

**CITY OF GUNNISON COUNCIL AGENDA**  
**MEETING IS HELD AT CITY HALL, 201 W. VIRGINIA AVENUE**  
**GUNNISON, CO, IN THE 2<sup>ND</sup> FLOOR COUNCIL CHAMBERS**

**TUES., APRIL 14, 2015                      REGULAR SESSION                      7:00 P.M.**

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- I. Call Meeting to Order:
- II. 

**PUBLIC HEARING                      7:00 P.M.**

Receive Public Input on the merits of Text Amendment application, ZA-15-1 proposing an amendment to Section 12.3 Overview of Subdivision Procedure and to correct typographical errors with the City of Gunnison *Land Development Code*.
- III. Consideration of Minutes:
  - A. Regular Session Meeting Minutes of March 24, 2015
- III. Pre-Scheduled Citizens:
  - A. GHS Student Leadership Council Request to Paint Horseshoes on 11<sup>th</sup> Street – GHS SLC Students
- IV. Unfinished Business:
- V. New Business:
  - A. Excuse Councilor Hagan from Meeting
  - B. Action on License Agreement Application from High Alpine Brewing Company to Construct Deck Over City Sidewalk at 111 N. Main Street
  - C. Action on Approval of 2015 Street Improvements Contract with United Companies of Gunnison in an Amount Not to Exceed \$570,000
  - D. Action on Senior Addition Construction Fee Waivers
  - E. Action on Approval of VISA Purchase Card Policy/Procedures Manual
  - F. Action on Bond Arbitrage Compliance Study Funding
  - G. Action on MEAN Members Committee Appointments
- VI. Resolutions and Ordinances:
  - A. Ordinance No. 1, Series 2015; Re: Amending Section 5.40.050 of the Gunnison Municipal Code Regarding Restraint and Control of Dangerous and Vicious Animals, 2nd Reading
  - B. Ordinance No. 2, Series 2015; Re: Amending Section 5.10.080 Regarding Disorderly Conduct and 5.10.210 Regarding Theft of Rental Property, of the Gunnison Municipal Code, 2nd Reading
  - C. Ordinance No. 3, Series 2015, Re: Amending Section 12.3 Overview of Subdivision Procedure and to correct typographical errors with the City of Gunnison *Land Development Code*, 1st Reading
- VII. City Attorney: Kathleen Fogo
- VIII. City Manager: Ken Coleman  
Acting City Manager: Public Works Director Tex Bradford  
City Clerk: Gail Davidson  
WSCU Liaison: Stefano Ballesteros
- IX. Non-Scheduled Citizens: **At this agenda time, non-scheduled citizens may present issues of City concern to Council. Per Colorado Open Meetings Laws, NO action or Council discussion will be take place until a later date, unless an emergency situation is deemed to exist by the City Attorney. Speaker has a time limit of 3 minutes.**
- X. City Council Discussion, Meeting Reports, Items for Future Work Sessions:
- XI. **Executive Session:** Pursuant to C.R.S. §24-6-402(4)(e) to Determine Positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators. No Council Action Will Take Place During An Executive Session.
- XII. Adjournment

This 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.cityofgunnison-co.gov](http://www.cityofgunnison-co.gov). Work sessions are recorded, minutes are not produced and formal action cannot be taken. 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.**

**PUBLIC HEARING FORMAT**  
7:00 P.M., Tuesday, April 14, 2015  
On the Merits of ZA-15-1, Submitted by the City of Gunnison

- I. **Mayor/Mayor Pro Tem Open Public Hearing**  
Open Public Hearing and State the time, date, location, and name those in attendance – City Council, City Attorney, City Manager, City Clerk, Community Development Director, Public Works Director, Finance Director and \_\_\_\_\_.
- II. **State Reason for Public Hearing**  
Receive Input on the merits of a Text Amendment Application, ZA-15-1 proposing an amendment to Section 12.3 Overview of Subdivision Procedure and to correct typographical errors with the City of Gunnison *Land Development Code*
- III. **Proof of Publication - City Clerk**
- IV. **City Staff and Applicant Comments/Recommendation**  
The City of Gunnison Community Development Director is the Applicant Community Development Director Steve Westbay
- V. **Public Comment**  
Ask anyone wishing to comment to please step up to the microphone, state their name, and sign the sign-in sheet for the record.
- VI. **Enter letters, emails or other comments received from the public into the record.**
- VII. **Call for any final comments – hearing none, Mayor Close the Public Hearing.**

**CITY OF GUNNISON CITY COUNCIL  
NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

**PLEASE TAKE NOTE THAT**, pursuant to Sections 6.7 and 10.3 of *the City of Gunnison, Colorado, Land Development Code*, a public hearing will be held by the City Council of the City of Gunnison, at the hour of 7:00 p.m. on the 14th day of April, 2015, in the Council Chambers, Gunnison Municipal Building, 201 West Virginia Avenue, Gunnison, Colorado, on the merits of a Text Amendment application, ZA-15-1 proposing an amendment to Section 12.3 Overview of Subdivision Procedure and to correct typographical errors with the City of Gunnison *Land Development Code*,

AT WHICH TIME AND PLACE you may attend and give testimony, if you so desire.  
City of Gunnison  
City Council

/s/ Gail A. Davidson  
City Clerk

Published in the  
Gunnison Country Times Newspaper  
Thursday, March 26, 2015

TO: City Council  
FROM: Community Development Staff  
DATE: April 10, 2015  
RE: Text Amendment to the *LDC*

A Text Amendment has been initiated by Steve Westbay, Community Development Director to amend Section 12, Subdivision Standards and other typographical corrections within the *Land Development Code (LDC)*.

The amendment proposes to modify the LDC regarding the following:

- Reclassification of a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit. Review standards are also proposed that must be met for approval of a subdivision reclassification;
- Correction to allow a bed and breakfast in the Commercial District zone;
- Amendments to Table 4-7, Off Street Parking Requirements regarding hostels;
- Minor corrections to the Sign Code; and
- Clarification to Section 9, Waivers, process by the Planning and Zoning Commission.

Text Amendment requests must comply with established criteria addressing the compatibility with the City's *Master Plan*; the purposes of the *LDC*; and preserve the health, safety and orderly development of the community.

The Planning and Zoning Commission held a public hearing on March 18, 2015 regarding this request. All Commission members support the proposed Text Amendment and unanimously voted to recommend approval of this text amendment.

The Council packet contains the staff report with the Commission recommendation and the ordinance.

## STAFF REPORT

### Text Amendment to the *Land Development Code*

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: March 18, 2015  
RE: ZA 15-1, Text Amendment to the *Land Development Code*

#### CODE PROVISIONS

The *Land Development Code (LDC)*, Section 10.3 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

#### APPLICATION

The applicant for this Text Amendment is Steven Westbay, the City of Gunnison Community Development Director. The application proposes to amend Section 12, Subdivision Standards, regarding a subdivision reclassification from a major to a minor subdivision and typographical errors throughout the *LDC*.

#### PROPOSED AMENDMENT

The new Section 12.3.B, Subdivision Reclassification shall be read as follows:

**B. Subdivision Reclassification.** Major Subdivisions may, at the discretion of the Community Development Director, be reclassified as a Minor Subdivision, prior to the application submittal.

- 1. Purpose.** A subdivision reclassification is intended to afford a means for a defined Major Subdivision to be reclassified to a Minor Subdivision, if the proposal provides a demonstrated community benefit that may include, but not be limited to, preservation of public open space, development of affordable housing, trail development or to facilitate the purpose of an organization providing a valuable community benefit.
- 2. Process.** Prior to the submittal of a formal subdivision application, the applicant may submit a formal written document to the Director requesting the reclassification of a Major Subdivision to a Minor Subdivision. The written request shall explain how the specific characteristics of said subdivision comply with the Reclassification Review Standards. The Director will provide a written notification of the decision to the applicant and the Commission. The Commission is authorized to deny the Directors decision.

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3. **Reclassification Review Standards.** An application for a Subdivision Reclassification shall comply with the following standards:
  - a. **Community Benefit.** The proposed subdivision will provide a derived community benefit as described in the Purposes of this subsection.
  - b. **Utility Services.** Public utility services (water, wastewater, electrical, gas, stormwater) are easily available to the land tract proposed for subdivision and only private service extensions are anticipated.
  - c. **Dedications.** The land tract is serviced by existing city streets and easements (trails, utilities) and/or the dedication of public streets and easements can be addressed be through the Minor Subdivision Review process.
  - d. **Non-Motorized Facilities.** The extension of non-motorized transportation facilities can be addressed though the Minor Subdivision process.
  - e. **Consistency with the Master Plan.** The intended uses shall be consistent with the *City of Gunnison Master Plan*.
  
4. **Subdivision Requirements.** A reclassification approval shall not be construed as a waiver from any of the established requirements for subdivision established by the *Land Development Code*.

**B.C. Planned Unit Development Subdivision (PUD). ...**

The following are typographical errors or proposed corrections to the LDC:

- Table 2-3 Principal Use Table, change bed and breakfasts from prohibited to permitted in the Commercial zone district.

TABLE 2-3 PRINCIPAL USE TABLE											
Specific Uses		RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Accommodations	Bed and breakfasts				C	C	C	C	P		§3.7 A.1.
	Hostels				C	C	C	C	P		§3.7 A.2.
	Hotels and motels							C	P		§3.7 A.3.
	RV Parks					C			C	C	§3.7.A.4.

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- Table 4-7 Off-Street Parking Requirements.

<b>Table 4-7 Off-Street Parking Requirements</b>			
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED	
<b>Residential Use Categories (§3.2)</b>			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multi-Family Dwellings, and Upper Floor Residential	1 <sup>st</sup> Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit	1.0 per Accessory Dwelling Unit	
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities, <del>hostels</del>	1.0 per bed	
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds	
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds	
Accommodations	<del>Hotels, and Motels and Hostels</del>	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)	
	<del>Hostels</del>	<del>1.0 per 2 beds</del>	
	Bed and Breakfasts	1 space per guest room, plus 2 spaces for the owner/manager's unit	

- Section 4.8 Signs, D. 3. Exemptions.

3. ~~Flags, limited to three flags per lot.~~ The maximum individual size of a permanently displayed flag shall be 40 square feet.

- Table 4-12 Schedule of Requirements for Nonresidential Zone Districts

<b>TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS</b> (CBD, I, C) (CONTINUED)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	<p>Time/Temperature/Community Announcement signs:</p> <p><del>The display area of less than 16-15</del> square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.</p>	1 per building face or per business storefront	

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- Table 4-14 Schedule of Requirements for Single-Family and Duplex Zone Districts

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX ZONE DISTRICTS (R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited:	<b>Identification signs (§4.8 C.38.q):</b> 4 square feet	1 per building	6 feet
<b>Awning signs</b> (§4.8 C.38.c.)	<b>Temporary Signs (§4.8 C.38.ee. and §4.8 F):</b> 36 square feet	1 per street frontage	12 feet
<b>Canopy signs</b> (§4.8 C.38.f.)			
<b>Changeable signs</b> (§4.8 C.38.g.)	<b>EMC (§4.8 C 38 k):</b> 12 square feet of sign area.	<u>1 per street frontage</u>	Allowed for churches, schools, and community buildings only.
<b>Electronic Message Centers</b> (§4.8 C.38.k and §4.8 H.3.b.)			
<b>Joint Identification signs</b> (§4.8 C.38.s.)			
<b>Marquee signs</b> (§4.8 C.38.t.)	<b>Free Standing signs</b>	<u>1 per street frontage</u>	<u>Allowed for churches, schools, and community buildings only.</u>
<b>Portable signs</b> (§4.8 C.38.w.)	<u>(§4.8 C.38.n.):</u> calculated PSA or 12 square feet maximum.		
<b>Roof signs</b> (§4.8 C.38.aa.)			
<b>Vending Machine signs</b> (§4.8 C.38.hh.)			
<b>Wind signs</b> (§4.8 C.38.jj.)			

- Section 9. Development Standard Waivers, Section 9.1 C. 2.

**2. Planning and Zoning Commission Waivers.** Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers recommended to City Council considered by the Commission are acted upon as a public hearing agenda item at a meeting. Waivers considered by the Commission are acted upon at a regular meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this *LDC*.

- Section 12, Subdivision Standards, Section 12.3 A. Minor Subdivision.

