

GUNNISON CITY COUNCIL AGENDA

THE MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBERS OF CITY HALL
201 W. VIRGINIA AVENUE IN GUNNISON

**TUESDAY,
MARCH 17, 2015**

WORK SESSION

7:00 P.M.

- 7:00 – 7:15 P.M. A. Discussion on Retired Gunnison Volunteer Firefighter Eligibility & Fire Truck Update – Fire Marshal Dennis Spritzer
- 7:15 – 7:30 P.M. B. Update on Dog Park Project – Parks & Recreation Director Dan Ampietro
- 7:30 – 7:45 P.M. C. Discussion on Park & Recreation Funding for Pool Chemical System and Energy Monitoring System – P&R Director Dan Ampietro & Finance Director Ben Cowan
- 7:45 – 8:00 P.M. D. Amendment to City Animal Code, Re: Impoundment – Police Chief Keith Robinson
- 8:00 – 8:15 P.M. E. Amendment to City Criminal Code, Re: Disorderly Conduct/ Disturbing the Peace Clarifications – PD Chief Keith Robinson
- 8:15 – 8:30 P.M. F. Discussion on Charter Amendments for May 12, 2015 Ballot – City Clerk Gail Davidson
- 8:30 – 8:45 P.M. G. Non-Scheduled Citizens: **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. Each speaker has a time limit of 3 minutes.**
- 8:45 – 9:05 P.M. H. City Council General Discussion, Meeting Reports, Items for Future Council Meetings, Meeting Adjournment

Three or More City Councilors May Be Attending the Planning & Zoning Marijuana Regulations Public Input Work Session Meeting at 7:30P.M., Wednesday, March 18, 2015, in the City Council Chambers, 201 W. Virginia Avenue in Gunnison. No Council Action Will Be Taken at this Meeting.

This agenda is subject to change, including the addition or deletion of items at any time. **Times are approximate** and the agenda may proceed faster or slower than listed. 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 www.cityofgunnison-co.gov No formal action can be taken at a Work Session. For further information, contact the City Clerk's office at 641-8140.

TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE ASKED TO CONTACT THE CITY CLERK AT 641-8140 AT LEAST 24 HOURS BEFORE THE MEETING.

MEMORANDUM

To: City Council

From: Dennis Spritzer. Chief Gunnison Volunteer Fire Department

Re: Resolution allowing retired Firefighters back to active duty.

Date: 02/25/15

The Gunnison Volunteer Fire Department is requesting, per attached resolution, that retired firefighters be allowed to return to active duty with the fire department. As stated in the resolution this is allowed per section, 31-30-1132-2014, of the Colorado Revised Statutes.

The current active roster for the fire department is 29 which is 11 short of being a full roster of 40 active members. We no longer have a waiting list of in-active members (new recruits) like we did in the 1980's and 1990's.

Should this be allowed the retired members would be required to attend trainings and assist on calls for service as needed. We currently average close to 300 calls per year.

There is interest with some firefighters who are about to retire and some who have recently retired to become active members once again.

Thank you for your consideration with this important fire department request.

RESOLUTION NO. _____
SERIES 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, AUTHORIZING THE RETURN OF RETIRED VOLUNTEER
FIREFIGHTERS TO ACTIVE DUTY**

WHEREAS, the City of Gunnison is a home-rule municipality organized under the laws of the State of Colorado; and

WHEREAS, the Gunnison Volunteer Fire Department (“GVFD”) is a Colorado non-profit corporation utilizing volunteers to provide fire-fighting and emergency services on behalf of and at the direction of the City and the Gunnison County Fire Protection District (“District”); and

WHEREAS, certain volunteer firefighters have retired from the GVFD, and are receiving pension benefits based on their years of service; and

WHEREAS, the City has determined that the GVFD is in need of additional volunteer firefighters; and

WHEREAS, Section 31-30-1132, C.R.S. (2014), provides that if a municipality determines that a fire department is in need of additional volunteer firefighters, a retired fire department member shall be eligible to serve as an active volunteer firefighter of such department, and may continue to receive pension benefits during such service.

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

1. The City is in need of additional volunteer firefighters.
2. Retired fire department members wish to return to active duty with the GVFD, and such members are currently receiving pension benefits.
3. The City authorizes the return to active duty by such members, and that such members may continue to receive pension benefits during the period of time they are an active volunteer firefighter.
4. Pursuant to Section 31-30-1132, C.R.S. (2014), no retired firefighter returning to active duty shall receive service credit for the purpose of increasing such pension.

