

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

TUESDAY

JUNE 23, 2015

REGULAR SESSION

7:00 P.M.

- I. Call Meeting to Order:
- II. Consideration of Minutes:
 - A. Minutes of June 9, 2015, Regular Session Meeting
- III. Pre-Scheduled Citizens:
 - A. Discussion on Refinancing of 2007 Recreation Bonds with Troy Bernberg of UMB Banks and Finance Director Ben Cowan
- IV. Unfinished Business: None.
- V. New Business:
 - A. Discussion on Pedestrian Crossings – Main & Tomichi
 - B. Statements of Opposition (2) Re: Tomichi Creek Basin Water Rights Cases
- VI. Resolutions and Ordinances:
 - A. Ordinance No. 5, Series 2015; Re: *Gunnison Municipal Code and Land Development Code* Text Amendments Regarding Marijuana Facilities Regulations; 2nd Reading
 - B. Ordinance No. 6, Series 2015; Re: *Gunnison Municipal Code* Text Amendment Regarding Noise/Idling Engines; 2nd Reading
 - C. Resolution No. 12, Series 2015; Setting City Application and License Fees for Marijuana Facilities (Action If Ordinance No. 5, Series 2015, is Adopted)
 - D. Resolution No. 13, Series 2015; Re: Adoption of City Parks & Recreation Master Plan
- VII. City Attorney: Kathleen Fogo
- VIII. City Manager: Ken Coleman
Acting City Manager/City Clerk: Gail Davidson – Semi-Annual Report
- 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. Adjournment.

The City Council Meeting 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. 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.**

JUNE 9, 2015

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, and Schwartz present along with City Attorney Fogo, City Manager Coleman, City Clerk/Acting City Manager Davidson, Police Chief Robinson, Community Development Director Westbay, several citizens and the press. Councilor Morrison was absent. A Council quorum was present.

Consideration of Minutes of May 26, 2015, Regular Session Meeting.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve the Regular Session Meeting Minutes of May 26, 2015, as submitted.

Roll call vote, yes: Ferguson, Drexel, Hagan, Schwartz. Motion carried.

Roll call vote, no: None.

Consideration of Minutes of June 2, 2015, Special Session Meeting.

Councilor Schwartz moved and Councilor Drexel seconded the motion to approve the Special Session Meeting minutes of June 2, 2015, as submitted.

Roll call vote, yes: Drexel, Hagan, Schwartz, Ferguson. Motion carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Action to Excuse Councilor Morrison from Regular Session Meeting.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to excuse Councilor Morrison from this evening's Regular Session meeting for personal reasons.

Roll call vote, yes: Hagan, Schwartz, Ferguson, Drexel. Motion carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 5, Series 2015, Re: *Gunnison Municipal Code and Land Development Code Text Amendments Regarding Marijuana Facilities Regulations; 1st Reading.* Councilor Ferguson introduced Ordinance No. 5, Series 2015; and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Schwartz seconded the motion that Ordinance No, 5, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLES 3, 8 AND 14 OF THE CITY OF GUNNISON MUNICIPAL CODE AND THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, ESTABLISHING RULES, STANDARDS AND POLICIES FOR LICENSING AND REGULATING THE USE OF LAND WITHIN THE BOUNDARIES OF THE CITY OF GUNNISON FOR THE RETAIL SALE, CULTIVATION, MANUFACTURING, AND TESTING OF MARIJUANA AND MARIJUANA PRODUCTS,** be introduced, read, passed and ordered published as amended on first reading this 9th day of June, 2015.

Mayor called for any discussion on the Ordinance. Discussion ensued. Topics discussed included the following: changing the Sunday hours of operation of retail, medical and recreational, stores only to 1pm to 6pm as a consensus to the faith-based community; to provide a buffer around parks and churches; to delineate more clearly the funding of youth education programs out of the marijuana tax revenues; the language in the ordinance is the same as was on the ballot; Council has the authority every year through the budget development process to spend revenues generated by sales tax; the focus needs to be on youth education programs; the need to defray regulation costs by City staff; why local background checks are necessary since not every local violation is reported through the State reporting system; the ordinance is an evolving document and can be changed in the future if it needs to be amended on any level; business should be allowed to use their business logo even if it includes marijuana graphics in order to promote their business; too much regulation is burdensome to businesses; the Planning Commission had a lengthy discussion on the sign language and they agreed with the language in the Ordinance; the language included in the sign portion of the ordinance is the same as found in State Statutes; the possibility of remanding the ordinance back to the Planning Commission for further review and

recommendation; other municipalities use the same signage language as the proposed text; the hours of operation should be 8am to 8pm since the State allows for them to be open until midnight;

many other municipalities allow businesses to be open 10am to 10pm; the welfare of kids is still the focus of the Mayor Pro Tem; and he will be voting with that in mind.

Council consensus was to amend the Ordinance to allow for retail marijuana businesses to be open from 8am to 10pm except on Sunday when the hours will be 1pm to 6pm. All other marijuana businesses can be open 24 hours but cannot sell marijuana. The motion's first and the second agreed to the amendments.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan. Motion carried.

Roll call vote, no: None.

Ordinance No. 6, Series 2015, Re: Gunnison Municipal Code Text Amendment Regarding Noise/Idling Engines, 1st Reading. Councilor Drexel introduced Ordinance No. 6, Series 2015, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Schwartz seconded the motion that Ordinance No. 6, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING TITLE 5 GENERAL OFFENSES, CHAPTER 5.20 TRAFFIC, SECTION 5.20.020 ADDITIONS OR MODIFICATIONS, PART 12 PARKING, SECTION 1206 UNATTENDED MOTOR VEHICLES, OF THE CITY OF GUNNISON MUNICIPAL CODE**, be introduced, read, passed and ordered published on first reading this 9th day of June, 2015.

Roll call vote, yes: Ferguson, Drexel, Hagan, Schwartz. Motion carried.

Roll call vote, no: None.

City Attorney Kathleen Fogo: no report.

City Manager: Ken Coleman reported on the following: the City hosted the Mayors'/Managers' meeting last Thursday and Steve Westbay gave an overview of the City's Comprehensive Plan Development to the attendees; the Gunnison RiverFest will take place this weekend and the river is flowing high; work continues on the Community Center addition; there were two more leaks in the roof of the Community Center; preparations for the HOG Rally and the Diamonds in the Rockies softball tournament are underway for next week; there will be a meeting on the Highway Corridor Project with CDOT tomorrow; and Staff is working with the County on the conceptual ideas in the Airport Master Plan.

City Clerk/Acting City Manager: Gail Davidson informed Council the City Clerk's Department is hosting two upcoming liquor licensing workshops. The first is this Friday and is a day-long class. We have 17 municipal and county clerks signed up for that workshop. The second class is being co-hosted by the City, CB, Mt. CB and the County. The 4 hour session is being taught by the State Liquor Enforcement agent from Grand Junction. Valley-wide liquor licensees and non-profit groups are invited to attend the free workshop. The City board and commission vacancies have been advertised heavily for the past few weeks. As of this date, no letters of interest have been received. If any of Council knows of anyone interested in City government, to please encourage them to get involved and submit a letter of interest.

WSCU Liaison: Absent until fall semester.

Non-Scheduled Citizens: John Billingsley addressed Council. He thanked them and said the Marijuana Regulations Ordinance is a good compromise and assured them that kids will be protected.

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

Councilor Schwartz: reported he attended the Mayors'/Managers' meeting last week and found it informative and the Planning Commission is working through the Comprehensive Plan preliminary information.

Councilor Ferguson: reported he too attended the Mayors'/Managers' meeting. He also attended his first the Community Builders Task Force meeting. That group discussed community values and there is some good information included in the materials.

Mayor Pro Tem Drexel: reported he visited family last week. He informed council that reports from Region 10 indicate that transit between Gunnison and Montrose has been tentatively approved but there is nothing in writing at this time. He thanked the City Manager for arranging to get the water wheel placed back in the ditch downtown. It is quite a show piece for the tourists.

Mayor Hagan: reported the Housing Authority meeting was cancelled due to lack of quorum. They may be meeting tomorrow. The groundbreaking for the Anthracite Apartments in Crested Butte took place and was attended by the City Manager. He attended the Trails Commission meeting last night and they talked about property above the City tree dump and potential trails. Blue Mesa is going to fill in the next 3 or 4 days and will remain full for 3 weeks. The dam structures have to be staffed if the lake is full. The Mayor then asked the City Manager to discuss the possibility of no right turns on red in Gunnison especially at the Tomichi and Main intersection. City Manager Coleman will broach the subject with CDOT at their meeting.

Mayor Hagan asked Council if they had any item they would like included on an upcoming Council meeting agenda. There were no requests.

Adjournment: Mayor Hagan called for any further discussion from Council, staff or the public, and hearing none, adjourned the meeting at 7:58 P.M.

Mayor

City Clerk



Memorandum

To: City Council
From: Ben Cowan
Date: 6/18/2015
Re: Refinancing Options for Series 2007 Sales and Use Tax Revenue Bonds

Shortly after I was hired by the City, I approached Troy Bernberg, VP/Public Finance Banker with UMB Bank, to explore the potential for refinancing the sales and use tax revenue bonds that were issued in 2007 for \$8,330,000 to finance the construction of the ice rink and Phase II of the Community Center which included the recreational lap pool and warm water therapy pool. Since rates remain at historical lows and are predicted to rise in the later part of this year, it seems prudent to review options to potentially reduce the debt service costs paid each year by the City.

Troy has assisted us over the last month to review various scenarios for refinancing the bonds including a public offering, bank private placement with forward refunding and a blended approach, along with several variations regarding use of the existing debt service reserve which stands at \$548,431.67. This reserve was required as result of a downgrade of the City's bond insurer's credit rating.

After much consideration, a quick synopsis of the various options is presented below (copies are also attached):

1) Public Offering – Average Annual Cash Savings = \$10,143

This option allows the City to lock the interest rate for the life of the debt but provides limited savings and includes requirements for bond insurance or a debt service reserve.

2) Forward Refunding Private Placement – Average Annual Cash Flow Savings = \$43,119

This option includes an agreement, usually between an issuer and the underwriter, whereby the issuer agrees to issue bonds on a specified future date and an underwriter agrees to purchase such bonds on such date. The proceeds of such bonds, when issued, will be used to refund the issuer's outstanding bonds. This option allows a greater amount of savings but exposes the City to interest rate risk for the last five years. This option does not require bond insurance.

