ORDINANCE NO. 12

### SERIES 2014

#### **AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY LEGALLY DESCRIBED AS UNIT B, REDWELL TOWNHOUSES, TOWN OF CRESTED BUTTE FOR A MAXIMUM SALE PRICE OF \$145,000.00**

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 the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned real property;

WHEREAS, the Town Council has directed the Town staff to negotiate the terms and conditions for the sale of the above-described property in an amount not to exceed \$145,000.00; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described real property be sold as set forth hereinbelow.

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

**Section 1.** **Authorization to Sell Town-owned Property.** The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the maximum sale price of \$145,00.00 inclusive of customary closing costs and fees, the real property legally described as, Unit B, Redwell Townhouses, according to the Preliminary Plat recorded June 17, 2004 at Reception No. 543196 and the Party Wall Agreement for Redwell Townhouses recorded June 17, 2004 as Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado (the "**Property**"), and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents after approval by the Town Attorney necessary and appropriate to consummate said sale.

**Section 2.** **Appropriation of Funds.** The Town Council hereby appropriates all customary closing costs and fees, and all third party consultant and attorneys' fees and costs necessary to prepare the Property for sale, incident to the sale and transfer of the above-described real property, out of the Town's affordable housing fund, and authorizes the expenditure of said sums for such purpose.

**Section 3.** **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 shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS \_\_ DAY OF \_\_\_\_\_, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS \_\_ DAY OF \_\_\_\_\_, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Aaron J. Huckstep, Mayor

ATTEST:

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**RESOLUTION NO. 13**

**SERIES NO. 2014**

**RESOLUTIONS OF THE CRESTED BUTTE TOWN  
COUNCIL APPROVING AGREEMENT FOR  
INSTALLATION AND MAINTENANCE OF  
GAGING STATION WITH THE U.S. GEOLOGICAL  
SURVEY**

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

WHEREAS, pursuant to Section 31-15-713 (c), C.R.S., the Town Council may lease or license any real estate, together with any facilities thereon, owned by the Town when deemed by the Town Council to be in the best interest of the Town; and

WHEREAS, the Town Council finds hereby that approving a lease and license of certain Town property for the U.S. Geological Survey's installation and maintenance of a gaging station for the Survey's use in monitoring Coal Creek is in the best interest of the health, safety and welfare of the residents and visitors of the Town.

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

1. **Findings**. The Town Council hereby finds that granting a lease and license to the U.S. Geological Survey in substantially the same form as attached hereto as **Exhibit "A"** (the "**Gaging Station Agreement**") for the Survey's installation and maintenance of a gaging station to be used in monitoring Coal Creek is in the best interest of the health, safety and welfare of the residents and visitors of the Town
2. **Authorization of Town Manager**. Based on the foregoing, the Town Council hereby authorizes the Town Manager to execute the Gaging Station Agreement. Any substantive changes thereto may be made only upon direction of the Town Attorney.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

TOWN OF CRESTED BUTTE

By: \_\_\_\_\_  
Aaron J. Huckstep, Mayor

ATTEST

\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

**EXHIBIT “A”**

**Gaging Station Agreement**

[attach draft agreement here]

### AGREEMENT FOR INSTALLATION AND MAINTENANCE OF GAGING STATION \*

The landowner agrees that the U.S. Geological Survey (USGS), Colorado Water Science Center may install and maintain a gaging station on the landowner's property at a mutually agreed-upon site at the location listed below. The landowner also agrees that the USGS will have access to the site, as it reasonably deems necessary for streamflow measuring and/or water-quality sampling during the life of this agreement.

Description of the gaging station, located at Lat. 38°52'17.60"N Long. 106°59'7.07"W and/or

Streamside at west end of Gothic Ave where it dead ends on east side of Coal Creek.

(Provide other location description **and/or attach** map, plat, drawings, photographs, or other descriptive information)

Map:



*Example of a similar platform:*



Gage: Shelter, Orifice housing, Staff, and Crest stage gage.