**2. Minor Subdivision.** A Minor Subdivision is a subdivision which proposes not more than eight lots or units and which subdivides a parent parcel of less than four acres or an approved subdivision reclassification. A Minor Subdivision is subject to an expedited subdivision ~~two~~

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three-step review process, wherein the Sketch Plan and Final Plat reviews by the Commission have been deleted. The applicable review steps are as follows:

- a. **Step One.** Review of the Preliminary Plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.
  - b. **Steps Two and Three.** Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.
- Section 16.2 General Terms Defined

Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. <u>Recreation vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than seven days on private property within a 30-day period.</u>
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**DEPARTMENTAL COMMENTS**

- Building Official: No issue.
- Fire Marshal: No issue.
- Parks and Recreation Department: No issue.
- Police Department: No issue.
- Public Works Director: No issue.
- City Engineer: No issue.
- Water and Sewer Superintendent: No issue.
- Electric Superintendent: No issue.
- City Attorney, Kathy Fogo: No issue.

**STAFF OBSERVATIONS**

1. The proposed Text Amendment requests amendments to Section 12, Subdivision Standards and other typographical corrections within the *Land Development Code*.
2. The amendment proposes criteria for the reclassification of a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit. Review standards are also proposed that must be met for approval of a subdivision reclassification.
3. The *LDC* currently prohibits a bed and breakfast in the Commercial District zone; however, a hostel is permitted. Staff believes this is a typographical error and that a bed and breakfast should be permitted in the Commercial District zone.
4. Under Table 4-7, Off-Street Parking Requirements, hostels are listed in two locations with two different parking requirements. Staff believes a hostel should be required to provide one off-street space per 2 beds.
5. In Section 4.8 Signs, D.3. Exemptions the proposal is to remove the flag limitation. Also in Signs section a mathematical correction is proposed and the addition of freestanding signs in residential zones for churches, schools and community buildings only.

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6. A correction to the Waivers section (Section 9) is proposed to clarify the regular meeting versus a public hearing process by the Planning and Zoning Commission.
7. A typographical correction is proposed to Section 12.3 Subdivision Types to clarify the process for a minor subdivision.
8. The proposed amendments protect the health, safety and welfare of the community.

#### REVIEW STANDARDS FOR TEXT AMENDMENTS

*LDC* Section 6.8 C., states that “...an application that fails to comply with any applicable review standard shall be denied.” The *LDC* Section 10.5 states that “...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:”

**A. Consistent with Purposes.** The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

**No Conflict.** Purposes of the *LDC* are cited in Section 15.10.030 and include the following headings:

- 1) *Establish Development Standards* for the review of all proposed development in the City.
- 2) *Protect Quality of Life* by promoting the community’s general health, safety and welfare.
- 3) *Establish Review Process* that is clear, consistent, predictable and efficient.
- 4) *Provide for Orderly Development* of the City that is well-ordered and safe.
- 5) *Conserve Property Values* and respect interests of property owners and citizens.

The proposed amendment fulfills the purpose of the *LDC*. The amendment addresses needed corrections and typographical errors within the *LDC*.

**B. No Conflict with Other Provisions.** The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

**No Conflict:** The proposed text amendment does not conflict with any sections of the *LDC*.

**C. Consistent with *Master Plan*.** The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

**No Conflict:** The proposed text amendment is consistent with the *City of Gunnison Master Plan*.

**D. Public Health, Safety and Welfare.** The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

**No Conflict:** The proposed amendment is intended to preserve the public health, safety and general welfare of the community.

#### RECOMMENDATION

During the Planning and Zoning Commission meeting held on March 18, 2015, Commissioner Beda moved, Commissioner Cave seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 15-1, for a Text Amendment to Section 12, Subdivision Standards, specifically regarding a subdivision

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reclassification from a major to a minor subdivision and typographical errors throughout the *LDC*, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment establishes a means to reclassify a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit.
3. The Planning and Zoning Commission finds that proposed amendments enhance staff direction or correct errors within the *LDC*.
4. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
5. The Planning and Zoning Commission finds that based on the record of the application proceedings, approval of this Text Amendment protects the community's health, safety and welfare.

The City Council Regular Session meeting was called to order at 7:00P.M., by Mayor Pro Tem Ferguson with Councilors Riggs and Steinbeck present along with City Attorney Fogo, City Manager Coleman, Acting City Manager Ampietro, City Clerk Davidson, Finance Director Cowan, Building Inspector Jansen, and Municipal Court Judge McDonald. Mayor Drexel, Councilor Hagan and WSCU Liaison Ballesteros were absent. A Council quorum was present.

**Consideration of Minutes:**

**Regular Session Meeting Minutes of March 10, 2015.**

Councilor Steinbeck moved and Councilor Riggs seconded the motion to approve the Regular Session Meeting minutes of March 10, 2015, as submitted.

Roll call vote, yes: Riggs, Ferguson, Steinbeck. Motion carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**2014 Municipal Court Report – Judge James McDonald.** Judge McDonald came forward and discussed the following topics with Council: the upgrades to the audio/visual system are complete and the recording system is being utilized by the Court; the Court now has the capability of processing credit card payments right in the Courtroom which streamlines the payment process; the City Attorney is now functioning as the City Prosecuting Attorney at Court sessions, and this too has streamlined the process; and thanks to Court Clerk Melissa McLeod, Deputy City Clerk Tara Kindall and City Clerk Gail Davidson for all of their hard work for Court. They make his job much easier. Council had no questions for Judge McDonald.

**Unfinished Business:**

**Discussion on Mountain Meadows Mall Internal Roads and Parking Lot Issues – City Attorney Kathleen Fogo and City Manager Ken Coleman.** City Manager Coleman explained he has contacted and spoken with the three Mountain Meadows Mall property owners. There is a memo in Council's packets outlining the history and code provisions regarding this property. The pavement is not public infrastructure. The three private property owners seem to be willing to move forward to make the needed improvements, which they would like to have corrected before the upcoming tourist season. The Palisades Restaurant owners have the funds to do their portion which is their parking area and their half of the entry road. They want to combine the work with the other pavement to be reconstructed. City Manager Coleman pointed out the property needs to be structurally evaluated prior to paving to ensure the pavement will last. City Manager Coleman will write a follow-up letter to all of the property owners thanking them for their willingness to work together and correct the situation.

**New Business:**

**Excuse Mayor Drexel and Councilor Hagan from Meeting.** Councilor Steinbeck moved and Councilor Riggs seconded the motion to excuse Mayor Drexel and Councilor Hagan from this evening's meeting due to their absence on personal business.

Roll call vote, yes: Ferguson, Steinbeck, Riggs. Motion carried.

Roll call vote, no: None.

**Set Public Hearing on High Alpine Brewing Company Liquor License.** City Clerk Davidson informed Council an application for a Brew Pub Liquor License has been received from High Alpine Brewing Company LLC. The City Clerk introduced two of the applicants that were present: Jon Brown and Eric Cline. The application has been reviewed by the City Attorney, and is currently under review by the Building Official, Fire Marshal and the Police Chief. If Council accepts the application, which isn't the final approval of the license, then the 30 day time period begins after which the required public hearing can be set and held on the license application. City Clerk Davidson stated she would like Council to set the Public Hearing for the Brew Pub Liquor License for High Alpine Brewing Company LLC, for 7:00 P.M. on Tuesday, April 28, 2015.

Councilor Riggs moved and Councilor Steinbeck seconded the motion to set the Public Hearing for the new Brew Pub Liquor License application for 7:00 P.M., Tuesday, April 28, 2015, in the Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison.

Roll call vote, yes: Steinbeck, Riggs, Ferguson. Motion carried.

Roll call vote, no: None.

**License Agreement Application from High Alpine Brewing Company to Construct Deck Over City Sidewalk at 111 N. Main Street – Discussion Only.** Building Official Eric Jansen came forward and addressed Council. Action on the License Agreement application is scheduled to take place at the Regular Session meeting on April 14, 2015. Building Official Jansen stated the applicants are wanting to construct a deck over the City sidewalk and it will be similar to the deck at the Boomerang on North Main Street. It will be more substantial than the existing awning structure. The deck will be utilized from the second story of the building and will extend 12 feet out from the building front. That will leave 3 feet to the curb. The Community Development Department staff supports the proposal and sees the deck as a vibrant public space addition to the downtown. The applicants must secure insurance and list the City as co-insured. City Attorney Fogo asked that the indemnity insurance in paragraph four be increased to the State-required levels. Mayor Pro Tem Ferguson asked City staff to look at the crown of Main Street and the potential for big RVs or vehicles to lean into the deck. City Manager Coleman stated the steep crown was removed in the last paving project but Staff will examine the slope conditions. Mayor Pro Tem Ferguson also expressed the possibility of day-time noise being a nuisance to other downtown businesses. This would be similar to the outside deck at the Eldo in Crested Butte. Mr. Brown stated they want the business to be a family-type atmosphere.

**Action to Approve 2015 Funding for Park and Recreation Pool Chemical System and Energy Monitoring System.** This item was discussed at last week's Council Work Session meeting. There were no changes to the proposed purchases.

Councilor Riggs moved and Councilor Steinbeck seconded the motion to approve the expenditure of funds not to exceed \$10,600 from the Community Center/Pool Reserve Fund for the purchase of a BECSys5 Strantrol System, and for funds not to exceed \$10,500 from the Parks and Recreation Other Improvements Fund for the purchase of an energy monitoring system for the aquatics facility solar heating system.

Roll call vote, yes: Riggs, Ferguson, Steinbeck. Motion carried.

Roll call vote, no: None.

**Letter of Support for Gunnison Water Basin Implementation Plan.** This letter was discussed by Council at the Regular Session meeting on March 10, 2015. City Manager Coleman stated if Council approves the letter it will be sent to Michelle Pierce, Chair of the Gunnison Basin Water Roundtable, for inclusion in the Basin Implementation Plan to be sent to the State. Councilor Riggs stated that the letter really doesn't seem to be impactful. City Manager Coleman stated the letter was read and approved by District Water Manager Frank Kugel.

Councilor Steinbeck moved and Councilor Riggs seconded the motion to approve the Letter of Support for the Gunnison Water Basin Implementation Plan and for all of Council to sign said letter.

Roll call vote, yes: Ferguson, Steinbeck, Riggs Motion carried.

Roll call vote, no: None.

#### **Ordinance and Resolutions:**

**Resolution No. 5, Series 2015; Re: Authorizing the Return of Retired Volunteer Firefighters to Active Duty.** Councilor Steinbeck introduced Resolution No. 5, Series 2015, and it was read by title only by Councilor Steinbeck.

Councilor Steinbeck moved and Councilor Riggs seconded the motion that Resolution No. 5, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING THE RETURN OF RETIRED VOLUNTEER FIREFIGHTERS TO ACTIVE DUTY**, be introduced, read, passed and adopted this 24<sup>th</sup> day of March, 2015.

Roll call vote, yes: Steinbeck, Riggs, Ferguson. Motion carried.

Roll call vote, no: None.

Councilor Steinbeck stated that the volunteers do such a tremendous job for the community. She suggested more marketing be done to attract younger volunteers to the Department. The shortage of volunteers will be an on-going problem in the future. City Manager Coleman stated he would discuss the issue with the Fire Chief.

**Resolution No. 6, Series 2015; Re: Referring Three Ballot Questions to the May 12, 2015, Regular Municipal Election Ballot.** Councilor Riggs introduced Resolution No. 6, Series 2015, and it was read by title only by Councilor Riggs.

Councilor Riggs moved and Councilor Steinbeck seconded the motion that Resolution No. 6, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REFERRING THREE BALLOT QUESTIONS TO AMEND SECTIONS OF THE GUNNISON MUNICIPAL HOME RULE CHARTER TO THE QUALIFIED ELECTORS OF THE CITY OF GUNNISON AT THE CITY OF GUNNISON REGULAR MUNICIPAL ELECTION TO BE HELD MAY 12, 2015**, be introduced, passed and adopted this 24th day of March, 2015.

Roll call vote, yes: Riggs, Ferguson, Steinbeck. Motion carried.

Roll call vote, no: None.

Councilor Riggs stated she did not disagree with the Resolution but would like to see the full resolution at a Work Session prior to the Regular Session. City Manager Coleman stated that procedure would be followed.

**Ordinance No. 1, Series 2015; Amending Section 5.40.050 of the Gunnison Municipal Code Regarding Restraint and Control of Dangerous and Vicious Animals, 1<sup>st</sup> Reading.** Councilor Steinbeck introduced Ordinance No. 1, Series 2015, and it was read by title only by Councilor Steinbeck.

Councilor Steinbeck moved and Councilor Riggs seconded the motion that Ordinance No.1, Series 2015, **AN ORDINANCE AMENDING TITLE 5. GENERAL OFFENSES, CHAPTER 5.40 ANIMALS, SECTION 5.40.050, ANIMAL CONTROL AND RESTRAINT OF THE GUNNISON MUNICIPAL CODE RELATING TO DANGEROUS DOGS AND VICIOUS ANIMALS**, be introduced, read, passed and ordered published on first reading this 24<sup>th</sup> day of March, 2015.

Roll call vote, yes: Ferguson, Steinbeck, Riggs. Motion carried.

Roll call vote, no: None.

