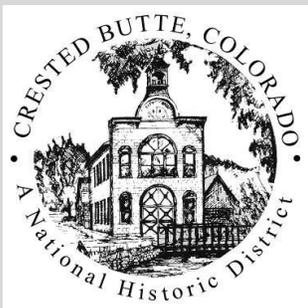


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, August 20, 2018
Council Chambers, Crested Butte Town Hall



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

Town Council Values

- *Support Crested Butte's quality of life*
- *Promote resource efficiency and environmental stewardship*
- *Encourage a sustainable and healthy business climate*
- *Maintain an authentic and unique community*
- *Remain fiscally responsible*
- *Continue thoughtful management of our historic character*
- *Seek collaborative solutions to regional and local issues*

The times are approximate. The meeting may move faster or slower than expected.

6:00 WORK SESSION

1) Introduction of Dr. Leslie Nichols, Superintendent of Schools.

6:05 2) Update by Mt. Emmons Mining Company on Reclamation Work at the Keystone Mine.

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

7:02 APPROVAL OF AGENDA

7:04 PROCLAMATION HONORING ANNE MOORE

7:12 EXECUTIVE SESSION

For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Brush Creek.

8:00 CONSENT AGENDA

1) August 7, 2018 Regular Town Council Meeting Minutes.

2) August 13, 2018 Special Town Council Meeting Minutes.

3) Colorado Jazz Musicians Festival Special Event Application and Special Event Liquor Permit for September 8 and 9, 2018 in Town Park.

4) Resolution No. 13, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of Revocable License to SoprisHouse LLC to Encroach into the Alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the Right of Way Adjacent to Lots 22-24, Block 27, Town of Crested Butte.

The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.

8:02 PUBLIC COMMENT

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

8:10 STAFF UPDATES

8:20 PUBLIC HEARING

1) Application by Crested Butte Grocery LLC DBA Clarks's Market for a Fermented Malt Beverage (3.2% Beer) License Located at 500 Belleview Avenue.

8:40 OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

9:00 NEW BUSINESS

1) Ordinance No. 21, Series 2018 - An Ordinance of the Crested Butte Town Council Amending the Verzuh Annexation Agreement Reception No. 504285 for the Facilitation of the 2019/2020 Affordable Housing Build in Block 76, Town of Crested Butte.

9:10 2) Mt. Express Funding Request for Purchase of Lot in Whetstone Industrial Park.

9:25 3) An Update on Implementation of Bag Ban and Authorization of the Town Council to Send a Letter to Local Business Owners Notifying Them of the Bag Ban as of September 1, 2018.

9:40 4) Resolution No. 14, Series 2018 - A Resolution of the Crested Butte Town Council Amending the Cypress Foothills, LP Pre-Annexation Agreement Reception No.

638399 and Amendment to Pre-Annexation Agreement Reception No. 643828 to Facilitate Construction and Landscaping of Slate River Trail Fencing. 2

9:55 LEGAL MATTERS

10:00 COUNCIL REPORTS AND COMMITTEE UPDATES

10:15 OTHER BUSINESS TO COME BEFORE THE COUNCIL

10:25 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, September 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 1, 2018 - 6:00PM Work Session - 7:00PM Regular Council

10:30 EXECUTIVE SESSION

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding snow storage lots.

11:00 ADJOURNMENT



Memorandum

To: Town Council

From: Dara MacDonald, Town Manager
Barbara Green, Town Attorney
Ashley Bembeneck, Coal Creek Watershed Coalition

Subject: Mt Emmons Project Memo: August 2018 Update

Date: August 20, 2018

This document was prepared following the Mt. Emmons Project meeting on July 17, 2018 to summarize the project status and identify upcoming project milestones.

Document Objectives

1. Provide an update on the status of the MOU bullets.
2. Identify issues for the Mt. Emmons Project team to address in the coming years.
3. Develop a preliminary timeline for the Mt. Emmons Project team.

Background

In February 2016, the Town of Crested Butte, Gunnison County, the Colorado Department of Public Health and Environment (CDPHE including the Water Quality Control Division (WQCD) and Air Pollution Control Division (APCD)), the Colorado Department of Natural Resources (including the Division of Reclamation Mining and Safety (DRMS)), and Mt. Emmons Mining Company (MEMC) signed a memorandum of understanding (MOU) for Mt. Emmons. The parties to the MOU agreed to work together to achieve the following:

- Support MEMC in acquiring the Site and assist in ensuring compliance with all applicable environmental laws and regulations.
- Find and implement solutions to the environmental issues at the site.
- Discuss long-term funding for environmental issues at the Site.
- Transfer any federal, state, and local permits and authorizations from U.S. Energy to MEMC as soon as practicable after transfer of the Site.
- Pursue disposition of the mining and mill claims and fee simple lands in a mutually beneficial way.
- Collaboratively work to develop site-specific water quality standards for Coal Creek that may include monthly technical meetings with interested Parties.

- Continue the current administrative extension of the Colorado Discharge Permit System discharge and stormwater permits until after a final decision is issued by the Water Quality Control Commission (WQCC) in June 2017 Gunnison Basin Rulemaking proceeding.
- Work with the federal legislative delegation on any mutually acceptable legislation to implement long term solutions.

Status of MOU Bullets

- MEMC has acquired the site. This item is complete.
- Find and implement solutions to the environmental issues at the site. This item is underway. Major milestones include:
 - MEMC inventoried and assessed all resources on the Keystone Property. Several safety and operational issues were addressed at the Keystone water treatment plant (WTP), Keystone mine portals and tunnels, and other features on the Site.
 - Tailings stability assessment: completed by MEMC in 2017 with on-going data collection. The initial evaluation found that the tailings are stable. Additional evaluation underway to support long term management of the tailings.
 - Waste rock consolidation: In late summer 2018 DRMS and Trout Unlimited (TU) will assist MEMC with a project to consolidate waste rock piles on the Site to mitigate pollution.
 - Source water and stormwater controls: Planned for late 2018 and 2019. MEMC plans to install several BMPs to better manage stormwater issues near the tailings storage area and WTP.
 - MEMC collects water quality data to support permit compliance and the process to develop site-specific standards.
- Discuss long-term funding for environmental issues at the Site. This item is not complete.
- Transfer any federal, state, and local permits and authorizations from U.S. Energy to MEMC as soon as practicable after transfer of the Site. This item is complete.
- Pursue disposition of the mining and mill claims and fee simple lands in a mutually beneficial way. This item is not complete. In 2016 voters in the Town of Crested Butte approved a payment of \$2M to MEMC upon permanent withdrawal of the unpatented mining and milling claims, along with the ability to issue debt to meet this obligation if necessary. The Town of Crested Butte and MEMC executed a Memorandum of Intent on September 8, 2016 memorializing the \$2M commitment from the Town and the intention to work on a legislative or administrative withdrawal of the lands on and around Mt. Emmons from future location of mining claims. MEMC has indicated they may prefer to acquire portions of the Keystone property (e.g. the tailings storage area) that are owned by the Forest Service to allow greater flexibility for long-term operations. Other parties are evaluating the feasibility of this option and trying to identify suitable alternatives to the current land management tools.

- Collaboratively work to develop site-specific water quality standards for Coal Creek that may include monthly technical meetings with interested Parties. Substantial progress has been made on this item. Major milestones are summarized below:
 - Parties successfully collaborated in the December 2016 temporary modifications hearing and the June 2017 Gunnison Basin Rulemaking hearing.
 - In the June 2017 Rulemaking temporary modifications were replaced with the aquatic life standards from July to March.
 - The temporary modifications for April to June were revised to reflect 2010 to 2015 water quality data.
 - The temporary modifications expire on 12/31/2022. The Mt. Emmons parties will participate in the Temporary Modifications hearings in 2020 and 2021 to discuss progress to develop site-specific standards to replace the temporary modifications.
 - It is anticipated that site-specific standards will be adopted at the Gunnison Basin Rulemaking hearing in June 2022.
 - CCWC, with support from the Town and Upper Gunnison River Water Conservancy District (UGRWCD), continues to collect water quality data from Coal Creek five times per year at 8 to 20 locations per sample event.
 - The UGRWCD and the Town fund USGS to operate the seasonal gage in Coal Creek near Crested Butte. Flow data from this gage is critical to the process to develop site-specific standards for Coal Creek
 - CCWC is contracted by CDPHE to collect water quality samples from Elk Creek as part of the Standard Mine Interim Monitoring Plan. This data set will be used to determine whether the phase II remedial action is required at the Standard Mine Superfund Site.
 - Determine whether additional data collection is needed to develop the site-specific standards for Coal Creek.
 - MEMC accepted a compliance schedule to address cadmium concentrations in the WTP discharge. This is a demonstration of good faith on MEMC's part. The cadmium compliance schedule will be integrated into the new WTP discharge permit (see next section for information on the permit).
- Continue the current administrative extension of the Colorado Discharge Permit System discharge and stormwater permits until after a final decision is issued by the Water Quality Control Commission (WQCC) in June 2017 Gunnison Basin Rulemaking proceeding. The discharge and stormwater permits remain on administrative extension as of August 2018. The following are major milestones related to the discharge and stormwater permits:
 - The WQCD permit staff are behind on permit renewals throughout the state and in the Gunnison Basin. Prior to the June 2017 rulemaking, WQCD permits staff estimated that the Keystone permits would not be reopened prior to mid-2018. More recently, as part of the Colorado Water Quality Forum, WQCD permits staff have identified permits in the South Platte Basin as a priority over permits in the Gunnison and San Juan Basins.

- The Keystone permits have been on administrative extension since 2013. It remains unclear when the permits will be re-opened.
 - The current WTP permit was developed in 2008, using data collected prior to that time, typically with data collected within five years of the permit renewal (i.e. 2002 to 2007).
 - The current WTP permit includes numeric limits for potentially dissolved cadmium and zinc. The permit includes two flow rates a higher rate for July to September, and a lower rate for October through June.
 - The current stormwater permit lacks numeric limits. Numeric limits could be assigned in the next permit renewal. Additional research regarding the probability of this action and potential numeric limits is needed.
 - MEMC has developed anticipated permit limits (see Regulation 35 Rulemaking exhibits) from recent water quality data. Due to increased flows from the Keystone Mine and low hardness in Coal Creek, MEMC anticipates difficulty meeting the anticipated permit limits in July, August, and September.
 - The cadmium compliance schedule will be incorporated into the new WTP permit. Compliance schedules are the preferred tool to allow dischargers additional time to address issues that currently prevent compliance with the future permit limit. Compliance schedules are developed on a case by case basis. Compliance schedules typically last from one to three years and include annual or bi-annual updates to the WQCD permit staff regarding progress toward compliance.
 - The new permit will have a five-year life cycle (e.g. 2019 to 2023). When the permit renewal occurs will have an impact on the process to develop site-specific standards.
 - Due to the unique nature (collaborating parties, process to develop site-specific standards, outstanding TMDL, etc.) of the Keystone Property, it's possible that WQCD permits staff may not reopen the permit until site-specific standards have been adopted.
 - When the permit is renewed, there will be a public comment period. Local parties should consider commenting on the draft permit documents. Depending on how MEMC and the WQCD permits staff proceed during the permit renewal process, it may be necessary to hire additional expertise to evaluate the permit (e.g. Leonard Rice Engineers or similar).
- Work with the federal legislative delegation on any mutually acceptable legislation to implement long term solutions. This item was discussed in 2016 but set aside due to a lack of uncertainty regarding several management issues (landownership, facility operations, reclamation planning, etc.).

Preliminary Timeline

August 20, 2018: MEMC hosts tour of Keystone Property with local elected officials. Also makes presentation to Town Council and BOCC.

August 30, 2018: Community open house to update the community on the Mt. Emmons Project. MEMC, DRMS, CCWC, and possibly others will have tables to interact with community members during the open house. TIME: 4:00 to 6:30 pm.

September-November 2018: DRMS and TU complete mine waste consolidation project at the Keystone site for MEMC. Dates are approximate.

Fall 2018 or Winter 2019: Update from MEMC, DRMS, and TU regarding the mine waste consolidation project. Determine whether water quality data collection efforts are sufficient to support site-specific standards process.

August 2020: Start of rulemaking process for Temporary Modifications hearing.

October 2020: Issues scoping hearing for Regulation 35 Gunnison Basin Rulemaking hearing.

December 2020: Temporary Modifications Rulemaking hearing.

August 2021: Start of rulemaking process for Temporary Modifications hearing.

November 2021: Issues formulation hearing for Regulation 35 Gunnison Basin Rulemaking hearing.

December 2021: Temporary Modifications Rulemaking hearing.

February 2022: Start of rulemaking process for Gunnison Basin Rulemaking hearing.

June 2022: Regulation 35 Gunnison Basin Rulemaking hearing.

December 31, 2022: Expiration date of temporary modifications for Coal Creek.

January 1, 2023: Potential effective date of site-specific standards for Coal Creek.

Action Items Not on the Timeline, Schedule to be Determined (TBD)

Keystone WTP permit renewal: 2019 or 2020?

Long-term operational and reclamation plan for Keystone Property: TBD. MEMC is evaluating the costs and benefits of several on-site improvements including upgrading or rebuilding the WTP, reclaiming the tailings storage area, and other projects. At the July 2018 meeting MEMC said they are considering building a new WTP near the 2160 portal because the area near the portal is located on MEMC land. The 2160 portal is upgradient of the tailings storage area. Currently, drainage from the tailings storage area is treated at the existing WTP. A change in the position of the WTP would also influence hardness in Coal Creek.

Because land ownership affects operational planning, any changes to landownership should be discussed sooner rather than later.

Land ownership discussion and disposal of mining rights: Town and County updated High Country Conservation Advocates (HCCA). HCCA provided the following questions and comments:

- HCCA's top priority is to eliminate the mining and milling claims. HCCA is willing to discuss creative options to achieve this goal.
- HCCA is interested in how results from the site characterization have influenced MEMC's position regarding land ownership. Are there environmental risks on the site that warrant the transfer of land ownership?

- HCCA expressed interest in how MEMC will proceed with diligence in the conditional water rights.
- What benefits does the oversight by the Forest Service provide? How could those benefits be replicated in oversight led by the state and local governments? Julie from HCCA will continue to investigate these questions and return a list of benefits, risks, and potential solutions to the Town and County.

Legislation to implement long-term solutions: TBD

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, August 7, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Chris Haver, Jackson Petito, Laura Mitchell, and Paul Merck

Kent Cowherd arrived during the discussion on The Corner at Brush Creek Housing Project under Old Business.

