



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

Town Council Values

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

AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, October 6, 2014
Council Chambers, Crested Butte Town Hall

6:00 WORK SESSION

Property Tax Initiative Presentation by Ian Billick.

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

7:02 APPROVAL OF AGENDA

7:03 CONSENT AGENDA

1) Contract Extension of Existing Contract for Phase 2 Work with the State Historical Fund for the Depot Rehabilitation.

7:05 PUBLIC COMMENTS

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

7:20 STAFF UPDATES

7:40 PUBLIC HEARING

- 1) Transfer of Maxwell's Steakhouse Liquor License, Located at 226 Elk Avenue, From McGuffy's Restaurant Inc to B & C Restaurants LLC.
- 2) Ordinance No. 12, Series 2014 – An Ordinance Authorizing the Sale of Town-owned Real Property Legally Described as Unit B, Redwell Townhouses, Town of Crested Butte, for a Maximum Sale Price of \$145,000.00.

8:10 NEW BUSINESS

- 1) Approval of September 15, 2014 Regular Town Council Meeting Minutes.
- 2) Discussion of Grant Funds Language in Major Special Event Agreement with Western Colorado Events, LLC.
- 3) Discussion of Terms of Major Special Event Agreement with Western Colorado Events, LLC Relative to Elk Avenue Closure after Event Conclusion.
- 4) Discussion and Possible Action Regarding Big Mine Master Plan Award for Consulting Services to Mundus Bishop for an Amount Not to Exceed \$81,000.

9:00 LEGAL MATTERS

9:10 COUNCIL REPORTS AND COMMITTEE UPDATES

9:25 OTHER BUSINESS TO COME BEFORE THE COUNCIL

9:45 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- **Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council**
- **Monday, November 3, 2014 – 6:00PM Work Session – 7:00PM Regular Council**
- **Monday, November 17, 2014 – 6:00PM Work Session – 7:00PM Regular Council**

10:00 ADJOURNMENT



Staff Report

September 30, 2014

To: Mayor and Town Council
Thru: Todd Crossett, Town Manager
From: Molly Minneman, Historic Preservation and Design Review Coordinator
Subject: Contract Extension for Phase II contract for the Grant with the State Historical Fund for Phase II Rehabilitation of the Depot.

Summary: The Town of Crested Butte was awarded a grant from the Colorado Historical Society's State Historical Fund in 2012 for the rehabilitation of the Denver and Rio Grande Depot. The grant funds the rehabilitation of the windows, doors, siding, trim, floors and some interior surfaces. The contract period with the State of Colorado was from November 15, 2012 to November 15, 2014 whereby eighty percent of the work has been completed. The remaining twenty percent of the work cannot be completed within the contract period. An amendment for a two-year extension of the contract between the State of Colorado and the Town of Crested Butte is requested. The contract amendment is in your packets.

Discussion: The rehabilitation of the Depot was broken down into three phases in part due to the financial limitations of the primary funding sources. Phase I was paid in part by a grant from the State Historical Fund (SHF), and was completed in 2012. It stabilized and repaired the roof structure and created the construction documents for all three phases. Phase II work, also paid in part by a SHF grant, rehabilitated the exterior siding materials, windows, doors, the interior floors, and painted interior surfaces. Phase III work, anticipated to commence next year, will address problems with the foundation system, repoint the stone foundation walls, and reconstruct all entry landings, and construct an ADA ramp into the Freight Room.

As noted, Phase II work is 80% complete. The remaining 20% involves the flooring and siding rehabilitation that should be completed following the foundation work to ensure quality and prevent redundancy that is both time consuming and costly to both the Town and the SHF. The foundation work should go out for bid in the spring of 2015, commence work in the summer and be completed in the fall. The remaining Phase II work is anticipated to be completed by the end of 2015. The Phase II two-year contract extension will provide the time necessary to complete the work and finalize and financial and administrative duties.

Recommendation: Make a motion to approve the Contract Amendment for Grant No. 2013-01-069 between the State of Colorado and the Town of Crested Butte, and extend the original

contract from November 15, 2014 to November 15, 2016 as contained in the attached Amendment document for Phase II rehabilitation of the Denver and Rio Grande Railroad Depot located at 716 Elk Avenue.

Department or Agency Name
History Colorado, the Colorado Historical Society
Department or Agency Number
GCA
Routing Number
APPROVED WAIVER FORM -Amendment #37

CONTRACT AMENDMENT #2013-01-069 A

THIS AMENDMENT, made this _____ day of _____, _____ by and between the State of Colorado for the use and benefit of the Department of Higher Education, History Colorado, the Colorado Historical Society, 1200 Broadway, Denver, Colorado 80203, hereinafter referred to as the State and/or History Colorado, and the **Town of Crested Butte, PO Box 39, Crested Butte, Colorado 81224**, hereinafter referred to as the Contractor,

FACTUAL RECITALS

Authority exists in the Law and Funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment; and

Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

The Parties entered into a contract dated November 6, 2012, (the "Original Contract"), for SHF Project #2013-01-069, wherein the Contractor agreed to undertake the performance of certain work and services in consideration for which the State agreed to make certain payments; and

The term of the contract is extended because the Contractor, through no fault of their own, is unable to complete the project as required within the specified contract period as a result of unforeseen delay; and

The State and the Contractor both wish to bring the project to completion in order to fulfill the objectives of the Original Contract.