**Ordinance No. 2, Series 2015; Re: Amending Section 5.10.080 Regarding Disorderly Conduct and 5.10.210 Regarding Theft of Rental Property, of the Gunnison Municipal Code, 1<sup>st</sup> Reading.** Councilor Riggs introduced Ordinance No. 2, Series 2015, and it was read by title only by Councilor Riggs.

Councilor Riggs moved and Councilor Steinbeck seconded the motion that Ordinance No. 2, Series 2015, **AN ORDINANCE REPEALING TITLE 5 CHAPTER 5.10 GENERAL OFFENSES, SECTION 5.10.080 DISORDERLY CONDUCT, C., and SECTION 5.10.200, THEFT OF RENTAL PROPERTY, OF THE GUNNISON MUNICIPAL CODE**, be introduced, read, passed and ordered published on first reading this 24<sup>th</sup> day of March, 2015.

Roll call vote, yes: Steinbeck, Riggs, Ferguson. Motion carried.

Roll call vote, no: None.

**City Attorney Kathleen Fogo:** City Attorney Fogo had no report.

**City Manager: Ken Coleman** reported on the following: the new street sweeper will arrive on Thursday, and then two sweepers will be running; the streets crew is doing pothole patching with cold asphalt mix; thanks to all of Council for attending the Planning & Zoning Commission meeting for the marijuana regulations discussion; staff is working on the draft marijuana regulations; the public input meeting with the Council is scheduled for April 7th; and the City should have the regulations in place before July. He has talked with Tim DeLong and the garden hoop houses may be going up on the farm project property this week, and Mr. DeLong has paid the damage deposit for the project. Lastly, he and Finance Director Cowan attended the Airport Master Plan meeting today and Staff will be working on comments to the plan.

**Acting City Manager: Parks & Recreation Director Dan Ampietro** informed Council his semi-annual report was included in their packets. Director Ampietro discussed the following topics: they continue to have building issues including leaks from the freeze-thaw of ice on the roof; the HVAC system seems to be working properly now; the ice rink is closed for the season; the GCSAPP group held an event for students there last night; the economic impact report for the

rink this season will be calculated now that the rink is closed; Cranor Hill had a 32 day season, and \$19,500 was the season expenditures but only \$9,500 in revenues was generated; he met with representatives of WSCU and discussed partnerships between the City and the University at Cranor Hill; he had a good crew at Cranor this year; WSCU students built a temporary jib park at Cranor in February; and the Aquatics Facility isn't going to receive the Gunnison Energy donation for swim lessons this year, but the department has applied for a Ride the Rockies grant to fund those summer swim lessons. Mayor Pro Tem Ferguson stated Cranor Hill will never be a profit center but it is a valuable amenity for the community. He thanked Director Ampietro and his crew for making this asset work. City Manager Coleman stated Director Ampietro and his crew are prioritizing all of the summer projects that will be done. Dan's leadership and historic knowledge is really valuable to the success of his department and crew. Both the Parks and the Recreation staff are hardworking and dedicated, and it shows.

**City Clerk: Gail Davidson** informed Council City Council candidate petition packets are still available and can be picked up in her office.

**WSCU Liaison: Stefano Ballesteros** was absent.

**Non-Scheduled Citizens:** None.

**City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Steinbeck:** reported she was pleased with the turnout and information at the Planning & Zoning Commission meeting on marijuana regulations. Mayor Pro Tem Ferguson stated it was typical that Gunnison people were civil and courteous at the marijuana issues meeting. Councilor Steinbeck then stated she will be attending a Gunnison Valley Regional Housing Authority meeting next week.

**Councilor Riggs:** reported she thought the marijuana public comment meeting was fantastic. She is looking forward to the Council meeting on April 7th. It was good to see people who are interested in opening a business in Gunnison are in on the process from the beginning. She has been talking with businesses owners at the Mountain Meadows Mall and they would like to see the solution to the pavement problems happen sooner rather than later. Councilor Riggs thanked the City Manager for meeting with her today to discuss the Mountain Meadows Mall pavement issues. Councilor Riggs then stated the RTA transit services subcommittee received 4 responses to the ground transportation RFP.

**Mayor Pro Tem Ferguson:** stated he had nothing further to report.

**Adjournment:** Mayor Pro Tem Ferguson called for any further discussion, and hearing none, adjourned the meeting at 8:18 P.M.

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Mayor Pro Tem

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City Clerk

## PROPOSAL TO THE GUNNISON CITY COUNCIL:

The Gunnison High School Student Leadership Council would like to propose to the City Council to approve the painting of horse shoes from highway 50 at 11th Street to the school. We have often heard that people cannot find our school and it is very confusing to get to it. SLC also feels that adding these prints to the road will build school spirit in a very creative way.

### Objectives:

- Raise school and community spirit
- Show people where our school is
- Shows that we care about our school
- Shows pride and a way of inviting people to our school

### How this will achieve our goals:

- People will see the horseshoes leading to the school and be able to follow them to school events
- More community visitors or people wanting to see the school activities and sports will be enticed to come to GHS
- It creates pride for students and community members to see a symbol of our school mascot on the road leading to GHS
- A fun and prideful way of inviting people to the school
- It brings together the community and the school

### Logistics:

- Gunnison High School SLC will pay for the paint; paint the horseshoes using templates, and upkeep the mascot symbols so that they look good year in and year out.

# Memorandum



**To:** City Council  
**From:** Ken Coleman  
**Date:** April 10, 2015  
**Re:** GHS Student Leadership Request

The Gunnison High School Student Leadership Council has made a request to paint horseshoe symbols on our city streets from Highway 50 to the high school property. Our staff previously reviewed a similar request several years ago and recommended this not be allowed. The latest request is similar and staff has some concerns that need to be worked out if this is allowed.

The main points we would like addressed are:

- Provide a formal agreement that delineates the responsibilities of costs associated with initial installation and long term maintenance.
- We recommend a detailed plan be presented that shows the pattern and placement of these symbols on a street map.
- Use a color scheme that is not confusing to general motorized traffic and clearly guides GHS guests to the location desired.

A letter from the RE1J School administration or board that commits to the ongoing financial responsibility would suffice in lieu of a formal agreement. An annual repainting will probably be required to ensure this application is refreshed regularly.

Staff does see the potential for this project to add an attractive element to promoting school spirit and helping visiting teams and parents find our school facilities.

# Memorandum

---

**To:** City Council  
**CC:** City Manager Ken Coleman  
**From:** City Clerk Gail Davidson  
**Date:** 4/10/2015  
**Re:** Excusing Councilor Hagan

---

City Council:

Councilor Hagan will not be in attendance at the April 14, 2015, Regular Session Council meeting. He will be out of town on personal business. Councilors are allowed to be formally excused from a Regular Session meeting by a quorum vote of the City Council via Section 4.4, Section F, of the Gunnison Municipal Home Rule Charter.

**Action requested of Council:** A motion, second and vote of Council to excuse Councilor Hagan from this evening's meeting.

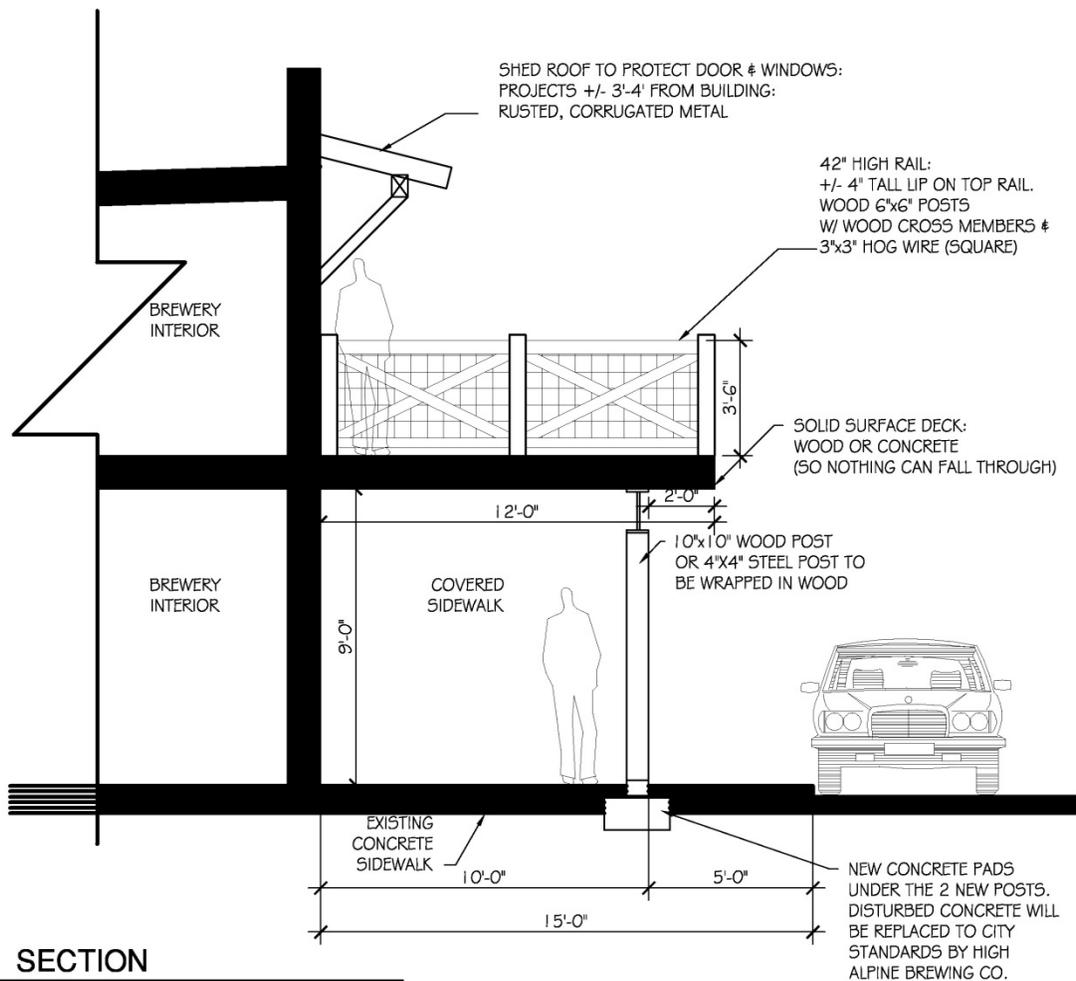
## LICENSE AGREEMENT

**THIS AGREEMENT**, executed in duplicate by and between The City of Gunnison, Colorado, a municipal corporation, hereinafter referred to as Licensor (“**LICENSOR**”), AND Head Pin Holdings, LLC dba High Alpine Brewing Company hereinafter referred to as Licensee (“**LICENSEE**”).

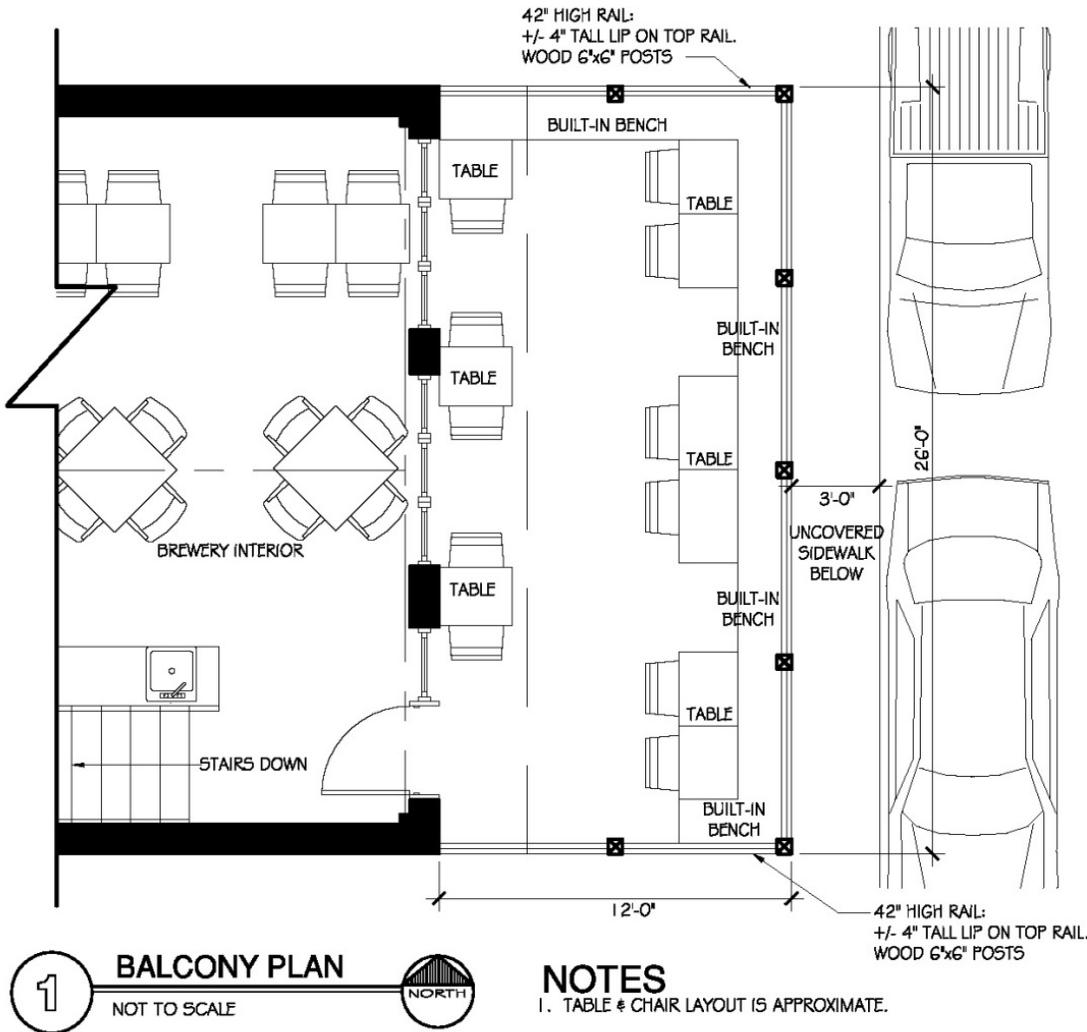
**WITNESSETH**, that, for and in consideration of **LICENSEE’S** promise to hold **LICENSOR** harmless as against claims of the public, evidence of which is incorporated hereto, and in consideration of other mutual promises recited herein, **LICENSOR** and **LICENSEE** hereby agree as follows:

1. **Temporary Nature.** Both parties hereto agree that anything licensed hereunder is by definition deemed to be temporary in nature. The **LICENSEE** further agrees that in the event **LICENSOR** demands removal of the subject of this License from public property, not to protest such decision in any manner.
2. **License to Use Public Property.** **LICENSEE** shall be, and hereby is, given a certain license to use certain public property, all of which such property is described in Exhibit “A” attached and incorporated hereto by this reference. Said Exhibit is initialed by the parties and bears even date herewith, upon the terms, conditions and limitations set forth in Exhibit “A”, for the following purposes, to wit:

*Construct and maintain a deck structure above the first floor which extends into the ROW a total of 12 feet from the existing building face and is 26 feet wide and 9 feet above the sidewalk; the second floor of the south building detail will also have a shed roof cover extending up to 4 feet from the building face into the Main Street ROW.*



**1** SECTION  
SCALE: 1/4" = 1'-0"



Jennifer M. Barvitski,  
Architect, LLC  
architecture ♦ planning  
po box 23  
gunnison, co 81230  
phone (970) 641-6297

HIGH ALPINE BREWING CO  
111 NORTH MAIN  
GUNNISON, COLORADO  
BALCONY PLAN

DRAWN	JMB
CHECKED	-
DATE	09/10/15
FILE	
JOB NO.	0904
SHEET	A-2
# OF SHEETS	

**NOTES**

1. TABLE & CHAIR LAYOUT IS APPROXIMATE.

3. **Repair and Maintenance.** In the event that **LICENSEE** hereby shall have been given permission to situate improvements on or affix them to the aforesaid real property, **LICENSEE** shall keep said improvements in good repair, and shall maintain them with such reasonable regularity and by such reasonable means and in such reasonable manner as to prevent them from being or becoming unsightly or otherwise detractive in general appearance of adjacent property or of all property within the City, generally.
  
4. **Indemnity, Insurance.** By execution hereof, the **LICENSEE**, for itself and its heirs, successors, representatives, and assigns, hereby agrees to indemnify and save harmless the **CITY**, and its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the **LICENSEE'S** use of the **CITY'S** property to this license.

**LICENSEE** hereby gives to the **CITY** its assurance and promise to hold **CITY** harmless from any and all liability arising from harm to the public, whether in the form of property damage or bodily injury resulting from the erection and placement of the aforesaid improvements upon public property, or the use of the public property by **LICENSEE**. The **LICENSEE** also shall carry liability insurance to protect the public from injuries sustained by reason of the erection of and placement of the aforesaid improvements or use of the public property, and the coverage limits thereof shall be at least \$350,000.00 for property damage or bodily injury, including death, per person, and \$900,000.00 for property damage or bodily injury, per occurrence. The **CITY** shall be named as an additional insured on said policy of insurance and be provided with a certificate evidencing compliance with this requirement. Upon

written notice by the **CITY** to the **LICENSEE** of a change in the limits of governmental liability pursuant to the "Colorado Governmental Immunity Act" (C.R.S. 24-10-101, et. seq.) or any other similar or successor legislation, **LICENSEE** shall, within twenty days of such notice, obtain and provide proof of insurance complying with the change in liability limits. The **LICENSEE** also shall provide such certificates annually or otherwise, as the case may be, for any and all renewals or extensions of the terms of such coverage.

5. **Forfeiture, Removal.** If and whenever the **LICENSEE** shall have refused or otherwise failed to hold **LICENSOR** harmless and carry insurance as provided hereinabove, or whenever the City Council shall have determined that said public property or any portion thereof is needed by **LICENSOR** for other purposes, then, in that event, the privileges granted hereby to the **LICENSEE** automatically shall terminate. In that event, the **LICENSEE** upon written demand by **LICENSOR**, shall cause said improvements to be removed from public property at its own expense within a reasonable time period indicated in the notice. If **LICENSEE** shall have refused or otherwise failed to cause said improvements to be removed within a reasonable time after receipt of written demand therefore by **LICENSOR**, then in that event, **LICENSOR** shall have the right to remove the improvements or cause them to be removed, and **LICENSEE** shall be liable to **LICENSOR** for its costs therein.
6. **Privileges Personal to License.** This License is personal to the **LICENSEE**, and the privileges herein granted shall not inure to or for the benefit of the **LICENSEE's** successors or assigns.
7. **Snow Removal.** The use of licensed area shall not interfere with snow removal operations by **LICENSOR** on the City streets. **LICENSEE** shall be responsible for removing all snow from the licensed area in such fashion and manner as not to interfere with City traffic or to violate any City ordinance then in effect.
8. **Entirety of Agreement, Modifications.** The making, execution and delivery of this agreement by the **LICENSEE** has been induced by no representations, statements, warranties, or agreements other than those herein expressed. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understanding, written or oral, in effect between the parties, relating to the subject matter thereof.

This instrument may be amended or modified only by an instrument of equal formality signed by the respective parties.

**IN WITNESS WHEREOF**, the parties hereunto affix their respective signatures on the dates appearing opposing thereto:

THE CITY OF GUNNISON, COLORADO  
LICENSOR

\_\_\_\_\_  
Robert Drexel, Mayor

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

ATTEST:

(SEAL)

\_\_\_\_\_  
City Clerk

**STATE OF COLORADO**        )  
  ) **SS.**  
**COUNTY OF GUNNISON**     )

The foregoing License Agreement was subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Robert Drexel, Mayor for the City of Gunnison and by Gail A. Davidson, City Clerk for the City of Gunnison.

My Commission Expires: \_\_\_\_\_

**WITNESS** my hand and official seal:

**(SEAL)**

\_\_\_\_\_  
Notary Public



LICENSEE

\_\_\_\_\_  
Brian Wickenhauser, High Alpine Brewing Company

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

**STATE OF COLORADO**        )  
  ) **SS.**  
**COUNTY OF GUNNISON**     )

The foregoing License Agreement was subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Brian Wickenhauser, High Alpine Brewing Company.

My Commission Expires: \_\_\_\_\_

**WITNESS** my hand and official seal:

**(SEAL)**

\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

To that certain License Agreement

Between

The City of Gunnison, Colorado, LICENSOR,

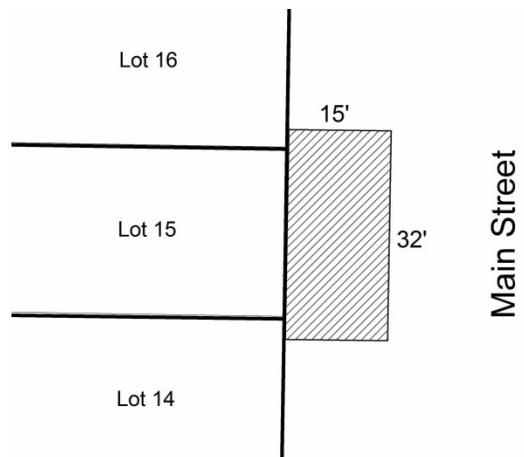
And

High Alpine Brewing Company, LICENSEE,

Which License Agreement is dated: April \_\_\_\_, 2015

**THE REAL PROPERTY** which the Licensee is permitted by the aforesaid License Agreement to use is described more particularly as follows:

*A portion of the Main Street right-of-way adjacent to the east line of Lots 14-16, Block 21, Original Gunnison, beginning at a point 3 feet south of the southeast corner of lot 15, along said east line, thence east 15 feet, thence north 32 feet, thence west 15 feet, thence south 32 feet along said east line to the point of beginning.*



**SUBJECT TO:**

1. Construction of this deck and shed roof shall be subject to issuance of a building permit.
2. The building permit application shall include detailed construction drawings and the plan must be stamped by a registered engineer licensed in the State of Colorado.
3. The deck layout shall be constructed as presented in this document (balcony layout) with bench seating and railing design that does not accommodate the placement of drinks or other items that may fall onto the sidewalk.
4. Glassware or other breakable items are prohibited on the deck.
5. This license agreement shall not be effective until proof of adequate insurance coverage, as required by paragraph 4 of this agreement is provided to the Community Development Director.

Initialed by LICENSOR: \_\_\_\_\_

Date: \_\_\_\_\_

Initialed by LICENSEE: \_\_\_\_\_

Date: \_\_\_\_\_

To: City Council

Date: April 1, 2015

Re: Street Improvements Bids

From: Tex Bradford

After presenting council with staff recommendations for 2015 street improvements projects at an earlier council work session advertisements for bids were published per purchasing policy requirements.

There is \$670,000 within the 2015 Street Improvements budget 01-4035-9111 found on page 41 of the 2015 budget. 9 projects were identified by city staff and discussed with council at prior work sessions.

- (1) Pedestrian/Traffic study and design for Hwy. 50 and Hwy. 135 within the city limits to include the 100 block of South Main. Projected cost is \$100,000 to include the following:
  - (A) \$64,000 Fox Tuttle Hernandez Transportation (FTH) Group of Boulder, Co, for overall study.
  - (B) \$13,000 MIG of Boulder working with FTH to develop conceptual plans and etc.
  - (C) \$18,000 for Civil Design of the project is expected to be determined the week of April 6<sup>th</sup>.
  - (D) \$5,000 Contingency brings the Complete Streets plan to \$100,000
- (2) Eight (8) separate street improvements projects were presented to council at the earlier council work session. Two (2) bids were received for the projects with the following totals:

(A) Lacy Construction of Crested Butte, Colorado	\$715,794.50
(B) United Companies of Gunnison, Colorado	\$676,539.00

The combined total of the 9 projects is \$106,539 more than budget after consideration of the Pedestrian/Traffic project therefore staff proposes to reduce the 2015 street improvements projects by one, based primary on cost, in order to bring the project's cost into the budgeted amount. Staff proposes to postpone the Adams Street project until 2016 for a reduction of \$139,317 in the 2015 street Improvements bids. The remaining 7 street improvements cost is \$537,222 + \$32,778 contingency (6%) for a total of \$570,000. The total 2015 expenditures for street improvements do not exceed the budgeted amount.

Staff recommends council approval for staff to award the bids to the low qualifying companies listed above at the next regularly scheduled council meeting on April 14, 2015.



## **CITY OF GUNNISON PARKS AND RECREATION**

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**To: City Council**  
**From: Gunnison Parks and Recreation**  
**Re: Building Fee Waiver**

**Council,**

Construction of the Senior Addition to the Community Center will begin in May. We would like for City Council to consider waiving the Building Permit fees for this project in order for us to maximize the construction dollars available for this project. The permit fees \$1,300 and the plan check fee is \$845 for a total waiver of fee of \$2,145. Council has established a precedence not to waive tap fees so we are expecting to pay the required sewer tap fee of \$5,000 that we will need for the two additional restrooms planned for this addition. Attached is the breakdown of the building permit fees

Thank you for your consideration.