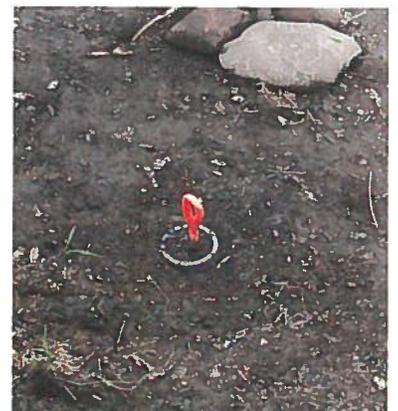
Gage components.



Gage



Orifice Housing



Datum Reference Marks, 1 of 4

Excavation and/or installation of the gaging station, at the USGS's own expense, may begin any time after this agreement is fully executed. The gaging station shall be excavated, installed, and properly maintained by the USGS. This Agreement shall be regarded as granting a license or easement, whichever may most appropriately characterize it under applicable state law, in favor of USGS to enter landowner's property for the purposes noted herein.

At the expiration of this agreement, the gaging station may be disposed of in one of the following ways:

- 1- Removal by the USGS, at its own cost and expense, within a reasonable time after the expiration of this agreement. Upon removal of the station, the USGS shall restore the landowner's property, also at its own expense, as nearly as possible to the condition when installed, or
- 2- Transfer to a state, local, or tribal government agency or Federal Energy Regulatory Commission licensee under a separate written agreement, if approved by the landowner and the USGS Regional Executive.

During the life of this agreement, the Federal Government will be liable for any loss related to the installation, operation, maintenance, and other activities associated with the gaging station described above in accordance with, and to the extent permitted under, the Federal Tort Claims Act (28 U.S.C. &&1346(b) and 2671 et seq).

This agreement shall become effective when fully executed and shall remain in full force for 10 year(s) 0 month(s) unless terminated earlier by USGS upon 60 days written notice. After 10 year(s) 0 month(s), the agreement will continue in force until terminated by either the USGS or the landowner upon 60 days written notice to the other party.

\* For the purpose of this agreement, "gaging station" includes all stilling wells and structure, including cableways and equipment, used in the operation and maintenance of the monitoring site.

Landowner	Town of Crested Butte, CO
Address	507 Maroon Avenue
Telephone Number	(970) 349-5338
USGS Water Science Director	Jim Kircher
Address	Denver Federal Center
Telephone Number	303-236-6900
USGS Project Chief	Steven Anders
Telephone Number	970-628-7140

U.S. Geological Survey Signature/Date



8-28-14

Landowner Signature/Date



**ORDINANCE NO. 10**

**SERIES 2014**

**AN EMERGENCY ORDINANCE AMENDING  
CHAPTER 6 OF THE CRESTED BUTTE  
MUNICIPAL CODE TO ADD REGULATIONS  
RESPECTING THE CREATION OF AN  
ENTERTAINMENT DISTRICT IN WHICH  
COMMON AREAS FOR THE CONSUMPTION OF  
ALCOHOL MAY BE OPERATED BY A  
PROMOTIONAL ASSOCIATION**

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

WHEREAS, the Town staff has researched creating an "Entertainment District" authorized by C.R.S., § 12-47-301 adjoining the Elk Avenue business corridor between First and Fourth Streets;

WHEREAS, the Town staff has found that creating an Entertainment District would allow the consumption of alcoholic beverages in a common consumption area if the Town Council, acting as the Local Licensing Authority under Colorado law authorizes the same;

WHEREAS, based on its research in creating an Entertainment District, the Town staff has recommended that the Town Council create such an Entertainment District between First and Fourth Streets in order to allow the consumption of alcohol in a common consumption area for certain special events and other functions planned by the taverns, hotels, restaurants and brew pubs in Crested Butte;

WHEREAS, the Town Council, upon Town staff recommendation, has proposed an Entertainment District on the Elk Avenue business corridor between First and Fourth Streets that is less than 100 acres and has at least 20,000 square feet of adjacent premises licensed as taverns, hotels, restaurants and brew pubs;

WHEREAS, the Town Council finds that the creation of an Entertainment District on the Elk Avenue business corridor between First and Fourth Streets will enhance the community's quality of life and opportunities to engage in more activities, uses, events and socializing in the historic downtown and will enhance the economic vitality of downtown retail shops, taverns, hotels, restaurants, brew pubs and other businesses;