INTRODUCED, READ, PASSED AND ADOPTED by the City Council of the City of Gunnison, Colorado, this ____ day of February, 2015.

(SEAL)

Robert Drexel, Mayor

Gail Davidson, City Clerk



CITY OF GUNNISON PARKS AND RECREATION

To: City Council
From: Parks and Rec
Re: Dog Park

Council,

Attached is a preliminary plan from our Parks consultant with the firm MIG. The proposed Park land is the area donated by Dick Bratton. This plan depicts a wide variety of improvements which will far surpass the \$25,000 budget allocation in 2015. The plan encloses two separate areas connected by a bridge with two entrance/egress gates. The proposed fencing encircles the dry land and excludes the wetland areas. The area closest to the Jorgensen softball parking lot is 0.8 acre with a separate shy dog area that is 0.4 acres. There is an 8 to 10 foot drop-off from the parking lot to the dog park. This would require a long 160ft. access road to meet the required ADA grade. The other access would be off of the airport road and encircle 1 acre.

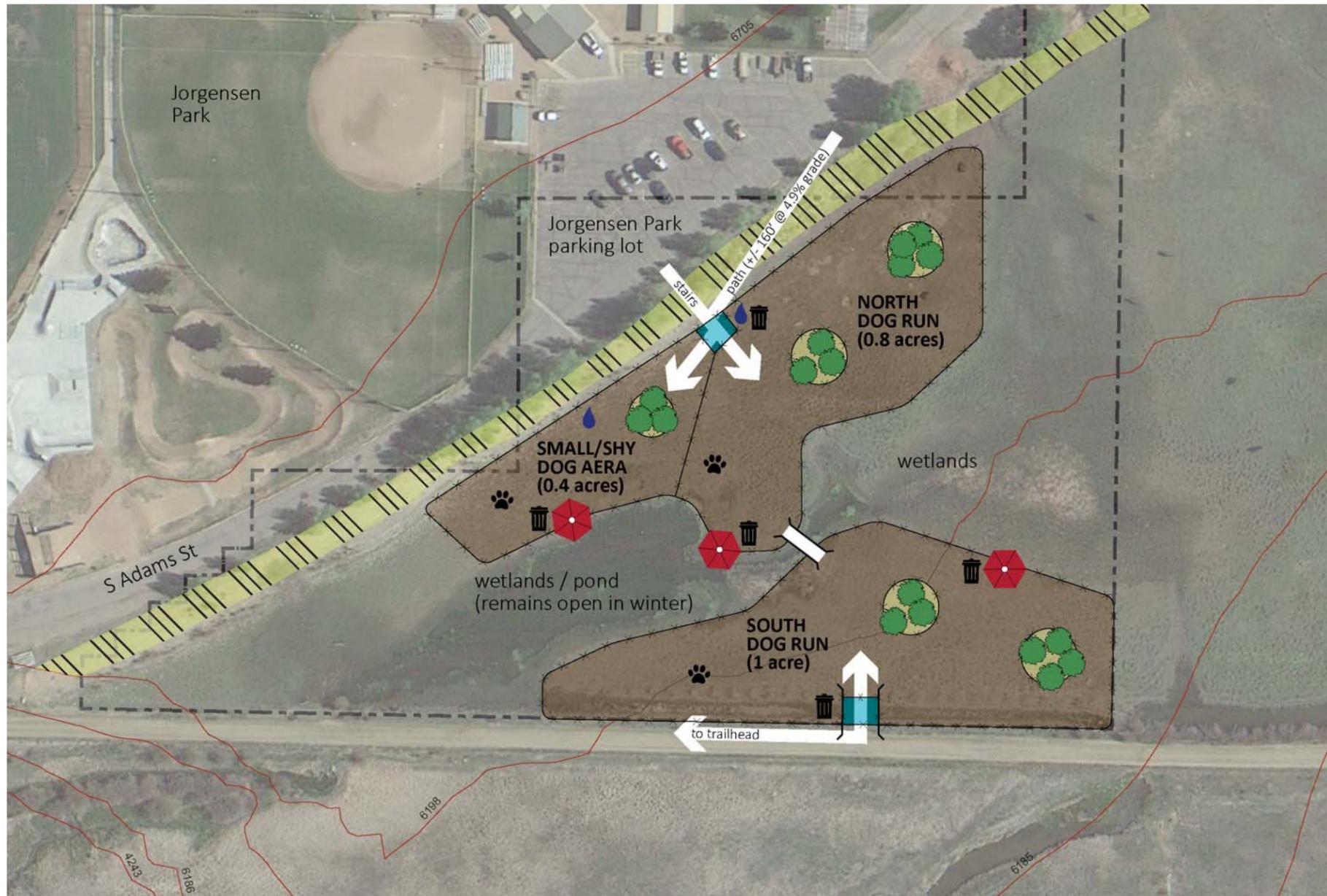
A preliminary budget estimate from a local fence contractor for a simple fence build with 6" round treated post set every ten feet with field fence (sheep wire) 50" tall was \$9.50 per foot. The total fence required according to the plan is just shy of 3000 ft. The plan also shows 6 walk gates at a cost of \$250 per gate or \$1500.