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, Public Works Director Rodney Due, and Community Development Director Michael Yerman

Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, and Chief Marshal Mike Reily (for part of the meeting)

APPROVAL OF AGENDA

Merck moved and Dujardin seconded a motion to pass the agenda. A roll call vote was taken with all voting, "Yes," except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

CONSENT AGENDA

- 1) July 16, 2018 Regular Town Council Meeting Minutes.**
- 2) Resolution No. 10, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Board of Zoning and Architectural Review to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects C.R.S. §39-22-514.5, as Amended.**
- 3) Resolution No. 11 Series 2018 - A Resolution of the Crested Butte Town Council Approving the Lease Agreement with the Center for the Arts for 620 Second Street, AKA Big Mine Warming House.**
- 4) Approval of Policy Agenda for Colorado Communities for Climate Action.**
- 5) Appointment of Assistant Chief Marshal Joseph Dukeman as the Town's Secondary Representative to the E-911 and Communications Boards.**

Merck moved and Mitchell seconded a motion to approve the Consent Agenda as submitted. A roll call vote was taken with all voting, “Yes,” except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

PUBLIC COMMENT

Mary Larson - 728 Belleview

- Read a letter on behalf of her neighbor, Jamie Booth, regarding the sidewalk. Booth opposed the sidewalk because she didn't believe it was a safe route to school. She asked the Council to consider safer routes to school.
- Larson lived in the same affected unit as Booth, and she agreed with everything Booth wrote.
- Larson questioned if there were studies done.

Candace Coen - 712 Belleview

- She didn't think that Belleview was the best alternative (for the sidewalk).
- The engineering for the grade change had not been conducted.
- There had been no long-term feasibility analysis.

Shannon Morgan - 730 Belleview

- Owned a four-plex unit that he didn't rent out. He described rentals in the other units.
- He stated they had a parking problem.
- He recalled history regarding their parking situation.
- They would lose eight feet of parking.
- He asked for a better study to ensure it was the best approach.

Shannon Renick - 706 Belleview

- She thought it was unsafe to cross the number of driveways.
- She wondered how they could make a decision without tests and studies done.
- She was concerned for kids' safety.

Sally Hensley - Elementary School Principal

- The safe route was established quite some time ago, and they were trying to follow what had been established.
- There was a traffic study done based on their facilities master-planning project.
- The traffic engineer informed that the Red Lady/7th Street intersection failed when pedestrians were present. They were compelled to keep kids out of the intersection.

Schmidt explained background regarding the roundabout. There was concern it would be pedestrian unfriendly. MacDonald acknowledged there was no great solution; the sidewalk on Belleview was the best of bad options. She described traffic, flow around the school, and the reasoning behind the decision.

Susan Eskew

- Her kids grew up at 7th and Belleview, and she pushed for pedestrian access on Belleview and 8th Street.
- She thought pedestrian safety was first and foremost.
- She stated the sidewalk was a good idea.

Shannon Renick

- Asked about a pedestrian bridge at the intersection.
- Yerman acknowledged the Town would need to pay for a pedestrian bridge, and he listed issues.

Mary Larson

- She voiced concern around the size of the sidewalk.

Candace Coen

- Asked for objective criteria from MacDonald that ranked Belleview at the top of the list. MacDonald reviewed considerations that had been made. Reily recognized that Belleview was the shortest walk through customary paths.

STAFF UPDATES

- Schmidt referred to questions posed in MacDonald's report in the packet.
- He brought forth the discussion on adopting the Idaho Stop, and he explained it. The Council decided to move forward.
- Schmidt told the Council that 3.2% beer, currently allowed in the parks, would be gone starting in 2019. Schmidt described possible processes for allowing alcoholic beverages in the parks. MacDonald asked for direction on ordinance or resolution and types of alcohol that would be allowed. Schmidt wanted to allow beer, wine, and liquor in parks. Petito concurred. Reily's main concerns were flying bottles. Schmidt confirmed hard liquor in soft packaging was acceptable.
- Petito thanked Due. The Council agreed with Petito's comments.
- Petito asked concerning the possible delay with the Town Park playground.
- Dujardin questioned Due on the flume and flow meters in Irwin.

PUBLIC HEARING

1) Application for a Retail Marijuana Dispensary License Located at 309 Belleview Ave, Unit 1A by Sun House CB LLC DBA Sun House.

Steve Morris was present representing Sun House CB LLC. He reported to live at 501 Horseshoe Drive in Mt. Crested Butte. Schmidt confirmed the location was formerly Acme Dispensary. Petito questioned the hours they would be open.

Schmidt confirmed proper public notice had been given. There was no one present from the public who wanted to comment, and the public hearing was closed. There was no further Council discussion.

Mitchell moved and Merck seconded a motion to approve the application for a Retail Marijuana Dispensary License for Sun House CB LLC DBA Sun House. A roll call vote was taken with all voting, “Yes,” except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

2) Ordinance No. 20, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 4, Section 2 of the Crested Butte Municipal Code Pertaining to Sales and Use Tax Definitions and Exemptions.

Schmidt confirmed proper public notice had been given. The public hearing was opened. There were no comments from the public. The public hearing was closed. There was no discussion amongst the Council.

Merck moved and Dujardin seconded a motion to adopt Ordinance No. 20, Series 2018. A roll call vote was taken with all voting, “Yes,” except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

MacDonald reported on the most recent action regarding the Brush Creek housing project. She detailed the timeline of the latest meetings and communication from the Town. Staff drafted suggested conditions the Town would impose. The subcommittee regrouped to discuss issues that had been discussed with the public. She explained that County Staff confirmed they received the memo. However, the memo had not been provided to the County Commissioners, and they didn’t go through the substance or rationale of the conditions suggested by the Town. There wasn’t substantive discussion about the proposed number of 180 units or the substance of the impacts and compatibility. MacDonald described what occurred today and highlights relevant to Town.

Cowherd attended the meeting tonight in Mt. Crested Butte, and he reviewed issues and conditions identified with the project that he communicated. Dujardin suggested that they read the conditions of approval that were drafted by County Staff. He wanted to discuss more regarding the number of units suggested by the Town.

David Owen - 903 Elk Avenue

- He asked if anyone had talked about a joint meeting with Mt. Crested Butte. MacDonald said they would further engage the conversation. She asked the partners in the MOA to meet, and they would continue to work towards a meeting.

Schmidt had no problem with the number of 112 (units). His concern was that affordable units would be kept that way. MacDonald affirmed that same opinion was shared among

the County Commissioners today. Dujardin questioned if they needed to revisit the Three Mile Plan. Cowherd handed John O’Neal, from Gatesco, a memo that was referenced during the discussion.

NEW BUSINESS

1) Resolution No. 12, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Expenditure of up to \$1,00,000.00 from the Town’s Open Space Fund for the Purchase and Conservation of Approximately 613 Acres Adjacent to Fossil Ridge to Facilitate the Preservation of Long Lake.

Noel Durant, Executive Director, presented on behalf of the Crested Butte Land Trust. He reviewed the Land Trust’s mission, and he described the land exchange. He provided details on the Long Lake property, Copley Lake, and Fossil Ridge. Durant listed conservation values, including scenic views and wildlife habitat. He explained how the Land Trust proposed to manage the lake and the land. Durant told the Council the land exchange would benefit affordable housing.

Mitchell questioned handicapped access to Long Lake and if there was the opportunity to acquire the lot at the top of the trail. Yerman explained how the funding would need to be included in the 2019 budget and that there were adequate reserves in the Open Space Fund. Sue Navy voiced her whole-hearted support. Schmidt stated it was a fulfilling project for preserving open space and supporting affordable housing.

Dujardin moved and Merck seconded a motion to pass Resolution No. 12, Series 2018 authorizing \$100,000,000 from the Town’s Open Space Fund for the purchase and conservation of approximately 613 acres adjacent to Fossil Ridge to facilitate the preservation of Long Lake and directing Town Staff to prepare a funding agreement to be executed with the Land Trust prior to the closing of the Federal Land Exchange. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

PROCLAMATION HONORING BUTCH AND JUDY CLARK

Schmidt read the proclamation honoring Butch and Judy Clark. He presented the proclamation to Butch Clark. Clark added comments, recognizing that Long Lake was such a special place. He acknowledged cooperation with other entities, including the Forest Service and Land Trust, and he expressed his appreciation.

NEW BUSINESS CON’T

2) Quarter 2 Financial Update.

Zillioux stated Town was doing well related to the budget. Revenues were generally ahead of plan and last year, and expenses were below plan. He reviewed highlights regarding the General Fund, the Water and Wastewater Fund, the General Capital Fund,

Street and Alley Fund, and Affordable Housing Fund. Cowherd wondered if Zillioux had concerns. Zillioux identified that Town had been experiencing a euphoric bubble.

3) Award of Professional Services Agreement with Interstate Parking Company to Prepare the Town’s Parking Management Plan and Potential Implementation of Identified Parking Strategies.

Yerman updated the Council that there were three proposals submitted, and there were two groups interviewed, Interstate Parking and Republic Parking. Yerman wanted the selected group to begin data collection to help develop a management strategy. The goal was to have a parking management plan in time for the budget. The recommendation was to go with Interstate Parking.

Schmidt was unconvinced that paid parking would solve anything. He hoped the study would convince him one way or another. Yerman said people were most influenced by economics. Dujardin agreed they needed to do something to affect people’s behavior. Petito pointed out wording in the agreement that he did not like. Merck agreed with Dujardin. Haver asked about Mt. Crested Butte. Petito wanted to hear feedback from the public.

Merck moved and Dujardin seconded a motion to approve authorizing the execution of a professional services contract with Interstate Parking Company LLC of Colorado to prepare the PHASE 1- Comprehensive Parking Management Plan Addendum for a fixed-fee of \$12,826.72 with the contingency of developing a PHASE-2 Parking Implementation Program. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

4) Discussion on Development Strategies for the Paradise Park 2019-2020 Affordable Housing Build.

Yerman wanted to update on the results of the housing survey. Secondly, it sounded like they would prepare an amendment to the Verzuh annexation agreement that would be brought forward to the Council. They were trying to minimize the impacts to neighbors.

Yerman then broke down results and reviewed numerical details of the housing survey. Takeaways were that locals needed housing, and only 38 of the respondents would qualify for conventional loans. Yerman focused his presentation on AMIs. He suggested they look at bedroom count in their consideration of density. Yerman reported that he learned that rentals were important, as well as home ownership opportunities.

5) Selection of Three Developers to Proceed with the Design Request for Proposals for the Development of Affordable Housing in Paradise Park Blocks 76, 79, and 80 in 2019.

Yerman explained the process for the development. They started by putting out RFQs for the development of Block 76 and 3 additional triplexes in Block 79 and 80. The RFQ

required developers to demonstrate their financial ability to perform and construct the project, breaking ground in 2019. The selection committee recommended three of the four developers. Next, the RFP would be released to the selected developers. Yerman listed the four respondents and three developers recommended by the committee.

Dujardin moved and Merck seconded a motion to select Bywater LLC, Coburn, and The Morrison Group to respond to the Paradise Park Block 76 RFP. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

LEGAL MATTERS

Green informed the Council there were two cases that were ongoing, one had to do with The Heights open space. Judge Patrick denied the owners’ motion for summary judgment. Next, at the end of August, there would be a case management meeting with the judge. The other case was the ADU case that was in the Colorado Court of Appeals, on which CIRSA provided lead counsel.

Green reviewed proposed Initiative #108. The constitutional amendment changed takings law. The point of zoning was to protect everybody’s property values, and it would be turned on its head. The consequences would chill any regulatory body before they passed a regulation that imposed limitations in any way. There was no exclusion that would allow governments to pass legislation that would be better for all.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He attended an Upper Gunnison River Water Conservancy District meeting. The flows in the Taylor were lowered and would be lowered again. There was a call placed on the Slate River.
- Attended Mountain Express meeting. He reported on ridership of various routes. They were considering a long-term hiring strategy. Mitchell elaborated that they were looking at moving out of Town and on problems within the Mountaineer Square bus loop.

Laura Mitchell

- Hosted Scenic Byways meeting. They discussed the route and were seeking Wild and Scenic designation for the Crystal River.

Paul Merck

- Would attend a STOR meeting this week.
- People were asking the reason there were fewer food vendors at the Arts Festival.

Kent Cowherd

- He would attend a housing workshop in Montrose.
- The Creative District had an Art in Public Places subcommittee meeting. They recognized an opportunity for art in public restrooms.

- Attended a meeting with Russ Forrest, Manager of the City of Gunnison.

Chris Haver

- He further explained that Forrest also discussed background on the OVPP.
- He would attend the housing conference on Thursday.
- The Chamber was in an excellent financial shape. There were thoughts of expanding the Bike Week events. The Chili and Beer Festival would be coming up in September.

Jackson Petito

- The Housing Foundation was eager to start using the Long Lake money. They needed to narrow the priorities of the Foundation.

Jim Schmidt

- Met with representatives from CBMR. Vail was meeting with employees for the transition.
- Went to Brush Creek meeting.
- There would be a housing meeting tomorrow.
- August 1st was the Trampe Ranch celebration.
- Went to a mayor/managers meeting in Gunnison. There was a presentation by the Library District. Blue Mesa would be down to 90 feet below the maximum capacity.
- Met with Sam Mamet, the head of CML.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Schmidt reminded the Council of an email from Zillioux regarding the Manager's review.
- Schmidt asked the Council if they wanted to change anything with the sidewalk on Belleview. MacDonald mentioned the planned timeline for completion. Mitchell had concerns about the sidewalk because there were a lot of people living on that side of Belleview. There was discussion on the width of the sidewalk. Schmidt thought that if it was an experiment for a year, it was worth trying. Dujardin appreciated the concerns of the residents, but the big picture was the kids' safety. He wanted to press that they felt the comments and concerns, but he didn't see how they could go with a better solution. He thought they needed to support Staff and the school. Merck recognized this route would result in the fewest crossings. He agreed with Dujardin's comments. Due and Reily explained the reasoning behind the decision to use Belleview. Due, responding to Coen, reported on snow removal. The Council decided not to change the present plan with the sidewalk.
- No one from the Council volunteered to serve on the CML policy committee. MacDonald said she would serve on behalf of the Town.
- Merck volunteered to attend the Pique Interests event.
- Petito requested an improved projector.

- Green pointed out the attorneys' contract would expire in September. The review would be coming up. She offered to provide invoices or any other information.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, August 20, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, September 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The Council discussed scheduling a budget retreat on August 16th or 27th. There was also a discussion on reviewing the Town Attorneys. The Council decided to defer until after August. Stanford would initiate a Doodle poll to schedule the budget retreat.

Merck mentioned he would be calling in for the meeting on the 20th.

EXECUTIVE SESSION

Schmidt read the reason for the Executive Session: For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Cypress Equities LLC.

Dujardin moved and Mitchell seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 10:46PM. The Council returned to open meeting at 11:49PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:51PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)

MINUTES
Town of Crested Butte
Special Town Council Meeting
Monday, August 13, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:06PM.

Council Members Present: Will Dujardin, Chris Haver, Kent Cowherd, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald

EXECUTIVE SESSION

Schmidt stated the purpose of the meeting was for an annual review of the Town Manager by the Town Council.