WHEREAS, in conjunction with creating an Entertainment District, the Town Council must also establish regulations for allow the consumption of alcohol in a common consumption area for certain special events and other functions planned by the

taverns, hotels, restaurants and brew pubs in Crested Butte in the Entertainment District, and for certifying the entity that is constituted by such taverns, hotels, restaurants and brew pubs; and

WHEREAS, for the foregoing reasons, the Town Council's creation of an Entertainment District on the Elk Avenue business corridor between First and Fourth Streets and the regulations set forth herein to establish common consumption area and certify the entity that is constituted by the taverns, hotels, restaurants and brew pubs that will utilize the same is in the best interest of the health, safety and welfare of the residents and visitors of Crested Butte, and, accordingly, the revisions to the Crested Butte Municipal Code set forth below are in the public interest.

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

**Section 1. Adding a New Article 7, Entertainment District to Chapter 6 of the Code.** A new Article 7 is added to Chapter 6 of the Code that shall read as follows:

**“ARTICLE 7**

**Entertainment District**

**Sec. 6-7-10. Definitions.**

As used in this Chapter, the following words shall have the following meanings:

*Common Consumption Area* means a pedestrian area located wholly within the Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

*Common Consumption Area Law* means Sections 12-47-301(11), 12-47-908, 12-47-909 of the Colorado Revised Statutes, as amended.

*Entertainment District* means the Town of Crested Butte Elk Avenue Entertainment District with a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub or vintner's restaurant at the time said District is created.

*Licensee* means a person to whom a license is granted by the Local Licensing Authority to manufacture or sell alcoholic beverages as provided under the Colorado Liquor Code.

*Local Licensing Authority* means the Town Council of the Town of Crested Butte.

*Promotional Association* means an association that is incorporated within the State of Colorado that organizes and promotes entertainment activities within a Common Consumption Area, is organized or authorized by two or more persons who own or lease property within the Entertainment District and is certified by the Local Licensing Authority.

In addition to the definitions provided above, the other defined terms in C.R.S. Section 12-47-103 are incorporated into this Article by reference.

**Sec. 6-7-20. Creation of Entertainment District and General Requirements.**

(a) In order to exercise the Town's local option to allow Common Consumption Areas in the Town and to effectuate the purposes and intent of C.R.S. Section 12-47-301(11), there is hereby designated the "Town of Crested Butte Elk Avenue Entertainment District" whose boundaries include:

From the northwest corner of Lot 17 of Block 29, continuing north along the east side of the First Street right-of-way to the southwest corner of Lot 16 of Block 20, thence east along the north side of the alleys of Blocks 20, 21, and 22 and the Second Street and Third Street rights-of-way to the southeast corner of Lot 1, Block 22, thence south along the west side of the Fourth Street right-of-way to the northeast corner of Lot 32, Block 27, thence west along the south side of the alleys of Blocks 27, 28, and 29 and the Third Street and Second Street rights-of-way to the point of beginning. Inclusive of Block 21, Lot 5 and the adjacent Third Street right-of-way and Block 28, East 100 feet of Lots 28-29 and the adjacent west 28 feet of the Third Street right-of-way.

Such Entertainment District has been established by Resolution No. 10, Series 2014.

(b) Properties may be included or excluded from the Entertainment District by resolutions of the Town Council. By establishing the Entertainment District, the Town authorizes the licensing of designated Common Consumption Areas in which alcoholic beverages may be sold and consumed subject to the requirements of this Article, the Code and the Common Consumption Area Law.

(c) The Local Licensing Authority has the following powers with respect to Common Consumption Areas and Promotional Associations:

- (1) designate one or more Common Consumption Areas;
- (2) certify or decertify a Promotional Association;
- (3) authorize, de-authorize or refuse to authorize or reauthorize a licensee's attachment of licensed establishment to a Common Consumption Area;

(4) impose reasonable conditions of approval on the licensing of Common Consumption Areas, certification of Promotional Associations or the attachment of licensed establishments to Common Consumption Area; and

(5) exercise all powers necessary to effectuate the purposes of the Common Consumption Area Law.

(d) The standards for Common Consumption Area licenses issued to Promotional Associations shall be in addition to all other standards applicable under this Article, the Code and the Colorado Liquor Code.