There are blended options that would allow the City to use the bank placement for the short term and bonds for the long term. This would increase the savings from option 1 above and eliminate the interest rate risk in option 2. There would be a great deal more documentation required with this option.

The staff recommendation is to proceed with the full forward refunding "private placement" option and roll the existing debt service reserve of \$548,431.67 into the refinancing package to limit the amount of debt issuance. The estimated average cash flow savings could approach \$56,541, or about \$706,807 over the next fifteen years in today's dollars. Although different economic conditions toward the end of the term dictate interest rates will be different and may be higher than the initial rate, we feel the exposure is acceptable since interest payments at the end of the term are very low and the City's ability to repay at that time should be greater due to revenue growth over the long term.

June 18, 2015

In order to explore the legalities and nuances of moving forward, we are requesting authorization from City Council to engage Kutak Rock LLP. to ascertain the answers to a variety of questions including whether the original ballot question approving the bonds may affect the rate reset feature and whether or not a portion of the existing debt service reserve may be used to fund the upfront costs which include:

Private Placement Fee	\$27,925
Bond Counsel	\$20,000
Bank Counsel	\$5,000
Local Counsel	\$5,000
Trustee Origination	\$2,000
Escrow Verification	<u>\$1,200</u>
Total Estimated Cost of Issuance	\$61,125

Troy will be available to discuss the advantages and disadvantages of each variation and to field questions from Council.

Action Requested: A motion to approve the expenditure of funds not to exceed \$5,000 from General Fund reserves to explore the possibilities of refinancing the remaining principal balance of the Series 2007 Sales and Use Tax Revenue Bonds.

City of Gunnison, Colorado

Sales & Use Tax Revenue Refunding Bonds, Series 2015

Bank Qualified - S&P "A" - Negotiated Underwriting

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/01/2015	114,020.00	276,400.00	390,420.00	401,026.25	10,606.25
12/01/2016	237,025.00	297,400.00	534,425.00	546,652.50	12,227.50
12/01/2017	241,200.00	296,400.00	537,600.00	545,652.50	8,052.50
12/01/2018	535,300.00	-	535,300.00	544,252.50	8,952.50
12/01/2019	533,200.00	-	533,200.00	542,452.50	9,252.50
12/01/2020	536,000.00	-	536,000.00	545,252.50	9,252.50
12/01/2021	533,600.00	-	533,600.00	542,452.50	8,852.50
12/01/2022	535,162.50	-	535,162.50	544,087.50	8,925.00
12/01/2023	536,500.00	-	536,500.00	545,115.00	8,615.00
12/01/2024	536,625.00	-	536,625.00	545,355.00	8,730.00
12/01/2025	534,475.00	-	534,475.00	544,980.00	10,505.00
12/01/2026	532,025.00	-	532,025.00	543,600.00	11,575.00
12/01/2027	529,275.00	-	529,275.00	541,590.00	12,315.00
12/01/2028	531,225.00	-	531,225.00	543,950.00	12,725.00
12/01/2029	532,275.00	-	532,275.00	545,030.00	12,755.00
12/01/2030	532,395.00	-	532,395.00	545,250.00	12,855.00
12/01/2031	536,555.00	-	536,555.00	544,370.00	7,815.00
12/01/2032	534,055.00	-	534,055.00	542,620.00	8,565.00
Total	\$8,600,912.50	\$870,200.00	\$9,471,112.50	\$9,653,688.75	\$182,576.25

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	144,046.14
Net PV Cashflow Savings @ 3.107%(AIC)	144,046.14
Contingency or Rounding Amount	4,437.66
Net Present Value Benefit	\$148,483.80
Net PV Benefit / \$5,945,000 Refunded Principal	2.498%
Net PV Benefit / \$6,490,000 Refunding Principal	2.288%
Average Annual Cash Flow Savings	10,143.13

Refunding Bond Information

Refunding Dated Date	7/15/2015
Refunding Delivery Date	7/15/2015

City of Gunnison, Colorado

Sales & Use Tax Revenue Bonds, Series 2014

Forward Refunding

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/01/2017	81,288.75	290,700.00	371,988.75	415,326.25	43,337.50
12/01/2018	502,577.50	-	502,577.50	544,252.50	41,675.00
12/01/2019	498,567.50	-	498,567.50	542,452.50	43,885.00
12/01/2020	504,425.00	-	504,425.00	545,252.50	40,827.50
12/01/2021	499,885.00	-	499,885.00	542,452.50	42,567.50
12/01/2022	500,212.50	-	500,212.50	544,087.50	43,875.00
12/01/2023	500,275.00	-	500,275.00	545,115.00	44,840.00
12/01/2024	505,072.50	-	505,072.50	545,355.00	40,282.50
12/01/2025	504,472.50	-	504,472.50	544,980.00	40,507.50
12/01/2026	498,607.50	-	498,607.50	543,600.00	44,992.50
12/01/2027	497,610.00	-	497,610.00	541,590.00	43,980.00
12/01/2028	501,347.50	-	501,347.50	543,950.00	42,602.50
12/01/2029	499,687.50	-	499,687.50	545,030.00	45,342.50
12/01/2030	502,762.50	-	502,762.50	545,250.00	42,487.50
12/01/2031	500,440.00	-	500,440.00	544,370.00	43,930.00
12/01/2032	497,852.50	-	497,852.50	542,620.00	44,767.50
Total	\$7,595,083.75	\$290,700.00	\$7,885,783.75	\$8,575,683.75	\$689,900.00

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	531,264.88
Net PV Cashflow Savings @ 2.785%(AIC)	531,264.88
Contingency or Rounding Amount	1,418.09
Net Present Value Benefit	\$532,682.97
Net PV Benefit / \$5,945,000 Refunded Principal	8.960%
Net PV Benefit / \$6,135,000 Refunding Principal	8.683%
Average Annual Cash Flow Savings	43,118.75

Refunding Bond Information

Refunding Dated Date	6/01/2017
Refunding Delivery Date	6/01/2017

City of Gunnison, Colorado

Sales & Use Tax Revenue Bonds, Series 2014

Forward Refunding

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/01/2017	74,001.25	290,700.00	364,701.25	415,326.25	50,625.00
12/01/2018	483,002.50	-	483,002.50	544,252.50	61,250.00
12/01/2019	479,125.00	-	479,125.00	542,452.50	63,327.50
12/01/2020	485,115.00	-	485,115.00	545,252.50	60,137.50
12/01/2021	480,707.50	-	480,707.50	542,452.50	61,745.00
12/01/2022	481,167.50	-	481,167.50	544,087.50	62,920.00
12/01/2023	486,362.50	-	486,362.50	545,115.00	58,752.50
12/01/2024	486,160.00	-	486,160.00	545,355.00	59,195.00
12/01/2025	485,692.50	-	485,692.50	544,980.00	59,287.50
12/01/2026	479,960.00	-	479,960.00	543,600.00	63,640.00
12/01/2027	479,095.00	-	479,095.00	541,590.00	62,495.00
12/01/2028	482,965.00	-	482,965.00	543,950.00	60,985.00
12/01/2029	481,437.50	-	481,437.50	545,030.00	63,592.50
12/01/2030	484,645.00	-	484,645.00	545,250.00	60,605.00
12/01/2031	482,455.00	-	482,455.00	544,370.00	61,915.00
12/01/2032	-	-	-	(5,811.67)	(5,811.67)
Total	\$6,831,891.25	\$290,700.00	\$7,122,591.25	\$8,027,252.08	\$904,660.83

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	1,045,064.15
Effects of changes in DSR investments	(338,257.08)
Net PV Cashflow Savings @ 2.800%(AIC)	706,807.07
Contingency or Rounding Amount	2,544.04
Net Present Value Benefit	\$709,351.11
Net PV Benefit / \$5,945,000 Refunded Principal	11.932%
Net PV Benefit / \$5,585,000 Refunding Principal	12.701%
Average Annual Cash Flow Savings	56,541.30

Refunding Bond Information

Refunding Dated Date	6/01/2017
Refunding Delivery Date	6/01/2017

MEMORANDUM

TO: City Council
FROM: Ken Coleman and Steve Westbay
DATE: June 23, 2015
RE: Completes Streets – Urban Highway Corridor Design Project

The adopted 2015 City Budget includes funding allocations for street improvement projects. The \$100,000 allocation for the development of the Complete Streets Urban Highway Corridor Design project came from the 2015 street improvement funding. In late April the City executed a contract with Fox/Higgins/Hernandez Transportation Group for the Complete Streets Urban Highway Corridor Design Project. Prior to bringing the Transportation Consultant onboard, the staff focused on conducting traffic counts, documenting the sequence of street-light signals and establishing topographic survey control points for the related highway corridors. This memorandum discusses the background of non-motorized endeavors that have been implemented by the City in the past, summarizes the scope of work developed for the urban highway design project and provides highlights of the ongoing activities associated with the project.

Background Context

The real genesis of local efforts to improve non-motorized transportation functions is tied to the initial work in 2006 that set the stage for the 2007 City's recreation bond initiative. A survey conducted as a prelude to this initiative indicated a strong community desire to improve the city trail system. After passage of the ballot initiative the *Gunnison Trails Master Plan* (2007) was adopted. The first major redevelopment projects were implemented after receiving a GOCO grant for the Bridge to Bridge project. Prior to these events, the first bike lane stripping project was completed on Colorado Street and expanded to other streets.

In 2012 the City revised the original *Trails Master Plan* through the adoption of the *City of Gunnison Non-Motorized Transportation Plan* (2012). During this same time period, City capital improvement projects focused on sidewalk corridor extensions to better serve connectivity to the Community Schools. Bike lanes were further extended and additional expenditures were directed to sidewalk improvements within the city. In 2013 the Colorado Department of Transportation (CDOT), Gunnison County and the City signed an Intergovernmental Agreement for the adoption of the *East Highway 50 Access Control Plan*. This first highway planning effort focused on defining future intersection function on the Highway 50 corridor from Main Street east through the Gunnison Rising Annexation. This document helps to set the stage for future intersection improvements that could include improved pedestrian crossing facilities.

The latest work completed in regard to the urban highway design project is associated with the grant award by GOCO for the City's Rivers to Ridges trail project and the completion of the *City of Gunnison Community Analysis* (February, 2015). The GOCO grant award will allow for the development of the east Highway 50 underpass which will serve as the second bookend pedestrian facility that provides grade separated crossing points of Highways 50 and 135. Completion of these three underpasses by the City (Highway 135 Bridge, Twin Bridges, box culvert) represents a total facility value of approximately one million dollars.