3000 ft. of fence X \$9.5 per foot =	\$28,500
6 walk gates @ \$25 each=	\$1,500

Total fencing cost	\$30,000
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The access road could potentially be constructed in house if time and equipment permits. We could consider phasing the fencing and construct either the north or south enclosure in 2015. This park would be a GOCO grant eligible project if we could secure a cash partner. We could apply for the entire project and potentially add some wildlife viewing area close to the pond to add diversity to the project which would add many more potential users and a multi-use aspect to the park.

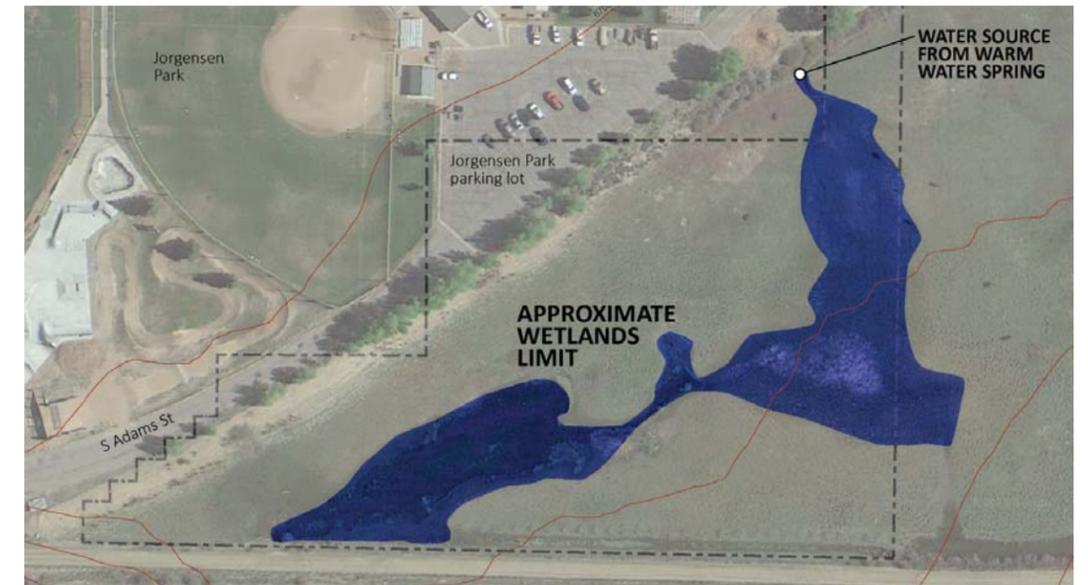
The area closest to Jorgensen would require 1300 feet of fencing and two gates or approximately \$13,000. This may be the best option to have a dog park in service in the immediate future. A dog park scored high on the priority list according to the survey and public input process for the Master Plan. If council wishes to pursue a GOCO grant to construct the entire proposed project the grant rounds are March and September. Please keep in mind that Council will be approached by other interest groups requesting GOCO applications for their projects.



LEGEND

- property boundary
- dog park fence
- countour lines
- vestibule dog park entry
- ||| slope (8'-10' elevation change)
- fenced vegetation corral
- dog and human fountain
- trash and dog waste bag receptacles
- shade shelter
- ||| bridge or culvert
- dog play features

1:100 SCALE



EXISTING WETLANDS south of Jorgensen Park will define the dog park's form. Constructing within the wetlands was identified as being expensive and environmentally damaging. Therefore, a solution was identified to work around the wetlands while providing areas to observe it.



MULTIPLE SURFACE MATERIALS in a single dog park creates different spaces for activity and can improve the park's overall aesthetic. Surface materials can be grass, sand, pea gravel, concrete, etc.



WATER FEATURES either man made or natural can be designed with limited access by installing fencing and defining entry points. Not recommended here due to winter use of pond by water fowl.