NOW THEREFORE, it is hereby agreed that:

1. Consideration for this amendment to the original contract, C.E. Number 1301069, Contract Routing Number N/A Approved Waiver Form, dated November 6, 2012, consists of the payments which shall be made pursuant to this amendment and the promises and agreements herein set forth.
2. It is expressly agreed by the parties that this Amendment is supplemental to the original contract, as amended Number #2013-01-069, dated November 6, 2012, referred to as the "original contract," which is, by this reference incorporated herein, that all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this amendment as though they were expressly rewritten, incorporated, and included herein.
3. It is agreed the original contract is and shall be modified, altered, and changed in the following respects only:
 - a. Provision #4 of the original contract, CONTRACT EFFECTIVE DATE, the term of the contract is **EXTENDED** from November 15, 2014 to November 15, 2016.
 - b. Provision #5 of the original contract, COMPENSATION AND METHOD OF PAYMENT, the List of Submittals are revised as reflected in the attached Revised Exhibit C.
4. The effective date of this amendment is upon approval of the State Controller or November 1, 2014, whichever is later.
5. Except for the "Special Provisions," in the event of any conflict, inconsistency, variance or contradiction between the provisions of this Amendment, and any of the provisions of the Original Contract, the provisions of this Amendment, shall in all respects supersede, govern, and control. The "Special Provisions" shall always be controlling over other provisions in the contract or amendments. The representations in the Special Provisions concerning the absence of bribery or corrupt influences and personal interest of State employees are presently reaffirmed.
6. FINANCIAL OBLIGATIONS OF THE STATE PAYABLE AFTER THE CURRENT FISCAL YEAR ARE CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE AVAILABLE.



Staff Report

October 1, 2014

To: Mayor and Town Council

Thru: Todd Crossett, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Transfer of Maxwell's Steakhouse Liquor License from McGuffy's Restaurants Inc to B & C Restaurants LLC

Date: 10-1-2014

SUMMARY:

B & C Restaurants LLC has applied for a transfer of a Hotel and Restaurant Liquor License at 226 Elk Avenue. B & C Restaurants LLC was issued a temporary liquor license on July 28, 2014 which is valid for up to 120 days. Staff submits the following findings regarding the application:

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

RECOMMENDATION:

Staff recommends the application be approved with the following motion: I move to approve the transfer of a Hotel and Restaurant Liquor License for B & C Restaurants LLC DBA Maxwell's Steakhouse located at 226 Elk Avenue; Crested Butte, Colorado for the reasons stated in the staff report dated October 1, 2014.

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO
DEPARTMENT OF REVENUE**

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

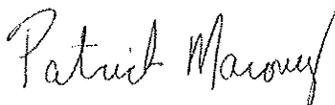
**B&C RESTAURANTS LLC
dba MAXWELL'S STEAKHOUSE
226 ELK AVENUE
CRESTED BUTTE CO 81224**

ALCOHOL BEVERAGE LICENSE

Liquor License Number 4703492	License Expires at Midnight September 23, 2015
License Type HOTEL & RESTAURANT (CITY)	
Authorized Beverages MALT, VINOUS, AND SPIRITUOUS	

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

In testimony whereof, I have hereunto set my hand. 9/24/2014



Division Director



Executive Director

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>								
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>								
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>								
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<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 type="checkbox"/> <input checked="" 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 type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____	<input checked="" type="checkbox"/> <input type="checkbox"/>								
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Landlord 226 Elk Ave, LLC</td> <td style="width:33%;">Tenant B&C Restaurants LLC</td> <td style="width:33%;">Expires 2017</td> </tr> </table>	Landlord 226 Elk Ave, LLC	Tenant B&C Restaurants LLC	Expires 2017						
Landlord 226 Elk Ave, LLC	Tenant B&C Restaurants LLC	Expires 2017							
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)									
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.									
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:25%;">FEIN OR SSN</th> <th style="width:25%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td>McGuffey's Restaurants Inc</td> <td>NIA</td> <td>[REDACTED]</td> <td>Promissory Note</td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST	McGuffey's Restaurants Inc	NIA	[REDACTED]	Promissory Note	
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST						
McGuffey's Restaurants Inc	NIA	[REDACTED]	Promissory Note						
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.									
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted?		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>							
Number of separate Optional Premises areas requested, _____ (See License Fee Chart)									
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>							
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?		Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>							
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes No <input type="checkbox"/> <input type="checkbox"/>							
17a. Name of Manager (for all on-premises applicants) <u>Julie Higgins</u> (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I).		Date of Birth <u>04/26/70</u>							
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>							
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>							

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

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Julie Higgins	PO BOX 1394, Crested Butte, CO 81224	04-26-1970	Owner	100%

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than those disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable)	Address for Service
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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>Julie Higgins</i>	Title Owner	Date 06/20/2014
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority 7-22-2014	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) 9-2-2014
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THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

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

(Check One)

- Date of inspection or Anticipated Date _____
 Upon approval of state licensing authority.

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

Local Licensing Authority for Town of Crested Butte	Telephone Number 970-349-5338	<input checked="" type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature <i>[Signature]</i>	Title Town Clerk	Date 7-22-2014
Signature (attest) <i>[Signature]</i>	Title Sales Tax Specialist	Date 7-22-2014

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (if Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (if Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (if Applicable)

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

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

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

AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

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

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

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

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

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

Dated this 16th day of JULY, 2014.

Seller: McGuffey's Restaurant
25461900000
Licensee & License Number

Maxwell's Steakhouse
Trade name
Mary Maxwell Dreiling
Signature
president
Position
Mary Maxwell Dreiling
Print Name

Buyer: BRC Restaurants LLC
Applicant

Maxwell's Steakhouse
Trade name
Julie M Higgins
Signature
Owner
Position
Julie M. Higgins
Print Name

NO LOCAL RECORD

Finger prints forwarded to C.B.I
will notify council with ANY PROBLEMS
OR CONCERNS Tom

DR 8404-1 (07/25/11)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1081 PIERCE STREET RM 108A
DENVER CO 80261

INDIVIDUAL HISTORY RECORD

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

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

1. Name of Business

B&C Restaurant 5 , LLC

2. Your Full Name (last, first, middle)

Higgins, Julie Marie

3. List any other names you have used.

Zweiacher

4. Mailing address (if different from residence)

PO Box 1394 Crested Butte, CO 81224

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

STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current	123 Snowmass Drive	Mt. Crested Butte, CO 81224	July 2014	
Previous	4061 Teton Place	Prosper, Tx 75078	March 2009	June 2014

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

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
JM Higgins Ins Grp, Inc	4061 Teton Place Prosper, Tx 75078	Owner	2012	current