There was no doubt that pedestrian highway corridor functions were of great community interest from the onset of developing the *Community Analysis*. In fact the Comprehensive Plan, Scope of Work includes a task element specifically dedicated to establishing Complete Streets action policies. Results from the analysis indicate that pedestrian crossing concerns on Highway 50 are of greatest contention. Survey responses indicated that crossing Main Street (east/west) was of less concern but a noticeable minority indicated concern about these crossings as well.

Scope of Work

The goal of the Complete Streets Urban Highway Corridor Design project is to develop preliminary engineering drawings for multi-modal facility improvements on the urban highway corridors that will be programmed into the City of Gunnison Strategic Planning process.

The Scope of Work is set up in an eight-task process as summarized below:

1. Establish background data (traffic & pedestrian Counts, accident reports, ROW data, sequence of traffic signals, etc.);
2. Implement demonstration project design and permitting;
3. Conduct a multi-modal safety audit of the urban highway corridors;
4. Conduct a series of public input sessions;
5. Develop 30% design plans and distribute for input;
6. Develop 80% (preliminary) engineering design plans;
7. Integrate a phased project approach into the City's Capital Plan; and,
8. Explore grant funding sources.

Ongoing Activities

A key factor in the success of this project is to involve CDOT staff into all of the tasks contemplated by the project scope of work. On June 10, 2015, CDOT participated in an initial web-based conference call with the City's transportation consulting team and city staff. The discussion focused on the general project expectations and the implementation of the Highway 50 bike-lane demonstration project. On June 22nd the respective staff members and consultants scheduled another conference to discuss amendments to the demonstration project. Thereafter, the City will submit a Special Use Permit Application to CDOT for the proposed demonstration project. The application will include the proposed bike-lane geometry design for the highway, a highway safety control plan for the stripping installation and other project related details.

The staff and consultants have also been working to develop background data. In October 2014, city staff conducted a series of pedestrian counts on the highway system. These counts were also duplicated in early May of this year. Traffic volume counts were also conducted in early May – these newest counts will be used along with previous traffic count data to model intersection performance and other vehicle traffic functions. Accident counts are being compiled and data from the State Patrol is forthcoming. Traffic signal sequence data has also been compiled.

Survey work to establish topography control points on the highway corridors was completed in the March/April timeframe. A request for proposals was published for the aerial photography production in March and the flight occurred in mid-April before the trees had bloomed. This

high resolution aerial photography of the highway corridors will provide very accurate topographic data that can be used as a basis for the engineering design drawing.

Conclusion

During the past eight years, capital improvements to non-motorized transportation facilities have been a significant municipal priority. Community engagement guiding the previous efforts has been provided by the Bicycle and Pedestrian Advisory Committee (BPAC). Since 2010, BPAC has focused on education programming, providing input for improving non-motorized travel and guiding grants funding activity. Ana's Pledge Bicycle Rodeo and Bicycle Friendly Community Silver designation (2012) are examples of the successful endeavors of the BPAC.

The BPAC and the Comprehensive Plan Advisory Committee will be intimately involved in the Complete Streets Urban Highway Corridor Design project. Additionally public input will also be sought throughout the process. However, it must be noted that contemplating physical alterations to the highway corridor also presents specific and complex nuances that must be addressed through a structured engineering design program that involves the City staff, city consultants and CDOT staff. The successful execution of the urban highway design scope of work will provide a framework for programming highway corridor improvements.

Memorandum



To: City Council
From: Ken Coleman
Date: June 19, 2015
Re: Water Rights

Our water attorney has advised us of two water rights applications on the Tomichi Creek drainage where statements of opposition are recommended.

First, in Case No. 15CW16, Cross Bar Ranch filed an application for determination and/or change of a number of different water rights on Tomichi Creek. As the water will be used primarily for irrigation, some of that amount should accrue back to Tomichi Creek as return flow; however, the application does not address that point. Because a 5.3 cfs reduction in the flow on Tomichi Creek is enough to be of concern and the application is confusing in its description of what the applicant is and is not seeking, it is recommended that the City consider filing a statement of opposition in this case.

Second, in Case No. 15CW17, Cross Bar Ranch is invoking a relatively recent statute that allows for applications to correct established but erroneously described points of diversion. The idea behind the statute is to allow for a somewhat simplified water court proceeding in cases in which water has been diverted at the same physical location since the decree for a water right was entered, but that location is not the same as the point of diversion specified in the decree. In this case, Cross Bar Ranch is asking the court to correct erroneously described points of diversion for twenty different ditches, as follows:

All told, the water rights for which the applicant is seeking corrected points of diversion on Tomichi Creek in this case add up to more than 106 cfs. Again, as these are irrigation water rights, some of that amount should accrue back to Tomichi Creek as return flow, but the application does not address that point. Because 106 cfs is an extremely large amount of flow to be taken out of Tomichi Creek, because these water rights carry senior priorities, and because applications under the recent statute allowing for correction of erroneously decreed points of diversion are still something of a new animal, it is recommended that the City file a statement of opposition in this case as well.

Staff recommends Council approve filing statements of opposition in cases 15CW16 and 15CW17 and authorize the City Manager to sign both documents.

**ORDINANCE NO. 5
SERIES 2015**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLES 3, 8 AND 14 OF THE CITY OF GUNNISON MUNICIPAL CODE AND THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, ESTABLISHING RULES, STANDARDS AND POLICIES FOR LICENSING AND REGULATING THE USE OF LAND WITHIN THE BOUNDARIES OF THE CITY OF GUNNISON FOR THE RETAIL SALE, CULTIVATION, MANUFACTURING, AND TESTING OF MARIJUANA AND MARIJUANA PRODUCTS.

WHEREAS, the Colorado Medical Marijuana Code is contained in 12-43.3-101, et seq., C.R.S.; and

WHEREAS, the Colorado Retail Marijuana Code is contained in 12-43.4-101, et. seq., C.R.S.; and

WHEREAS, administrative regulations pertaining to both medical and retail marijuana establishments promulgated by the State Licensing Authority are contained in the Colorado Code of Regulations; and

WHEREAS, in 2011, electors of the City of Gunnison voted to prohibit the operation of medical marijuana establishments within the City; and

WHEREAS, in 2011, the City Council adopted Ordinance 2, Series 2011, prohibiting the establishment of Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana-Infused Product Manufacturers within the City of Gunnison; and

WHEREAS, in 2013, the City Council of the City of Gunnison, passed Ordinance No. 6, Series 2013, prohibiting the operation of retail marijuana establishments within the City; and

WHEREAS, since the action of voters in 2010, and the City's action in 2013, regulations regarding the marijuana industry, both medical and retail, have been developed and refined by the State legislature, and members of the public have requested that the City determine whether to continue the prohibition on medical and retail marijuana establishments within the City; and

WHEREAS, on November 4, 2014, the City of Gunnison put the question to registered electors of the City of Gunnison, whether to allow medical marijuana establishments within the City, whether to allow retail marijuana establishments in the City, and whether to allow the sale of medical or retail marijuana within the City would be subject to local taxation; and

WHEREAS, voters approved the establishment of medical and retail marijuana establishments within the City limits, as well as taxation on sales of the same, subject to such rules, regulations, limitations and restrictions as may be adopted by City Council; and,

WHEREAS, both the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code specifically authorize a local jurisdiction which is going to allow the medical and retail marijuana establishments within its boundaries, to adopt its own time, place and manner of restrictions, as well as other local regulations, which rules and regulations may be stricter than those established by the State of Colorado; and

WHEREAS, the City Council of the City of Gunnison has received and considered City staff and public input into the creation of the following regulations regarding the marijuana industry within the City, and specifically the health, safety and welfare of its citizens.

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

Section 1. Authority. The City Council hereby finds, determines, and declares that it has the power and authority to adopt this Article pursuant to:

- A. The Colorado Medical Marijuana Code, C.R.S., Title 12, Article 43.3;
- B. The Colorado Retail Marijuana Code, C.R.S. Title 12, Article 43.4;
- C. The authority granted to home rule municipalities by Article XX of the Colorado Constitution;

- D. The powers contained in the City of Gunnison Home Rule Charter;
- E. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- F. Part 3 of Article 23 of Title 31, C.R.S., (concerning municipal zoning powers);
- G. Section 31-15-103, C.R.S., (concerning municipal police powers);
- H. Section 31-15-401, C.R.S., (concerning municipal police powers); and,
- I. Section 31-15-501, C.R.S., (concerning municipal authority to regulate businesses).

Section 2. Definitions. Unless otherwise defined in this Ordinance, or as may be set forth in Chapter 5 of the City of Gunnison Municipal Code (GMC), the City of Gunnison incorporates the definitions for the marijuana industry as set forth in the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, and the regulations propounded by the State Licensing Authority.

Section 3. City of Gunnison Municipal Code, Title 3, Finance, Chapter 3.10, City Sales and Use Tax Code, Section 3.10.060, Schedule of Sales Tax and Distribution of Receipts, is hereby repealed and reenacted to read as follows:

- A. There is imposed a tax in an amount equivalent to three percent of all sales of commodities and services specified in GMC 3.10.040. The receipts of the tax shall be deposited in the general fund of the city and shall be applied as specified in GMC 3.10.380.
- B. Commencing July 1, 2007, through and including June 30, 2032, there is imposed a tax, in addition to the tax set forth in subsection (A) of this section, in an amount equivalent to one percent of all sales of commodities and services specified in GMC 3.10.040. Commencing July 1, 2032, the tax specified in the preceding sentence shall be reduced to a tax, in addition to the tax set forth in subsection (A) of this section, in an amount equivalent to one-quarter of one percent of all sales of commodities and services specified in GMC 3.10.040. The receipts of the tax shall be deposited in the city park and recreation fund and shall be applied as specified in GMC 3.10.380.
- C. Commencing July 1, 2015, there is imposed a tax, in addition to taxes set forth in subsection (A) and (B) of this section, in the amount of five percent (5%) on the sale of medical marijuana, medical-marijuana infused products, retail marijuana and retail marijuana products, and an excise tax in the amount of five percent (5%) of the cash value of the transaction on the sale by a retail marijuana cultivation facility or retail marijuana products manufacturing facility to a licensed marijuana establishment outside the City of Gunnison. All revenues derived from such tax shall be collected and spent to defray costs incurred in regulating the marijuana industry, funding social, recreational, and educational programs within the community as may be determined by the City, including substance abuse prevention, education and counseling programs, and to promote the general purposes of the City of Gunnison.
- D. Retailers shall add to the sale price or charge the tax imposed in subsections (A), (B) and (C) of this section, or the average equivalent thereof, insofar as such average equivalent is expressed in combined form with that of the tax imposed by operation of Part 1 of Article 26 of Title 39, C.R.S., as amended, in accordance with schedules of said combined average equivalents duly adopted and promulgated by the Executive Director of the Colorado Department of Revenue. The retailer shall show such tax as a separate and distinct item, and when added, such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts. The retailer shall be entitled as collecting agent of the city to apply and credit the amount of collections against the rate to be paid under the provisions of GMC 3.10.050, remitting any excess of collections over said rate, less the five percent collection expense allowance, to the director of finance in the retailer's next monthly sales tax return.