**Dan Ampietro**  
**Parks and Recreation**



## Memorandum

**To:** City Council  
**From:** Ben Cowan  
**Date:** 4/8/2015  
**Re:** VISA Purchasing Card Policies and Procedures Manual

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The attached proposed VISA Purchasing Card Policies and Procedures Manual is a first step in converting our account with UMB Bank from a purely paper based system to a purchasing program. The benefits of making these changes include:

- 1) Better tracking of expenditures in the general ledger, rather than having the description "Card Services" appear on every line. This information will be automatically imported electronically in monthly batches.
- 2) Better reporting of card transactions to help identify purchase trends and guard against fraud.
- 3) Convenience of allowing employees describe the business purpose for each transaction and whether or not they have their receipts prior to routing for approval by their director.
- 4) The potential of increasing the purchasing volume on the cards versus checks, which saves the City 1.35% on every purchase.
- 5) Card management which allows Finance to monitor reasons for declines, to adjust spending limits on a permanent or temporary basis, and to issue and close accounts at any time.
- 6) Better tracking of Merchant Category Codes (MCC). Many agencies restrict many of the codes, but this can cause declines to happen for legitimate charges. For example, Mochas is classified as a bar, so strict blocking of codes can be difficult for employees to deal with. Likely, we will recommend blocking of international purchases and purchases for gambling, escort services, cash withdrawals, real estate, etc. Other marginal codes can be red flagged (such as bars or airlines) to allow a closer look to ensure appropriate purchases are being made.

Although reporting and analysis will be occurring electronically, the City will still retain all paper receipts for proper backup documentation. From the employee perspective, the card will continue to work as it had previously.

As discussed during the April 8, 2015 work session, I modified the fraud section to include, "These policies are not intended to supplant any other City policy currently in full force and effect. With regard to Disciplinary Action, § 5 of the City of Gunnison Employee Handbook will be applied."

The Policies and Procedures Manual is split into two sections with the first titled "Policies" requiring approval by City Council. The second section for Procedures may be changed from time to time as is deemed appropriate.

**Action Requested: A motion to approve the Policies section of the Policies and Procedures Manual last updated on April 8, 2015.**



# VISA Purchasing Card

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## Policies and Procedures Manual

### **PURCHASING CARD CONTACTS**

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**Purchasing Card Administrator**, Ben Cowan, 970-641-8162; [ben@cityofgunnison-co.gov](mailto:ben@cityofgunnison-co.gov)

First back-up: Dorene Elam, 970-641-8161; [delam@cityofgunnison-co.gov](mailto:delam@cityofgunnison-co.gov)

### **LOST OR STOLEN PURCHASING CARD**

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Call UMB Bank Security at 1-800-337-3392 and then inform the Purchasing Card Administrator in the Finance Department.

# Policies and Procedures Manual

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  - Lost or Stolen Purchasing Cards:..... 4
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# Policies and Procedures Manual

## POLICIES

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The Policies section of this manual (pages 2-4) is related to the City of Gunnison VISA Purchasing Card program and may not be changed without City Council approval.

Date of approval by City Council:                          Date of Approval                    

=====

### **Introduction:**

The City of Gunnison selected the VISA Purchasing Card program (“Purchasing Card”) in order to establish a more efficient, cost-effective method of purchasing and paying for transactions within established usage limits. It is further intended to replace petty cash and the use of personal funds reimbursed by Accounts Payable Vouchers. Under **no** circumstances will the Purchasing Card be used for personal purchases.

### **Policies and Procedures Manual:**

The VISA Purchasing Card Policies and Procedures Manual establishes standards for use of the City of Gunnison Purchasing Card. It is the cardholder’s responsibility to be knowledgeable of and follow all VISA Purchasing Card Policies and Procedures.

### **Audits:**

All transactions are subject to review by the Finance Department and external auditors for compliance with sound business practices, VISA Purchasing Card Policies and Procedures, and any applicable laws and regulations.

### **Tax Exempt Status:**

The City of Gunnison is exempt from paying Colorado sales and use tax. Information on the City’s tax exempt status appears on the front of the Purchasing Card. Cardholders are instructed to make every effort to ensure sales and/or use tax is not charged. If a vendor has questions regarding tax-exempt purchases, they may contact the Finance Department at 970-641-8070.

### **Limitation of Vendors:**

All vendors that accept Purchasing Cards are registered with their bank under a specific Merchant Category Code (MCC). These codes specify the type of business the vendor engages in (i.e. airlines, medical services, retail stores, restaurants, etc.). The Finance Department has blocked all categories deemed inappropriate for City of Gunnison business. Purchasing Cards cannot be used to make purchases from vendors that fall under a blocked category on the MCC list.

### **Eligibility for a Purchasing Card:**

Purchasing Cards will only be issued to Elected Officials and employees who are authorized by the City of Gunnison to purchase goods and services on behalf of the City. The name of the cardholder and the

## Policies and Procedures Manual

City both appear on the face of the card. The Purchasing Card carries corporate liability for the City but carries no liability for a cardholder unless there is intentional misuse by the cardholder.

The Finance Department will make all applicable forms and the VISA Purchasing Card Policies and Procedures Manual available on the City of Gunnison Employee Intranet.

### Administrative Requests:

All requests for or changes to credit limits, cardholder names, department/office change, termination of a Purchasing Card, use of Purchasing Card outside the United States or other VISA administrative requests can only be made by the Department Head, Elected Official or assigned designee. Cardholders may NOT make a request on behalf of themselves.

### Lost or Stolen Purchasing Cards:

If a Purchasing Card is lost or stolen, immediately notify the Purchasing Card Administrator in the Finance Department by phone and follow-up with a written notice or email unless it occurs on the weekend. If it occurs over a weekend, call **UMB Bank Security at 1-800-337-3392 and then inform the Purchasing Card Administrator in the Finance Department so that his/her records are kept accurate.** The Purchasing Card Administrator will order a new card for the employee to replace the lost/stolen card.

### Account Termination:

Upon resignation, termination or transfer of a cardholder to another department; the Purchasing Card Administrator will cancel the card when he/she has been notified by the applicable department.

### Fraud and Failure to Follow Policies & Procedures:

Fraudulent use of a City of Gunnison Purchasing Card is a serious matter that may result in disciplinary action up to and including termination of employment, and may subject the cardholder to legal action. These policies are not intended to supplant any other City policy currently in full force and effect. With regard to Disciplinary Action, § 5 of the City of Gunnison Employee Handbook will be applied.

Participation in the Purchasing Card program is a privilege that may be revoked for violations of the VISA Purchasing Card Policies and Procedures.

### Responsibilities:

Elected Official and Department Head Responsibilities (or assigned designee who is not the Delegate) – Elected Officials and Department Heads are responsible for making the determination of who is a cardholder within their department/office; reviewing and signing the department monthly statement; and advising the Purchasing Card Administrator of any changes in their department cardholders (i.e. termination, change in departments, change in credit limits, etc.). These responsibilities may be assigned to a designated supervisor (“assigned designee”) within the department/office. However, the assigned designee **cannot** be the same individual as the Delegate (unless the size of the department/office does not allow for separation of duties).

Cardholder Responsibilities – Purchasing cardholders are issued a card associated with a specific department and make purchases on behalf of the City of Gunnison. Cardholders must **not** lend or share their purchasing card. They must keep their purchasing card secure and the card number confidential. The cardholder is responsible for obtaining itemized receipts with detail for the monthly cost allocation

## Policies and Procedures Manual

process and turning them in to their Delegate. Receipts for expenses incurred during traveling while on City business must be accompanied by an approved Travel Reconciliation Form. Receipts must also be accompanied with a reason why the purchase is a reasonable business expense (if it isn't obvious). Upon termination of employment, the cardholder will return their Purchasing Card to the City and immediately discontinue all use of the account.

Delegate Responsibilities – Delegates are responsible for the electronic cost allocation of the charges on the Purchasing Cards via the internet; organizing and matching receipts from the cardholders to the monthly statement; meeting the monthly deadline for the cost allocation upload; and remitting hard copies of the statement and receipts to the Purchasing Card Administrator.

Purchasing Card Administrator Responsibilities – The Purchasing Card Administrator will be responsible for issuing and terminating Purchasing Cards; changing credit limits; and processing other administrative requests. These requests will be made by Elected Officials, Department Heads, or assigned designees. He/she will maintain records of cardholders and changes to those cardholder accounts; audit monthly cost allocations; upload cost allocations; and pay the Purchasing Card statement for the entire City on a monthly basis.

# Policies and Procedures Manual

## PROCEDURES

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These procedures are separate from the VISA Purchasing Card Policies and are subject to change as procedural efficiencies are identified. If a procedure changes, cardholders will be notified.

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### Forms:

Appendix A: Purchasing Card Sign-Up/Change Form

Appendix B: Purchasing Cardholder Acknowledgement and Agreement Form

Appendix C: Lost Receipt Form

*NOTE: The forms listed above can be accessed on the City of Gunnison Employee Intranet under Finance Public Files*

## SECTION 1: ASSIGNED DESIGNEES

An Elected Official or Department Head may assign Purchasing Card responsibilities for making the determination of who is a cardholder within their department/office; reviewing and signing the Department Monthly Statement; and advising the Purchasing Card Administrator of any changes in cardholders (i.e. termination, change in departments, change in credit limits, etc.). These responsibilities may be assigned to a designated supervisor (“assigned designee”) within the department/office but **cannot** be the same individual as the Delegate (unless the size of the department/office does not allow for separation of duties).

The process to delegate any of these responsibilities is for the Department Head or Elected Official to send the Purchasing Card Administrator a signed notification indicating the name of the assigned designee who is being assigned the duties.

## SECTION 2: GENERAL INFORMATION

### *Introduction:*

The City of Gunnison selected the VISA Purchasing Card program (“Purchasing Card”) in order to establish a more efficient, cost-effective method of purchasing and paying for transactions within established usage limits. It is further intended to replace petty cash and the use of personal funds reimbursed by Accounts Payable Vouchers. Under **no** circumstances will the Purchasing Card be used for personal purchases.

## Policies and Procedures Manual

### *Policies and Procedures Manual:*

The VISA Purchasing Card Policies and Procedures Manual establishes standards for use of the City of Gunnison Purchasing Card. It is the cardholder's responsibility to be knowledgeable of and follow all VISA Purchasing Card Policies and Procedures. The VISA Purchasing Card Policies and Procedures Manual can be found on the City of Gunnison Employee Intranet under Finance Public Files.

### *Audits:*

All transactions should be reviewed by the Elected Official, Department Head or assigned designee prior to signing the Department Monthly Statement and sending receipts to the Purchasing Card Administrator. Their signature on the Department Monthly Statement indicates their review of the charges made and agreement with the appropriate cost allocations.

Finance Department staff will compare each transaction with the receipt. Violations will be recorded using a spreadsheet and reviewed periodically. A determination will be made as to whether any violations and/or trends need to be addressed with a specific office, department or cardholder.

Purchasing Card transactions are also reviewed by the City's external auditors each year for compliance with sound business practices, VISA Purchasing Card Policies and Procedures, and any applicable laws and regulations.

### *Tax Exempt Status:*

City of Gunnison is exempt from paying Colorado sales and use tax. Cardholders can obtain a copy of the City's sales tax exemption certificate from the City of Gunnison website in the Finance Department section. They are advised to carry it along with them when purchases are made. All cardholders are instructed to make every effort to ensure sales and/or use tax is not charged.

If a charge of tax appears on the receipt (regardless of the amount), the cardholder is responsible for contacting the vendor and asking that the charge be credited to the card. If the sales tax exemption is denied, a note must be written on the receipt explaining why it was denied.

### *Limitation of Vendors:*

Purchasing Cards cannot be used to make purchases from vendors that fall under a blocked category on the Merchant Category Code (MCC) listing. Examples of some blocked categories are:

- Cash Advances
- Betting/Track/Casino/Lotto
- Dating and Escort Services

If your card is declined and the decline should not have occurred, please contact the Purchasing Card Administrator to determine if the decline was because of the merchant blocking or if the monthly cycle limit has been exceeded. Also, contact the Purchasing Card Administrator if you believe your department should be exempt from a specific blocking due to certain departmental needs.

### *Red Flagged Vendors:*

Some merchant categories will be red flagged for additional scrutiny to ensure appropriateness of purchases. These categories are not blocked because occasionally purchases are allowable for events, participant incentives or other official City business, or the vendor is misclassified. Examples of red flagged categories are:

## Policies and Procedures Manual

- International Purchases
- Liquor Stores
- Bars/Taverns/Lounges/Discos
- Massage Parlors
- Court Costs/Alimony/Support
- Bail and Bond Payments
- Tax Payments
- Amusement Parks and Tourist Attractions
- Real Estate

### SECTION 3: CARD ISSUANCE

#### ***Eligibility for a Purchasing Card:***

Purchasing Cards will only be issued to Elected Officials and employees who are authorized by the City of Gunnison to purchase goods and services on behalf of the City. The name of the cardholder and the City both appear on the face of the card. The Purchasing Card carries corporate liability for the City but carries no liability for a cardholder unless there is intentional misuse by the cardholder.