Schmidt read the reason for the Executive Session: for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Merck moved and Mitchell seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

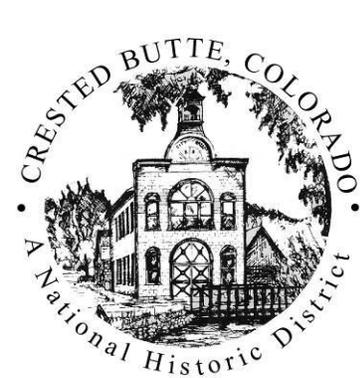
The Council went into Executive Session at 7:09PM. The Council returned to open meeting at 8:44PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 8:45PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

August 20, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Colorado Jazz Musicians Festival Special Event Application and Special Event Liquor Permit
Date: July 31, 2018

Background:

At the Town Council meeting on June 4, 2018, Laura Silva presented her event proposal to the Council. She was at the meeting to appeal the decision of Parks and Recreation Director Janna Hansen to disallow the event in Town Park per the department's policy to preclude special events at Town Park during the soccer season, when the park is used to accommodate six playing fields. Hansen cited reasons for her decision, including concerns with logistics and staffing, in returning the fields to playing fields after the event. The Town Council determined that the event application should be permitted to proceed utilizing Town Park.

It is estimated that it will take four Parks and Recreation crew members eight hours to locate irrigation, remove equipment from all six fields, restripe, and put everything back. The total would be 32 man hours and translated to dollars, \$45/hour as a general in-kind figure for man hours, for a total of \$1440.00. Parks and Recreation staff prepares ten soccer fields in the fall, six of which are located at Town Park. Staff prepare the fields at the beginning of the season, and the fields stay up through the entire season. Due to the logistics involved with striping and placement of the goals, the staff will plan to reset the fields on Monday following the event rather than having event volunteers place the goals during their clean-up on Sunday.

Summary:

Laura Silva and Roger Kahn submitted the special event application and special event liquor permit for Colorado Jazz Musicians Festival. The Festival is planned for Saturday, September 8th and Sunday, September 9th in Town Park. The Festival would run from 11AM to 4PM each day. Set up would begin on the 8th at 6AM, and clean up would be completed by 9PM on September 9th.

This year is the first for the Festival. The organizers are planning for 1000 spectators. The event area would be demarcated with fencing. Seven security persons would help to secure the perimeter and monitor for alcohol consumption, which is only allowed within the boundaries of the

event. Plans for parking, trash and recycling, porta potties, and neighborhood notification are included within the application.

Recommendation:

Staff recommends approval of the Colorado Jazz Musicians Festival as part of the Consent Agenda.



**TOWN OF CRESTED BUTTE
SPECIAL EVENT APPLICATION**

1. EVENT INFORMATION:

Name of Event: Colorado Jazz Musicians Festival
 Date(s) of Event: September 8th 2018 / September 9th 2018
 Location(s) of Event: Town Park

Map Attached Showing Location of Event *Attach map showing location of event*

Diagram Attached Detailing Event *Attach 8 1/2" X 11" diagram detailing the event showing tents, vendors, security, toilets, tables, signage, fencing, booths, ingress and egress, stage, etc.:*

Event Schedule and Description of Event Attached

Name of Organization Holding the Event ("Permittee"): Colorado Jazz Musicians Festival
Note: The permittee of an event must be the same "Entity Name" as the named insured on the insurance certificate and the Secretary of State Certificate of Good Standing.

Event Time(s) (start time of scheduled event to end time of scheduled event each day:

Date <u>9/8/18</u>	Time: From <u>11:00 AM</u>	To <u>4:00 pm</u>
Date <u>9/9/18</u>	Time: From <u>11:00 AM</u>	To <u>4:00 pm</u>
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____

Total Time (including setup, scheduled event, breakdown, and clean up):

Date <u>9/8/18</u>	Time: From <u>6:00 AM</u>	To <u>10:00 pm</u>
Date <u>9/9/18</u>	Time: From <u>6:00 AM</u>	To <u>9:00 pm</u>
Date _____	Time: From _____	To _____
Date _____	Time: From _____	To _____

Expected Numbers: Participants: 35 Spectators: 1000

Name of Event Organizer: Laura Silva

Phone: 970-209-3926 Cell Phone: same

E-Mail: highmtndjs@hotmail.com Fax Number: N/A

Name of Assistant or Co-Organizer (if applicable): Roger Kahn (Director of Festival)

Phone: 303-588-3678 Cell Phone: _____ E-Mail: rogdiKahn@aol.com

Mailing Address of Organization Holding the Event: PO Box 1538
Crested Butte CO 81224

Email Address of Organization: info@cojazzfest.org Phone Number: N/A

2. INSURANCE, LIQUOR PERMITS, SECURITY PLANS:

(a) 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 Permit Application is Attached with Appropriate Fees and Diagram

Describe Plan for Security and Include with Diagram: (All major impact events, as well as events that receive a Special Event Liquor License, are required to have a security plan):

Except for point of entry/exit the entire Town Park will be fenced off with a total of 7 volunteer security securing the perimeter. All patrons will be ID'd for purchase of alcohol. There will be security at front gate monitoring all items coming in and out of festival.

(b) 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 with 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 on the Insurance Certificate. (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 Attached? Yes No

Pending w/ Town Clerk RECEIVED 7/23/18 (CURSA)

3. ROAD CLOSURES, PARKING/HANDICAPPED PARKING, BUS SERVICE:

Will Your Event Require Any Road Closures? Yes No

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

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

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

If Yes, Explain Impact (include times): _____

Will Your Event Affect Any Handicapped Parking Spaces? Yes No

If yes, you must work with the Marshal's Department to create temporary handicapped parking spaces for the duration of your event.

Describe Plan for Parking: Patrons will park in surrounding public parking spaces as well as walk and ride bikes to location.

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):

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, brochures, etc.), individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float.

Signature of Event Coordinator

4. AMPLIFIED SOUND AND NOTIFICATION:

Will There Be Amplified Sound at This Event? Yes No

If Yes, Describe: Jazz Concert on CFA outdoor stage with amplified sound

Note: If there will be amplified sound during your event, the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Residents and businesses within 250' of the proposed event must receive written notification (7) days prior to the start of the event.

Describe Plan for Notifying Businesses and Residents Impacted by Your Event: I will notify all neighbors surrounding the Town Park space

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? 50 lbs.

What recyclable products will be generated at the event? We expect to recycle more items than anything else, specifically plastic cups.

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 Waste Management, please contact them directly at (970) 641-1986. Note: Any event application without a detailed recycling and refuse plan will not be accepted as a complete application:

Waste Management will deliver a locked trash dumpster as well as cardboard trash & recycling containers. After each event all trash will be placed in locked dumpster until pickup on Monday, September 10, 2018.

Describe Plan for Portable Toilets and/or Restrooms. (Include number of portable toilets and plan to restore bathrooms to their original state following your event): (Required: 1 portable toilet to every 40 attendees)

5 portapotties have been secured with Gunnison Septic, delivered Friday September 7th and picked up Monday September 10th. All units will sit on the back corner (southeast) of the Town Park space.

6. SALES TAX:

Have you paid sales tax from your event last year? Yes No

If No, you must pay delinquent sales tax before your special event application will be considered. Inaugural Event

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 with a List of Vendors to the Clerk's Office.

Town of Crested Butte Sales Tax Application is Attached.

List of Vendors with your Crested Butte Sales Tax Application.

7. BANNER PERMITS:

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 the Front Desk at Town Hall.

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: 

Please review your application and make sure all questions are answered. Read, sign, and date the following prior to submitting your application.

8. PLEASE REVIEW, SIGN, AND DATE:

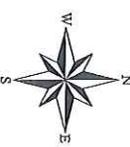
In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively,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

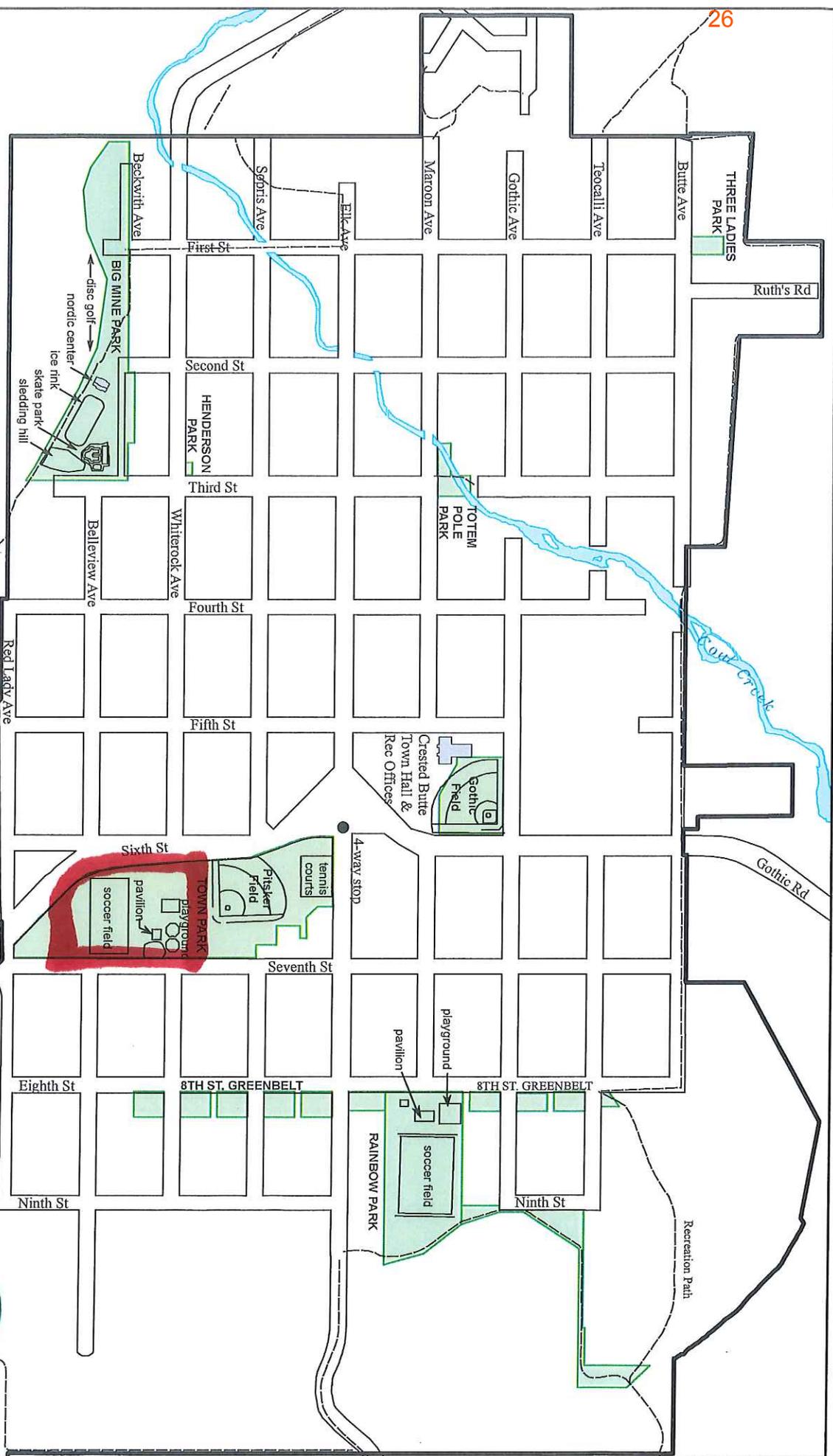
Laura Silva / Laura B. Silva
Print Name Clearly / Signature of Applicant (Permittee)

6/19/18
Date

Town of Crested Butte Parks



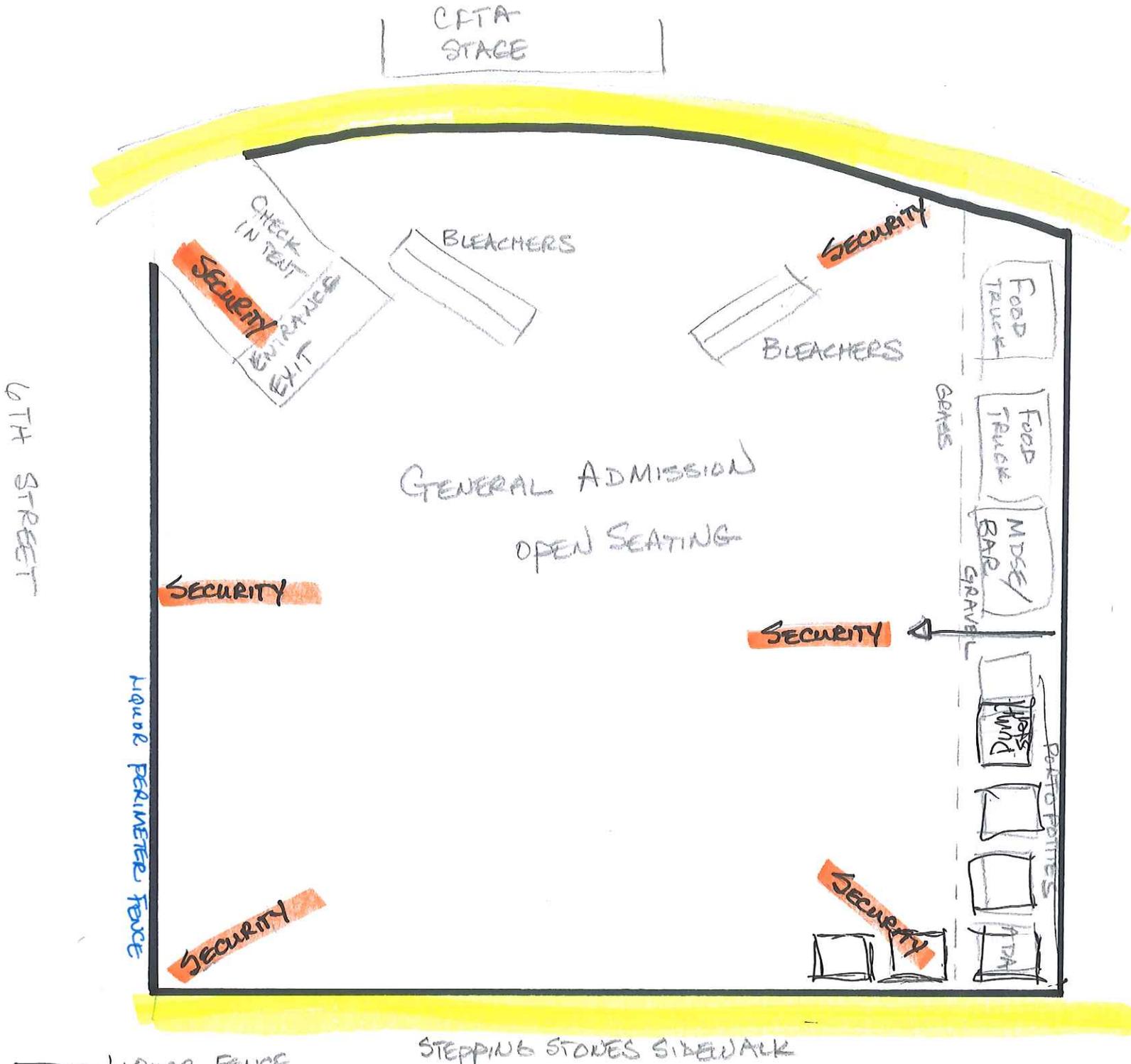
See Detailed Map



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

DIAGRAM OF EVENT SETUP

PLEASE INCLUDE A DETAILED DIAGRAM OF TENTS, TABLES, RESTROOMS/PORTA POTTIES, VENDORS, SIGNAGE, BOOTHS, STAGE, LIQUOR BOUNDARIES AND SECURITY, INGRESS AND EGRESS.



