

RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, AUTHORIZING BUTCH'S LOBSTER SHACK TO VEND ON PUBLIC PROPERTY UNTIL OCTOBER, 2014, ON THE FORMER RECYCLE CENTER PROPERTY LOCATED AT MIDLAND SPUR AND TWO RIVERS ROAD

**Town of Basalt, Colorado
Resolution No. 17
Series of 2014**

RECITALS

The Town of Basalt has identified an alternative location for the placement of Butch's Lobster Shack (the "Shack"), which business adds to the vitality of the downtown core and which would provide a gathering spot for the community in a safe and viable location.

Whereas, the community has embraced the messy vitality and experience provided by Butch's Lobster Shack, it is important to provide the Shack a safe and viable location which would add to the ongoing investment being made in the downtown area.

Whereas, because the former location of the Shack at the Phillips 66 gas station was deemed unsafe by the Basalt and Rural Fire District, and because the new owner of the gas station refused to allow the Shack again this year, relocation of the Shack is necessary.

Whereas, relocation to the former recycle center would be endorsed by the Fire District.

Whereas, the Town Manager and Public Works Director have reviewed the new location and necessary utility connections.

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

Section 1. The Town Council hereby grants permission for the Shack to vend for the duration of the lease period pursuant to Town Code Section 6-14, *Temporary Vendor Use of Public Property and Right-of-Way*.

Section 2. That the Town Council hereby approves the Shack's temporary use of the former recycle center at the corner of Midland Spur and Two Rivers Road, as a temporary vendor until October 1, 2014.

Section 3. That the Owner of the Shack, Butch Darden, be responsible for the ongoing maintenance of the property during such period and be in compliance with all Town,

County, and State regulations. The Shack shall obtain a liquor license approval prior to selling or serving alcohol.

Section 4. The Town Council directs the Town Manager to enter into a seasonal lease with the Shack for the sum of \$500 per month, and a pro-rata share of the electrical and water utilities being brought to the site.

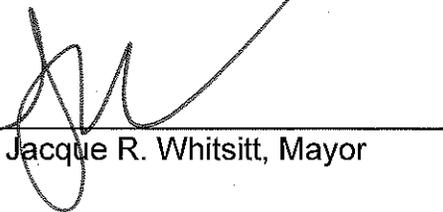
Section 5. The Owner shall provide a site plan for final review and approval by the Town Manager prior to serving customers or making changes/improvements to the site. The site plan shall address typical site plan requirements to make the site functional as a temporary use and satisfy the Town's green principles. The site plan shall also indicate that customers are expected to park on Midland Spur or Two Rivers Road and not on the former recycling center property. Additionally, in evaluating the site plan, the Town Manager will establish hours of operation.

RESOLUTION NO. 17 SERIES OF 2014, IS HEREBY ADOPTED by a vote of 6 to 0, this 22nd day of April, 2014.

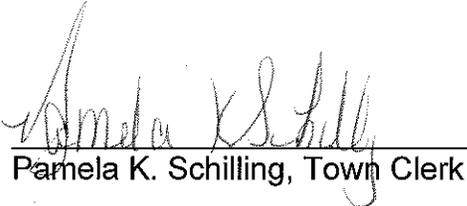
TOWN OF BASALT, COLORADO

ATTEST:

by



Jacques R. Whitsitt, Mayor



Pamela K. Schilling, Town Clerk





Basalt & Rural Fire Protection District **"Protecting Our Community Since 1970"**

March 20, 2014

Mike Scanlon, Town Manager
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

Re: Butch's Lobster Shack re-location

Dear Mike,

During a recent group discussion on upcoming events for downtown Basalt, the topic of Butch's Lobster Shack was discussed. The current location for the shack has been at 122 Midland Avenue formerly known as Basalt Center Fuel. The gas station has a 500 gallon above-ground LPG tank located at the north end of the parking lot. The shack, which is only open for the summer months, was placed approximately 20 feet from the propane dispensing tank. The lobsters were cooked in pots outside the shack on burners using 20lb propane tanks. The concern was when a customer needed to re-fill a propane tank from the dispensing tank all burners & propane used for cooking the lobsters would have to be shut off (*essentially making the burners an ignition point*). Due to the safety concern of the close proximity of the LPG tank, an alternative location is highly recommended for Butch's Lobster Shack.

It is also recommended that Butch's Lobster Shack have a fire inspection prior to opening to verify items such as and not limited to:

- readily accessible fire extinguishers (**IFC 906.5*)
- Class K rated fire extinguisher for commercial cooking equipment (**IFC 906.1*)
- kitchen hood filters shall not have grease accumulation and cleaning shall be recorded and records shall state the extent, time & date of cleaning (**IFC 904.11.6.3*)
- extension cords shall not be a substitute for permanent wiring (**IFC 605.5*)

Any further questions or concerns, please don't hesitate to contact me.

Sincerely,

Brooke Stott
Fire Inspector

**2006 International Fire code, as adapted by the Town of Basalt*

cc: Chief Scott Thompson, et al.

Basalt and Rural Fire Protection District
1089 JW Drive
Carbondale, CO 81623
Ph: (970) 704-0627, Fax: (970) 704-0625
www.basaltfire.org