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
N/A			

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

Yes No

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

Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth 04-26-1970		b. Social Security Number SSN [REDACTED]		c. Place of Birth Ponca City, OK		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 5' 8"	m. Weight 160	n. Hair Color Brown	o. Eye Color Brown	p. Sex F	q. Race Cauc	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Texas 02642219	

14. Financial Information.
a. Total purchase price \$ 325,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 325,000

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

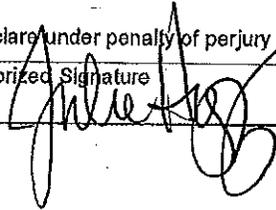
Type: Cash, Services or Equipment	Source	Amount
Cash	Bank Account - Crested Butte Bank	162,500
Personal Guarantee	Promissory Note	162,500

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

Name of Lender	Address	Term	Security	Amount
McGuffey's Restaurants Inc	PO Box 1394; Crested Butte, CO 81224	48 Months	Security Agreement + UCC-1 Financing Statement	162,500

Oath of Applicant

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

Authorized Signature 	Title Owner	Date 6/20/2014
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Staff Report

October 6, 2014

To: Mayor and Town Council
From: Michael Yerman, Town Planner
Thru: Todd Crossett, Town Manager
Subject: Ordinance 2014, 12- Sale of 818 Teocalli Unit B and Setting a Maximum Sales Price
Date: October 6, 2014

BACKGROUND:

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

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

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

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

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

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

RECOMMENDATION:

Staff would suggest approving the second reading of Ordinance 2014-12.

RECOMMENDED ACTION:

Staff recommends a motion “to approve Ordinance 2014-12.”

ORDINANCE NO. 12

SERIES 2014

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

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

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

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

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

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

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

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

Section 3. **Severability.** If any section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2014.

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

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

(SEAL)

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, September 15, 2014
Council Chambers, Crested Butte Town Hall

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

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

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, Town Clerk Lynelle Stanford, and Chief Marshal Tom Martin

APPROVAL OF AGENDA

Town Planner Michael Yerman's request for a commitment for funding, \$12,900, as matching funds for a grant for the construction of the Baxter Gulch Trail was added to Other Business to Come Before the Council.

Schmidt moved and Matuszewicz seconded motion to approve the agenda with the addition under Other Business. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

CONSENT AGENDA

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

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

PUBLIC COMMENTS

Shaun Horne - 323 Whiterock

- Announced he was starting a Downtown Business Association. He wanted to create a voice for retail in future special events. He said the Chamber tended to have larger businesses as consistent members, and many retail businesses were under the Chamber's threshold where it's worth their while to join. The Downtown Business Association would be free to join, and they would provide comprehensive information to business owners.
- The retail group was necessary because they needed to protect themselves.
- Horne reported the Bud Light (BL) / Anheuser Busch (AB) major special event caused an egregious loss of access to the market.
- The Council needs to understand how important access to the market is.

David Rothman – 17 Maroon Ave

- Stated the event went well for some and not so well for others.
- His comments have to do with the process and the nuts and bolts of what happens when process is rushed.
- Cited the Town Charter and the fact that signatures supported by an affidavit can suspend an ordinance pending referendum. This process allows a minority to be heard. Said this process could not happen because staging for the event had begun once the ordinance was passed by an emergency ordinance.
- No ordinance giving special privilege should be considered emergency. Issue here is we have an ordinance that is creating an emergency that the emergency clause is to cover. It short-circuited the process.

Kimbre Woods – 11 Hunter Hill

- Thought there should have an environmental deposit from the event organizers, and she thought someone should be watching.
- Was assured by Council at a previous meeting that nothing was going to go into Coal Creek. Found out it was going into the air. Appealed that we deal with that now. Have someone that cares such as the Coal Creek Water Coalition. Wanted it addressed before there was no chance to get money. This company came in and like many people predicted did not care about the environment.

Craig Geipel – 216 B S Avion Street

- Owner of Alpenglow Rentals, a business that rents out Jeeps located at the Ore Bucket building.
- Wanted to make an official request, so he can have more than two recreational vehicles parked on display in Town at one time.
- Asked for the freedom to expand and grow.
- Surrounding towns have no such rules. His prior history, in two months, shows that he has abided by the existing ruling.

Mel Harper – 188 Aspen Lane

- Questioned the Council on the blue light post that is remaining.
- Said the people she has talked to do not like the blue light post. She said it was a reminder of something that was difficult.
- Huckstep told Harper that the blue light post issue was added to Other Business to Come Before the Council, and the Council has taken no action.

Amanda Furman – 25 Hunter Hill – representing the Tobacconist

- Knew the event would affect business, possibly even negatively, which it did.
- Complaint is with excessive shut down of Elk Avenue and the fact the event organizers have offered nothing for reimbursement.
- Secrecy of everything was the problem and how hard it was to get answers.

- Was promised things by BL to help bring in customers that did not come to fruition. Nothing that they promised was done. Was very difficult to reach anyone who could get her an answer.

Kimbre Woods – 11 Hunter Hill

- Referenced Huckstep addressing AB and asking in a previous Council meeting if they would please promise to go talk to the retailers. AB said, “Yes,” they would. After the third meeting complaints weren’t being addressed, and she thought it was big part of retailers being upset.
- Said that she was told if retailers didn’t put blue in their windows, BL would tell people not to shop there.

STAFF UPDATES

Tom Martin

- Mentioned upcoming event, Vinotok, on Saturday.

Lynelle Stanford

- 13 applicants for the Deputy Clerk position. Will start conducting interviews end of the week or early next week.

Todd Crossett

- Building Department has been processing a lot of permits.
- Draft budgets are due this week. Anticipates budget as the next big lift for staff.
- Reminded Council of the Transportation Plan meeting the evening of the 25th.
- RFQ interviews this week for Big Mine Master Plan.
- Tennis court prep is wrapping up this week. Weather permitting there will be a contractor on site next week to start grading and pouring the slab.
- Michel asked Crossett when the project formerly known as the Foothills would be starting with the Town. Crossett answered they could have something in the next few weeks, but he would hate to guess an exact time. He said probably sooner rather than later.