6TH STREET

LIQUOR PERIMETER FENCE

STEPPING STONES SIDEWALK

LIQUOR FENCE
WILL REMAIN OPEN FOR EMERGENCY VEHICLES

Friday September 7th 2018

10:00 AM-5:00 PM Box Office (CFA Lobby)

5:00 PM- 7:00 PM Meet and Greet with musicians at *Public House Downstairs* (Patrons and VIP only)8:00 PM-10:00 PM Headline Jazz Concert **Janine Gastineau followed by Eric Gunnison** *LMS Ballroom*10:30PM -12:30 AM Late Night Juke Joint **Los Chicos Malos** *Public House***Saturday September 8th 2018**

10:00 AM-5:00 PM Box Office (CFA Lobby)

10:00 AM-12:00 PM Jazz Workshops/Master Classes **Eric Gunnison** *CFA Indoor Stage*11:00 AM-4:00 PM (4-45minute Jazz sets with 30 minute intermissions) **Adam Bodine Trio, Los Chicos Malos, Donna Scott, Dana Landry Trio** *CFA Outdoor Stage*5:00 PM-7:00 PM Jazz Dinner with Chef (Jean Marc, Tim) **Wayne Wilkinson Trio** *Central Downtown location(Parish Hall-401 Sopris Ave)*8:00 PM-10:00 PM Headline Jazz Concert **Gypsy Jazz Social Club followed by The Bob Montgomery Sextet** *LMS Ballroom*10:30PM -12:30 AM Late Night Juke Joint **Donna Scott** *Public House***Sunday September 9th 2018**

10:00 AM-12:00 PM Box Office (CFA Lobby)

10:00 AM-12:00 PM Jazz Workshops/Master Classes **Bob Montgomery** *CFA Indoor Stage*10:00 AM-12:00 PM Sunday Jazz Brunch **Dana Landry Bonez** *(front seating-VIP & General Admission passes)*11:00 AM-3:00 PM General Admission Jazz Concert (3-45minute Jazz sets with 30 minute intermissions) **Anne Booth Trio, Wayne Wilkerson Trio, Mary Ann Gillaspie** *CFA Outdoor Stage*

4:00 PM Festival Closes

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

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
Colorado Jazz Musicians Festival

State Sales Tax Number (Required)
33397916

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
**PO Box 1538
Crested Butte, CO 81224**

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

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Roger Kahn	8/22/41	2217 FOREST STREET DENVER, CO 80207	303-588-3678

5. EVENT MANAGER Laura Silva	2/12/74	53 Escalante St., Crested Butte	970-209-3926
--	----------------	--	---------------------

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? **0**

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

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

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

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
9/8/18				9/9/18											
		11 A.m.	4 P.m.			11 A.m.	4 P.m.								

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

SIGNATURE 	TITLE Director	DATE 8/5/18
---------------	--------------------------	-----------------------

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)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

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

LIABILITY INFORMATION

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

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Colorado Jazz Musicians Festival

is a

Nonprofit Corporation

formed or registered on 05/01/2002 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 20021115850 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/02/2018 that have been posted, and by documents delivered to this office electronically through 07/05/2018 @ 10:54:08 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 07/05/2018 @ 10:54:08 in accordance with applicable law. This certificate is assigned Confirmation Number 10990303 .



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 Validate a Certificate 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 "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

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

31

FACILITY OWNER: (Additional Insured)		PRODUCER:		Certificate #	81223
Town of Crested Butte PO Box 39 Crested Butte, CO 81224 Attn: Betty Warren		HUB International Insurance Services Inc. P.O. Box 4047 Concord, CA 94524-4047 PH: 925 609 6500 FX: 925 609 6550 specialevent@hubinternational.us		CA License #0757776	
EVENT HOLDER: (Named Insured)		EVENT INFORMATION			
Colorado Jazz Musicians Festival PO Box 1538 Crested Butte, CO 81224		TYPE OF EVENT:	Festival		
		EVENT DATE(S):	9/8 & 9/9/2018		
		EVENT LOCATION:	Town Park 606 6th St. Crested Butte, CO 81224		
		ATTENDANCE:	1,500	CLASS:	III
This is to certify that the policies of insurance listed below have been issued to the insured named above for the event date(s) indicated above. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.					
This contract is delivered as surplus line coverage under the Nonadmitted Insurance Act. The insurer issuing this contract is not licensed in Colorado but is an approved nonadmitted insurer. There is no protection under the provisions of the Colorado Guaranty Act.					
INSURER A:		COLONY INSURANCE COMPANY			
INSR LTR	Type of Insurance	Policy Number	Effective	Expiration	Policy Limits
A	Commercial General Liability	103 GL 0021111	1/1/2018	1/1/2019	Each Occurrence \$1,000,000 General Aggregate \$2,000,000 Personal & Advertising Injury \$1,000,000 Products/Completed Operations Aggregate \$2,000,000 Damage to Premises Rented to You \$1,000,000 Medical Payments \$5,000 Liquor Liability Each Occurrence \$1,000,000 Liquor Liability Aggregate Incl. in GL Agg.
COVERAGE TERMS:					
Occurrence Form (CG 0010) Host Liquor Liability <u>Included</u> . Full Liquor Liability Included <u>when a separate premium has been charged</u> .		The coverage afforded by this insurance is primary and not contributing with any insurance held by the "ADDITIONAL INSURED", WHEN REQUIRED BY WRITTEN CONTRACT. The limits of insurance apply separately to each event insured by this policy as if a separate policy of insurance has been issued for that event. Who is an insured is amended to include as an additional insured the "Facility Owner – Additional Insured" above and any person or organization shown in the schedule below. This insurance does not apply to: any "occurrence" which takes place after the event holder ceases to be a tenant in that premises. This insurance applies only to: an "occurrence" which takes place during the dates indicated under "Event Information" above.			
COVERAGE EXCLUSIONS: (REFER TO POLICY FOR COMPLETE LISTING OF EXCLUSIONS)					
-- Sexual Abuse & Molestation		Specific Events are excluded from coverage. Please see second page for list of excluded events.			
-- Terrorism		On behalf of the Risk Purchasing Group and each Member, the Trustee has declined coverage for the Terrorism Risk Insurance Act (TRIA).			
OTHER ADDITIONAL INSUREDS:					
<i>CANCELLATION: Should the above described policy(s) be canceled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the insured event holder and additional insureds listed.</i>					
AUTHORIZED REPRESENTATIVE:			ENTITY	DATE ISSUED:	July 13, 2018

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:

Signature: [Handwritten Signature] Date: 7/19/18
Name (Printed): MICHAEL REAGY

Conditions/Restrictions/Comments:
OK

Public Works:

Signature: [Handwritten Signature] Date: 7/6/2018
Name (Printed): Rodney E Due

Conditions/Restrictions/Comments:
OK

Parks and Recreation:

Signature: [Handwritten Signature] Date: 7/12/18
Name (Printed): Janna Hansen

Conditions/Restrictions/Comments:
Irrigation will be marked prior to event
No vehicles on grass
No stakes in grass
Please submit a detail of fencing to be used
Park Permit Attached

Town Clerk:

Signature: [Handwritten Signature] Date: 7-31-2018
Printed Name (Printed): Lynelle Stanford

Conditions/Restrictions/Comments:

Town Manager:

Signature: [Handwritten Signature] Date: 8/14/18
Printed Name (Printed): Dana MacDonald

Conditions/Restrictions/Comments:

Crested Butte Fire Protection District:

[Signature] 7/17/18
Signature Date
ROBERT WEISBAUM
Printed Name (Printed)

Conditions/Restrictions/Comments:
OK

Mt. Express Bus Service:

[Signature] 7/5/18
Signature Date
Chris Lassen
Printed Name (Printed)

Conditions/Restrictions/Comments:
OK

Official Use Only:

Application Received 7/2/18 Date Distributed 7/5/18

Council Date (if applicable) AUGUST 20, 2018

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

CIRSA: \$787.05

Application fee \$ 25 Check # 1011 Date Paid 7/23/18

Permit Fee \$ 200 Check # 1011 Date Paid 7/23/18

Local Liquor License Fee 2 DAYS @ \$25 EA \$50 Check # 1011 Date Paid 7/23/18

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

Additional Fee _____ Check # _____ Date Paid _____

Clean Up Deposit \$ 200 Check # 1011 Date Paid 7/23/18 Date Returned: _____



Staff Report

August 20, 2018

To: Town Council

Thru: Dara MacDonald, Town Manager, and Michael Yerman, Community Development Director

From: Jessie Earley

Subject: Revocable License, 313 Sopris Avenue, Block 27, Lots 22-24, SoprisHouse, LLC

SUMMARY:

On May 29, 2018, BOZAR approved the plans for the rehabilitation in place of the historic accessory building located at 313 Sopris Avenue. Included in the plans is an eave on the North elevation, which extends 6'x 27'10" in the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27.

It is not uncommon for the Town to grant licenses for this type of feature. Attached you will find the license agreement. Exhibits identifying the area are included.

RECOMMENDED MOTION:

A Councilmember make a motion followed by a second to approve Resolution 13, Series 2018 for a license agreement with SoprisHouse, LLC to allow the eave in the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27 as part of the consent agenda.

RESOLUTION NO. 13

SERIES NO. 2018

A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE GRANT OF A REVOCABLE LICENSE TO SOPRISHOUSE LLC TO ENCROACH INTO THE ALLEY TO THE SOUTH OF ELK AVENUE AND TO THE NORTH OF SOPRIS AVENUE IN THE 300 BLOCK, THE RIGHT-OF-WAY ADJACENT TO LOTS 22-24, BLOCK 27, TOWN OF CRESTED BUTTE

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 recommended to the Town Council that it grant a revocable license to SoprisHouse LLC to encroach into the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27, Town of Crested Butte; and

WHEREAS, the Town Council hereby finds that granting a revocable license to SoprisHouse LLC to encroach into the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27, Town of Crested Butte, is in the best interest 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 revocable license to SoprisHouse LLC to encroach into the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27, Town of Crested Butte, is in the best interest of the Town.

2. **Authorization of Mayor**. Based on the foregoing, the Town Council hereby authorizes the Mayor to execute the "Revocable License Agreement" in substantially the same form as attached hereto as **Exhibit "A."**

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS ____ DAY OF _____, 20__.

TOWN OF CRESTED BUTTE

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

EXHIBIT "A"

Revocable License Agreement

[attach approved form here]

**RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:**

Town of Crested Butte
Attn: Town Clerk
502 Maroon Avenue
Crested Butte, CO 81224

REVOCABLE LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT (this "**Agreement**") is made and entered into this ___ day of _____, 20___, by and between the TOWN OF CRESTED BUTTE, COLORADO ("**Licensor**"), a Colorado home rule municipality with an address of 507 Maroon Avenue, P.O. Box 39, Crested Butte, CO 81224 and SOPRISHOUSE, LLC, a Texas limited liability company ("**Licensee**"), 8350 Meadow Road, Ste 181, Dallas, TX 75231-4224.

RECITALS:

- A. Licensee owns the real property described as follows:

Block 27,
Lots 22-24,
Town of Crested Butte,
County of Gunnison,
State of Colorado,

commonly known as 313 Sopris Avenue, Crested Butte, Colorado 81224 (the "**Premises**").

- B. The Premises is bound by that certain public right of way known as the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block (the "**Public Property**").

- C. Licensee has requested the right to construct and install, and keep and maintain certain improvements in the Public Property.

- D. The Town is willing to allow Licensee to keep and maintain such improvements in the Public Property, subject to certain conditions and requirements.

NOW, THEREFORE, for and in consideration of the covenants, terms, conditions and requirements set forth herein, the sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

AGREEMENT:

1. **Grant of License.** Licensors hereby grants to Licensee and its successors in interest a revocable license (the “**License**”) to keep and maintain the improvements, which is the north eave on the existing historic accessory building in the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27, as described in **Exhibit “A”** (the “**Improvements**”) attached hereto on the Public Property in the location set forth on **Exhibit “B”** attached hereto.

2. **Permit for Construction and Maintenance.** Licensee shall obtain permits from the Town pursuant to Chapter 11, Article 2 of the Crested Butte Municipal Code relative to all construction, installation and maintenance activities relative to the Improvements.

3. **Term of License; Revocation.**

3.1. The License shall exist and continue until the happening of either the following events, which such event shall automatically terminate and extinguish the License:

(a) the Improvements are demolished, removed or damaged by fire or other casualty such that such Improvements cannot be reasonably repaired in their present location; or

(b) the Town Council finds at a regular, public meeting that (i) the Improvements must be removed in order to make the Public Property available for public use or for such other reason as determined by the Town Council in its sole discretion, or (ii) Licensee is in default of this Agreement.

3.2. The License is made subordinate to the right of Licensors to use the Public Property for any public purpose, including, without limitation, public pedestrian uses, surface and subsurface improvements and public utilities. In addition to Licensors’ revocation rights set forth in Section 3.1, Licensee agrees that if Licensors subsequently determines to, without limitation, install, modify or change the grade of any street or sidewalk, or to modify, repair or install any underground utility, or to effect any other work in connection with any other public or utility improvement, or to use or occupy the area of the encroachment by the Improvements, then the License hereby authorized must be modified and the Improvements removed completely or otherwise relocated to a location acceptable to Licensors, and the Public Property shall be restored to its pre-existing and/or unobstructed condition to the satisfaction of Licensors at Licensee’s sole cost and expense. Licensors’ decision as to the necessity of such public use, occupancy or improvements shall be final and binding upon Licensee.

4. **Assumption of Risk.** Licensee assumes the risk of damage to the Improvements and agrees to repair any damage to the Public Property, Licensors property and any third party’s property arising from or relating to Licensee’s use of the Public Property. Additionally, Licensee assumes all risk of damage to property or injury to persons, including death, in connection, whether directly or indirectly, with the License

and the Improvements. In the event of any such damage or injury, Licensee agrees to pay all costs related thereto, including, without limitation, reasonable attorneys' fees.