Section 4. City of Gunnison Municipal Code, Title 8, Business Regulation, is hereby amended to add a new Chapter 8.50 Marijuana Business Licensing Regulations.

Chapter 8.50 MARIJUANA BUSINESS LICENSING REGULATIONS

8.50.010 License Required.

No person shall operate any marijuana establishment within the City of Gunnison without a license from the State of Colorado and the City of Gunnison. The City may issue a license, or licenses as appropriate, from any of the following classes: medical marijuana center, optional premises cultivation operation, medical marijuana-infused products manufacturing, retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturing facility, retail marijuana testing facility. Dual operations are allowed within the City. No person, or entity in which the same person has an interest, may obtain more than one license for each class of marijuana establishment.

8.50.020 Application and License Fee Required.

An applicant shall pay the City an application fee and license fee when the application is filed. City Council shall set these fees by Resolution. If an application is later withdrawn, the City shall refund the license fee paid by the applicant. Application fees are nonrefundable.

8.50.030 Application for License.

- A. General Application Requirements. All applications for licenses authorized pursuant to Section 12-43.3-301, C.R.S. and Section 12-43.4-301, C.R.S., shall be made on forms approved by the State of Colorado.
- B. City-Specific Application Requirements. In addition to the application requirements contained in Section A. above, the City requires the following to be included in all applications submitted to the City and the state licensing authority:
 - 1. Results of local background check performed by the City of Gunnison Police Department for all persons to be involved in the business, including proposed licensee, owner(s), business managers, or financier(s);
 - 2. Consent/Acknowledgment in writing from the landlord and/or property owner if applicable, acknowledging that the premises will be operated as a marijuana establishment and consenting thereto;
 - 3. An approved Site Development application and/or Conditional Use permit as applicable;
 - 4. Approval from Community Development Department, that the intended site, buildings and facilities meet necessary local regulations as well as industry-specific regulations, or any conditions necessary to make the site compliant. A pre-application conference with the Community Development Department staff and review of the proposed site is optional, but is highly recommended, in order to assist in obtaining necessary approvals under this section.

8.50.040 License Application Processing and Procedure.

- A. Medical Marijuana Establishment.
 - 1. Public Hearing - City Council. Upon receipt of a complete application and the fees required for a local license, the City shall set a public hearing on the application to be held not less than thirty (30) days after the receipt by City Council of the application. Notice of such hearing shall be given pursuant to Section 12-43.3-302, C.R.S. The public hearing shall be conducted in the following format:
 - a. Call to Order
 - b. Record of Attendance
 - c. Applicant Identification
 - d. Report from City Clerk/City Attorney
 - e. Determination of the Neighborhood Within City Limits
 - f. Applicant's Testimony
 - g. Testimony in Favor
 - h. Testimony in Opposition

- i. Close Public hearing
2. No action shall be taken by City Council following the public hearing.
3. Following receipt of proof by the state local licensing authority of conditional licensing of the applicant by the state licensing authority, the City shall proceed to make findings of fact and approve or deny the application as set forth below in Section 8.50.050.

B. Retail Marijuana Establishment

1. If the state licensing authority receives an application for original licensing for any retail marijuana establishment, the state licensing authority shall provide, within seven days, a copy of the application to the City, and the City shall determine whether the application complies with the City's time, place, manner restrictions regarding retail marijuana businesses. All City-Specific Application requirements contained in Section 8.50.030B (1-4) must be included in the application and must be completed in order for the City to inform the state licensing authority whether the application complies with such local restrictions as required by Section 12-43.4-301, C.R.S. The City Clerk as the local licensing authority shall provide such determination to the state licensing authority.
2. Public Hearing. If the applicant receives conditional state licensure from the state licensing authority, the City shall set a public hearing before City Council on the application to be held following public notice as set forth in Section 12-43.4-302, C.R.S. The public hearing shall be conducted in the following format:
 - a. Call to Order
 - b. Record of Attendance
 - c. Applicant Identification
 - d. Report from City Clerk/City Attorney
 - e. Determination of the Neighborhood Within City Limits
 - f. Applicant's Testimony
 - g. Testimony in Favor
 - h. Testimony in Opposition
 - i. Close Public hearing
3. Council Action Following Hearing. The City Council may take action on the application following the public hearing, either on the same day as the public hearing, or at such regular session as determined by Council. The City Council shall make findings of fact and approve or deny the application as set forth below in Section 8.50.050.

8.50.050 Findings of Fact.

The City Council shall make written findings approving, approving with conditions, or denying an application for a marijuana establishment within the City. In order to approve an application, Council must make at least the following findings:

- A. The application complies with all relevant provisions of the Colorado Medical Marijuana Code, 12-43.3-101, et. seq., C.R.S., as amended, or the Colorado Retail Marijuana Code, 12-43.4-101, et. seq., C.R.S., as amended, as applicable.
- B. That the application is complete and complies with the City application requirements.
- C. That the applicant has received conditional licensing from the state licensing authority.
- D. That the applicant has paid the application and license fees established by the City.
- E. That the application complies with all relevant provisions of the City of Gunnison Land Development Code.

- F. That all testimony both in favor of or in opposition to issuance of the license sought has been considered.
- G. That the Council has considered the needs and desires of the neighborhood in which the licensed premises will be located.
- H. That the local background check performed by the City of Gunnison Police Department does not establish any concern regarding the applicant's ability to operate the marijuana establishment.
- I. That Consent/Acknowledgment in writing has been received from the landlord and/or property owner as applicable, acknowledging that the premises will be operated as a marijuana establishment and consenting thereto.

Any conditions of approval of the application shall be set forth in writing. A City license will not be issued until conditions of approval have been met. Any denial of an application shall be accompanied by written findings.

8.50.060 Modification or Alteration to Premises Following Issuance of License.

In addition to receiving approval in advance from the state licensing authority, approval from the Community Development Department, the Building Department and the Fire Department must be obtained prior to any modification or alteration of the premises following initial licensure of the premises. Modifications or alterations requiring approval are those that materially or substantially alter the licensed premises or the usage of the licensed premises from the plans originally approved. A determination of the Community Development Department should be sought as to whether any change is material or substantial prior to any modification or alteration being made. If deemed necessary by the Community Development Department, approval from a state licensed engineer, that any proposed modifications are in compliance with all ICC Codes, may be required. The City Council shall set the fee for review of premises modifications by Resolution.

8.50.070 License Renewal.

Licenses are valid for one (1) year.

License renewal applications shall be processed pursuant to Section 12-43.3-311, C.R.S. for medical marijuana establishments and pursuant to Section 12-43.4-310, C.R.S. for retail marijuana establishments. No renewal of a license shall be approved by the City until the license renewal fee set by City Council by Resolution is paid, until results of a local background check are provided by the City of Gunnison Police Department, and until confirmation is received from the Community Development Department, Building Department, and Fire Department, that the licensed premises continue to meet the necessary regulations required for licensure. License renewal may be approved by the City Clerk as the local licensing authority.

The City may revoke or elect not to renew any license if it determines that the licensed premises have been inactive, without good cause, for at least one year.

8.50.080 Transfer of Location of License.

A license for a marijuana establishment may be transferred to another location within the City pursuant to Section 12-43.3-310, C.R.S., for medical marijuana establishments, and pursuant to Section 12-43.4-309, C.R.S. for retail marijuana establishments. An application to transfer the location of a license must be accompanied by the transfer of license location fee set by City Council by Resolution. In addition, the applicant must comply with Section 8.50.030 B, parts 1-4 of the City Code, and will be subject to any reasonable restrictions that exist or may be placed upon the new location by City Council.

8.50.090 Transfer of Ownership.

A marijuana establishment license may be transferred to a new owner pursuant to Section 12-43.3-309, C.R.S. for medical marijuana establishments, and pursuant to Section 12-43.4-308, C.R.S. for retail marijuana establishments. An application to transfer ownership must be accompanied by the transfer of ownership fee set by City Council by Resolution. In addition, the applicant must comply with Section 8.50.030B, part 1, and shall be subject to the procedures for licensure set forth in Section 8.50.040 of the City Code.

8.50.100 License Suspension or Revocation.

The City may suspend or revoke a license in accordance with the provisions of Section 12-43.3-601, C.R.S., for medical marijuana establishments, and Section 12-43.4-601, C.R.S., for retail marijuana establishments.