NEW BUSINESS

1) Discussion and Possible Approval of the Crested Butte Film Festival Special Event Permit and Special Event Liquor Permit for September 25-28 Adjacent to the Center for the Arts Building.

Ladoulis mentioned his business, Bacchanale, would be providing lunch for the event. He recused himself and left the room.

Schmidt moved and Owen seconded a motion to approve the Crested Butte Film Festival special event permit and special event liquor permit for September 25 – 28, 2014. A roll

call vote was taken with all voting, "Yes." Except for Ladoulis who recused himself.
Motion passed unanimously.

2) Follow-up Discussion on Vinotok Risk Mitigation Efforts.

It was confirmed that Vinotok event organizer, Molly Murfee, did not expect the Town to pick up the costs associated with risk mitigation for her event as discussed at the last meeting. Martin said he was satisfied with increased law enforcement for which he negotiated with AB to cover the costs. He said he felt adequately staffed. Martin said he expected little bit busier Vinotok than normal. Crossett said Dano Marshall made another request to the regional AB/BL distributor and the event, and they declined to provide further funds for Vinotok's risk mitigation. Their stance was Chili and Beer could be held on another weekend. Schmidt asked why Chili and Beer wasn't held this past weekend. Matuszewicz said last weekend was Telluride Brews and Blues, and the weekend after Vinotok is the Film Fest and the venue on the mountain was booked for a wedding. After that the brewers would be in Denver for an event. No action was taken.

3) Ordinance No. 12, Series 2014 – An Ordinance Authorizing the Sale of Town-owned Real Property Legally Described as Unit B, Redwell Townhouses, According to the Preliminary Plat Recorded June 17, 2004, Bearing Reception No. 543196 and the Party Wall Agreement for Redwell Townhouses Recorded June 17, 2004, Bearing Reception No. 543199, Town of Crested Butte, County of Gunnison, State of Colorado for a Maximum Sale Price of \$145,000.00.

Matuszewicz questioned if the buyer's maximum sale price was based on what they purchase the property for or this price. He asked if their point A was their purchase price or \$145,000. Crossett said there was an algorithm based on what they buy it for and a set amount for it to accrue. Owen said the resale price of \$145,000 seemed too high for the intended target demographic, making it unaffordable. He thought the price should be more akin to the Town's purchase price of the property. Crossett answered the Town could subsidize and pay for repairs out of the affordable housing budget, which would drop the sale price. Huckstep said he disagreed. He said the previous discussion they had was to save the unit from foreclosure to preserve a deed restriction. Huckstep said it could be set for public hearing and a maximum sales price could be settled upon then. Owen said he doesn't care if the government makes money; the point was trying to help people of this income category reside in our town.

Matuewicz moved and Schmidt seconded a motion to set Ordinance No. 12, Series 2014 for public hearing on October 6, 2014. **Motion passed.**

4) Resolution No. 13, Series 2014 – Agreement for Installation and Maintenance of Gaging Station

Huckstep reminded the Council that this resolution is the result of Steve Glazer's work. Gothic and Coal Creek is the location the gauge will be installed. Glazer presented in past meetings. The Council gave him a "Yes," and this resolution was to formalize.

Schmidt moved and Ladoulis seconded a motion to approve Resolution No. 13, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

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

Schmidt confirmed the ordinance needed to be an emergency ordinance because of a timing problem. The ordinance, originally scheduled for the August 25th meeting, was not passed until August 28th. Belkin confirmed it was necessary for it to become an emergency ordinance to allow it to go into effect before the event.

Michel said it was necessary to be more rigorous in the way things are applied. He said it was important to get ahead of it in the way people were coming in and out of bars with drinks. Belkin said that applies more to the special events permitting process. He said security for the event was really well covered. He said the consumption area should be a lot simpler. The promotional association would come forth with their security, and it would look a lot more typical. Crossett said they spent hours on the fencing plan for the event and many, many hours walking event organizers through the plans. He said it goes back to earlier discussions of having the security company report directly to us. They needed to directly manage the communication flow. Crossett said they were able to fix issues with security. Schmidt confirmed that in future events, access might not be limited to people over 21 and there was no ongoing requirement to limit access. Huckstep said they could deal with fencing issues next time this comes to pass.

In reference to citizen Rothman's comments, it was confirmed by Belkin that Ordinance No. 10 was unrelated to the Council approving the BL/AB major special event permit. Ordinance No. 10 determined how the consumption area for the event would work, but it could be applied to other special events as well.

Matuszewicz moved and Schmidt seconded a motion to ratify Ordinance No 10, Series 2014. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Owen asked how in the special event agreement on Monday (August 25) the clause with how to deal with the gift read \$250,000 to be used by the Town at its sole discretion changed by Thursday (August 28) to be determined by a committee between Crested Butte and Mt. Crested Butte, instead of Crested Butte's sole discretion. He asked how this clause changed. Belkin said someone from Crested Butte and someone from Mt. Crested Butte spoke. Crossett said it wasn't anything he touched, same thing with

Huckstep. Huckstep said the language in the original draft indicated the gift was intended for both Crested Butte and Mt. Crested Butte. Owen said, on August 25th, it was the Town's sole and absolute discretion, and then on the 28th it said \$500,000 for the Town of Crested Butte and Mt. Crested Butte. He asked how this clause changed and who should have conveyed it to the Council. Owen said he did not know about the change until the 2nd (of September). Belkin said that Huckstep said it at the meeting on the 28th. Owen said he wanted to know how did the clause get in there and why didn't anyone communicate that to Council. He further wondered why was there was no communication from the manager or attorney. He said he would have objected to the clause, and he wanted answers. Crossett said the contract didn't cycle back to him. The applicant put it in there to head off contract inconsistencies between the Mt. Crested Butte contract and the Crested Butte contract. Huckstep reminded Owen he was one member of the Council, and it was not the appropriate venue for one council member to point very strong fingers. *****