A DOG PARK CHARACTER is established with amenities such as dog fountains and materials such as surfacing and fencing.



REINFORCED CONCRETE PIPES is an installation that both dogs and humans use for play and leisure. Other materials can be used as dog play features.



DOG PARK CONCEPT DESIGN
GUNNISON PARKS AND RECREATION PLAN



December 2014
City of Gunnison, CO

SHELTERS



DOG PARK SHELTER
Spring Canyon Park, Fort Collins, CO



SHELTER WITH BUILT-ON WOODEN BENCHES
Poligon- Park Shelters (www.poligon.com)



SIMPLE WOODEN SHELTER
RCP Shelters (www.rcpshelters.com)



DOG PARK KIOSK
Poligon- Park Shelters (www.poligon.com)



CUSTOM BUILT WOODEN SHELTER DESIGN
RCP Shelters (www.rcpshelters.com)

FENCES / GATES



POWDER COATED CHAIN-LINKED FENCE
East Boulder Park, Boulder, CO



SMALL DIMENSIONAL LUMBER FENCE WITH WIRE MESH
128th Ave Dog Park, Westminster, CO



DIMENSIONAL LUMBER FENCE WITH WIRE MESH AND CABLES
Superior Dog Park, Superior, CO



SMOOTH RAIL WITH WIRE MESH
Spring Canyon Park, Fort Collins, CO



VESTIBULE DOG ENTRANCE
Superior Dog Park, Superior, CO

OTHER FEATURES



FENCED TREE CORRAL
Spring Canyon Park, Fort Collins, CO



FIXED AND MOVABLE SEATING
128th Ave Dog Park, Westminster, CO



SEATING AND WATER FOUNTAIN LOCATED OUTSIDE THE FENCED PARK
128th Ave Dog Park, Westminster, CO



OBSTACLE COURSE: DOG PLAY FEATURES
128th Ave Dog Park, Westminster, CO



DOG WASTE BAG RECEPTACLE
Superior Dog Park, Superior, CO



DOG PARK CONCEPT DESIGN
GUNNISON PARKS AND RECREATION PLAN



December 2014
City of Gunnison, CO



CITY OF GUNNISON PARKS AND RECREATION

To: City Council
From: Parks and Rec
Re: Additional appropriation

Council,

After reviewing our budget for the Community Center several requested items were not carried forward in the final budget document. One item is very important for the water quality and disinfection of our pools. The other item is less of a health safety emergency however is important for the overall operations of our solar hot water system and total energy monitoring system.

BECSys5 Strantrol System:

The Aquatic facility has water chemistry control units that analyzes and control our water chemistry for both pools. The Siemens Strantrol control unit measures our pH, HRR/ORP (disinfectant levels), and water temperature and makes sure the water chemistry is compliant with State Codes, as well as within ideal PH levels to prevent corrosion or scaling on all pool pumps, pipes and surfaces. The new units allow for more advance operations, controls, efficiency, reliability, support and troubleshooting. We are experiencing problems with our current control box and repair parts and a technician to repair the existing units would be expensive and not be a long term solution. The estimated cost would cover the units, installation, computer software and extra replacement components.

Purchase price: \$10,600

Energy Monitoring System:

The aquatics facility solar heating system along with the entire energy monitoring system currently runs on Amatis Controls Software. This software was used to monitor all of the aquatics energy system functions via a schematic summary web page. This system also produced alarms to our individual computers warning us of any critical system problems. We have been told that this software is no longer supported. The screen for the Community Center is no longer accessible. We have a \$300,000 investment in our solar operations and no means to track its effectiveness or receive warning of system malfunctions which could potentially cost us more in repairs. We would like to competitively bid this the monitoring package and hopefully contract with a more responsive and customer friendly vendor.

Cost estimate from current vendor: \$10,500

We have two options to pay for these expenses, current reserves from the Pool/Community Center or Park or Rec Fund for other improvements. The Other Park and Rec Improvement fund projects were to be determined and prioritized from our Master Plan process. Both survey and public meeting input places "maintaining current infrastructure" high on the priority list. Both of these capital requests

would fit into that category. The Community Center /Pool has a current fund balance of \$797,480. The Other Park and Rec Improvements Fund current fund balance is projected to be \$464,983.