5. **Indemnification.** By execution of this License, Licensee, for itself and its successors, hereby agrees to indemnify, defend and hold harmless Licensor, its elected officials, employees, contractors, agents, insurers, insurance pools and attorneys against any and all claims, suits, damages, costs, losses and expenses, including reasonable attorneys' fees, in connection with any personal injury, including death, or property damage, arising out of or connected in any way with, whether directly or indirectly, the License, Licensee's use of the Public Property and the Improvements.

6. **Insurance.**

6.1. At its sole cost and expense, Licensee shall obtain and keep in force during from the date first written above until the Improvements are removed or relocated from the Public Property "all-risk" property coverage naming Licensee and Licensor as their interests may appear.

6.2 At its sole expense, Licensee shall obtain and keep in force from the date first written above until the Improvements are removed or relocated from the Public Property commercial general liability insurance with a combined single limit of not less than \$2,000,000.00 for injury to or death of any one person, for injury to or death of any number of persons in one occurrence, and for damage to property, insuring Licensee and Licensor, including, without limitation, coverage for contractual liability, broad form property damage and non-owned automobile liability, with respect to the Public Property. The insurance shall be noncontributing with any insurance that may be carried by Licensor and shall contain a provision that Licensor, although named as an insured, shall nevertheless be entitled to recover under the policy for any loss, injury, cost or damage to Licensor, or the property of the same.

6.3. All insurance required herein and all renewals thereof shall be issued by companies authorized to transact business in the State of Colorado and rated at least A+ Class X by Best's Insurance Reports (property liability) or otherwise approved by Licensor in writing. All insurance policies shall be subject to approval by Licensor as to form and substance, shall expressly provide that the policies shall not be canceled without 30 days' prior written notice to Licensor and shall provide that no act or omission of Licensor that would otherwise result in forfeiture or reduction of the insurance shall affect or limit the obligation of the insurance company to pay the amount of any loss sustained. Licensee may satisfy its obligation under this Section by appropriate endorsements of its blanket insurance policies.

6.4. All policies of liability insurance that Licensee is obligated to maintain according to this Agreement (other than any policy of workmen's compensation insurance) shall name Licensor as an additional insured. Originals or copies of original policies (together with copies of the endorsements naming Licensor as an additional insured) and evidence of the payment of all premiums of such policies shall be made

available to Licensor on the date first written above. All public liability, property damage liability and casualty policies maintained by Licensor shall be written as primary policies, not contributing with and not in excess of coverage that Licensor may carry.

6.5. The parties waive all rights to recover against each other, or against the elected and appointed officials, employees, contractors, agents, advisors, attorneys, insurers, insurance pools, shareholders, directors, members, managers, officers, suppliers, agents or servants of each other, for any loss or damage arising from any cause covered by any insurance required to be carried by each of them pursuant to this Section or any other insurance actually carried by each of them. Licensee shall cause its insurer to issue an appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with Licensee's operations and Licensor's operations and property.

7. **Licensee Obligations Upon Revocation; Remedies.** Upon notice to Licensee of the Town Council's decision to revoke this License, the Improvements must be promptly removed. In the event that the Improvements are not so removed by Licensee, Licensor may remove the Improvements and restore the location to its original condition at Licensee's sole cost and expense. In such case Licensor shall have no responsibility for damage to the Improvements or Licensee's other property, whether personal or real property, located on Public Property and the Premises. Licensee shall immediately reimburse Licensor such costs and expenses incurred by Licensor in such removal. Licensor shall have the right to make an assessment against the Premises and collect the costs of removal and restoration in the same manner as general taxes are collected under State and local laws. Such rights shall be in addition to any rights available at law or in equity. All remedies may be applied concurrently and not to the exclusion of any other remedy. In the event of any legal action or advice necessary to execute such removal, Licensee shall pay Licensor all reasonable costs and expenses in connection therewith, including, without limitation, reasonable attorneys' fees.

8. **Responsibility for Maintenance; Damage to Improvements.** Licensee assumes and accepts sole responsibility for the maintenance and upkeep of the Improvements, which shall be performed only upon receipt of permits from Licensor as required by applicable law. Further, Licensor shall not be liable for any damage to the Improvements caused by Licensor's operations, including, without limitation, snow removal, street or alley maintenance, street or alley repairs and improvements and utility installation, maintenance and repairs.

9. **No Assignment.** This Agreement and the License granted hereunder shall not be assignable or transferrable by Licensee without Licensor's prior written consent. Failure to obtain Licensor's consent to such assignment or transfer as required shall make such assignment or transfer void *ab initio*.

10. **Subject to Laws.** This License is subject to all State and municipal laws as they now exist or may hereafter be amended.

11. **Licensee Representations.** Licensee represents and warrants that: (a) it is duly qualified to do business and is in good standing in the State of Colorado; (b) it has full power and authority to execute, deliver and perform its obligations under this Agreement; (c) the individual executing this Agreement has the full power and authority to do so; and (d) the Agreement does not violate any other obligation of Licensee.

12. **Notices.** All notices required pursuant to this Agreement shall be deemed served upon depositing a certified letter, return receipt requested, in the United States mail, addressed to the party being served with such notice at the addresses set forth above, unless a request to mail to a different address is provided in writing to the other party.

13. **Prevailing Party.** In the event of any dispute between the parties in connection with this License, the non-prevailing party shall pay the prevailing party all costs and expenses, including, without limitation, reasonable attorneys' fees, costs and expenses, incurred in such dispute.

14. **Entire Agreement; Amendment.** This Agreement represents the entire agreement of the parties respecting the subject matters addressed herein. This Agreement may be amended only in writing by properly executed agreement.

15. **Successors and Assigns.** The rights and obligations of the parties shall inure to the benefit and burden to the parties' successors and permitted assigns.

16. **No Waiver.** No waiver by either party of any breach of, or of compliance with, any condition or provision of this Agreement by the other party shall be considered a waiver of any other condition or provision or of the same condition or provision at another time.

17. **Photo-static Copies.** For purposes of enforcement of the terms hereof, photo-static reproductions shall be deemed to be originals.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized representatives effective as of the date first written above.

LICENSOR:

TOWN OF CRESTED BUTTE,
a Colorado home rule municipality

By: _____
James A. Schmidt, Mayor

Attest:

By: _____ [SEAL]
Lynelle Sanford, Town Clerk

LICENSEE:
SoprisHouse, LLC, a Texas limited liability company

_____,

By: _____
Name: _____
Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Revocable License Agreement was acknowledged before me this ____ day of _____, 20__ by _____, Mayor of the Town of Crested Butte, a Colorado home rule municipality, on behalf of said entity.

WITNESS my hand and official seal.
My commission expires: _____

Notary Public Signature

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing Revocable License Agreement was acknowledged before me this ____ day of _____, 20__ by _____, _____ of SoprisHouse, LLC on behalf of said entity.

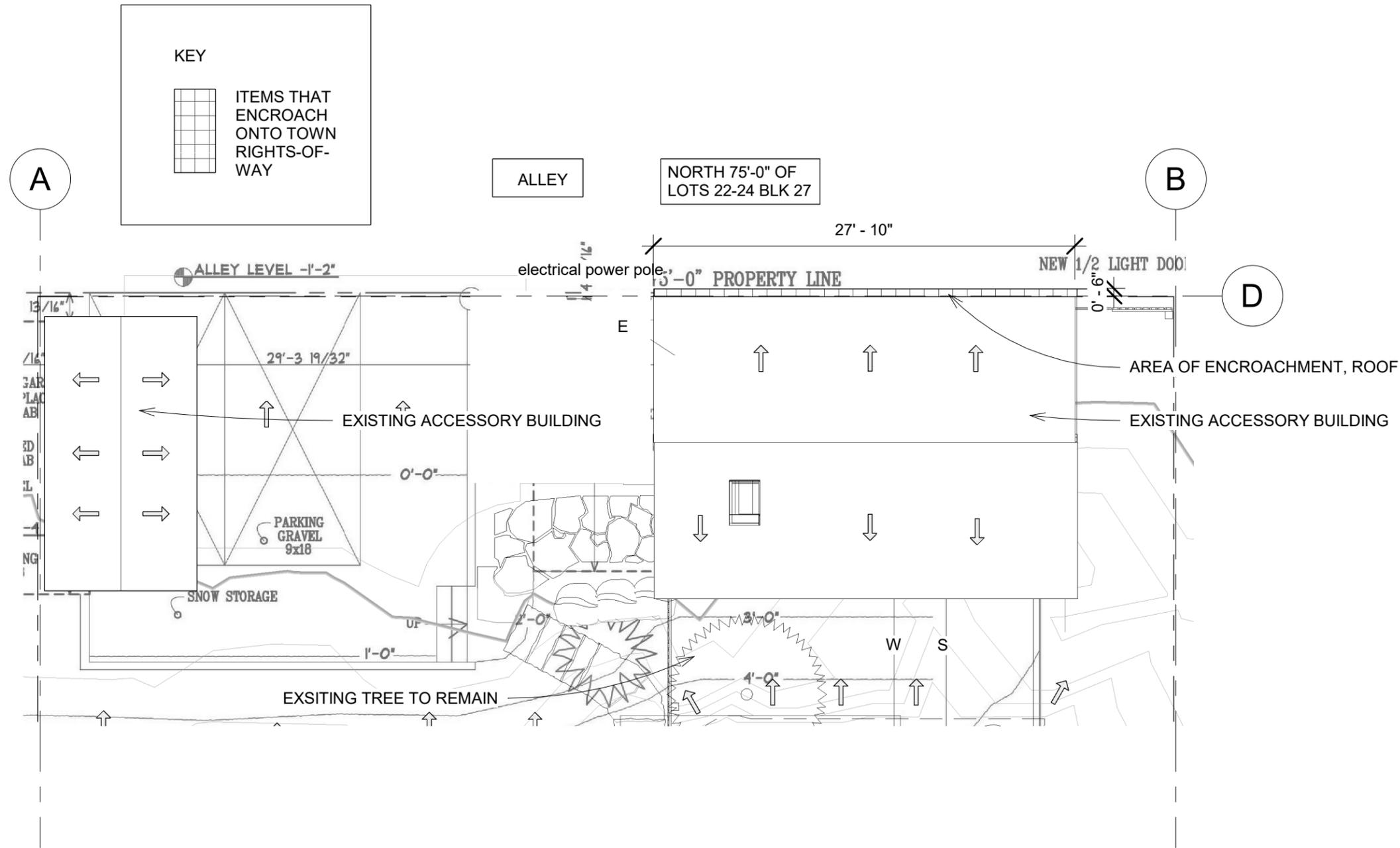
WITNESS my hand and official seal.
My commission expires: _____

Notary Public Signature

EXHIBIT "A"

A 6" by 27' 10" section of the alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the right-of-way adjacent to Lots 22-24, Block 27.

EXHIBIT "B"



1 EXHIBIT B
 1/8" = 1'-0"

EXHIBIT B: REVOCABLE LICENCE AGREEMENT FOR SOPRIS HOUSE LLC, JIM HOWARD, 313 SOPRIS AVE, CRESTED BUTTE, SOUTHWEST QUATER, CRESTED BUTTE (TOWN OF), LOTS 22-22 BLK CRESTED BUTTE # 646483

No.	Description	Date
	TOWN OF CRESTED BUTTE	7/25/2018

JIM HOWARD

DRAWN BY: JIM BARNEY,
 FREESTYLEARCHITECTS, P.C.

EXHIBIT B



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: August 20, 2018

Town Manager

- 1) I attended the DOLA Small Communities Workshop in Montrose along with several members of the Town Council on August 9th. The day was spent discussing housing challenges and hearing about varying tools and opportunities for addressing the problem.
- 2) Went to Buena Vista on August 16th with Jim Starr, Bob Gillie and David Owen to tour the Fading West modular development called The Farm. Interesting potential application for affordable housing projects.
- 3) I met with the representative from Charter Communications and will have a new draft of the cable franchise agreement shortly. This may appear on the Council agenda for consideration as soon as September 4th.

Public Works

- 1) Safe Routes to Schools
 - Prep work for the new Safe Routes to Schools sidewalk was begun this week. The concrete contractor will be onsite beginning August 20th. The project will be complete prior to the start of school on August 27th.
 - In partnership with the school district the Titan logo is being painted on the sidewalks leading to Crested Butte Community School. The Town supplied the stencil and paint. School staff and volunteers are supplying the labor.
 - The new 4-way stop at Belleview and 8th Streets has been installed. Crosswalks at this intersection and the intersection of 8th and Red Lady will be enhanced with decorative designs through a project overseen by the Creative District.
- 2) The new flume for the Lake Irwin outfall will be installed the week of August 20th.
- 3) The Wastewater treatment plant has passed the inspection for the State Revolving Loan Fund so we are in the midst of closing out the loan funding component of the project.

Marshals

- 1) Vacant Marshal position – The Marshals' office has hired Cynthea Gunderson to fill the position vacated when Dan left. She will start the Glenwood Academy on August 27th and finish on December 14th.

Parks & Rec

- 1) The BLM has declined to install a dumpster at either of their campsites up Slate River Road. They feel that the “pack it in, pack it out” system is working fine.

Community Development

- 1) The Slate River Working Group has created a draft management plan that they will be discussing further.
- 2) The Council should expect a second amendment to the annexation agreement with Cypress on their agenda on September 4th for consideration.
- 3) The Block 76 design meeting on August 15th went well with about 40 people in attendance. Staff and the potential developers received useful feedback from the neighborhood.

Town Clerk

- 1) The Crested Butte Cemetery Committee will present the second showing of the Jokerville Mine Documentary film next Wednesday, August 22nd. It will be at the Center for the Arts at 7:00 p.m. The film also includes the Rededication Project to memorialize the site at the Cemetery.
- 2) Staff will be meeting with the organizers of the Emma Coburn Run, and the event will be on the next agenda.
- 3) Staff is working with the organizers of Vinotok to complete their special event application. Next, there will be a pre-event meeting. The event will most likely be on the agenda for September 17th.
- 4) Staff and Legal will be working on the resolution that will allow beer, wine, and liquor in non-glass containers in the parks.

Finance

- 1) In kicking off the 2019 budget process, the long-range planning discussion will be held on Monday, August 27th from 1:00 – 5:00 in the Council Chambers.

Intergovernmental

The next joint meeting with other elected officials in the County will be held on November 8th at the Avalanche in Mt. Crested Butte. Additional details will be provided as the meeting approaches.

Upcoming Meetings or Events

August 20th – Tour of planned reclamation activities at Keystone Mine, 3:30 – 5:30. Meet at Town Hall at 3:30 for shuttle.