Owen said there was a material change to the contract, and if Council doesn't know and staff doesn't know where it came from, we need to know where it came from. Schmidt recalled reading the original contract on Monday, and he said he did not read the contract as thoroughly as he should have. He noticed the figure had been changed, but he was remiss to not catch other words around it. He said this town took the impacts and this Council took the heat, so he was not happy those words got in there. Matuszewicz wondered what other changes they were unaware of in the contract. Crossett said staff has done their level best. He said it was necessary to lower the threshold of activity or get more staff. Huckstep said if there was a unilateral decision to direct the funds, the notion of working with our neighbors goes out the window. He said they had impacts, too. We should be setting an example that we will work with neighbors to benefit the whole community. Matuszewicz said it was not an issue with being a joint committee. He said we should be doing more to work with them. His issue is it's a substantial change and no one pointed it out. He is concerned about other potential changes. Schmidt said he didn't know if there is any resolution. Huckstep asked if the issue of unilateral control of the money was the real issue. Owen said the Council approved it, he was willing to live with it. He wanted to know what happened to cause the material change. He said he would have argued to change it back to unilateral, but because it's a contract they voted on and approved, he was willing to live with it. His big concern was because it's a big issue that a material part of contract changed, and no one told the Council. Schmidt said he agreed with Owen, and had he noticed it at the time, he would have brought it up. Schmidt said it was rather alarming it got changed that way. Matuszewicz would have liked to have been told, but said he should have caught it himself. He said it was concerning no one knows where it came from. It was determined Belkin could provide an update at the next meeting.

*******David Owen has requested to add the following to the minutes in the section above designated by asterisks: "Council was polled, and no member of the council could remember any direction to change this clause."**

COUNCIL REPORTS AND COMMITTEE UPDATES

Matuszewicz

- Reported Center for Arts fundraising was going well. Executive Director, Jenny Birnie, has been meeting with major donors.
- There were nine Alpenglows this summer. Said the Alpenglow held on Elk Avenue was a good model.
- There were 19 events for the Tour de Forks.
- The Center for Arts sponsored the Film Fest.
- Also, the Center for Arts audit went very well.

Owen

- Attended a Housing Authority meeting.
- Their financials were audited, and they passed that audit.
- Housing Authority is slowly but surely building up operational reserve to one year's expenses.
- Reported he would miss the second meeting in October.

Schmidt

- Mentioned event that happened a week ago, he saw smiles on faces. Fantastic event.
- Really wanted to compliment the staff under extraordinary circumstances. He really appreciated what the staff did.
- Can't do anything about the people who dislike. Criticism is because people care about the town. Complaints were from people who couldn't get into the event.

Huckstep

- Mentioned upcoming cloud seeding program presentation at Upper Gunnison board meeting.
- RTA meeting Friday in Gunnison.
- Meeting with Gunnison Public Lands initiative at his office.
- APA conference here in Town on October 1. Yerman has funding secured if a couple of people want to attend.
- Referred to a letter in his inbox from PRG, tech folks on event, and they called out to Rodney and H Baumm for their efforts.

Schmidt also mentioned that CASTA met here this past week, and they had about 250 people attend their statewide conference here. It is a conference size that works really well for Town.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

It was discussed whether to consider changing the rule set pertaining to the request of the owner of Alpenglow Rentals during public comments. There are two Jeeps that are parked next to the Ore Bucket Building. Michel wondered if Town would want an ordinance that impedes someone's chance to do business without knowing why we have it. Crossett said he would have Molly Minneman provide an update for the next packet on the history of why the ordinance was originally passed.

The Council's attention was called to a staff report from Yerman requesting a commitment of funding, \$12,900, payable in 2015 as matching funds for a grant for the construction of the Baxter Gulch Trail. The grant would allow a camping crew to work on the trail for four weeks. \$12,900 represented a 50% match for the grant. Crossett confirmed the grant was due before the next council meeting. The Town has been successful in obtaining the grant for the past three years, and it is common with this grant not get it the fourth year. The Town has not matched the grant in the past three years, but it was reported that a match would help to keep the momentum. Matusewicz felt the Baxter Gulch Trail progress has been slow. Crossett said it has not been the easement issue that has caused progress to be slow to date. He said the easement issue is not a deal killer moving forward. He said they could go back to the original route. Matusewicz suggested not committing matching funds for the grant and waiting to see what happens. It was mentioned that CBMBA would be amazing and perhaps it was worth considering providing CBMBA funds to complete the trail. Huckstep said CBMBA could go somewhere else and the Youth Corp could continue on Baxter Gulch. Crossett said that while CBMBA is fast and stunning, both Jake (former Parks and Recreation Director) and Michael felt the Youth Corp project was successful. Michel confirmed the commitment of funds was not needed to apply for the grant. Crossett said the grant could still be applied for, and there had been no match in previous years. Schmidt said the budget process is coming up and this is a fairly big push with other things that will be requested. Huckstep reminded the Council that the funds would not come from the general capital fund. It was decided the Council would take no action at this time.

The Council discussed the blue light pole that was left from the BL event and if the pole should remain blue. Michel confirmed the blue pole is in front of Old Town Hall. Owen said it should be painted green again. Matusewicz said it should stay blue. Ladoulis liked the idea of blue. Michel said he is an Elk Avenue purist and wanted it to be changed back to green. Owen felt the event was something that divided the community and a symbol that the town lost its soul. Ladoulis countered that lots of people feel it symbolizes that the town was bold enough and they're denying them the pleasure of remembering a really fun time. Huckstep said years of history cannot be erased in days. Ladoulis said the Council made a bold move and developed a world-class event. A poll was taken, and the Council majority determined to keep the light pole blue.

The Council set dates for budget work sessions: Wednesday, October 15 at 5PM; Monday, October 20 at 5PM or 6PM; Monday, October 27 at 5PM (if needed); and Monday, November 3 at 6PM.

Matusewicz said he was at Town Hall, and he wanted to confirm that Due did call Coal Creek Watershed people (in reference to Woods' public comments). Also, while at the Chamber, he did not witness William Buck's security company doing a massive handing out of wristbands. He said it seemed they were doing what they were supposed to do. Asked people to tread lightly. Crossett agreed and said the whole process could have been done better.