- A. A marijuana establishment license may be suspended or revoked by the City for any of the following violations:
1. Conviction of the business, a licensee, or any owner, business manager, or financier of any violation of this chapter or any other law, rule or regulation applicable to the use of marijuana or operation of a marijuana establishment;
 2. Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the City related to the marijuana establishment;
 3. Violation of any law which, occurring prior to submittal of the application, could have been cause for denial of the license application;
 4. Distribution of marijuana, including, without limitation, delivering or transporting marijuana in violation of this Chapter or any other applicable law, rule or regulation;
 5. Operation of a marijuana establishment in violation of the specifications of the license application, any conditions of approval by the city;
 6. Failure to comply with all applicable kitchen-related health and safety standards of the Colorado Department of Public Health and Environment regulations as set forth in Code of Colorado Regulations;
 7. Failure to comply with the operation procedures and food service protection provisions of the Marijuana Product Manufacturing Facilities standards of the Colorado Department of Permanent Rules Related to Retail Marijuana Code;
 8. Disposal of organic toxic pollutants, hazardous substances, and toxic pollutants in violation of procedures established by City, state and federal regulations;
 9. Modification of the premises without prior approval pursuant to 8.50.060;
 10. Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter;
 11. Failure to properly notify the city and to complete necessary forms for changes in financial interest, business managers, financier, agent, or change of address;
 12. Failure to comply with all relevant provisions of the City of Gunnison Land Development Code;
 13. Temporary or permanent closure, or other sanction of the establishment, by the city, or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the establishment or any other applicable law;
 14. Revocation or suspension of another marijuana establishments license or any other license issued by the city, the State of Colorado, or any other jurisdiction, held by a licensee of the marijuana establishment;
 15. Failure to maintain the proper occupational licenses and registrations issued by the State of Colorado for owners, managers, operators, employees, contractors, and other support staff employed by, working in, or having access to restricted areas of the licensed premises of a marijuana establishment;

16. Failure to correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice and order; and,
 17. Suspension or revocation of a license by the State of Colorado.
- B. In the event an establishment, licensee, owner, business manager, or financier is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending resolution of the alleged violation.
- C. If the city revokes or suspends a license, the establishment may not move any marijuana from the premises except under supervision of the City of Gunnison Police Department or the state licensing authority.
- D. In determining whether a license should be suspended or revoked, and in determining what conditions should be imposed in the event of a suspension, the city shall consider:
1. The nature and seriousness of the violation – e.g., public safety, license violations, license infractions;
 2. Corrective action, if any, taken by the licensee;
 3. Prior violation(s), if any, by the licensee;
 4. The likelihood of recurrence;
 5. All circumstances surrounding the violation;
 6. Whether the violation was willful or deliberate;
 7. Previous sanctions, if any, imposed against the licensee; and
 8. Whether the owner or manager is the violator or has directed an employee or other individual to violate the law.

Section 5. City of Gunnison Municipal Code, Title 14 (Technical Codes), Chapter 14.10, Building Code, Section 14.10.030 (Amendments) is hereby amended by the addition of the following:

International Building Code, Chapter 3, Section 306.2, F-1 Moderate Hazard Occupancies, shall be amended by adding the following new occupancy designations to the existing list:

Licensed Medical Marijuana Cultivation (Optional Premises Cultivation)
Licensed Retail Marijuana Cultivation
Licensed Medical Marijuana Manufacturer (Medical Marijuana-Infused Products Manufacturer)
Licensed Retail Marijuana Products Manufacturer

Section 6. City of Gunnison Municipal Code, Title 14 (Technical Codes), Chapter 14.20, Mechanical Code, Section 14.20.030 (Amendments) is hereby amended by the addition of the following:

International Mechanical Code, Chapter 5, Section 501.2.2, Exhaust Opening Protection, shall be amended by adding the additional new paragraph:

In order to mitigate odors, all marijuana establishments shall be equipped with a mechanical source capture system. Source capture systems shall comply with all building, mechanical and fire code provisions. In-line exhaust filtration may include carbon filtration system or other equivalent filtration apparatus approved by the Building Official. Source capture system apparatus shall be maintained in proper working condition.

Section 7. City of Gunnison Municipal Code, Title 14 (Technical Codes), Chapter 14.30, Fire Code, Section 14.30.030 (Amendments) is hereby amended by the addition of the following:

International Fire Code, Chapter 27, Hazardous Materials – General Provisions, shall be amended by adding the following new Sections:

Section 2701.7, Provisions for Marijuana Establishments. All marijuana establishments licensed to operate in the City of Gunnison shall comply with the following standards.

A. Licensed Medical Marijuana-Infused Products Manufacturer and Retail Marijuana Products Manufacturer shall be prohibited from using flammable and combustible liquids and any compressed gases in the processing for marijuana to marijuana concentrates, oil, tinctures or other products.

Exception. Licensed Medical Marijuana-Infused Products Manufacturer and Retail Marijuana Products Manufacturer may use Carbon Dioxide gas in the processing of marijuana into concentrates, oil, tincture or other products. The system must receive permit approval from the City of Gunnison Fire Marshal prior to issuing a certificate of occupancy.

B. All equipment using Carbon Dioxide in the processing of marijuana into concentrate shall possess safety manufacturing labeling from an accredited testing laboratory (Underwriters Laboratories, International Code Council, others). In the event that the equipment has not been tested by an accredited testing laboratory, the design and installation of said equipment may be stamped and certified by a licensed engineer in the State of Colorado.

C. Licensed Marijuana Cultivation establishments shall be prohibited from using flammable and combustible liquids and any compressed gases in the cultivation of marijuana.

Exception. Marijuana establishments licensed by the City of Gunnison for Marijuana cultivation may use Carbon Dioxide gas to enhance the growth of marijuana under the following provisions and standards:

1. All Carbon Dioxide equipment must receive permit approval from the City of Gunnison Fire Marshal prior to issuing a certificate of occupancy.
2. All equipment used for Carbon Dioxide infusion for cultivation shall possess a safety manufacturing labeling from an accredited testing laboratory (Underwriters Laboratories, International Code Council, others). In the event that the equipment has not been tested by an accredited testing laboratory, the design and installation of said equipment may be stamped and certified by a licensed engineer in the State of Colorado.
3. All Carbon Dioxide injection equipment shall be equipped with a horn/strobe alarm that automatically activates when the Carbon Dioxide levels in the facility's ambient air exceeds 5000.0 parts per million.
4. All Carbon Dioxide injection equipment shall be equipped with an automatic shutoff system that activates when the Carbon Dioxide levels in the facility's ambient air exceeds 5000.0 parts per million.
5. Fumigation of a cultivation facility using the injection of Carbon Dioxide shall only be conducted after receiving a marijuana fumigation permit from the City of Gunnison Fire Marshal.
6. Carbon Dioxide Generators using natural gas or propane is prohibited.
7. Any marijuana establishment utilizing Carbon Dioxide shall post signs on all exterior doors indicating that Carbon Dioxide is used in the facility.

Section 8. City of Gunnison Land Development Code, Section 2, Table 2-3, Principal Use Table is hereby amended to read as follows:

TABLE 2-3 PRINCIPAL USE TABLE											
Use Categories	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	
Residential Use Categories (§3.2)											
Household Living	Accessory Dwelling ¹			P	P	P	P	P	P	P	§3.3H
	Duplex dwellings			P	P	P	C		C		§3.3C
	Manufactured homes	P	P	P	P	P	P	C	C		§3.3B
	Mobile home parks					C					§3.3I
	Multi-family dwellings				P	P	C		C		§3.3D
	Single-family dwellings	P	P	P	P	P	P	C	C		§3.3C
	Townhouses				P	P					§3.3F
	Upper story residential ¹						P	P	P	P	§3.3G
	Zero lot line dwellings			P	P	P					§3.3E
Congregate Living	Assisted Living homes	C ²	C ²	C ²	C ²	C ²			C ²		§3.3J
	Nursing home			C	C	C			C		§3.3J
	Rooming and boarding houses, dormitories, fraternities or sororities				C	C					§3.3K
Home Occupation and Home Business	Home Occupation	P	P	P	P	P	P	P	P		§3.3L
	Home Business	C	C	C	C	C	P	P	P		§3.3L
Marijuana	Personal Use of Marijuana	P	P	P	P	P	P	P	P		§3.3M
Public, Civic and Institutional Use Categories (§3.4)											
Community Service	Detention Center									P	--
	Mausoleum, columbarium	C	C	C	C	C	C	C	P		--
	Neighborhood or community centers	C	C	C	C	C	P		P		--
	Public garage or shop									P	--
Educational Facilities	School, public or private	C	C	C	C	C	C	C	C		§3.4A
	School, trade or business	C	C	C	C	C	C	C	C	C	
Day Care	Daycare Center			C	C	C		C			§3.5A
	Daycare Home	C	C	P	P	P	P	P	P	C	
	Daycare School			C	C	C	C	C	C	C	
Marijuana-Related Business	Marijuana Club or Vapor Lounge										--
Medical	Hospitals						C		P		--
Parks and Open Space	Parks and recreational facilities	P	P	P	P	P	P	P	P	P	--
Religious Institutions	Churches or places of worship	C	C	C	C	C	C	C	P		§3.5B
Utilities	Major utilities (private only)	C	C	C	C	C	C	C	C	P	--
	Minor utilities	P	P	P	P	P	P	P	P	P	--
Accommodation, Retail, Service - Commercial Use Categories (§3.6)											
Entertainment Event, Major	Auditoriums							C	P	P	--
	Fairgrounds									P	--
Office	Banks and financial institutions						C	P	P		--
	Government offices					C	P	P	P	P	--
	Medical clinic or dental office						P	P	P		--
	Professional offices						P	P	P	C	--
	Radio and television studios						P	P	P		--
Parking, Commercial	Commercial parking lots and garages							C	P	P	--
Retail Sales, Rental and Service, Sales-Oriented	Art Galleries						P	P	P		--
	Auto sales and rental								P	P	--
	Automotive Supplies								P	P	--
	Book stores						P	P	P	C	--
	Convenience Stores, without gas pumps							P	P	P	--
	Drive-in						C	C	C	C	§3.12B
	Furniture and Appliance Stores							P	P	P	--

¹ See special allowances in the Use Standards.

² Conditional Use is limited to not more than eight developmentally disabled or eight mentally ill persons pursuant to CRS §31-23-304(4).