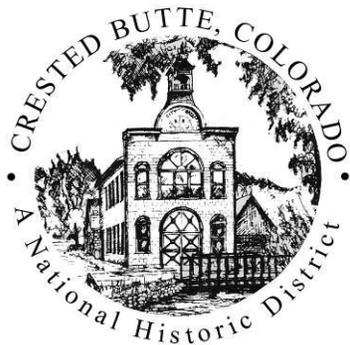
August 23 & 24 – CAST meeting in Mt. Crested Butte

August 30th – Mt Emmons Open House, 4:00 – 7:00, Council Chambers

October 20th – ICELab’s Pique Interests panel discussion at Western State reflecting on the future of land, outdoor recreation and the compliment or convergence with technology

November 8th – Intergovernmental Elected Officials meeting, Avalanche Restaurant

* As always, please let me know if you have any questions or concerns. You may also directly contact department directors with questions as well.



Staff Report

August 20, 2018

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Application by Crested Butte Grocery LLC DBA Clark's Market for a Fermented Malt Beverage (3.2% Beer) License Located at 500 Belleview Avenue
Date: August 15, 2018

Background:

On June 10, 2016 Governor Hickenlooper signed Senate Bill 16-197 into law. The Bill repealed the limit on the alcohol content of fermented malt beverages. Effective January 1, 2019, the definition of fermented malt beverage will no longer contain an alcohol content limit. On June 4, 2018, Governor Hickenlooper signed Senate Bill 18-243. Senate Bill 18-243 created and amended distance restrictions between certain licensees, including that a new fermented malt beverage license shall not be located within 500 feet of a retail liquor store license. Acme Liquor is within 500 feet of Clark's Market. The Bill was signed into law and became effective after the submittal of this application by Clark's Market.

Summary:

Crested Butte Grocery LLC DBA Clark's Market has applied for a fermented malt beverage (3.2% beer) license at 500 Belleview Avenue. Staff submits the following findings regarding the application:

1. Notice of public hearing on the application was posted on the premises at least 10 days prior to the public hearing, and notice was published in the *Crested Butte News* on August 10, 2018.
2. A complete application has been submitted and all application fees have been paid.
3. It appears from evidence submitted that the applicant is entitled to possession of the premises for which the application for a fermented malt beverage license has been applied.
4. It is confirmed that the sale of malt beverages on the premises is not a violation of zoning, building, health and fire laws or regulations.
5. In the two years prior to the application, there has not been a denial of an application by the Local Liquor Licensing Authority (Crested Butte Town Council) at the location.
6. The Crested Butte Marshal's Department has conducted background investigations concerning the principals of Crested Butte Grocery LLC: J. Thomas Clark, Tom Clark Jr, and David Clark. Fingerprints have been submitted to CBI/FBI.

7. If approved by the Council and acted upon by Clark's Market, effective January 1, 2019 there will be two nearly adjacent stores in Majestic Plaza who are permitted to sell beer.

Recommendation:

Staff recommends the application by Crested Butte Grocery LLC DBA Clark's Market for a fermented malt beverage (3.2% beer) license be approved.

Recommended Motion:

Motion to approve the fermented malt beverage (3.2% beer) license for Crested Butte Grocery LLC DBA Clark's Market.

Colorado Fermented Malt Beverage (3.2% Beer) License Application

<input checked="" type="checkbox"/> New License <input type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Local license fee \$ <u>1,000</u> • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor			
1. Applicant is applying as a/an <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships) <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other			
2. Applicant(s) If an LLC, name of LLC; if partnership, at least 2 partners' names; if corporation, name of corporation Crested Butte Grocery, LLC			FEIN [REDACTED]
2a. Trade Name of Establishment (DBA) Clark's Market		State Sales Tax No. [REDACTED]	Business Telephone 970-349-6492
3. Address of Premises (specify exact location of premises) 500 Belleview Avenue			
City Crested Butte	County Gunnison	State CO	ZIP Code 81224
4. Mailing Address (Number and Street) 818 S. Main Street	City or Town Blanding	State UT	ZIP Code 84511
5. Email Address cb@clarksmarket.com			
6. If the premises currently has a liquor or beer license, you MUST answer the following questions			
Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date
Section A Nonrefundable Application Fees		Section B 3.2% Beer License Fees	
<input type="checkbox"/> Application Fee for New License \$1550.00	<input checked="" type="checkbox"/> Application Fee for New License - w/Concurrent Review \$1750.00	<input type="checkbox"/> Retail 3.2% Beer On-Premises (City) \$96.25	<input type="checkbox"/> Retail 3.2% Beer On-Premises (County) \$117.50
<input type="checkbox"/> Application Fee for Transfer \$1550.00		<input checked="" type="checkbox"/> Retail 3.2% Beer Off-Premises (City) \$96.25	<input type="checkbox"/> Retail 3.2% Beer Off-Premises (County) \$117.50
		<input type="checkbox"/> Retail 3.2% Beer On/Off Premises (City) \$96.25	<input type="checkbox"/> Retail 3.2% Beer On/Off Premises (County) \$117.50
		<input type="checkbox"/> Master File Location Fee \$500.00 x _____ To _____	
		<input type="checkbox"/> Master File Background \$500.00 x _____ Total _____	
Questions? Visit www.colorado.gov/enforcement/liquor for more information Do Not Write In This Space - For Department Of Revenue Use Only			
Liability Information			
License Account Number	Liability Date:	License Issued Through: (Expiration Date)	Total \$

Application Documents Checklist and Worksheet

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

Questions? Visit: www.colorado.gov/enforcement/liquor for more information.

Items Submitted, Please Check all Appropriate Boxes Completed or Documents Submitted	
I.	Applicant Information <input checked="" type="checkbox"/> A. Applicant/Licensee Identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Submit originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the Premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show control (fences, walls, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Bold/Outlined licensed premises
III.	Proof of Property Possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant ONLY (or) (matching question #2) date stamped/filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant ONLY (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the applicant (ONLY) with proper consent from the Landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease (attach prior lease to show right to assumption)
IV.	Background Information and Financial Documents <input checked="" type="checkbox"/> A. Individual History Record(s) (Form DR 8404-I) <input type="checkbox"/> B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans.
V.	Sole Proprietor/Husband and Wife Partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State Issued Driver's License or Identification Card for each Applicant
VI.	Corporate Applicant Information (If Applicable) <input type="checkbox"/> A. Certificate of Incorporation (date stamped by Colorado Secretary State's Office) and/or <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of parent corporation (designate one person as "principal officer")
VII.	Partnership Applicant Information (If Applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (if formed after 2009)
VIII.	Limited Liability Company Applicant Information (If Applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing if organized more than two years <input checked="" type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority (if foreign company)

7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	Yes	No		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
(a) been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(b) had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
(c) had interest in another entity that had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet				
9. Has a 3.2 beer license for the premises to be licensed been denied within the preceding one year? If "yes," explain in detail.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
11. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:				
Landlord Clark's Crested Butte LLC	Tenant Crested Butte Grocery LLC	Expires 12/31/2037		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 12. <input type="checkbox"/> <input checked="" type="checkbox"/>				
c. Attach a diagram or designate the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name None	First Name	Date of Birth	FEIN or SSN	Interest
Last Name	First Name	Date of Birth	FEIN or SSN	Interest
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
13. Name of Manager(s) for all on and on/off applicants.				
Last Name Stephens	First Name William	Date of Birth [REDACTED]		
14. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. <input type="checkbox"/> <input checked="" type="checkbox"/>				
15. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? <input type="checkbox"/> <input checked="" type="checkbox"/>				
If yes, provide an explanation and include copies of any payment agreements.				

3.2% Beer License Application (continued)

Q. 10 – Has a liquor or beer license ever been issued to the applicant...

Two of the owners of Clarks Market, Inc. (J. Thomas Clark and Tom Clark, Jr.) currently hold an interest in Norwood Liquors which holds a Retail Liquor Store license in the Town of Norwood, Colorado.

J. Thomas Clark also held a 3.2% Beer License at four Clark's Market locations – Aspen, Crested Butte, Telluride and Basalt (location now closed) until roughly 2011.

Q, 16 – Ownership

Clark's Market, Inc. is owned as follows:

J. Thomas Clark
0501 Sopris Creek Road, Basalt, CO 81621

██████████
CEO
34%

Tom Clark, Jr.
1044 Horse Ranch Dr., Snowmass Village, CO 81615

██████████
President
33%

David Clark
513 Sopris Creek Road, Basalt, CO 81621

██████████
Secretary
33%

16. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	Date of Birth	Position	% Owned
Clark's Market, Inc.	818 S. Main Street, Blanding, UT 84511	N/A	Member	100%
Name	Home Address, City & State	Date of Birth	Position	% Owned
See attached for Clark's Market, Inc. Ownership				
Name	Home Address, City & State	Date of Birth	Position	% Owned
Name	Home Address, City & State	Date of Birth	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #16
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #16
 (Include ownership percentage if applicable)

Oath of Applicant

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

Authorized Signature <i>Tom Clark</i>	Printed Name and Title Tom Clark, Jr.	Date 5-17-18
--	--	-----------------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority 6-18-2018	Date of local authority hearing (for new license applicants cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) 8-7-2018
--	--

Each person required to file DR 8404-I has been:

- Fingerprinted
- Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.

(Check One)

- Date of Inspection or Anticipated Date _____
- Upon approval of state licensing authority

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

Local Licensing Authority for Town of Crested Butte	Telephone Number 970-349-5338	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature <i>Lynelle Stanford</i>	Printed Name Lynelle Stanford	Title Town Clerk
Signature (attest) <i>Diane Theaker</i>	Printed Name Diane Theaker	Title Adm. Assistant
		Date 6-19-2018
		Date 6-19-2018

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

CRESTED BUTTE GROCERY, LLC

is a

Limited Liability Company

formed or registered on 11/01/2000 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 20001212934 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/02/2018 that have been posted, and by documents delivered to this office electronically through 05/03/2018 @ 17:12:05 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 05/03/2018 @ 17:12:05 in accordance with applicable law. This certificate is assigned Confirmation Number 10881037 .



Wayne W. Williams

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 Validate a Certificate 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 "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

Mail to: Secretary of State
Corporations Section
1560 Broadway, Suite 200
Denver, CO 80202
(303) 894-2251
Fax (303) 894-2242

For office use only
FILED
DORIS DAVIDSON
COLORADO SECRETARY OF STATE
20001212934 C
\$ 50.00
SECRETARY OF STATE
11-01-2000 10:53:20

MUST BE TYPED
FILING FEE: \$50.00
MUST SUBMIT TWO COPIES

Please include a typed
self-addressed envelope

ARTICLES OF ORGANIZATION

I/We the undersigned natural person(s) of the age of eighteen years or more, acting as organizer(s) of a limited liability company under the Colorado Limited Liability Company Act, adopt the following Articles of Organization for such limited liability company:

FIRST: The name of the limited liability company is: Created Butte Grocery, LLC

SECOND: Principal place of business (if known): 0351 Southside Drive, Basalt, CO 81621

THIRD: The street address of the initial registered office of the limited liability company is: c/o Richard A. Knezevich, 533 East Hopkins, 3rd Floor, CO, 81611

The mailing address (if different from above) of the initial registered office of the limited liability company is: (same)

The name of its proposed registered agent in Colorado at that address is: J. Thomas Clark, Sr.

FOURTH: The management is vested in managers (check if appropriate)

FIFTH: The names and business addresses of the initial manager or managers or if the management is vested in the members, rather than managers, the names and addresses of the member or members are:

NAME	ADDRESS (include zip codes)
<u>J. Thomas Clark, Sr.</u>	<u>0505 Sopris Creek Road, Basalt, CO, 81621</u>

SIXTH: The name and address of each organizer is:

NAME	ADDRESS (include zip code)
<u>Richard A. Knezevich</u>	<u>Oates, Knezevich & Gardenswartz, P.C. 533 S. Hopkins, 3rd Floor, Aspen, CO 81611</u>

Signed [Signature]
Organizer

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF TRADE NAME

I, Wayne W. Williams , as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, a Statement of Trade Name for:

Clark's Market

(Entity ID # 20051219315)

was filed in this office on 06/02/2005 with an effective date of 06/02/2005 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/15/2018 that have been posted, and by documents delivered to this office electronically through 06/19/2018 @ 09:09:02 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 06/19/2018 @ 09:09:02 in accordance with applicable law. This certificate is assigned Confirmation Number 10961799 .



Wayne W. Williams

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 Validate a Certificate 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 "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO
DEPARTMENT OF REVENUE**

LIQUOR ENFORCEMENT DIVISION

1881 Pierce Street, Suite 108
Lakewood, Colorado 80214

**CRESTED BUTTE GROCERY LLC
dba CLARK'S MARKET
500 BELLEVIEW AVENUE
CRESTED BUTTE CO 81224**

ALCOHOL BEVERAGE LICENSE

Liquor License Number 4600825	License Expires at Midnight 07/04/2019
License Type 3.2% BEER OFF PREMISES (CITY)	
Authorized Beverages 3.2 PERCENT BEER	

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

In testimony whereof, I have hereunto set my hand. 7/5/2018 LSS



Patrick Maroney, Division Director



Michael Hartman, Executive Director

From: [Dara MacDonald](mailto:Dara.MacDonald)
To: [Lynelle Stanford](mailto:Lynelle.Stanford)
Subject: FW: Brush Creek Parcel Meeting
Date: Thursday, August 16, 2018 4:23:10 PM

From: Rachel Magruder [mailto:RMagruder@gunnisoncounty.org]
Sent: Thursday, August 16, 2018 4:09 PM
To: tbarnes917@gmail.com; jfitzpatrick@mtcrestedbuttecolorado.us; Kathleen Fogo <kathy@fogolaw.com>; Dara MacDonald <dmacdonald@crestedbutte-co.gov>; Kendall K. Burgemeister <kburgemeister@lawoftherockies.com>; david81224@gmail.com; Mike Billingsley <mike@skylandco.com>
Cc: David Baumgarten <DBaumgarten@gunnisoncounty.org>
Subject: Brush Creek Parcel Meeting

Greetings:

As a follow up to our last email.

There are three fundamentals we identify regarding the current status of the Land Use Resolution process:

1. Approval of the sketch plan is not a pre-determination of what might happen in the preliminary or final plan processes;
2. As proposed by the applicant, and accepted as a condition of sketch plan approval, prior to submittal of the preliminary plan, and prior to submittal of the final plan, the applicant shall obtain the consent of three of the four parties to the Memorandum of Understanding; and
3. There remain a number of consequential issues that require significant discussion.

These three fundamentals present a beneficial opportunity to continue the dialogues with which the Board of Commissioners tasked us to facilitate.

It has been suggested to Rachel and me, and we agree, that one immediate term task should be to convene together collectively representatives of all of the stakeholders who have been participating in our facilitative process so that our next phase of discussions begin with a discussion and common understanding of the field of issues and of the process we intend to continue to conduct. We trust that this common understanding will allow stakeholders to appropriately prepare for and staff the series of individual and group meetings that will follow.

We shall prepare for that collective meeting a draft matrix of the issues already identified to us with the intent that one task at the meeting would be to ensure that the

matrix is accurate and complete.