(e) Decisions on applications for Common Consumption Areas, Promotional Associations and inclusions and exclusions from the Common Consumption Area shall be made by the Local Licensing Authority within 30 days of receipt of a complete application therefor. A decision to deny any such application by the Local Licensing Authority shall be in writing and shall be provided to the applicant within five business days of the decision having been rendered.

**Sec. 6-7-30. Common Consumption Areas.**

(a) Within the Entertainment District, Common Consumption Areas may be licensed by the Local Licensing Authority upon application by a Promotional Association in conformance with the requirements of this Article and the Colorado Liquor Code.

(b) Promotional Association may submit an application for the designation of a Common Consumption Area on forms provided by the Town Clerk and approved by the Town Attorney in accordance with the following minimum information:

- (1) application and license fees;
- (2) name, address and list of all officers of Promotional Association;
- (3) documentation of how the application addresses the reasonable requirements of the neighborhood or desires of the adult inhabitants;
- (4) the size in terms of acreage or square footage of the Common Consumption Area;
- (5) proposed hours, dates and days of operation of the Common Consumption Area;
- (6) a site plan detailing the proposed Common Consumption Area including, without limitation, the following information: boundaries of the area, location and description of physical barriers, location of all entrances and exits, location of all attached licensed premises and location of signs to be posted notifying customers of the hours of operation and restrictions associated with the Common Consumption Area;

(7) a security plan detailing security arrangements for the Common Consumption Area including but not limited to the following information: evidence of completed liquor training of all serving personnel approved by the Town Clerk and number and location of security personnel during the days and hours of operation of the Common Consumption Area;

(8) signed statement that the Common Consumption Area and all licensed establishments therein can be operated in compliance with this Article, all applicable provisions of this Code and the Colorado Liquor Code;

(9) lease, license or other right evidencing legal authorization for use of the Common Consumption Area; and

(10) proof of insurance of general liability and liquor liability naming the Town of Crested Butte, its elected, officers, employees, agents, attorneys and insurers as additional insureds in a minimum amount of \$1,000,000.00.

(c) An application for establishment of a Common Consumption Area shall be considered at a duly noticed public hearing of the Liquor Licensing Authority based on the following criteria of approval:

(1) there must be at least two licensed establishments attached to a Common Consumption Area;

(2) use of the Common Consumption Area is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; and

(3) evidence that the Common Consumption Area is clearly delineated maintained using physical barriers to prohibit motor vehicle traffic (except emergency vehicles) and to limit pedestrian access.

(d) A tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant Licensee may request attachment to the licensed Common Consumption Area by submitting an application to the Local Licensing Authority with the following information:

(1) Written request and approval from the Promotional Association to allow the Licensee to be attached to a Common Consumption Area.

(2) Confirmation that the Licensee's licensed premises is located within or on the perimeter of the Entertainment District and attached to a Common Consumption Area.

- (1) the annual reporting requirements have been or will be met;
  - (2) evidence establishes that the Common Consumption Area can be and is operated without violating the Colorado Liquor Code, this Article or other applicable provision of this Code;
  - (3) there are at least two (2) licensed premises attached to a Common Consumption Area; and
  - (4) the required insurance as set forth in this Article is provided and will be continuously maintained.
- (c) A Promotional Association shall apply for annual recertification by March 1 of each year on forms prepared and approved by the Town Clerk.
- (d) The Local Licensing Authority may decertify a Promotional Association subject to the process as provided in Section 12-47-601 of the Colorado Liquor Code.
- (e) Operational Requirements of Promotional Associations.
- (1) The size of the licensed Common Consumption Area shall not be modified except with the approval of the Local Licensing Authority.
  - (2) The Promotional Association shall provide adequate security in terms of personnel, physical barriers, training and similar means, to ensure compliance with the Colorado Liquor Code and to prevent a public safety risk to the neighborhood.
  - (3) The Promotional Association shall post signs at the entrances and exits of the Common Consumption notifying customers of the hours of operation and restrictions associated with the Common Consumption Area.
  - (4) No one shall leave the Common Consumption Area with an unconsumed alcohol beverage.
  - (5) All serving personnel must complete a liquor training program approved by the Town Clerk prior to staffing the Common Consumption Area.