TABLE 2-3 PRINCIPAL USE TABLE											
Use Categories	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	
	Printing, publishing and lithography						C	P	P	P	--
	Woodworking and cabinet shops								C	P	--
Marijuana Manufacturing and Production	Marijuana manufacturing									P	§3.15
	Medical marijuana-infused products manufacturing									P	§3.15
	Marijuana cultivation									P	§3.15
	Medical marijuana optional premises cultivation operation									P	§3.15
	Marijuana testing facility								P	P	§3.15
Self-storage Warehouse	Mini-warehouses and mini-storage									P	--
Vehicle Repair	Auto body shops								C	P	§3.7.B.2
	Auto, truck and boat repair								C	P	§3.7.B.2
	Quick lube service								P	P	§3.7.B.2
Warehouse and Freight Movement	Air cargo terminal									P	--
	Outdoor storage, general								C	P	§3.9B.
	Post Office							P	P	P	--
	Recreational vehicle storage								C	P	§3.9B.
	Utility service yards or garages								C	P	§3.9B.
	Warehouses and truck terminals									P	§3.9B.
Waste-Related	Transfer stations									P	--
	Recycling centers									P	--
Wholesale Sales	Mail order houses						P		P	P	--
	Wholesalers of food, clothing, and parts								C	P	--
Other Uses Categories §3.10											
Adult entertainment	Sexually oriented businesses									C	§3.10 C.
Alternative Energy	Solar Voltaic and Wind Turbines	C	C	C	C	C	C	C	C	C	§3.11 D.
Aviation and Surface Transportation	Airports and related facilities, public									P	§3.11 A.
Mining	Processing of aggregate mineral or other subsurface resources									C	§3.11 E.
	Asphalt Batch Plant									C	§3.11 E.
Telecommunications Facilities	Telecommunications facilities and towers							C	C	P	§3.11 B.
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.							C	C	C	§3.13

Section 9. City of Gunnison Land Development Code, Section 3, is hereby amended to add Section 3.14 Marijuana Use Categories and Section 3.15 Marijuana Use Standards as follows:

3.14 Marijuana Use Categories

- A. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishments).
1. Characteristics. A licensed retail marijuana sales facility is authorized to sell retail or medical marijuana or manufactured marijuana products.
 2. Accessory Uses. Accessory uses may include offices, secured indoor storage areas and sale of marijuana accessories.
 3. Examples. Retail marijuana stores and medical marijuana centers are licensed in compliance with all local and state regulations. Retail marijuana establishments sell marijuana and marijuana products manufactured for consumption to the general public, under the provisions of state and local government regulations. Facilities

have restricted access areas designated for merchandise displays and conducting transactions, and limited access areas which are prohibited for public access. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group M, Mercantile.

B. Marijuana Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment)

1. Characteristics. Manufacturing and production facilities serve to prepare, manufacture and package marijuana byproducts. Typically, the manufacturing process includes the distillation of plant materials. The distilled byproducts are generally oils, tinctures, and edible products made from the distilled product. Products may be any part of the plant or a finished product for the wholesale market or other facilities. Goods are not sold on the site.
2. Accessory Uses. Accessory uses may include offices, warehouses, truck fleets and secured indoor storage areas.
3. Examples. Marijuana manufacturing and medical marijuana-infused products manufacturing are licensed in compliance with all local and state regulations. Marijuana product manufacturing establishments process marijuana into various consumable products, under the provisions of state and local government regulations. Processes often involve distillation of marijuana using various types of equipment. Commercial kitchen equipment meeting the standards of the Colorado Department of Public Health and Environment are required. Facilities are limited areas for which public access is prohibited. Generally, Marijuana product manufacturing establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

C. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment).

1. Characteristics. Marijuana cultivation incorporates facilities with specific climate controls; ventilation and mechanical systems; equipment for watering and fertilizing plants; and storage of various gases, materials, and equipment required for the growing of marijuana plants. Cultivation facilities cannot cohabitate with any other uses not licensed and permitted as a marijuana establishment.
2. Accessory Uses. Accessory uses may include offices, warehouses, truck fleets and fully enclosed and secured storage facilities. Open storage yards are not permitted.
3. Examples. Marijuana cultivation establishments are licensed in compliance with all local and state regulations. Licensed marijuana cultivation establishments grow and produce marijuana. There are numerous process types that may be used the cultivation of marijuana. Processes may include the injection of compressed gas (generally Carbon dioxide) or using nutrient rich media to enhance plant growth. Primary life-safety concerns include depleted oxygen levels within the facilities, wastewater discharges with elevated nutrient levels from fertilizers, phosphates, odor nuisances, and wastewater discharge of pesticides and other constituents which affect the state and federal licensing compliance provisions related to the City's sewer system and sewer plant. Public access to facilities are prohibited. Generally, licensed marijuana cultivation establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

D. Testing Facilities

1. Characteristics. Testing facilities are laboratory facilities licensed to analyze and certify the safety and potency of marijuana.
2. Accessory Uses. Accessory uses may include offices, and secured storage areas.
3. Examples. Marijuana testing facilities are independent of all other licensed marijuana establishments staffed with technicians and equipped with various types

of instruments and laboratory equipment. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group B, Laboratories (Testing and Research).

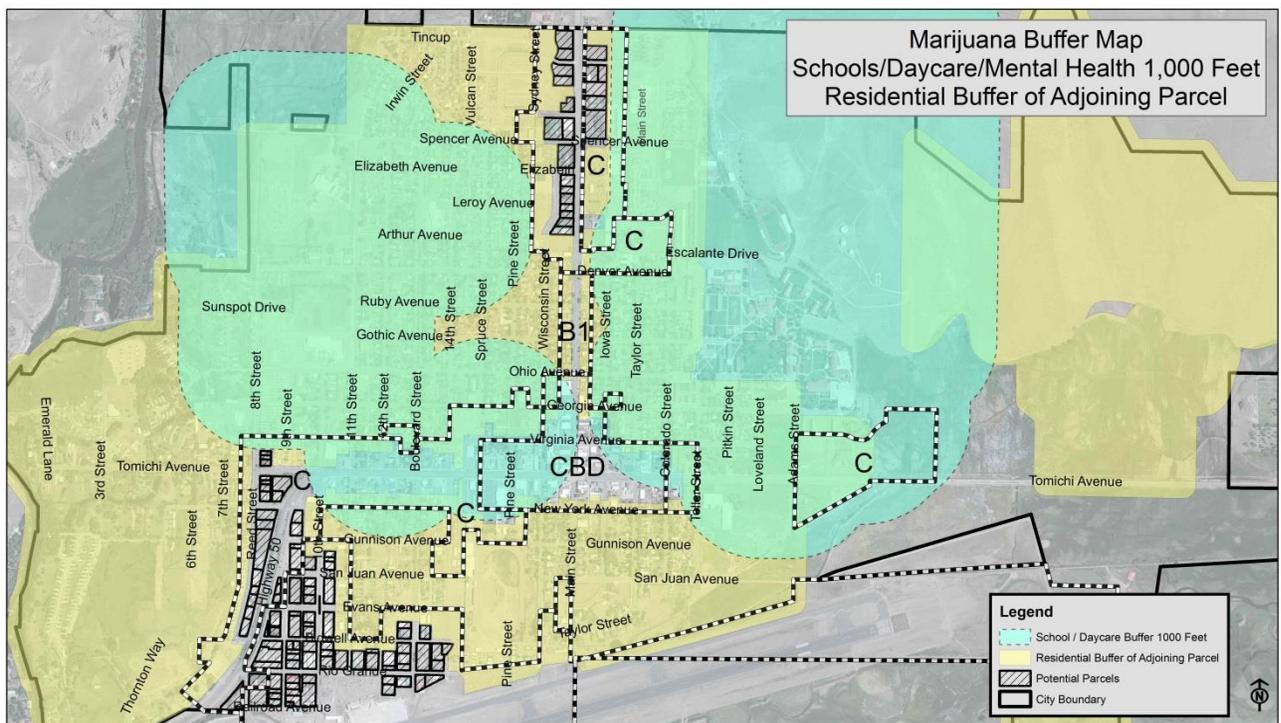
3.15 Marijuana Use Standards

A. Site Development Application Required. A Site Development Application is required to be submitted and approved by the Community Development Director.

Exception. Retail Establishments (Medical Marijuana Center and Retail Marijuana Stores) proposed to be located in the city's Industrial District zone, are subject to Conditional Use approval pursuant to Table 2-3 (Principal Use Table).

B. General Compliance Criteria and Standards. All city licensed marijuana establishments shall meet the following minimum criteria and standards.

1. Marijuana establishments shall not be located within 1000 feet of a public school; private or charter school; daycare school, center, or home; and mental health facilities. The measure is established as a straight line drawn between any points of the respective property boundaries and is designated by the *Marijuana Establishment Buffer Map* adopted by the City Council. If any portion of deeded real property is intersected in any manner by a designated buffer boundary the entire deeded property is prohibited from being licensed as a marijuana establishment.



- Licensed marijuana establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone (R-1,R-1M, R-2, RMU, R-3, PUD-Residential).
- Licensed Marijuana establishments are subject the district zone location standards as set forth in Table 2-3 (Principal Use Table) of this *LDC*.
- Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment. Display of graphic/images of any portion of a marijuana plant on signage associated with marijuana establishments shall be prohibited. Sign standards for marijuana establishments shall comply with all provisions of this *LDC* or other applicable city laws and regulations.
- Except for permanent signage as permitted in Section 4.8, Signs of this *LDC*, it shall be unlawful for any person licensed by the City of Gunnison, or any other person to advertise any marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the

following media: billboard, Off-Premise Sign, or other outdoor general advertising device as defined in this *LDC*; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to a person in a public place, left upon a motor vehicle or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

- a. Any sign located on the same deeded parcel as a licensed marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment;
 - b. Any advertisement contained within a newspaper, magazine or other periodical of general circulation within the city or on the internet;
 - c. Any products marked with the name logo of the licensed marijuana establishment, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; and,
 - d. Advertising that is purely incidental to sponsorship of a charitable event by the licensed marijuana establishment.
6. Licensed marijuana establishments shall comply with all provisions, standards and regulations of this *LDC*.
 7. Licensed marijuana establishments shall be served by city water, wastewater, and electrical utility services and shall comply with all provisions, standards and regulations specified in the Utilities (Title 12), *City of Gunnison Municipal Code*.
 8. All licensed marijuana establishments shall comply with all applicable requirements of Colorado State Law.
 9. Licensed marijuana establishments shall comply with Code of Colorado Regulations, Medical Use of Marijuana and the Code of Colorado Regulations, Retail Marijuana Code.
 10. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment. Licensed marijuana establishments involved in the sale, transfer, packaging, processing, cultivation, production, extraction or destruction of plants and their parts, devices, designed for the use of marijuana and marijuana products, or other marijuana related operations and activities, shall provide an approved source capture system capable of removing particulate and odors as required to achieve levels that do not constitute a nuisance to adjacent occupants, structures and properties.
 11. Building Standards. Licensed marijuana establishments shall be located in buildings that comply with the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
 12. Hours of Operation. Licensed marijuana establishments shall not sell, distribute, or initiate the transport of Marijuana or Marijuana Products at any time other than between the hours of 8:00 am and 10:00 pm, Mountain Standard Time, Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1:00 pm to 6:00 pm, Mountain Standard Time.
 13. Director or designee shall perform inspections of all licensed marijuana establishments at their discretion. Inspections shall include review of operations and maintenance records.
- C. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishments). A licensed retail marijuana establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

1. Building Standards. Licensed retail establishments shall be located in buildings that comply with occupancy standards established in the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
2. Licensed retail establishments shall be located on lots in buildings that comply with the regulations in the *LDC* including, but not limited to, landscape standards, buffer standards, lighting standards, screening standards and parking standards.
3. Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
4. Off-premises retail marijuana establishment storage facilities are prohibited.