We would like to hold that collective meeting on Monday, August 27th at 9:00 a.m. in the second floor training room at the Courthouse, 200 E. Virginia, Gunnison, CO. May we please ask that each participating entity limit its participants for this meeting to no more than 3, and let us know as quickly as reasonable regarding your attendance.

Thank you,

David and Rachel

Rachel Magruder, Paralegal II
Gunnison County Attorney's Office
200 East Virginia Avenue
Gunnison, CO 81230
Office(970)641-7616, Fax:(970)641-7696
E-mail: rmagruder@gunnisoncounty.org

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
CONFIDENTIALITY NOTICE

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To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Thru: Dara MacDonald, Town Manger

Subject: **Verzuh Annexation Agreement Amendment**

Date: August 20, 2018

Background:

The original Verzuh Annexation agreement requires the entire buildout of the remainder of the Paradise Park subdivision prior to the development of Block 76. However, recent discussions with the developer, Bill Lacy, have opened the potential to completing a more substantial build that would include this Block in 2019. Completing the build out in 2019/2020 will reduce the impacts to Rainbow Park and the existing neighborhoods.

The amendment to the Verzuh Annexation Agreement allows the Town to proceed with the development of Block 76 next year. The Town currently has a RFP for the development of this block out to three developers. The developers will be presenting their designs on September 17th to the Council.

The amendment requires the Town to build out Block 76 as one entire project to minimize the impacts to Rainbow Park and the existing neighborhood.

Recommendation:

A Council person to make a motion followed by a second to approve Resolution 15, Series 2018 for the amendment to the Verzuh Annexation Agreement Amendment.

RESOLUTION NO. 15**SERIES 2018****A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL ADOPTING AN AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE TOWN OF CRESTED BUTTE AND VERZUH RANCH, INC.**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") and Verzuh Ranch, Inc. ("Annexor") entered into an Annexation Agreement dated August 2, 2000 for property known as Verzuh Ranch; and

WHEREAS, the Town and the Annexor desire to amend the terms and conditions under which certain portions of Verzuh Ranch will be developed.

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

1. The Town and Annexor have agreed to the terms necessary to amend the Annexation Agreement as provided in the Amended Annexation Agreement attached to this Resolution.

2. The Town Council hereby authorizes the Mayor to execute the Amended Annexation Agreement dated August 20, 2018 and to record the Amended Annexation Agreement with the Gunnison County Clerk and Recorder.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS ___ DAY OF _____, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)

**RECORDING REQUESTED BY:
WHEN RECORDED RETURN TO:**

Town of Crested Butte
Attn: Town Clerk
P.O. Box 39
Crested Butte, CO 81224

AMENDMENT TO ANNEXATION AGREEMENT

This Amendment to the Annexation Agreement by and between the Town of Crested Butte (“Town”) and Verzuh Ranch, Inc. (“Annexor”) dated August 7, 2000 is entered into this 20th day of August 2018.

RECITALS

A. The parties mutually agree that certain conditions on the use of parcels referred to as Donated Developable Lands and Donated Development Land are no longer necessary and desirable; and

B. The parties wish to amend the Annexation Agreement to reflect their mutual understanding.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **Revisions to the Annexation Agreement.** Section 6.4 shall be deleted and revised to read as follows:

“6.4 The Town shall determine how the land north of the Park and south of Gothic Avenue (“Future Development Land”) will be developed subject to the following conditions:

A. To minimize impacts to the Park and existing developed neighborhoods, the Future Development Land will be developed in a single phase, and the construction management plan for such development shall be implemented so that all land disturbance and construction activity will occur in a coordinated fashion within the shortest timeframe that is practicable.

2. **Scope of Amendment; Conflict of Terms.** This Amendment amends and modifies the Annexation Agreement, however only to the extent provided herein. In the event of any conflict or inconsistency between any term or condition of this Amendment and any term or condition of the Annexation Agreement, this Amendment and the terms hereof shall in all cases prevail, govern and control. This Amendment is supported by the same consideration as the Annexation Agreement.

3. **Entire Agreement.** This Amendment supersedes and controls all prior written and oral agreements and representations of the parties with respect to the subject matters addressed herein and represents the total integrated agreement between the parties with respect to such subject matters.

4. **Modification.** This Amendment shall not be amended or modified, except by subsequent written agreement of the parties approved by resolutions of the Town Council.

5. **No Waiver.** Waiver of any right or remedy on any one occasion shall not be construed as a bar to or waiver of any such right or remedy on any other occasion.

6. **Release.** It is expressly understood that the Town cannot be legally bound by the representations of any of its elected officials, officers, employees, agents, representatives and attorneys or their designees, except in accordance with Town ordinances, the Municipal Code and the laws of the State of Colorado, and that Annexor, when dealing with the Town, acts at its own risk as to any representation or undertaking by the Town, its elected officials, officers, employees, agents, representatives, and attorneys or their designees, which is subsequently held unlawful by a court of law; provided, however, this paragraph shall not be construed to limit the rights and remedies of the parties otherwise provided by law, including under equitable doctrines such as estoppel.

7. **Notices.** Any notice or other information required by this Amendment to be sent to a party shall be sent by e-mail or certified mail to the following:

Town of Crested Butte
Attention: Michael Yerman
507 Maroon Avenue
P.O. Box 39
Crested Butte, Colorado 81224
Facsimile: 970-349-6626
myerman@crestedbutte-co.gov

with a copy to:

Sullivan Green Seavy LLC
3223 Arapahoe
Suite 300
Boulder, Colorado 80303
Barbara@sullivangreenseavy.com
John@sullivangreenseavy.com

Notice shall be effective when actually received by the party intended to be notified.

8. **Attorneys' Fees; Costs.** Should this Amendment become the subject of a dispute between the Town and Annexor, the substantially prevailing party shall be entitled to reasonable attorneys' fees, costs, and expenses incurred in such dispute.

9. **Governing Law; Venue.** This Amendment and all rights conferred and obligations imposed hereunder shall be interpreted and construed in accordance with the laws and internal judicial decisions of the State of Colorado. The sole venue in any dispute shall be the District Court for Gunnison County, State of Colorado.

10. **Recording.** Upon execution, Annexor shall record this Amendment in the Office of the Gunnison County Clerk and Recorder. The benefits and burdens of this Amendment shall run with the Subject Property and be binding upon the parties' successors and assigns.

11. **Electronic Reproductions; Counterparts.** For purposes of enforcement of terms of this Amendment, electronic reproductions of this Amendment shall be deemed to be originals. This Amendment may be executed in multiple counterparts, each of which, when taken together shall constitute one and the same instrument.

*[Remainder of Page Intentionally Left Blank;
Signature Page(s) to Follow]*



Staff Report

August 20, 2018

To: Mayor and Town Council

From: Dara MacDonald, Town Manager

Subject: Mt. Express Funding Request for Purchase of Lot in Whetstone Industrial Park

Summary: Mt. Express is requesting funding assistance in the amount of \$100,000 from both the Town of Crested Butte and the Town of Mt Crested Butte. The funds will be used to purchase a lot in Whetstone Industrial Park to facilitate the eventual relocation of the Mt. Express operations to that location. See the attached request from Mt. Express.

Background: Mt. Express continues to be a successful and essential transportation organization in the North Valley. It is funded through dedicated sales tax from Crested Butte and sales and admissions taxes from Mt. Crested Butte. As demand continues to increase, Mt. Express likewise has grown to meet that demand.

Mt. Express has operated for many years from the Crested Butte public works yard. Unfortunately there is no more space in that location for Mt. Express to grow and continue to expand operations. The opportunity to purchase their own lot in the new Whetstone Industrial Park may be one of the last chances for Mt. Express to secure space to accommodate their operations into the future. They have one lot under contract to purchase jointly with the RTA and would like to secure the adjacent lot to ensure they have the space they need in the future. Each lot could accommodate a building up to 10,000 sq. ft. in size.

Discussion: After purchase, following completion of subdivision improvements and once basic site improvements such as fencing and installation of electricity have been completed, Mt. Express would be able to move their busses stored outside to this new lot. That could occur as soon as the summer of 2019. Mt. Express is planning to continue utilizing their existing shop in the public works yard for the foreseeable future. They will seek grant funding to assist with construction of a new shop in Whetstone Industrial Park as soon as possible. We are still awaiting clarification on what repayment obligations there may be with the grant funding that assisted with construction of the existing shop in the public works yard.

Like Mt. Express, demands on public works, parks and recreation and the wastewater plant continue to increase and there are few opportunities for expansion of the Town's associated yards and facilities. The relocation of the buses currently being stored outdoors will be a huge help in accommodating the space needs of these Town departments. In the future, when Mt. Express vacates the shop, the Town would be able to utilize that facility as well.

Financial Implications: The Town has sufficient funds in reserve to assist Mt. Express in this lot purchase.

Recommendation: Staff recommends the Town of Crested Butte provide Mt. Express with \$100,000 for the purchase of a lot in Whetstone Industrial Park.

Proposed Motion: A Council member should make a motion “to give Mt. Express \$100,000 to be used for purchase of a lot in the Whetstone Industrial Park.”

Mountain Express
Whetstone Industrial Park
Lot Purchase for New Maintenance & Bus Storage Facility
Funding Request

Mountain Express (MX) is expanding and has outgrown its current space leased from the Town of Crested Butte. The Public Works, Parks & Rec, Sewer Plant and Search & Rescue operations need more space within this Public Works area and Town staff has asked MX to consider acquiring other space.

Our current space is a 5-bay shop, with a leased space adjacent to the shop for outside storage of 13 buses. MX currently has 21 buses. With this in mind, MX has jointly purchased a lot at the Whetstone Industrial Park (WIP) with the Gunnison Valley RTA. The lot was purchased for \$450,000 using \$225,000 from the MX Capital Reserve account. The objective of this purchase is to store some buses not in current use. At this time, MX has the opportunity to purchase the WIP lot next to our current owned joint lot for \$450,000. The lot is a 1-acre lot, enough to store our buses, as well as build a larger maintenance facility.

This is a great opportunity for the Town to free up valuable space within the Public Works area for town operations, while supporting a valuable public service like transportation. The purchase of this additional lot would eventually enable MX to move all of our outdoor bus storage, and eventually move our operations, including a new larger maintenance facility, to the WIP.

MX is eager to move forward with plans to relocate and will be applying for a grant in the fall to build the maintenance facility, contingent on the purchase of this additional lot.

MX is requesting that the Town of Crested Butte and the Town of Mt. Crested Butte contribute \$100,000 each towards the purchase of the WIP lot for our relocation. MX has a \$600,000 Capital Reserve account, which can be used for the lot purchases. If MX cannot secure additional funding from both the Town of Crested Butte and Mt. Crested Butte, MX Capital Reserves would not be enough to complete both lot purchases.



Staff Report

August 20, 2018

To: Mayor Schmidt and Town Council
From: Eric Treadwell, Residential/Vacation Rental Inspector
Thru: Michael Yerman, Community Development Director
Subject: Update on outreach actions taken regarding the implementation of Ordinance No. 5, Series 2016: Prohibition of Disposable Plastic Bags

Background:

On May 7, 2018 Council gave directive to Town staff to engage Sustainable Crested Butte (SCB) and The Crested Butte/Mt Crested Butte Chamber of Commerce in public outreach efforts to inform businesses and the general public about Ordinance No. 5, Series 2016: Prohibition of Disposable Plastic Bags.

Actions taken:

May 9 – Eric Treadwell met with the president of SCB Kelli Jones to discuss ideas for outreach and education regarding the implementation of the plastic bag ban.

June 7 – Eric Treadwell met with Ashley Upchurch of CB/Mt CB Chamber of Commerce and Erika Vohman of Sustainable Crested Butte to discuss how to notify businesses of the bag ban. Ashley agreed to send the plastic bag ban FAQ flyers in an e-blast to all the chamber members and to send me a list of retail and grocery businesses that are members of the Chamber. Erika agreed to use the SCB Eco-tips in the Crested Butte News to raise awareness of the plastic bag ban and to speak with Cayla Vidmar about running a story on SCB and the bag ban. Eric agreed to send notification of the plastic bag ban with the FAQ flyers via email list created from Munirevs. Eric sent the plastic bag ban FAQ flyers via email to Ashley and Erika.

June 4 – Sustainable Crested Butte was awarded \$2500.00 from the 2018 Community Grant fund.

June 8 – Ashley Upchurch sent Eric Treadwell a list of retail and grocery businesses that are chamber members. Ashley sent Eric a rough draft of the e-blast notification containing links to the SCB website and the plastic bag ban FAQ flyers.

June 18 - Ashley Upchurch sent the first e-blast notifying all chamber members of the September 1, 2018 bag ban with the following information: bullet point details of the ordinance; the two plastic bag ban FAQ flyers; links to SCB's boomerang bag program, and an explanation of the difference between the borrow a bag bin at Clark's Market and the boomerang bag bins in participating retail establishments.

June 22 – SCB Eco-tip “Reduce your plastic consumption at the source” was published in the Crested Butte News.

June 28 – Eric Treadwell sent official notification of the bag ban with the FAQ flyers in an email to all Munirevs account users with retail, grocery and gallery business types. SCB Eco-tip “Bring your things and be the change” and “On the verge of Crested Butte’s plastic bag ban” article by Cayla Vidmar, highlighting the bag ban ordinance, the boomerang bag program and the borrow a bag bin were published in the Crested Butte News.

July 10 – Eric Treadwell created the Disposable Plastic Bag Ban Ordinance web page and Jessie Earley edited the page and uploaded it to the Town of Crested Butte website.

July 31 – Ashley Upchurch sent a rough draft of the chamber bag ban reminder e-blast featuring a link to the SCB animated cartoon illustrating the details of the plastic bag ban. She asked where plastic bags can be recycled. Eric Treadwell informed her that businesses can recycle their unused plastic bags at Safeway, City Market and Walmart.

August 3 – Eric Treadwell met with Brittany Perkins from SCB to share information about a possible outreach initiative over the Labor Day weekend sidewalk sale. The initiative involved purchasing reusable bags from Bagito in Santa Cruz, CA to hand out to consumers during the sidewalk sale event. Brittany agreed to discuss the idea at the next SCB board meeting and follow up with Eric on the decision made by the board.

August 6 – Ashley Upchurch sent the plastic bag ban reminder e-blast with the link to the SCB animation and information on where to recycle unused plastic bags.

August 14 – Brittany Perkins from SCB emailed Eric Treadwell with the decision of the SCB board concerning purchasing reusable bags for distribution to consumers over the Labor Day weekend sidewalk sale. The SCB board has decided to do public outreach including possible purchase of advertising on buses and making cling stickers for business windows.

SCB has also been collecting plastic bags from businesses for recycling and will continue to do so. They are also planning to increase their outreach efforts and presence during the Labor Day weekend sidewalk sale event. They are meeting August 21 to discuss what those efforts will look like.

August 20 – Town Council will consider letter to business owners notifying them of the bag ban going into effect on September 1, 2108.