Matusewicz also mentioned a large wooden presentation board that was left at the 1st and Elk parking lot. He said it is a nice piece of equipment, and it will be up for grabs tomorrow. Also, he told the Council he would not be here for second meeting in January.

Huckstep said that CBMBA was being recognized at a conference in Jackson Hole. The conference is about sustainability. He asked if anyone was opposed to him attending. No one was opposed.

Newspaper editor, Mark Reaman, asked if there were plans for a meeting for public discussion about the BL/AB event in general. The answer was there might be something woven together with follow-up on community planning.

Owen asked to make direction to the town attorney about the \$500,000 gift. Belkin was going to see if it was legally feasible. Ladoulis said the Arts Fest would go bankrupt if they were forced to pay businesses for lost revenue. Huckstep said it sets an uncomfortable precedent. Business owners can't prove the causation of the closure of Elk Avenue and losing revenue.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, October 6, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, October 20, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 3, 2014 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, November 17, 2014 – 6:00PM Work Session – 7:00PM Regular Council

ADJOURNMENT

Mayor Huckstep adjourned the meeting at 8:58PM.

Aaron J. Huckstep, Mayor

Lynelle Stanford, Town Clerk (SEAL)

J. D. BELKIN & ASSOCIATES, LLC

ATTORNEYS AT LAW

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MEMORANDUM

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

TO: Town Council
FROM: John D. Belkin, Town Attorney
CC: Todd Crossett, Town Manager
RE: Major Special Event Permit for Whatever, USA
DATE: October 2, 2014

BACKGROUND

During the last regular Town Council meeting on September 15, 2014, David Owen expressed concern regarding the impacts the closure of Elk Avenue following the Whatever, USA major special event (the "**Special Event**") had on Elk Avenue businesses. In response to David's concerns, the Town Council directed me to look at the Town's permit requirements with the permittee for the Special Event, Western Colorado Events, LLC ("**WCE**"), and identify the Town's rights relative to such closure.

The below is a list of the requirements and rights relative to such closure.

PERMIT REQUIREMENTS

- The Major Special Event Permit (the "**Permit**") given to WCE required that:
 1. *"As soon as reasonably possible, but in no case after 5:00 p.m., MT, Friday, September 12, 2014, all:*
 - (a) *public property, streets, sidewalks and rights-of-way shall be returned to their original or better condition as approved by the Town in writing;*
 - (b) all private properties shall be returned to their original or better condition as approved by the Town in writing;

(c) *streets, sidewalks, street striping and light poles shall be returned their original or better condition, including, without limitation, all coloring thereof as approved by the Town in writing;* and

(d) benches and bike racks shall be returned to their original or better condition as approved by the Town in writing (collectively, the “**Remediation**”).” (emphasis supplied).

2. “Applicant shall comply with the Master Site Plan, *Street Closure Plan*, Transportation Plan, Security/Fencing Plan (as amended by the Consumption Area Fencing Plan), EMS Plan, Credentials Plan, Food and Beverage Plan, Power and Generator Plan, Restroom Plan, Waste Management Plan, Alternate Community Activities Plan, Alternate Delivery Plan, Big Mine Fire/Safety Plan, Lighting Plan, Noise Plan, Painting Plan, Relocation Plan, Signage and Architectural Alterations Plan, Strike Plan and Communications Plan contained in the Application.” (emphasis supplied).

- The Street Closure Plan within the Special Event Operations Packet (Final Submission, August 27, 2014) approved by the Town that was integrated into the Permit seems to require that Elk Avenue be open for public use, etc. after the Special Event’s conclusion on Sunday, September 7, 2014, and it seems from the Plan that the Town would coordinate the resealing of Elk Avenue thereafter, including any closures to accommodate such resealing.
- Resolution No. 11, Series 2014, the resolutions of the Town Council granting the permit and approving the Major Special Event Agreement (the “**Agreement**”) with WCE requires that WCE comply with the Permit. Failure to do so includes a \$50,000.00 per day fine.
- The Agreement requires:

“9. (d) For the avoidance of doubt, and notwithstanding anything to the contrary set forth in this Agreement, *WCE shall leave Crested Butte and all public and private property therein in materially the same or better condition as it existed immediately prior to the Major Special Event Period; . . .*” (emphasis supplied). The Major Special Event Period concluded on September 12, 2014.

- If you have any questions regarding the foregoing, please contact me or I can address the same during the regular Town Council meeting on October 6, 2014. Thank you.



Colorado Preservation, Inc.
BUILDING A FUTURE *with* HISTORIC PLACES



**Colorado Preservation Inc. and Historic Denver, Inc.
oppose Amendment 68 and urge you to do the same
September 22, 2014**

Amendment 68 is a proposed constitutional amendment being considered by voters in November that would effectively expand gambling in Colorado to horse race tracks in Arapahoe, Mesa and Pueblo counties. If this amendment passes, it will move gambling into major urban communities, essentially reversing the 1990 election that expressly limited gaming in Colorado to the three mountain towns of Blackhawk, Central City and Cripple Creek in order to promote tourism to these historically important communities and aid in their continued vitality. Expanded gambling under Amendment 68 would run completely counter to this objective.

Passage of Amendment 68 would have devastating impacts on historic preservation in the State of Colorado. Since the inception of limited stakes gaming, Colorado's preservation community has received over \$250 million in funding for historic preservation projects statewide to rehabilitate courthouses, churches, schools, homes and commercial buildings. The grants have benefited all of Colorado's 64 counties and have stimulated economic development and revitalization in both urban and rural communities around the state.

Historic preservation isn't the only interest that would be hurt by the passage of Amendment 68. This move would severely diminish the \$100 million in revenues Colorado collects each year through the tax on limited gaming in the three mountain communities that goes to support Colorado's community college system, the History Colorado Center, tourism promotion, and community economic development grants, in addition to historic preservation. If this vital funding is adversely impacted, it will place even more strain on the State General Fund.

We also have the following concerns regarding the approach being taken by the proponents of Amendment 68:

- Amending the Colorado constitution to benefit a single, out-of-state company
- Exempting these racetrack casinos from the annual cost of regulation required by the Colorado Gaming Commission.