D. Retail Marijuana Products Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment). A licensed marijuana product manufacturing establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

1. Building Standards. Licensed marijuana product manufacturing establishments shall be located in buildings that comply with the International Code Council codes adopted the City and in effect at the time of the license application submittal.
2. Equipment used in the licensed marijuana product manufacturing establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures, and other related details shall be provided in a report signed and stamped by the engineer of record.
3. Licensed marijuana product manufacturing establishments shall, if necessary, be equipped with a commercial kitchen that complies with all related standards, operation procedures, and food service protection provisions promulgated by the Marijuana Product Manufacturing Facilities standards (R 600 Series) of the Colorado Department of Permanent Rules Related to Retail Marijuana Code, as they may be amended.

Licensed marijuana product manufacturing establishments shall, on an annual basis, be inspected. The Community Development Director shall be provided an inspection report demonstrating compliance with established standards, operation procedures and food service protection provisions. Said report shall be the product of a professional who is certified by the American Board of Industrial Hygiene. The licensed manufacturing establishment shall pay all costs for related inspections and reports. The Community Development Director may order an industrial hygiene inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed manufacturing establishment.

4. Toxic Pollutants and Hazardous Waste. Licensed marijuana product manufacturing establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.
5. Sewer System Discharge.

- a. Wastewater discharged from a marijuana licensed product manufacturing establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city's wastewater facilities.
 - b. Testing Requirements. The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed marijuana product manufacturing establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.
- E. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment). A licensed marijuana cultivation establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:
1. Outdoor cultivation of marijuana is prohibited.
 2. Equipment used in the licensed marijuana cultivation establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures and other related details shall be provided in a report signed and stamped by the engineer of record.
 3. Toxic Pollutants and Hazardous Waste. Licensed marijuana cultivation establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.
 4. Sewer System Discharge. Wastewater discharged from a licensed marijuana cultivation establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city's wastewater facilities.
 - a. The applicant for a licensed marijuana cultivation establishment shall provide an Industrial Pretreatment Plan developed by a licensed engineer in the State of Colorado. The Industrial Pre-Treatment Plan shall be included with the Site Development Plan and shall provide the following specific information:
 - i. A narrative and graphic plan description of the type of irrigation system to be used.
 - ii. An estimate of the quantity of total discharge into the wastewater collection system in gallons per day.
 - iii. The quantity of phosphorous and nitrogen in the discharge, to be established in pounds per day.
 - b. Discharge Conformance Standards. Licensed marijuana cultivation establishments shall conform to the Colorado Department of Public Health and Environment –Water Quality Control Commission, *Regulation #85*,

Nutrients Management Control Regulation (5CCR 1002-85), nutrient discharge limitation, and subject to change to conform to future nutrient discharge limitations promulgated by the State of Colorado. Nutrient discharge shall not exceed the following levels: Total phosphorous 0.015 pounds per day; Total nitrogen 0.088 pounds per day. Facilities with projected discharges exceed this threshold are subject to demonstrating compliance the *City of Gunnison Municipal Code*, Section 12.10.040.2 (Interceptors and Pretreatment).

- c. Testing Requirements. The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed marijuana cultivation establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.

- F. Marijuana Testing Facilities. A licensed Marijuana Testing Facility shall comply with the general criteria and standards (Section 3.15 B.).

Section 10. Ordinance Effective Date. The effective date of this Ordinance shall be July 6, 2015.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 9th day of June, 2015, on first reading, and introduced, read, and adopted on second and final reading this 23rd day of June, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

Published by title only in the
Gunnison Country Times Newspaper
June 18, 2015

**ORDINANCE NO. 6
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING
TITLE 5 GENERAL OFFENSES, CHAPTER 5.20 TRAFFIC, SECTION 5.20.020
ADDITIONS OR MODIFICATIONS, PART 12 PARKING, SECTION 1206
UNATTENDED MOTOR VEHICLES, OF THE CITY OF GUNNISON MUNICIPAL
CODE**

WHEREAS, the Model Traffic Code for Colorado, was adopted by reference subject to additions and modifications with Ordinance No. 8, Series 2010, and approved December 14, 2010; and

WHEREAS, the State of Colorado has amended the traffic laws related to 42-4-1206, Unattended Motor Vehicles and 42-14-105, Idling since adoption of the Model Traffic Code in 2010; and

WHEREAS, City Council has asked staff to address citizen complaints concerning noise and pollution caused by idling engines and staff makes the following recommendation.

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

Section 1. Title 5 General Offenses, Chapter 5.20 Traffic, Section 5.20.020 Additions or Modifications, Part 12 Parking, Section 1206 Unattended Motor Vehicles, of the *City of Gunnison Municipal Code*, is hereby repealed and re-enacted to read as follows:

1206, Unattended or Idling Motor Vehicles:

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first removing the key from the ignition or locking the doors, and when standing upon any grade, said person shall effectively set the brake thereon, and turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) The owner or operator of any motorized vehicle shall not cause or permit the vehicle engine to idle for more than five minutes within any sixty-minute period except as authorized by this subsection (2).

(a) When it remains motionless because of highway traffic, an official traffic control device or signal, or at the direction of a law enforcement officer;

(b) When the driver is operating defrosters, heaters, or air conditioners or is installing equipment only to prevent a safety or health emergency, and not for rest periods;

(c) In the case of a law enforcement, emergency, public safety, or military vehicle, or any other vehicle used to respond to an emergency, when it is responding to an emergency or being used for training for an emergency, and not for the convenience of the vehicle operator;

(d) When necessary for required maintenance, servicing, or repair of the vehicle;

(e) During a local, state, or federal inspection verifying that the equipment is in good working order if required for the inspection;

(f) During the operation of power take-off equipment if necessary for operating work-related mechanical or electrical equipment;

(g) In the case of an armored vehicle, when a person is inside the vehicle to guard its contents or during the loading or unloading of the vehicle;

- (h) In the case of a passenger bus, when idling for up to five minutes in sixty-minute period to maintain passenger comfort while non-driver any passengers are on board;
 - (i) In the case of a commercial or delivery vehicle when used to heat or cool the drivers compartment during a rest or sleep period at a fleet trucking terminal, commercial truck stop, state-designated location designed to be a driver's rest area or other parking area designated by the Chief of Police;
 - (j) In the case of a commercial or delivery vehicle used to heat or cool the drivers compartment during a rest or sleep period at a location where the vehicle is legally permitted to park and that is at least one thousand feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care; or
 - (k) When idling for up to twenty minutes in any sixty-minute period if the ambient temperature is less than ten degrees.
- (3) This section shall apply to all public and private property.
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 9th day of June, 2015, on first reading, and introduced, read, passed and adopted on second and final reading this 23rd day of June, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

Published by Title Only in the
Gunnison Country Times Newspaper
Thursday, June 18, 2015



To: City Councilors
CC: City Manager Ken Coleman
From: City Clerk Gail Davidson
Date: June 4, 2015
Re: Resolution No 12, Series 2015 – Marijuana Fees

Councilors:

When developing the proposed marijuana fees, staff estimated the time and hard cost items that would be needed to process a license application. Those costs are reflected in the proposed fees. Those fees may be adjusted in the future by Council resolution if the City costs are not being met or are more than required.

To clarify some licensing fees questions from the June 2nd work session meeting, listed below are the sections of draft Ordinance No 5, Series 2015, regarding marijuana facilities regulations that require additional marijuana inspections or permitting.

- LDC Section 2701.7 A. – an infused products manufacturer utilizing carbon dioxide gas in the processing of concentrates: the system must receive permit approval from the City of Gunnison Fire Marshal prior to issuing a CO. **Permit fee included in the licensing fee.**
- LDC Section 2701.7 C (1) – all carbon dioxide equipment utilized in marijuana cultivation establishments must receive permit approval from the City of Gunnison Fire Marshal prior to issuing a CO. **Permit fee included in licensing fee.**
- LDC Section 2701.7 C (5) re: fumigation of cultivation facility using the injection of carbon dioxide shall only be conducted after receiving a marijuana fumigation permit from the City of Gunnison Fire Marshal. **Fumigation Permit fee included in licensing fee.**
- LDC Section 3.15 D (3) re: licensed marijuana product manufacturing establishments: A licensed manufacturing establishment shall pay all costs for related inspections and reports and pay all costs for City-ordered inspections and reports of licensed manufacturing establishment. **Fee will be set by the licensed inspector and paid for by the licensee.**
- LDC Section 3.15 D (5b) re: products manufacturing facilities: The City PW Director may order a wastewater discharge inspection without notice and **all costs for city-ordered inspections and reports shall be responsibility of licensed marijuana product manufacturing facility.** The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the PW Director. **Fee will be set by the licensed laboratory or inspector and paid for by the licensee.**

- LDC Section 3.15 E (4c) re: discharge conformance standards testing; The PW Director may order a wastewater discharge inspection without notice, and all costs for city-ordered inspections and reports shall be the responsibility of the licensed marijuana cultivation establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the PW Director. Fee will be set by the licensed laboratory or inspector and paid for by the licensee.

As noted in the LDC standards, all required building permit fees, sign permit fees, conditional use application fees, etc. shall be paid by the applicant and are not included in the marijuana facility licensing fee.

The annual renewal fee will provide for the yearly or on-going semi-annual inspections conducted by City personnel. Any additional enforcement actions will be covered by the sales or excise taxes collected and paid by the facilities and incorporated into the City General Fund. These additional costs will be reviewed by Staff and Council during the annual budget development process.