#### ***Application Process:***

All requests for Purchasing Cards must be made by the Department Head, Elected Official or assigned designee (“requestor”). The requestor needs to complete a *Purchasing Card Sign-up* form and a *Purchasing Cardholder Acknowledgement and Agreement* form found on the City of Gunnison Employee Intranet under Finance Public Files. The requestor is responsible to ensure that the cardholder receives a copy of the VISA Purchasing Card Policies and Procedures Manual (also available on the employee intranet).

The requestor must complete a *Purchasing Card Sign-Up* form establishing the limits authorized and forward the completed form along with the employee’s signed *Purchasing Cardholder Acknowledgement and Agreement* form to the Purchasing Card Administrator. The signature on the Agreement form indicates that the cardholder has received, read and understands the VISA Purchasing Card Policies and Procedures Manual, and agrees to abide by the terms explained in this document. The requestor should give a copy of the signed agreement to the cardholder.

The Purchasing Card Administrator will acquire the Purchasing Card, activate it and deliver it to the requestor for distribution to the employee/cardholder. Cardholders must sign the back of their Purchasing Card upon receipt.

#### ***Card Sharing and Security:***

Cardholders must **not** share, lend or delegate their Purchasing Card with or to anyone. A cardholder must never give their card to another individual. They must keep their card secure (treat it like cash) and keep the card number confidential. However, it is acceptable for a cardholder to place other employee charges other than their own on their card. For example, a cardholder may be at a conference with one or more

## Policies and Procedures Manual

co-workers. It is acceptable to use one card at dinner and then note on the receipt what employees were included.

**NOTE:** Each Department Head or Elected Official needs to determine how to secure the cards and card numbers in his/her areas. In some areas it is more appropriate for individuals to carry the cards. In other areas, the cards may be stored in a secure place in the department's business office and given to the cardholder(s) on an as needed basis. In either case, the account number must be protected.

### SECTION 4: CARD MAINTENANCE

#### *Administrative Requests:*

Any request for change needs to be in writing, either hard copy or via email, to the Purchasing Card Administrator. Verbal requests will not be accepted or processed. A request for change can be made only by the Elected Official, Department Head or assigned designee.

A written notice or email to the Purchasing Card Administrator is to be completed when any of the following situations occur:

- Cardholder Name Change
- Cardholder Department Change
- Credit Limit Change (temporary or permanent)
- Account Termination because of Employment Change (resignation or termination)
- Unblocking specific Purchasing Cards for use outside the United States
- Lost or Stolen Purchasing Card
- Employee placed on short-term or long-term disability

#### *Change in Cardholder Name, Department or Credit Limit:*

If changes need to be made for a cardholder's name or a change in the established credit limit, send the Purchasing Card Administrator a written request or an email. All requests for any change in account status must occur by a Department Head, Elected Official, or assigned designee. With the exception of Elected Officials and the City Manager, cardholders may **NOT** make a request on behalf of themselves.

#### *Account Termination*

If an employee resigns, terminates, transfers to another department, or assumes different duties that do not require the use of the Purchasing Card; the Department Head, Elected Official, or assigned designee is responsible for retrieving the card and sending it to the Purchasing Card Administrator. If the card is retrieved and destroyed by the department, a written notice or email can be sent to the Purchasing Card Administrator instead of the card itself. The Purchasing Card Administrator will cancel the Purchasing Card based on physical receipt of the card or the email stating resignation, termination or transfer.

**NOTE: It is imperative that the Purchasing Card Administrator receive this information within 24 hours of termination of employment so that the card can be canceled with UMB.**

#### *Lost or Stolen Purchasing Card:*

If a Purchasing Card is lost or stolen, immediately notify the Purchasing Card Administrator in the Finance Department by phone and follow-up with a written notice or email unless it occurs on the weekend. If it occurs over a weekend, call **UMB Bank Security at 1-800-337-3392 and then inform**

## Policies and Procedures Manual

**the Purchasing Card Administrator in the Finance Department so that his/her records are kept accurate.** The Purchasing Card Administrator will order a new card for the employee to replace the lost/stolen card.

A renewal card will be mailed to the Finance Department and they will forward the renewal card to the cardholder's Department Head, Elected Official or assigned designee.

### *Employee Placed on Short-term or Long-term Disability:*

If an employee is placed on short-term or long-term disability, a written notice or email must be sent to the Purchasing Card Administrator. Then, the card will be inactivated. When the employee returns to work, a second written notice or email must be sent to the Purchasing Card Administrator with a request to reactivate the card.

## SECTION 5: INSTRUCTIONS FOR CARD USE

### *General Instructions*

The Purchasing Card may be used to make payments for goods and designated services that do not exceed the individual card limit and are not prohibited by the VISA Purchasing Card Policies and Procedures.

The Department Head, Elected Official or assigned designee will establish the card limit for the cardholder. Purchases must be for the use and benefit of the City of Gunnison. **Under no circumstances will the VISA card be used for personal purchases.**

### *Allowable Use:*

The card may be used to purchase any goods or services that are allowable using other methods of payment authorized by the City. The card is simply another method of payment. Requirements for budget availability, authority to make purchases and purchasing policies remain unchanged when using the card.

### *Non-Allowable Use:*

At **no** time are the following purchases allowed with your Purchasing Card. This is not an all inclusive list. If in doubt, call the Finance Director or Accounting Clerk.

- Cash advances or cash refunds of any type
- Personal use of any kind or for any non-City purpose
- Gasoline or any personal automobile-related purchases (gasoline is allowed for rental cars used for City business)
- Firearms (firearms and associated ammunition is allowable for Police activities)
- Controlled substances
- Alcohol or alcoholic beverages of any kind, including those on restaurant receipts

The Purchasing Card is **not** intended to avoid or bypass appropriate purchasing or payment procedures (payment process via Accounts Payable vouchers). Rather, the Purchasing Card compliments the existing processes available.

## Policies and Procedures Manual

### *Purchasing with VISA Card:*

Purchases may be made with the Purchasing Card by phone, fax, secured internet site, or in person. When ordering, request that the vendor provide an itemized invoice or receipt. Generally accepted accounting principles require proof of payment through retention of receipts. Cardholders are responsible for obtaining receipts for **charges** and **credits** to their Purchasing Card. Receipts must be given to the Delegate for cost allocation, reconciliation, and documentation purposes. If a receipt is lost and a replacement receipt cannot be issued, a *Lost Receipt* form (see Employee Intranet or Appendix C) must be filled out, signed, and given to the Delegate in place of a receipt.

For Internet/on-line purchases make sure that you use the following address otherwise your card will be declined: 201 W. Virginia Ave., Gunnison, CO 81230

Following are some tips for making internet purchases:

- a. Read the online vendor's refund/return and customer privacy policies. Learn the terms of business practiced by the online vendor. Beware of online vendors who do not prominently display refund/return or privacy policies.
- b. Use reliable vendors. Before clicking on the purchase button, make sure the vendor is a reliable vendor. If unsure, check up on the company by checking with the Better Business Bureau. Look for seals or other symbols that identify a particular vendor as being a member of an online reliability, privacy or secure site protection group.
- c. All purchases made online must be shipped to a City site address or shipped to a store to save on shipping costs.

As a reminder, the City of Gunnison is exempt from paying Colorado sales or use tax. Information on the City's tax exempt status appears on the front of the Purchasing Card. *Be sure to remind the vendor of our tax exempt status when making a purchase and carry your copy of the sales tax exemption certificate. If the sales tax exemption is denied, a note must be written on the receipt explaining why it was denied. An exception to this requirement is for payments to dining establishments.* If a vendor has questions regarding tax-exempt purchases, they may contact the Finance Department at 970-641-8070.

### *Receipt of Goods and Materials:*

The cardholder is responsible for ensuring receipt of goods and will follow-up with the vendor to resolve any delivery problems or discrepancies.

### *Returns, damaged goods, credits:*

Items purchased with the Purchasing Card will periodically need to be returned for one reason or another. Credits listed on the statement must be documented with a note as to when the original charge was made and why we are receiving a credit **if** the credit invoice/receipt is **not** available.

### *Disputed Items:*

Disputed items may result from failure to receive goods, fraud, misuse, defective merchandise, incorrect amounts being charged, duplicate charges, unrecognized charges, tax charges, or credits not yet received. Most issues can be resolved by contacting the vendor directly. Contacting the vendor saves time and usually solves most issues. The Delegate is responsible for contacting and following up *with the vendor* on any erroneous charges and disputed items.

If you are not satisfied with the outcome from the vendor, it may be necessary to notify the Purchasing Card Administrator of the disputed charge, who will forward it to UMB Bank for resolution with the

## Policies and Procedures Manual

vendor. The bank must be notified of any disputed items within 60 days of the statement date. It may take 3-4 weeks for the bank to research and resolve.

A disputed charge must be paid with the current monthly payment to UMB but it will be credited back to our account if it is resolved on our behalf.

### SECTION 6: RECORDKEEPING, RECONCILIATION, AND APPROVAL

#### ***Record Keeping:***

To facilitate the cost allocation, reconciliation, and approval process; the cardholder is responsible for obtaining all purchasing card slips, cash register receipts, packing slips, and/or on-line order forms/confirmations. The receipts must be forwarded to the Delegate.

**Use of a City purchasing card for purchase of personal items is prohibited.**

**Any charge without receipt/support will not be paid by the City and is the responsibility of the employee. No cash advances or use of ATM's is allowed.**

The supporting documentation must include the following:

1. Amount and date paid
2. Description of the item purchased
3. Reason why it's a reasonable business charge (if it isn't obvious)
4. For meals, include the people involved and business purpose of the charge.

Note: Charge slips must be accompanied with a receipt showing what was purchased.

For items purchased over the telephone or Internet, ask for a receipt to be mailed, emailed, faxed or included with the item purchased. If a City purchasing card needs to be used to reserve a room or make a purchase by someone not assigned a purchasing card, please contact Finance for assistance.

#### ***Lost Receipts:***

Lost receipts represent lack of documentation to support charges or credits shown on the Purchasing Card statement. This can cause the public to mistrust use of public dollars and our external auditors to give the City of Gunnison an adverse audit opinion. It is the cardholder's responsibility to obtain purchasing card receipts and turn them in to their Delegates so they can be matched to the statement.

If a cardholder loses a receipt he or she must contact the vendor to have a replacement receipt mailed, emailed or faxed to him/her. If a replacement receipt cannot be obtained after several attempts, a *Lost Receipt* form must be filled out, signed, and given to the Delegate. Cardholders that develop a history of lost receipts may have their Purchasing Card revoked on a temporary or permanent basis.

#### ***Reconciliation and Approval Process:***

The basic monthly reconciliation and approval process is as follows:

- **Cardholder:** Turns in VISA receipts to Delegate. Receipts related to travel while on City business must be accompanied by an approved Travel Reconciliation Form. Receipts must also

## Policies and Procedures Manual

be accompanied with a reason why the purchase is a reasonable business expense (if it isn't obvious).

- **Delegate:** Does the electronic cost allocation via the internet (matching receipts to charges); prints the Department Monthly Statement; tapes receipts to blank sheets of paper; and forwards the Statement and receipts to the Department Head, Elected Official or assigned designee for approval. The Delegate also submits an electronic copy of the Statement to the Purchasing Card Administrator.
- **Department Head or Elected Official (or assigned designee who is not the Delegate):** Reviews the monthly report and receipts, signs the report and forwards all to the Purchasing Card Administrator.
- **Finance Department:** Reviews all hardcopies of Purchasing Card statements and receipts for proper approvals and documentation. Transactions are batch posted to the City's General Ledger for general accounting purposes.

## SECTION 7: FRAUD AND FAILURE TO FOLLOW POLICIES & PROCEDURES

### *Fraud*

There are two types of fraud:

- The first type is true fraud where a card issued by the City of Gunnison is lost, stolen, or duplicate charges are made with the cardholder's account number. In this case, the City is protected through UMB's fraud protection and neither the City nor the cardholder is liable.
- The second type of fraud comes about when a cardholder intentionally purchases an item (i.e. a television or stereo) intended for personal use. In this case, the City is covered by the fraud protection **only** if the cardholder is terminated from employment with the City. If the cardholder's employment is not terminated, the City becomes liable. The City will pursue all available remedies to recover such unauthorized use.

Fraudulent use of a City of Gunnison Purchasing Card is a serious matter that may result in disciplinary action up to and including termination of employment, and may subject the cardholder to legal action.

### *Failure to Follow Purchasing Card Policies and Procedures*

Cardholders may have their Purchasing Card privileges temporarily or permanently revoked depending on the violation of policy or procedure that has occurred. Serious cases of misuse may result in disciplinary action up to and including termination of employment, and may subject the cardholder to legal action.