Recommendation:

A council member needs to make a motion followed by a second to authorize the mayor to send a letter to local businesses notifying them of the bag ban going into effect September 1, 2018.

Town of Crested Butte

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P.O. Box 39 Crested Butte, Colorado 81224

-National Trust for Historic Preservation's 2008 Dozen Distinctive Destinations Award Recipient-

-A National Historic District-

Phone: (970) 349-5338
FAX: (970) 349-6626
www.townofcrestedbutte.com

August 20, 2018

Dear Business Owner,

On May 7, 2018 the Town of Crested Butte Town Council elected to enact Ordinance Number 5, Series 2016 The Disposable Plastic Bag Ban. This ordinance prohibits the use of disposable plastic bags, at the point of sale, for the purpose of transporting purchased goods. The plastic bag ban will formally begin on September 1, 2018.

Enactment of the regulations in the Ordinance are in alignment with the Town Council Values to promote resource efficiency and environmental stewardship. The reduction of plastic bags will also further the Town's efforts in the implementation of the Energy Action Plan within the Town of Crested Butte.

With the cooperation of your business, the plastic bag ban will reduce the carbon footprint of our community and convey to visitors and residents of the Gunnison valley the Town's commitment to preserving natural resources and being good stewards of the environment.

Town Council encourages you to take pride in the community's efforts to reduce our impact on the environment. Proactive steps your business can take include sharing with your customers the importance of reducing waste. Your business can also replace disposable plastic bags with recyclable paper bags. You may also encourage your patrons to bring their own reusable bags or consider offering your customers reusable bags for purchase at your business.

Additional information on the plastic bag ban can be found on the Town's website www.crestedbutte-co.gov or by contacting Town staff. The Town Council thanks you and your employees in advance for your efforts in making Crested Butte a disposable plastic bag free community.

Sincerely,

James A. Schmidt
Mayor

AGENDA

5pm - Work Session – Three Mile Plan

Call to Order

Roll Call

Approval of the August 7, 2018 Regular Town Council Meeting Minutes

Reports

- Manager's Report
- Department Head Reports
- Town Council Reports

CORRESPONDENCE

OLD BUSINESS –

Discussion Corner of Brush Creek/Workforce Housing

Discussion and Possible Consideration of a Planning Commission Recommendation on the Town of Mt. Crested Butte Three Mile Plan Update – Carlos Velado

NEW BUSINESS –

Discussion and Possible Consideration of Ordinance Number 6, Series 2018 – An Ordinance of the Town Council of the Town of Mt. Crested Butte Amending the Town of Mt. Crested Butte Municipal Code Pertaining to Sales and use Tax Definitions and Exemptions – First Reading

Discussion and Possible Consideration of Becoming a Sponsor of the Colorado Wildland Fire Conference Using Admission Tax Funds – Joe Fitzpatrick

OTHER BUSINESS –

PUBLIC COMMENT – *Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*

ADJOURN

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.

GUNNISON COUNCIL AGENDA
MEETING IS HEAD AT CITY HALL, 201 W. VIRGINIA AVENUE
GUNNISON, CO, IN THE 2ND FLOOR COUNCIL CHAMBERS
Approximate meeting time: 3.5 hours

August 14, 2018 **REGULAR SESSION** **5:30 P.M.**

I. Presiding Officer Call Regular Session to Order: (silent roll call by City Clerk):

II. Citizen Input: (estimated time 3 minutes)

At this agenda time, non-agenda scheduled citizens may present issues of City concern to Council on topics on are not to be considered later in the meeting. Per Colorado, Open Meetings Law, no Council discussion or action will take place until a later date; unless an emergency situation is deemed to exist by the City Attorney. Each speaker has a time limit of 3 minutes to facilitate efficiency in the conduct of the meeting and to allow an equal opportunity for everyone wishing to speak.

III. Council Action Items:

A. Presentation on Low Income Housing Tax Credit.

Background: Representative, Natasha Weaver, with the Colorado Housing and Finance Authority will discuss the Low Income Housing Tax Credit (LIHTC) Program with Council.

Estimated Time: 15 minutes

B. Approval of the July 24, 2018 Regular Session meeting minutes

Background: per City Charter, the City Clerk produces minutes of the Council actions for all regular and special session meetings. Minutes are approved or amended at the follow regular session meetings and become permanent city record. If a city councilor was not present no the meeting, they must abstain in the vote and action on approval of the minutes.

Staff contact: Deputy City Clerk Tara Kindall

Action Requested of Council: To approve the July 24, 2018 Regular Session meeting minutes.

Estimated time: 1 minute

C. Use of Right of Way for Rady Engineering Building at Western

Background: The City was approached by the Western Opportunity Fund for the proposed construction of a University building on the property generally known as the WSCU soccer field. An application was submitted for site development plan review by staff and on July 25, 2018 the Planning and Zoning Commission reviewed the request. The Commission authorized the submittal of a building permit application with the condition that the City Council review and give final approval of the rights-of-way use and configuration of Loveland, Georgia and Adams Street, prior to issuance of a building permit.

Staff contact: Interim Community Development Director Andie Ruggera

Action Requested of Council: The City Council is being requested as the land owner to approve of changes to parking and the City rights-of-way on Loveland, Georgia and Adams Street which will enable the applicant to move forward with obtaining a building permit.

Estimated time: 30 minutes

D. Termination of a 20-foot wide Utility Electrical Easement

Background: The City was approached by Marcus Lock, from the Law of the Rockies, in regard to an electrical/utility easement located within the West Gunnison Neighborhood (between 5th and 7th Street in vacated Gunnison Avenue). The easement does not have any City utilities. On June 12, 2018, staff presented the request to terminate the 20-foot-wide utility easement to City Council and was directed to draft a document to terminate the easement.

Staff Contact: Interim Community Development Director Andie Ruggera

Action Requested of Council: Review and authorization of the City Mayor to sign the Termination of Easement document for a 20-foot-wide utility easement located in Vacated Gunnison Avenue between 5th Street and 7th Street.

Estimated time: 5 minutes

E. Temporary Tax Credit

Background: After July 3, 2018, four governing jurisdictions of the Gunnison Valley Regional Housing Authority (GVRHA) passed resolutions granting approval for the GVRHA to place a referred measure on the November 6, 2018 ballot. The GVRHA is asking for a tax increase on residential and commercial properties in Gunnison County in an effort to provide more support for affordable housing.

Contact: Mayor Jim Gelwicks

Action Requested of Council: To discuss whether or not Council will direct Staff to draft a resolution to absorb 2/3 of the increased property tax amount for the first year of tax increase, if the referred measure is passed by the voters.

Estimated time: 15 minutes

F. Discussion on Policy for Disposal of City-Owned Land/Ordinance No. 10, Series of 2018

Background: As part of the deliberation related to Lazy K, the City Attorney provided her opinion that disposal of Lazy K since it does not have a dedicated use could be conveyed without a vote of the people. Furthermore, after reviewing recent case law the City Attorney recommend the City create a policy on the conveyance of City owned property. The Council on July 24th directed staff to prepare a draft policy for their consideration which would also inform the decision to call for a special election on Lazy K.

Staff contact: City Attorney Kathy Fogo

Action Requested of Council: To discuss and provide feedback on draft

Ordinance No. 10, Series 2018; Re: An Ordinance of the City Council of the City of Gunnison, Colorado Adopting a Policy for Disposition of City-Owned Property. Staff would suggest that Council first discuss this issue and then provide direction to staff on next steps (versus taking action on Ordinance 10 on August 14th.)

Estimated time: 10 minutes

G. Resolution No. 7, Series of 2018 to call a special election to put Lazy K on the ballot and Lazy K ballot language.

Background: Council identified the need for livable and affordable housing as one of its strategic priorities. Approximately 4.3 acres of the West Gunnison property (Lazy K) has been identified as an option for affordable housing.

Staff Contact: City Attorney Kathy Fogo

Action Requested of Council: To determine if Council desires to put a question regarding the disposal of the West Gunnison property (commonly known as Lazy K) on the November 6, 2018, coordinated election ballot; and if so, then a vote to pass Resolution No. 7, Series 2018, Re: A Resolution of the City Council of the City of Gunnison, Colorado, referring a ballot question to the Qualified Electors of the City of Gunnison to sell or otherwise convey a portion of real property owned by the City at a Special Election to be held on November 6, 2018.

Estimated time: 10 minutes

H. Resolution No. 6, Series 2018 to approve ballot language for Charter

Background: Following Council's direction to proceed with participation in the November 6, 2018, Coordinated Election, a resolution containing the ballot language needs to be passed by Council and final ballot language must be submitted to the County Clerk and Recorder's office by September 7, 2018.

Staff Contact: City Attorney Kathy Fogo

Action Requested of Council: Approve Resolution No. 6, Series 2018, Re: A Resolution of the City Council of the City of Gunnison, Colorado, referring ballot questions to the Qualified Electors of the City of Gunnison to amend the Gunnison Municipal Home Rule Charter and to extend the current Councilmember's terms by six months at a Special Election to be held on November 6, 2018.

Estimated time: 5 minutes

I. Review of Community Survey Questions

Background: Council directed staff to work RRC Associates to develop a community survey to gather feedback on Council's strategic priorities and City services.

Staff contact: City Manager Russ Forrest

Action Requested of Council: To review the draft survey and to provide feedback to staff in order for the staff to develop final survey(s) with RRC

Associates.

Estimated time: 20 minutes

IV. Council Work/Discussion Items:

V. Reports:

City Attorney Report

City Manager Strategic Projects Update and Report

City Councilors with City-related meeting reports; discussion items for future Council meetings

VI. Meeting Adjournment

The City Council Meetings agenda is subject to change. The City Manager and City Attorney reports may include administrative items not listed. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.gunnisonco.gov. Discussion Sessions are recorded; however, minutes are not produced. For further information, contact the City Clerk's office at 970.641.8140. **TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY CLERK 24 HOURS BEFORE ALL MEETINGS AT 970.641.8140.**

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

- 8:30 am
- Call to Order
 - Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension; Gunnison River Valley Local Marketing District
 - Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

- 8:31 am
- Call to Order; Agenda Review
 - Minutes Approval:
 1. 7/17/18 Regular Meeting
 2. 7/24/18 Special Meeting
 3. 7/26/18 Special Meeting
 4. 7/31/18 Special Meeting
 - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
 1. Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension: Gunnison County
 2. Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension: Gunnison Valley Regional Transportation Authority
 3. Construction Agreement; Stripe-A-Lot, Inc.; 2018 Multi-Agency Road Painting Project; \$120,000
 4. Grant Acceptance; Colorado Department of Health Care Policy & Financing; Long Term Care Medicaid Outreach Project; \$18,468.52
 5. Grant application: Colorado Department of Local Affairs; Energy and Mineral Impact Assistance Program; Compressed Natural Gas Vehicle Acquisition: \$74,883
 6. Gunnison-Crested Butte Region Airport Disadvantaged Business Enterprise Program Acceptance
 7. Retail Liquor License Renewal; Crested Butte Nordic Council dba Magic Meadows Yurt; September 15, 2018 – September 15, 2019
 8. Retail Liquor License Renewal; Black Mesa Lodge; September 6, 2018 – September 6, 2019
 9. Special Event Liquor License; Crested Butte Tourism Association; 7:00AM – 7:00PM; August 25, 2018
 10. Colorado Judicial Department Agreement for Services by Independent Contractor; 7th Judicial District Probation Department; Gunnison County Wraparound Services; July 1, 2018 – June 30, 2019
 11. Grant Contract Amendment; The Colorado Trust; Increase of \$2,500
 - Scheduling
 1. Choose Dates for Gunnison County Board of Equalization Hearings
- 8:35
- County Manager's Report
- 8:40
- Correspondence; Letter of Support for the Endangered Places Application; The Crystal Mill
- 8:45
- Resolution 2018-27; Supporting Ballot Initiative No. 153 Seeking Voter Approval to Increase Transportation Infrastructure Funding
- 8:50
- 2017 Gunnison County Financial Audit

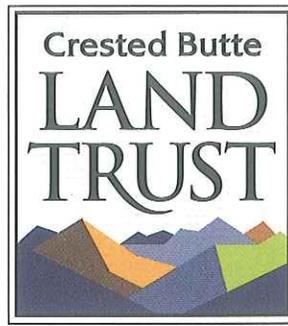
- 9:10
 - Break
- 9:15
 - Gunnison County Planning Commission Sketch Plan Recommendation; APT Brush Creek Road, LLC
 - Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.
 - Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
 - Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Friday prior to the meeting.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION:

- 8:30 am • GVAWL Annual Update
- 9:00 am • HB 1177 Roundtable Report
- 9:30 am • Colorado River Water Conservation District Report
- 10:00 am • Break & Travel
- 10:15 am • Annual Detention Center Inspection (510 W. Bidwell Avenue, Gunnison, CO 81230)
- Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Friday prior to the meeting.



July 31, 2018

Attn: Town Council Members
Town of Crested Butte
P.O. Box 39
Crested Butte, CO 81224

Town Council,
Thank you for your
continued partnership in open
space conservation and stewardship!
- Noel

Dear Council Members,

Thank you for your generous Community Grant of \$15,000 toward the Crested Butte Land Trust's Gunsight Bridge replacement. We are grateful that you have chosen the Gunnison Valley's local land trust as a recipient of your continued generosity. We truly value your partnership in protecting the land, water and views that make Crested Butte such a special place to live.



Thanks to your support, in September our engineer and wetland ecologists will start the deconstruction of the old bridge and installation of a new suspension bridge. The wetlands downstream from the bridge – home to calving elk, nesting great blue herons, and a myriad of other wildlife species – will soon see the benefits of returning the river to its natural flow. And, the community will have a new safe crossing to the Slate River drainage directly from town as well as added flood protection.

Your involvement is a vital part of this impactful work – taking care of the lands and trails we all love, in addition to protecting new places for the next generation to enjoy. So, again, thank you for continuing to be an important partner of the Land Trust and for your commitment to protecting the present for the future. We look forward to continuing to work closely with you on behalf our community's wildlife habitat, breathtaking views, endless recreational opportunities, and ranching heritage.

Best regards,

Noel Durant
Executive Director

Protecting the present for the future

P.O. Box 2224 Crested Butte, Colorado 81224 970-349-1206 cblandtrust.org



Tuesday, September 4th

Forest Plan Revision Letter
Ordinance - Red Lady Open Space
Resolution - Cypress
Emma Coburn Run Special Event Application

Monday, September 17th

Update from the Chamber
Vinotok Special Event Application

Future Items

- Charter Franchise Agreement
- Heights Open Space Plat Modification
- Heights Open Space Conservation Covenant
- Retreat Update - Mid Summer
- Project Update - Mid Summer
- Quarterly Financial Reports
- Bid Award Emergency Service Facilities Design/Planning
- License agreement with Cypress for Dump Clean-up
- Beer in Parks
- September - Annual Update from the Creative District Commission
- October 15th - Deadline for Presentation of the Annual Budget