Vote No on Amendment 68

WHEREAS...In 1990, the towns of Central City, Black Hawk and Cripple Creek received permission from Colorado voters to establish limited stakes casino gaming in their communities with 28 percent of the gaming tax proceeds flowing to historic preservation projects; and

WHEREAS...Since its inception, limited stakes gaming has provided more than \$250 million in funding for historic preservation projects statewide, including schools, churches, museums, libraries and other community buildings; and

WHEREAS...This funding for historic preservation has generated significant economic growth and revitalization statewide; and

WHEREAS...Amendment 68 proposes to amend the Colorado Constitution to open a casino in Arapahoe County, larger than any existing Colorado casino, with the prospect of expanding casino gambling even further to Pueblo County and Mesa County; and

WHEREAS...With 80% of the limited gaming market coming from the Front Range, amending the Constitution to allow exclusive rights for Front Range casinos will devastate the existing casino gaming industry and the important revenues it generates for historic preservation, the History Colorado Center and for other key programs such as tourism promotion, community colleges and economic development grants; and

WHEREAS...Amendment 68 does nothing to hold current gaming tax recipients harmless; and circumvents a long-standing local control measure; and

WHEREAS...The elimination of the funding source for important state programs, including historic preservation and the History Colorado Center, will place new strains on the State General Fund.

NOW THEREFORE..._____ opposes the ballot measure known as Amendment 68 and strongly urges its defeat.

Signed

Title

Date

**Sales Tax Totals
August**

	% of Total	2014	△ %	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
Bars & Restaurants	33%	119,270	11.4%	107,086	100,572	94,167	78,100	75,236	77,768	74,102	71,887	65,244	57,558
Grocery Sales	12%	42,164	15.6%	36,482	33,019	35,408	31,053	31,994	35,629	32,114	27,997	24,807	23,823
Retail	37%	133,985	22.4%	109,424	107,521	97,661	89,249	87,571	100,506	90,688	91,038	85,181	81,691
Lodging	8%	28,693	3.7%	27,663	22,344	20,635	18,856	18,132	16,077	18,155	16,392	14,871	11,690
Construction, Auto & Hardware	6%	22,518	6.5%	21,138	19,836	25,839	19,861	19,275	27,384	28,130	25,327	24,422	24,568
Services (telephone, car leases, etc...)	2%	8,897	11.8%	7,958	7,297	7,150	8,559	7,078	9,931	8,611	7,571	7,188	6,632
Other (Gas, Electric, etc...)	3%	10,020	19.4%	8,389	8,214	7,859	7,475	7,883	7,476	7,853	6,509	6,701	5,118
Total	100%	365,547	14.9%	318,141	298,802	288,719	253,153	247,169	274,770	259,652	246,720	228,415	211,080