## SECTION 8: CONTACT INFORMATION

The following are the individuals who are responsible for the VISA Purchasing Card administration. Only these employees are authorized to communicate Purchasing Card matters with the representative at UMB.

**Purchasing Card Administrator**, Ben Cowan, 970-641-8162; [ben@cityofgunnison-co.gov](mailto:ben@cityofgunnison-co.gov)

First back-up: Dorene Elam, 970-641-8161; [delam@cityofgunnison-co.gov](mailto:delam@cityofgunnison-co.gov)



**Memorandum**

**To:** City Council  
**From:** Ben Cowan  
**Date:** 4/2/2015  
**Re:** Bond Arbitrage Compliance

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The 2014 budget included \$10,000 for a Bond Arbitrage Compliance Study. This project was not completed during 2014.

It is necessary to complete at least a cursory review to ensure the City is compliant with two active bond issues:

- 2007 Sales and Use Tax Revenue Bonds - \$8.33 million (Community Center Expansion)
- 1997 Multifamily Housing Mortgage Revenue Bonds Tax Exempt Series - \$4.5 million (FHA Insured Mortgage Loan – Tenderfoot Apartments Project)

While our investment bank was of the opinion that the City was non-compliant, Tom Peltz, with Kutak Rock LLP, believes we are not out of compliance since the City issued its bonds prior to recent rule changes and the requirements are not retroactive. Additionally, issuers are required to report “material” rating changes. The city’s bond insurer experienced at least a couple downgrades which formerly were viewed as being material. However, during the “Great Recession,” the market was well aware of rating changes attributable to the falling credit worthiness of bond insurers, so we can likely take the position that those events were immaterial.

The attached engagement letter details some of the activities ACS can assist the City in either verifying compliance or making recommendations for appropriate actions to bring us in compliance in the event we discover a deficiency.

I recommend that the City moves forward with the:

Bond Compliance Review	\$400
Arbitrage Rebate Estimate Letter	\$500
<b>TOTAL</b>	<b>\$900</b>

Although I expect we do not need to move forward with the Arbitrage Rebate and Yield Restriction Calculation for an additional \$1,500, I would like the budget amendment to allow the flexibility for this in the event the estimate indicates it is necessary or if we need to engage Kutak Rock to prepare attorney letters that the City was out of compliance but plans to maintain compliance moving forward. Therefore, this is a request for a budget transfer for \$4,000 to allow for the aforementioned costs. The 2015 budget in the Finance Department has availability in its 4101 “Wages” account due to salary savings sufficient to accommodate this request.

**Action Requested: A motion to preliminarily approve a budget transfer of \$4,000 for bond arbitrage compliance from account 01-4006-4101 “Finance-Wages” to account 01-4039-9265 “Bond Arbitrage Compliance”.**



March 31, 2015

Mr. Ben Cowan, Finance Director  
City of Gunnison (the "City")  
P.O. Box 239  
Gunnison, Colorado 81230

**ENGAGEMENT LETTER FOR BOND COMPLIANCE SERVICES**

Arbitrage Compliance Specialists, Inc. ("ACS") is pleased to present our fees to provide bond compliance services for the City. Our firm has distinctive legal and accounting experience with bond compliance services dating back to the inception of the arbitrage rebate regulations of 1986. ACS is one of the most prominent and well-respected providers of bond compliance services in the nation. ACS' staff members are accounting professionals who have extensive knowledge of governmental accounting, accounting allocation methods and legal interpretation skills to compute the lowest permissible liability allowed. We pride ourselves on our unprecedented commitment to each and every client we represent.

ACS has provided a fee schedule to encompass the various elements that we may encounter during the review and/or calculation(s). Each calculation includes both a legal opinion and a CPA opinion to provide assurance that the calculations were completed according to Section 148(f) of the Internal Revenue Code of 1986 that governs the arbitrage rebate requirements (the "Tax Code"). This agreement shall become effective at the date of acceptance by the Issuer and remain in effect until canceled. The City or Arbitrage Compliance Specialist, Inc. can terminate this Engagement upon a 30 day written notice. This engagement supersedes all engagements previously sent to the City.

We appreciate the opportunity to provide assistance to help the City comply with the IRS bond compliance requirements. As always, if we may be of further assistance or if there are any questions, please do not hesitate to call me at (800) 672-9993 ext. 7530.

Sincerely,

Stephen H. Broden, Vice President  
Arbitrage Compliance Specialists, Inc.

Please acknowledge acceptance of this engagement by signing and faxing this letter in its entirety to Arbitrage Compliance Specialists, Inc. at (800) 756-6505 or scanning and e-mailing to [Stephen@RebateByACS.com](mailto:Stephen@RebateByACS.com).

\_\_\_\_\_  
Accepted by – Signature

\_\_\_\_\_  
Print Name, Title

\_\_\_\_\_  
Date



Bond Compliance Review		Fees
<b>City Review (Includes All Outstanding Issues Listed Below)</b>		
<u>Issue</u>	<u>PAR Value</u>	\$400
1997	\$4,500,000	
2007	\$8,330,000	

### Review Services

1. Review the documents related to the debt issue to include the Official Statement, Tax Certificate, IRS Form 8038-G and CPA Verification Report.
2. Complete an in-depth analysis of the debt structure by our in-house tax attorney to determine if the debt issue is subject to rebate and/or yield restriction and identify applicable exceptions.
3. Prepare a City review which is designed to provide assurance that each debt issued by the City has satisfied the post compliance requirements that were provided to the City in the tax certificate.
  - a. Provides an executive summary of our findings.
  - b. Confirms status of arbitrage rebate reporting, spending exception reporting, yield restriction reporting and record retention requirements.
  - c. Does not confirm status of private business use or continuing disclosure.
    - i. For both these services we recommend either Kutak Rock or DAC Bond.
  - d. Provides a debt compliance monitoring schedule that identifies all-important relevant information by issue including prior calculations, liability amounts, future calculation due dates and important status notes.
4. Provide a post-issuance compliance policy and procedure manual.
5. Recommend further action items such as: Completion of arbitrage rebate, spending exception, yield restriction, or related reporting.
6. Prepare a debt compliance monitoring schedule that identifies all-important relevant information by issue including prior calculations, liability amounts, future calculation due dates and important status notes.
7. Advise on how future changes in the Tax Code may affect the debt issue.
8. Provide technical assistance and consultation in matters related to the arbitrage compliance regulations.
9. Assist in the IRS record retention requirements, which include storage of records related to the debt issue.
10. Discuss the review to ensure a complete understanding of the procedures and recommendations in the review.

Arbitrage Rebate Compliance Calculations and/or Estimates	Fees
Arbitrage Rebate and Yield Restriction Calculation (Maximum Fee Per Issue Per Five Year Period)	\$1,500
<b>OR</b>	
Arbitrage Rebate Estimate Letter (Fee Per Issue Per Five Year Period, In Lieu of a Report)	\$500

**Calculation Services**

1. Monitor IRS filing deadlines, election requirements and restricted periods in our database tracking system to ensure timely reporting.
2. Obtain information on the investments for the gross proceeds for the entire computation period.
3. Perform the arbitrage rebate, yield restriction or spending exception calculations in compliance with the Tax Code.
4. Provide calculations with legal opinion and CPA certified professional opinion that can be relied upon by the City regarding the liability. The report will provide supporting documentation to include the calculation method employed, assumptions, and conclusions.
5. Prepare payment Form 8038-T with detailed filing instructions for accurate and timely filing to the IRS, if applicable.
6. Prepare a debt compliance monitoring schedule that identifies all-important relevant information by issue including prior calculations, liability amounts, future calculation due dates and important status notes.
7. Discuss the calculation(s) to ensure a complete understanding of the procedures and recommendations in the calculation(s).
8. Provide no cost audit support in the event of an IRS audit.

**Estimate Letter Services**

1. Monitor IRS filing deadlines, election requirements and restricted periods in our database tracking system to ensure timely reporting.
2. Obtain information on the investments for the gross proceeds for the entire computation period.
3. Review the information relating to the investments for the purpose of validating that no liability should be due.
4. Provide a letter which will indicate whether a liability is due or not due as of the date of the estimate.
5. Discuss the estimate(s) to ensure a complete understanding of the procedures and recommendations in the letter(s).

# Memorandum

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**To:** City Council  
**CC:** City Manager Ken Coleman  
**From:** City Clerk Gail Davidson  
**Date:** 4/2/2015  
**Re:** Appointment of City Representatives to MEAN

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City Council:

A representative of the Nebraska Municipal Power Pool (NMPP) has contacted the City and requested reappointment of the two City representatives to the Power Pool Members' Council. Public Works Director Ken Bradford indicated he will continue serve as the City's Representative and Electric Superintendent Will Dowis will serve as Alternate Representative, if that is Council's wishes.

There are several other appointments made on a three-year cycle. Tex and Will also are the City representatives/alternate on the Municipal Energy Agency of Nebraska's (MEAN) Board of Directors and Tex and Will also serve on the MEAN Management Committee.

**Action Requested of Council:** Motion, second and affirmative vote for the appointment of Ken "Tex" Bradford as Representative and Will Dowis as "Alternate" representing the City of Gunnison on the NMPP Members' Council.

**ORDINANCE NO. 1  
SERIES 2015**

**AN ORDINANCE AMENDING TITLE 5. GENERAL OFFENSES, CHAPTER 5.40. ANIMALS, SECTION 5.40.050, ANIMAL CONTROL AND RESTRAINT OF THE GUNNISON MUNICIPAL CODE RELATING TO DANGEROUS DOGS AND VICIOUS ANIMALS**

**WHEREAS**, City staff has recommended amendments to Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 1. Dangerous Dog, and 2. Vicious Animals, of the Gunnison Municipal Code (G.M.C.); and

**WHEREAS**, the City wishes to clarify the impoundment and release of alleged dangerous dogs and alleged vicious animals to reduce undue costs to animal owners while protecting the community by modifying the City of Gunnison Municipal Code; and

**WHEREAS**, the City Council finds that such changes would benefit the health, safety and welfare of the City's residents and, therefore, is in the City's best interest.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Section 1. G.M.C. Title 5. General Offenses, Chapter 5.40. Animals, Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 1. Dangerous dog, b., is amended to read as follows:

- b. The animal control officer, neighborhood services officer, or any police officer may impound any animal which is reasonably believed to be a dangerous dog.
  - i. A dog may be released to the owner, pending court procedures, provided the animal is not exhibiting overtly aggressive or dangerous behavior, is not exhibiting any symptoms of disease, the owner can assure that the dog will remain under the owners' control, and that such control will be sufficient to prevent a reoccurrence of the reason for initial impoundment, that the owner will present the dog for inspection on request of the animal control officer, and that the owner will report any change in the animal's health to animal control officer until the case is resolved.
  - ii. An owner may request the animal be housed in a facility licensed to board and care for animals, at the owner's expense.

Section 2. G.M.C. Section 5.40.050, Animal control and restraint, B. Dangerous Animals, 2. Vicious Animals, b., is amended to read as follows:

- b. The animal control officer, neighborhood services officer, or any police officer may impound any animal which is reasonably believed to be vicious.
  - i. An animal may be released to the owner, pending court procedures, provided the animal is not exhibiting overtly aggressive or dangerous behavior, is not exhibiting any symptoms of disease, the owner can assure that the animal will remain under the owners' control and that such control will be sufficient to prevent a reoccurrence of the reason for initial impoundment, that the owner will present the animal for inspection on request of the animal control officer, and that the owner will report any change in the animal's health to animal control officer until case is resolved.
  - ii. An owner may request the animal be housed in a facility licensed to board and care for animals, at the owner's expense.

Section 3. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 24th day of March, 2015, on first reading, and introduced, read, and adopted on second and final reading this 14th day of April, 2015.

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Mayor

(SEAL)

ATTEST:

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City Clerk

Published in its entirety in the  
Gunnison Country Times Newspaper  
April 2, 2015

**ORDINANCE NO. 2  
SERIES 2015**

**AN ORDINANCE REPEALING TITLE 5 CHAPTER 5.10 GENERAL OFFENSES, SECTION 5.10.080 DISORDERLY CONDUCT, C., and SECTION 5.10.200, THEFT OF RENTAL PROPERTY, OF THE GUNNISON MUNICIPAL CODE.**

**WHEREAS**, city staff has recommended repeal of Section 5.10.080, Disorderly Conduct, C. pertaining to allowing others to Disturb the Peace, and Section 5.10.210, Theft of Rental Property, of the Gunnison Municipal Code (G.M.C.); and

**WHEREAS**, Section 5.10.080, Disorderly Conduct C., refers to disturbing the peace and is classified as a petty offense; and

**WHEREAS**, disturbing the peace has its own section, Section 5.10.090 of the G.M.C., and is classified as a misdemeanor; and

**WHEREAS**, the duplication of the offense and inconsistent classification of the offense has caused inconsistent charges and sentencing; and

**WHEREAS**, Section 5.10.090, Disturbing the Peace, properly applies to persons who disturb or allow others to disturb the peace of others; and

**WHEREAS**, Section 5.10.210, Theft of Rental Property, was based on Colorado Revised Statute 18-4-402, which Section was repealed in 2013 (H.B 13-1160); and

**WHEREAS**, Section 5.10.200 Theft, may apply to property which has been rented and not returned, 5.10.200; and

**WHEREAS**, the City Council finds that such changes will be of benefit to the health, safety and welfare of the City's residents and, therefore, is in the City's best interest.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Section 1. G.M.C. 5.10.080, Disorderly conduct, C. is repealed.