Thank you for your consideration of the proposed fees.
Gail

**RESOLUTION NO. 12
SERIES 2015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, SETTING FEES FOR MARIJUANA ESTABLISHMENT REGULATION
PURSUANT TO CITY OF GUNNISON ORDINANCE NO. 5, SERIES 2015.**

WHEREAS, City of Gunnison, Colorado, Ordinance No. 5, Series 2015, was adopted after second reading by the City Council on June 23, 2015, with an effective date of July 6, 2015; and

WHEREAS, pursuant to such Ordinance, the City Council is directed to determine the fees to be charged for marijuana license applications, licensing fees, premises modification fee, license renewal fee, transfer of location of license fee, and transfer of ownership fee; and

WHEREAS, City staff has provided input for Council as to the amounts to be charged.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO:

City Fees shall be charged for the following:

City Marijuana License Fee - all facilities:	\$ 2,000.00
City Application Fees:	
Medical Marijuana Center	\$ 2,500.00
Retail Marijuana Store	\$ 2,500.00
Cultivation Facility: Medical Optional Premises	\$ 3,000.00
Cultivation Facility: Retail Cultivation	\$ 3,000.00
Marijuana Product Manufacturing – medical or retail	\$ 3,000.00
Marijuana Testing Facility	\$ 3,000.00
Other Fees:	
Annual License Renewal all classes	\$ 2,000.00
Premises Modification Fee	\$ 1,000.00
Transfer of Location of License Fees:	
Transfer of Location – Medical Marijuana Center	\$ 2,500.00
Transfer of Location – Retail Marijuana Store	\$ 2,500.00
Transfer of Location – Cultivation Facility-Medical	\$ 3,000.00
Transfer of Location – Cultivation Facility–Retail	\$ 3,000.00
Transfer of Location – Marijuana Product Manufacturing	\$ 3,000.00
Transfer of Location – Marijuana Testing Facility	\$ 3,000.00
Transfer of Ownership of License	\$ 2,000.00

INTRODUCED, READ, PASSED AND ADOPTED at a Regular Session meeting of the City Council of the City of Gunnison, Colorado, held this 23rd day of June, 2015.

Mayor

(SEAL)

(ATTEST)

City Clerk

**RESOLUTION NO. 13
SERIES 2015**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE GUNNISON PARKS AND RECREATION MASTER PLAN AS THE OFFICIAL GUIDE TO UTILIZE FOR FUTURE PARKS AND RECREATION PLANNING.

WHEREAS, the City Council of the City of Gunnison approved a funding match for a GOCO Planning Grant application to update the 1996 City of Gunnison Parks and Recreation Master Plan; and

WHEREAS, the City was successfully awarded a Planning Grant in June of 2014 and created a consultant selection committee consisting of City Staff, the City Manager and a City Council member; and

WHEREAS, a contract was awarded to MIG Consultants under the direction of the Parks and Recreation Department; and

WHEREAS, a community Parks and Recreation survey was mailed to every household in Gunnison to solicit input, along with hosting three public meetings, two stakeholder meetings and staff input sessions to determine public Parks and Recreation needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gunnison, Colorado, a home rule municipality, that:

Section 1. The City Council of the City of Gunnison, Colorado, hereby approves and adopts the attached City of Gunnison Parks and Recreation Master Plan, dated June, 2015.

INTRODUCED, READ, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, this 23rd day of June, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

City Clerk's Department
Departmental Semi-Annual Report
January 2015 through June 2015

In addition to the ambient duties, the Clerk's Department has been busy with several extra projects this winter and spring. Following the Police Department's successful move to their new building, the City Hall renovation was started and we were finishing up the details of the departmental "shuffles" this spring. The upgraded HVAC system and much needed improvements to items like the fraying carpets has helped better serve not only our customers but City employees as well. The electric space heaters were a definite morale buster. The Council Chamber's new audio-visual system was installed and while there are still a few glitches we are all progressing along the learning curve of the new technology. It is a huge improvement over the old system. We have had very positive comments from the meetings' audience members on the new video monitors. The public is also now able to watch video of a Council meeting via a couple mouse clicks on the City website. The meeting live video streaming should be up and working in the near future.

The expansion of the meeting space and conference rooms has helped with meeting schedules and increased demand. The RTA utilized the meeting space while the courthouse was under construction. Not only do we schedule City meetings, we get requests from local non-profit agencies, political parties, State governmental agencies and event coordinators.

The big event of spring 2015 was the Regular Municipal Election. The process started in January with a potential candidate's class and follows through to the successful completion of the election. This year we had an unexpected challenge with the disappearance of the "M" tray of mail ballots through the Post Office. We tried everything we could think of to get the word out to all potentially effected voters to get a replacement ballot. We feel we were successful in those efforts and had a "standard" voter turnout in the election. The missing ballots have never surfaced. We track this because Court Clerk Melissa McLeod, who is also an election official, had a missing ballot and has not received as of this date. The mystery remains. There were many changes to the Municipal Election Statutes that will influence future elections. We are attending trainings already in preparation for those changes. Post-election, new Councilor orientation took place and they were inundated with mountains of information, policies and procedures. The City Council Policy and Procedures Handbook will be updated as changes occur. If Council needs additional information, please ask. We are happy to get that for you.

Marijuana regulations development was tackled by Staff since the issue was past be the voters in November. With much work from Staff, the Planning Commission and the Council, we are on the cusp of starting to license marijuana facilities in the City. As the point person, it will be interesting to see how the process transpires early next month.

As always, customer service remains the number one priority of the City Clerk's Department. We place meetings, events, and announcements on the general City calendar, coordinate meeting room scheduling, answer the multitude of the public's

questions that come through on the administration phone line and walk-in customers, and maintain the City's intranet, Facebook site, and front pages of the City's external website. Tara is the point person for the City's website and monitors the links and legal aspects of the site. Melissa maintains the City's general Facebook and City App pages. The number of followers and "friends" continues to increase. Combined with the Communications Facebook page, information is disseminated at a faster and more accurate pace. Information for the public to sign up for the "CodeRed" and "Nixle" Emergency Notification Services is included on the front page of the City's website. We also continue to prepare meetings minutes, agendas, resolutions, and lots of community proclamations. Each week we e-mail out agendas and minutes and hard mail copies of both to a variety of citizens and entities. And of course, all agendas, minutes, ordinance and resolutions are available on the City website. The Department also maintains and is continually increasing the City Clerk's Public Files on the internal Intranet site for use by all City departments. This allows quick access by City personnel to City contracts, leases, easements, etc. from their desktops.

Staffing: Melissa McLeod completed her seventh year as Municipal Court Clerk. She is competent in her duties and continues daily to improve on the efficient operations of the Court. Tara Kindall completed her fifth full year as Deputy City Clerk and has become fully-trained and proficient in not only the Clerk Department duties but in the Municipal Court proceedings as well. In July, Tara will again participate in year two of the three-year Municipal Clerks Institute training at CU Boulder. Both Melissa and Tara are hardworking assets to the City organization and it is a pleasure to work with them.

Outreach: External and internal customer service projects included participation in the Computer Work Group, City Safety Committee, Colorado Municipal Clerk's Association, International Institute of Municipal Clerks, Colorado Association of Municipal Court Administration, and the Gunnison Valley Observatory (GVO) Board of Directors. I am also an active member of the Gunnison Kiwanis Club and participated in many community activities through this organization. The Clerk's Department hosted a Municipal Clerks Association Liquor Licensing Training that saw 17 participants from around the Western Slope. We also co-hosted a State-Liquor Division training for liquor licensees and non-profit organizations. Community outreach to Western State Colorado University continued with the participation of WSCU student liaison Stefano Ballesteros to City Council. He was an enthusiastic and informed participant in Council discussions.

Special Event Permits: Since my last report in December, the Clerk's Department, in conjunction with the Parks & Recreation Department and Management Staff team, processed a total of 24 City Event Permits. This is down slightly from the 29 processed in the same timeframe last year. We continue to take proactive steps to help prevent potential conflicts from street closures or crowd noise.

Youth City Council: There were 6 active students serving on the 2014/2015 school year Youth City Council. The students reported they learned a lot in the "hands-on" activities during the winter and spring. They met with the Management Staff Team and

learned about the various departments and their functions. They also participated in a "mock City Council meeting" where they discussed timely issues. The students gave input from their age group to the Comprehensive Plan and Parks & Recreation Master Planning processes. One of the goals of the Youth Council is help create well-rounded, informed citizens when then venture out into the world after school.

Liquor Licensing: Since the end of December 2015, (my last report to Council), the City Clerk's Department processed 14 Special Events Liquor Permits, 22 existing liquor license renewals, and am in the process of a transfer of retail liquor store license. We are still experiencing a slow-down in processing on the State-level due to license volume and staffing turnover. A lot of their personnel have transferred to the Marijuana licensing division. We are assisting wherever we can to help expedite the processes. I have met with new Event Coordinator Andy Eflin regarding the City event permitting, transient merchant licensing and special event liquor permit licensing processes/

Transient Merchant Licensing: Since my last report in December, I have received two inquiries about the City's Transient Merchant License. In each instance, the vendor stated that the process was too onerous and they did not follow through with the licensing process.

Gunnison Municipal Court: Judge McDonald continues to sit on the Gunnison Municipal Court bench. He presented the 2014 Annual Municipal Court Report to Council in February. The Court schedule is developed to accommodate WSCU's breaks/holidays and we do hold special emergency sessions and telephone court sessions as needed to accommodate our clients. We are currently experiencing our summer Court case slowdown. Municipal Court is now fully processing cases with the Full Court Enterprise Software Upgrade. New and more detailed case reporting is being utilized. A copy of the January through June 2015 report is attached.

Thanks to City Council for your continued support and assistance. If you have any questions regarding this report or if you have any comments or suggestions for the City Clerk's Department, please contact me.

City Clerk Gail A. Davidson, CMC

Receipts By Fee Report
 All Case Types and Sub-Types
 From 01/01/2015 to 06/18/2015
 Fee Type: Criminal: All Fees
 Total Only

Defendant	Charge	Received	Receipt	Amount
	Fee: Bench Warrant Fees			
		Total For Bench Warrant Fees:		\$180.00
	Fee: Court Costs			
		Total For Court Costs:		\$832.13
	Fee: Default Judgement Fee			
		Total For Default Judgement Fee:		\$30.00
	Fee: Deferral Sentence Fee			
		Total For Deferral Sentence Fee:		\$150.00
	Fee: Fine			
		Total For Fine:		\$12,205.00
	Fee: Fine not paid or postmarked within 30 days of violation			
		Total For Fine not paid or postmarked within 30 days of violation:		\$100.00
	Fee: SafeRide Surcharge			
		Total For SafeRide Surcharge:		\$1,550.00
	Fee: Shelter Fee			
		Total For Shelter Fee:		\$430.00
	Fee: Victim Restitution			
		Total For Victim Restitution:		\$1,574.32
	Total:			\$17,051.45