**Sec. 6-7-40. Violations.**

Noncompliance with any provision of this Article or the Common Consumption Law shall be deemed a violation of this Code. Violations of this Article shall be cause for suspension or revocation of the licensed premises, the Common Consumption Area license or decertification of the Promotional Association, as applicable and may be subject to other enforcement provisions set forth in the Code and the Common Consumption Law.

**Sec. 6-7-50. Fees.**

Application, renewal and licensing fees shall be established and amended by resolutions of the Town Council.”

**Section 2.** **Effective Upon Adoption; Emergency.** The Town Council hereby finds that until these regulations are effective, allowing a Common Consumption Area is not possible under the Code and the Town is currently anticipating a Major Special Event (as defined in the Code) that necessitates the use of a Common Consumption Area. Accordingly, the Town Council finds that this ordinance and the amendments to the Code set forth herein are an emergency and as such shall take effect immediately in order to, among other things, effectively regulate the consumption of alcohol at such Major Special Event.

**Section 3.** **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.

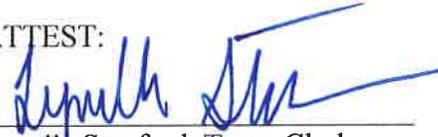
**Section 4.** **Savings Clause.** Except as hereby amended, the Crested Butte Municipal Code, as previously amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of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

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5TH DAY OF AUGUST, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 8TH DAY OF AUGUST, 2014.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST:  
  
Lynelle Stanford, Town Clerk

(SEAL)





## Staff Update

September 15, 2014

**To:** Mayor and Town Council  
**From:** Michael Yerman, Town Planner  
**Thru:** Todd Crossett, Town Manager  
**Subject:** **Planning Staff Update**  
**Date:** September 15, 2014

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### **GOCO Funded Youth Corps Crew Baxter Gulch:**

Over the past three years the Town has been successful in receiving funding from GOCO for a Youth Corps for the construction of the Baxter Gulch trail. The Town has not provided matching funds towards this grant over the past three years. However, Town staff is recommending that the Town commit funding to this year's application to help the application be competitive against other applications.

At this time, the plan is to submit for a youth corps crew for 4 weeks in the summer to continue the construction of the Baxter Gulch trail. The grant application is due on September 25, 2014 which will require the Town to commit funding prior to the adoption of the 2015 budget. The total for a 4 week camping crew is \$25,200 plus an additional \$300 for a public trail work day at the end of the youth corps time in the valley. Staff is requesting the Town Council consider matching half of the grant and commit funding of \$12,900 in the 2015 budget for the continued construction of the Baxter Gulch Trail. Open space RETT funds can be used to match this grant because it is a conservation easement.



Staff is also anticipating requesting an additional 2 weeks of youth corps services for a different work crew to assist the Town in opening and maintaining the trail and open space system in the spring. This will be part of the 2015 budget discussions and does not need to be addressed at this time. The youth corps is considering opening an office out of Gunnison located at Western State Colorado University. This crew would assist in clearing trails, fixing erosion from snow melt and avalanches, fixing fences along open space parcels and easements, and installing signs.

### **Transportation Plan:**

Please mark your calendars and encourage citizens to attend the 2<sup>nd</sup> public meeting on September 25<sup>th</sup> at 6pm for the Transportation Plan.



## Staff Report

September 11, 2014

**To:** Mayor and Town Council  
**Thru:** Todd Crossett, Town Manager  
**From:** Lois Rozman, Finance Director  
**Subject:** **2015 Budget Worksessions**

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It's time to start concentrating on the 2015 budget. Budget work papers are due from staff on September 16 and we will need a few weeks to go through things before being ready to bring a budget to the Council. Below is the budget calendar for adoption corresponding with regular Council meetings and from there we need to set a few additional work sessions:

December 1 – Regular Council meeting, public hearing and adoption  
November 17 – Regular Council meeting, first reading and set for public hearing  
November 3 – Work session prior to regular Council meeting

We need to schedule a couple more work sessions and below are suggestions:  
One on October 14, 15 or 16 (October 13 is Columbus Day holiday)  
One on October 21, 22, or 23 (October 20<sup>th</sup> meeting work session is spoken for)  
One on October 27, 28 or 29 (this one may be tentative if we, don't need it we will cancel)