Section 2. G.M.C. 5.10.210, Theft of Rental Property is repealed.

Section 3. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 24th day of March, 2015, on first reading, and introduced, read, and adopted on second and final reading this 14th day of April, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Published in its entirety in the  
Gunnison Country Times Newspaper  
April 2, 2015

**ORDINANCE NO. 3  
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO AMEND SECTION 12, SUBDIVISION STANDARDS, REGARDING A SUBDIVISION RECLASSIFICATION FROM A MAJOR TO A MINOR SUBDIVISION AND MINOR AMENDMENTS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE.**

**WHEREAS**, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to the *Land Development Code*; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Land Development Code* of the City of Gunnison, Colorado, on March 18, 2015; and

**WHEREAS**, Section 10.5 of the *City of Gunnison Land Development Code* states that approval of a text amendment to the *Land Development Code* may only occur if the application meets all the Review Standards for Text Amendment; and

**WHEREAS**, on March 18, 2015 the Planning and Zoning Commission of the City of Gunnison recommended approval of the Text Amendment application to the City Council based on findings of fact established through the proceedings of record; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the *Land Development Code* on April 14, 2015;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Section 1. Based upon the application seeking a Text Amendment to the *Land Development Code* and the *Municipal Code*, hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
- B. That the amendment establishes a means to reclassify a major subdivision to a minor subdivision for the purpose of a demonstrated community benefit.
- C. That proposed amendments enhance staff direction or correct errors within the *LDC*.
- D. That based on the findings above, the Text Amendment protects the community's health, safety and welfare.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. Section 12, Subdivision Standards, subsection 12.3.B, Subdivision Reclassification, of the *City of Gunnison Land Development Code*, is hereby added to read as follows:

**B. Subdivision Reclassification.** Major Subdivisions may, at the discretion of the Community Development Director, be reclassified as a Minor Subdivision, prior to the application submittal.

1. **Purpose.** A subdivision reclassification is intended to afford a means for a defined Major Subdivision to be reclassified to a Minor Subdivision, if the proposal provides a demonstrated community benefit that may include, but not be limited to, preservation of public open space, development of affordable housing, trail development or to facilitate the purpose of an organization providing a valuable community benefit.
2. **Process.** Prior to the submittal of a formal subdivision application, the applicant may submit a formal written document to the Director requesting the reclassification of a Major Subdivision to a Minor Subdivision. The written request shall explain how the specific characteristics of said subdivision comply with the Reclassification Review Standards. The Director will provide a written notification of the decision to the applicant and the Commission. The Commission is authorized to deny the Directors decision.
3. **Reclassification Review Standards.** An application for a Subdivision Reclassification shall comply with the following standards:
  - a. **Community Benefit.** The proposed subdivision will provide a derived community benefit as described in the Purposes of this subsection.
  - b. **Utility Services.** Public utility services (water, wastewater, electrical, gas, stormwater) are easily available to the land tract proposed for subdivision and only private service extensions are anticipated.
  - c. **Dedications.** The land tract is serviced by existing city streets and easements (trails, utilities) and/or the dedication of public streets and easements can be addressed be through the Minor Subdivision Review process.
  - d. **Non-Motorized Facilities.** The extension of non-motorized transportation facilities can be addressed though the Minor Subdivision process.
  - e. **Consistency with the Master Plan.** The intended uses shall be consistent with the *City of Gunnison Master Plan*.
4. **Subdivision Requirements.** A reclassification approval shall not be construed as a waiver from any of the established requirements for subdivision established by the *Land Development Code*.

**Section 4.** Section 12, Subdivision Standards, Planned Unit Development Subdivision (PUD), of the *City of Gunnison Land Development Code*, is hereby amended to read as subsection 12.3.C.

**Section 5.** Section 2, Zoning Districts, Table 2-3 Principal Use Table, Bed and Breakfasts, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 2-3 PRINCIPAL USE TABLE											
Specific Uses		RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Accommodations	Bed and breakfasts				C	C	C	C	P		§3.7 A.1.
	Hostels				C	C	C	C	P		§3.7 A.2.
	Hotels and motels							C	P		§3.7 A.3.
	RV Parks					C			C	C	§3.7.A.4.

**Section 5.** Section 4, General Development Standards, Table 4-7 Off-Street Parking Requirements, Hostels, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-7 OFF-STREET PARKING REQUIREMENTS			
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED	
<b>Residential Use Categories (§3.2)</b>			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multi-Family Dwellings, and Upper Floor Residential	1 <sup>st</sup> Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit	1.0 per Accessory Dwelling Unit	
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities	1.0 per bed	
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds	
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds	
Accommodations	Hotels and Motels	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)	
	Hostels	1.0 per 2 beds	
	Bed and Breakfasts	1 space per guest room, plus 2 spaces for the owner/manager's unit	

**Section 6.** Section 4, General Development Standards, subsection 4.8.D.3 Exemptions, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

- Flags, the maximum individual size of a permanently displayed flag shall be 40 square feet.

**Section 7.** Section 4, General Development Standards, Table 4-12 Schedule of Requirements for Nonresidential Zone Districts (CBD, I, C), Time/Temperature/Community Announcement signs, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C) (CONTINUED)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	<p>Time/Temperature/Community Announcement signs:</p> <p>The display area of less than 15 square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.</p>	1 per building face or per business storefront	

**Section 8.** Section 4, General Development Standards, Table 4-14 Schedule of Requirements for Single-Family and Duplex Zone Districts (R-1, R-1M, R-2), EMC and Free Standing signs, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX ZONE DISTRICTS (R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited:	<b>Identification signs (§4.8 C.38.q.): 4 square feet</b>	<b>1 per building</b>	<b>6 feet</b>
<b>Awning signs (§4.8 C.38.c.)</b> <b>Canopy signs (§4.8 C.38.f.)</b>	<b>Temporary Signs (§4.8 C.38.ee. and §4.8 F): 36 square feet</b>	<b>1 per street frontage</b>	<b>12 feet</b>
<b>Changeable signs (§4.8 C.38.g.)</b> <b>Electronic Message Centers (§4.8 C.38.k and §4.8 H.3.b.)</b> <b>Joint Identification signs (§4.8 C.38.s.)</b> <b>Marquee signs (§4.8 C.38.t.)</b>	<b>EMC (§4.8 C 38 k): 12 square feet of sign area.</b>	<b>1 per street frontage</b>	<b>Allowed for churches, schools, and community buildings only.</b>
<b>Portable signs (§4.8 C.38.w.)</b> <b>Roof signs (§4.8 C.38.aa.)</b> <b>Vending Machine signs (§4.8 C.38.hh.)</b> <b>Wind signs (§4.8 C.38.jj.)</b>	<b>Free Standing signs (§4.8 C.38.n.): calculated PSA or 12 square feet maximum.</b>	<b>1 per street frontage</b>	<b>Allowed for churches, schools, and community buildings only.</b>

**Section 9.** Section 9, Development Standard Waivers, subsection 9.1.C.2 Planning and Zoning Commission Waivers, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

2. **Planning and Zoning Commission Waivers.** Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers recommended to City Council by the Commission are acted upon as a public hearing agenda item at a meeting. Waivers considered by the Commission are acted upon at a regular meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this LDC.

**Section 10.** Section 12, Subdivision Standards, subsection 12.3.A Minor Subdivision, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

2. **Minor Subdivision.** A Minor Subdivision is a subdivision which proposes not more than eight lots or units and which subdivides a parent parcel of less than four acres or an approved subdivision reclassification. A Minor Subdivision is subject to an expedited subdivision three-step review process, wherein the Sketch Plan review by the Commission has been deleted. The applicable review steps are as follows:
  - a. **Step One.** Review of the Preliminary Plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.
  - b. **Steps Two and Three.** Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.

**Section 11.** Section 16, Definitions, subsection 16.2. General Terms Defined, Recreational vehicle, of the *City of Gunnison Land Development Code*, is hereby amended to read as follows:

Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. Recreation vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than seven days on private property within a 30-day period.
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**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 7th day of April, 2014, on first reading, and introduced, read, and adopted on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Published in Full in the  
Gunnison Country Times Newspaper  
April 23, 2015

# Memorandum

**To:** City Council  
**CC:** City Manager Ken Coleman  
**From:** City Clerk Gail A. Davidson  
**Date:** 4/10/2015  
**Re:** Executive Session Meetings

An Executive Session falls under the Colorado Open Meetings Laws in State Statutes. There are specific obligations to conduct these sessions. Listed below are the reasons that executive sessions are allowed under State Statutes. The reason for the Executive Session must be posted on the meeting agenda.

## City Council Executive Session Agenda Postings

Executive Session: Pursuant to C.R.S. §24-6-402(4)\_\_\_\_\_

- (a) **For the purpose to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale.**
- (b) **For the purpose of receiving legal advice from the City Attorney (or any City-retained attorney) on specific legal questions.**
- (c) **For the discussion of matters required to be kept confidential by Federal or State Law or rules or regulations. The specific citation(s) of the statute(s) or rule(s) that are the basis for such confidentiality are/is \_\_\_\_\_. (list the pertinent citation)**
- (d) **To discuss specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.**
- (e) **For the purpose of determining positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators**
- (f) **(f)(I) To discuss personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.**

**EXECUTIVE SESSION MOTION FORM**  
**MEETING DATE: APRIL 14, 2015**

**I MOVE TO GO INTO EXECUTIVE SESSION:**

**The purpose of which is pursuant to C.R.S. §24-6-402(4)(e); For the purpose of discussing positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators.**

**The Executive Session is not open to the public and action may not be taken.**

**EXECUTIVE SESSION FORM**  
**APRIL 14, 2015, EXECUTIVE SESSION**

**(ANNOUNCEMENT MADE AT BEGINNING OF THE EXECUTIVE SESSION –**

It's Tuesday, April 14, 2015, and the time is \_\_:\_\_\_ P.M. For the record, I am the presiding officer, Mayor Robert Drexel. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

Mayor Pro Tem Stu Ferguson  
Councilor Carolyn Riggs  
Councilor Anne Steinbeck  
City Attorney Kathy Fogo  
City Manager Ken Coleman  
City Clerk Gail Davidson

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This Executive Session is for the following: Pursuant to C.R.S. §24-6-402(4)(e) to Determine Positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators.

This Executive Session is not open to the public and action may not be taken.

If at any point in the Executive Session any participant believes that the discussion is going outside the proper scope of the Executive Session, please interrupt the discussion and make an objection for the record.

**EXECUTIVE SESSION FORM FOR APRIL 14, 2015, EXECUTIVE SESSION**

**ANNOUNCEMENT TO BE MADE BY THE PRESIDING OFFICER BEFORE CONCLUDING THE EXECUTIVE SESSION, WHILE THE RECORDER IS STILL ON**

I hereby attest that this electronic recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law.

The digital recording will be given to the City Clerk to be kept in the records in the Main City Hall vault for a period of 90-days, after which time it will be destroyed/deleted.

The time is now \_\_:\_\_\_\_ P.M., and we now conclude the executive session and return to the open meeting.

**(Turn off digital recording of executive session and return to open meeting).**

**APRIL 14, 2015, EXECUTIVE SESSION**

**(ANNOUNCEMENT MADE BY PRESIDING OFFICER UPON RETURNING TO THE OPEN MEETING)**

The time is now \_\_\_\_\_ P.M., and the Executive Session has been concluded. The participants in the Executive Session were:

- Mayor Robert Drexel
- Mayor Pro Tem Stu Ferguson
- Councilor Carolyn Riggs
- Councilor Anne Steinbeck
- City Attorney Kathy Fogo
- City Manager Ken Coleman
- City Clerk Gail Davidson

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For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

**CHAIR'S ATTESTATION**

(To be signed – not verbal)

I, Robert E. Drexel, Mayor and Chair of the Regular Session Meeting of the City of Gunnison City Council held April 14, 2015, hereby attests that the Executive Session held on that date was confined to a discussion pursuant to C.R.S. §24-6-402(4)(a); For the purpose of discussing positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators.

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Mayor Robert E. Drexel