Total M.J Sales Tax \$14,152

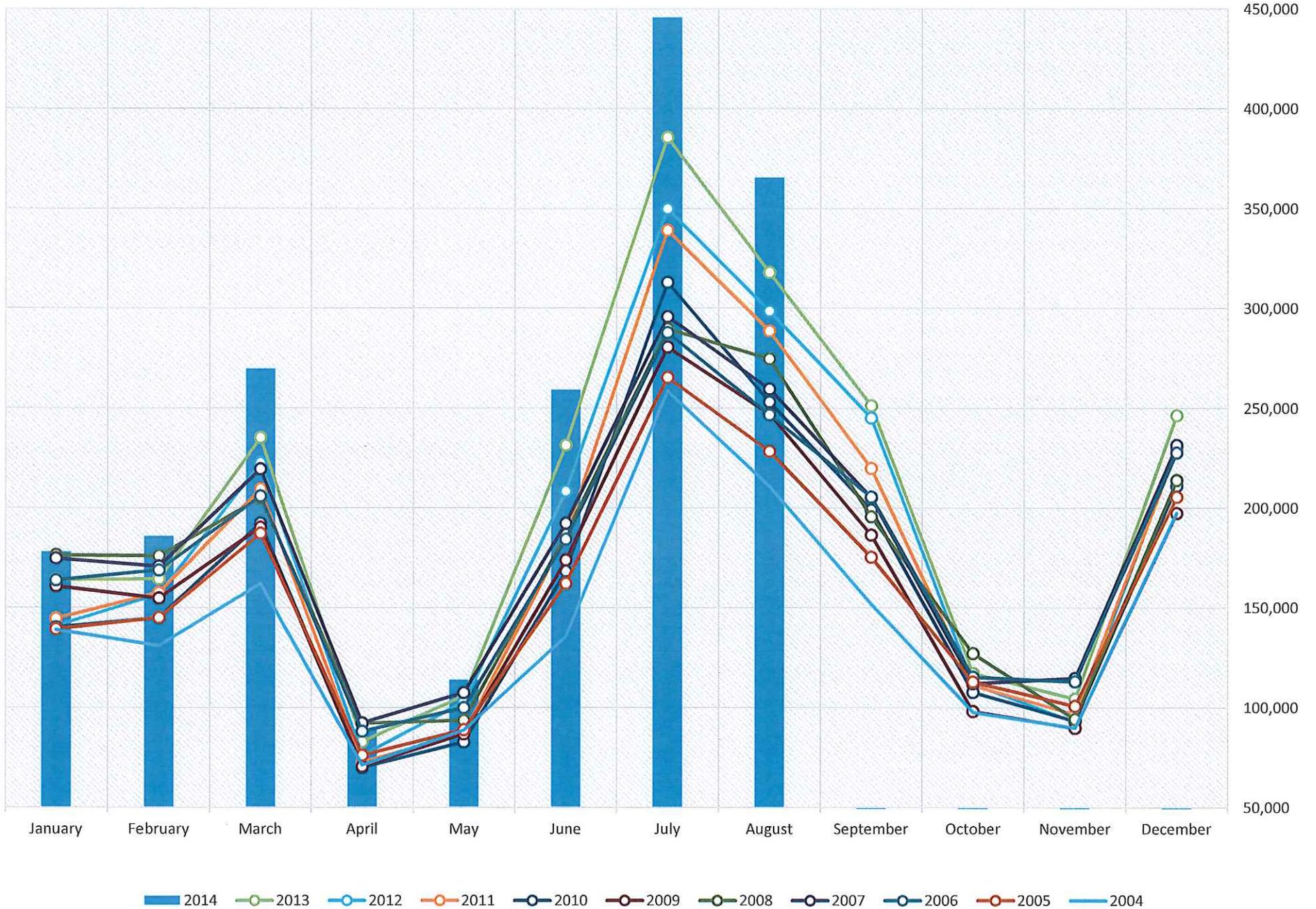
Year to Date

	% of Total	2014	△ %	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
Bars & Restaurants	32%	606,813	10.1%	551,389	507,064	468,144	421,462	413,180	437,984	435,866	410,681	362,526	332,381
Grocery Sales	12%	234,864	12.5%	208,699	192,640	191,201	179,802	190,087	216,785	208,059	185,811	167,203	154,181
Retail	30%	579,330	17.4%	493,560	460,033	429,069	399,595	384,725	422,785	439,012	441,354	415,848	380,471
Lodging	8%	160,093	13.7%	140,783	117,818	116,119	98,549	91,205	92,208	87,859	91,728	79,363	61,545
Construction, Auto & Hardware	8%	144,538	8.6%	133,050	129,476	131,794	122,300	132,222	161,256	190,298	158,858	144,732	135,960
Services (telephone, car leases, etc...)	5%	87,343	18.8%	73,521	63,981	61,133	56,374	60,751	68,556	74,580	70,630	55,922	70,370
Other (Gas, Electric, etc...)	5%	93,915	8.4%	86,658	85,159	88,065	86,568	92,839	94,522	77,097	86,315	67,061	62,317
Total	100%	1,906,895	13.0%	1,687,660	1,556,170	1,485,525	1,364,650	1,365,010	1,494,096	1,512,771	1,445,377	1,292,655	1,197,225

	Sales Tax Totals											
	2014	Δ %	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
January	178,077	8.5%	164,184	140,874	144,719	140,101	160,880	176,523	174,827	163,832	139,350	138,994
February	185,769	13.0%	164,402	156,639	157,612	144,899	154,777	176,016	170,840	168,818	144,990	131,003
March	269,602	14.6%	235,215	222,638	209,508	192,397	190,312	204,826	219,530	205,882	187,240	162,014
April	89,138	7.6%	82,841	75,955	72,536	69,893	70,535	92,042	92,237	88,071	76,076	71,121
May	113,816	7.7%	105,719	102,728	86,876	82,799	86,761	93,502	107,435	99,837	88,914	88,658
June	259,230	12.0%	231,485	208,541	186,343	168,318	173,948	186,660	192,340	184,335	162,259	135,688
July	445,716	15.6%	385,674	349,992	339,212	313,088	280,628	289,756	295,911	287,881	265,411	258,666
August	365,547	14.9%	318,141	298,802	288,719	253,153	247,169	274,770	259,652	246,720	228,415	211,080
YTD	1,906,895	13.0%	1,687,660	1,556,170	1,485,525	1,364,650	1,365,010	1,494,096	1,512,771	1,445,377	1,292,655	1,197,225
September		-100.0%	251,259	245,166	219,774	199,118	186,503	195,685	205,286	205,599	175,397	151,921
October		-100.0%	117,220	111,921	111,103	107,695	98,120	127,093	111,956	115,367	112,837	97,726
November		-100.0%	104,467	92,783	96,695	93,314	89,737	94,189	114,666	112,958	100,716	89,852
December		-100.0%	246,385	231,055	229,511	211,084	197,395	213,908	231,452	227,710	205,526	197,632
Total	1,906,895	-20.8%	2,406,991	2,237,095	2,142,608	1,975,860	1,936,765	2,124,971	2,176,131	2,107,011	1,887,131	1,734,355

** Bold numbers reflect highest sales tax for that period

2004-2014 Total Sales Tax



October 20, 2014

Work Session

Budget 5PM

New Business

Promotory Funding Agreement

Resolution No. 14, Series 2014 - Resolutions of the Crested Butte Town Council Authorizing an Addendum to the 1986 Street and Utility Agreement between the Town of Crested Butte and the Ruth M. Kapushion Family Partnership LLLP. ?????

Resolution No.15, Series 2014 - Resolutions of the Crested Butte Town Council Authorizing the Grant of a License to Ice House LLC to Encroach into the Second Street and Elk Avenue Public Rights of Ways Adjacent to 202 Elk Avenue, Lots 15 and 16, Block 28, Town of Crested Butte.?????

Discussion and Possible Action on Expanding Mt. Express's Service Area to Crested Butte South

Future Worksession Items:

1. Cemetery Committee (Update and planning future work)
2. Camping @ Town Ranch (allow? Not allow? Allow camping in other places?)
3. BLM and OBJ Campground/Seasonal Housing Shortage (this could be combined with others – especially the Affordable Housing item at the bottom of this list)
4. CBMBA and Trail priorities/signage (basically – what is the future plan for new trails/existing trail completion in the valley? What should be our priorities as a Council?)
5. Perimeter Trail – Update, timelines, costs, what does this look like when finished

6. Land Trust and Town Preservation Priorities – basically a joint planning/discussion with the CBLT (maybe in Exec Session if they would like) to confer on the priority parcels identified by the CBLT and the priorities of the Town (for planning future open space acquisitions). Maybe even a discussion about purchasing trail easements.
7. Elk Avenue Rule Set re: Private Clubs – the whole “private clubs on Elk Avenue” concern that was raised when Irwin obtained a private liquor license for the Scarp Ridge Lodge.
8. What do we want to become? – or said differently, follow-up planning process for the Whatever USA
9. Affordable Housing/Density/Workforce – Blk 79/80 – Discussion of the question “how do we deal with the shortage of employees from the 2014 summer? What should we expect in 2015 and how will we address another shortage?”