Memorandum

To: City Council
From: Keith Robinson
Date: March 12, 2015
Subject: Ordinance Modifications



The Animal Ordinances were just updated in 2014 however after implementation two sections were identified that do not adequately reflect one of the intentions of the update. That being the reduction in the length of shelter stays. The intent had been to grant officers and Neighborhood Services the ability to release animals charged as dangerous dogs or vicious animals back to their owner's pending court proceedings. Reducing the shelter costs to the owner, stress on the animal from extended shelter stays, liability and risk for shelter staff and the need for special court hearings pertaining to impoundment. Section 5.40.050 B 1 b and 2 b which were to allow this discretion were not properly worded or updated. The attached draft ordinance has been reviewed by the City Attorney and should allow officers and NSO the discretion intended during the ordinance rewrite discussions.

A second draft ordinance attached deals with two General Code Violations that are being recommended for repeal. The City Attorney has also reviewed the draft ordinance.

Section 5.10.210, Theft of Rental Property, was based on Colorado Revised Statute 18-4-402, which Section was repealed in 2013 (H.B 13-1160). Section 5.10.200 Theft, also applies to property which has been rented and not returned. The difference in the two statutes was the allowance of 72 additional hours before charges could be filed for theft of rental property. If repealed the time restriction would no longer apply and municipal ordinance would be in line with state statute.

Section 5.10.080 C., Disorderly Conduct, deals with allowing others on property under your control to disturb the peace and is classified as a petty offense. However, Section 5.10.090, Disturbing the Peace, covers similar circumstances and classifies it as a misdemeanor. If repealed this would clear up inconsistencies in charging and sentencing.

**ORDINANCE NO.
SERIES 2015**

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

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

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

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

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

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

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

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

- b. The animal control officer, neighborhood services officer, or any police officer may impound any animal which is reasonably believed to be vicious.

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

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this ____ day of _____, 2015, on first reading, and introduced, read, and adopted on second and final reading this ____ day of _____, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

Published in its entirety in the
Gunnison Country Times Newspaper

**ORDINANCE NO.
SERIES 2015**

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this ____ day of _____, 2015, on first reading, and introduced, read, and adopted on second and final reading this ____ day of _____, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

Published in its entirety in the
Gunnison Country Times Newspaper

To: City Council
Cc: City Manager Ken Coleman
From: City Clerk Gail A Davidson
Date: March 12, 2015
Re: Proposed City Charter Amendments for May 2015 Regular Municipal Election

Councilors:

Staff is proposing amendments to the Gunnison Home Rule Charter (HRC) be placed on the May 12, 2015, Regular Municipal Election Ballot.

The first proposed ballot question is to change Municipal Home Rule Charter Section 6.3 (D) and (F) to allow for publication of ordinances by title only, instead of publication in full, after passage on first reading or publication the second time after amendment. If amended, a notation will be included with the title indicating that the ordinance has been amended. The intent of the Charter amendment is to provide the text of ordinances being considered by City Council through the prevailing electronic medium of information dispersal, that being the City website. Complete ordinances will also be made available by request to the City Clerk's Office and those documents will be emailed or hard copy mailed to requesting citizens. Staff feels that ordinances will still be available to the citizens but at a cost savings to all of the citizens.

An informal poll was conducted via the CML Municipal Clerk's ListServe. Clerks were asked if they publish their municipality's ordinances in full or by title only in their local newspaper of record. 34 municipalities responded to the question. Of those 34, 26 or 76% responded that they publish by title only in the local newspapers and in full on their municipal website. 8 municipalities publish in full in their local newspaper of record. Again, this was an informal poll and not every municipality in the state was personally contacted.

Regarding expenditures, the City paid Gunnison Country Publications (Gunnison Country Times) \$15,460.67 in 2014. This represents publication costs for all advertising, including all legal notices required by State Statute or the HRC. Of this expenditure, \$2,115.20 was for publication of ordinances in full. Ordinance publication for 2013 was \$2,851.35. Staff supports transparency in government. We also believe taxpayer dollars should be spent in the most prudent manner while still accomplishing the goals of providing information to the citizens. That is why we are happy to provide documents under consideration by the Council to the public in the format that is best suited for that citizen.

The second proposed Charter amendment ballot question would be to repeal HRC Section 4.10 Surety Bonds. This Section requires a surety bond be posted by all elected and appointed officers of the City whose duties involve the custody of public property or the handling of public funds. The City maintains crime insurance that covers officers and employees acting in this capacity and thus, protects the people of the City from any malfeasance. Bonds are more expensive and provide lessor coverage. Therefore the Charter-required surety bonds are an unnecessary provision.

The third proposed Charter amendment ballot question would be to amend HRC Article II Elections. The intent of the amendment is to have City election requirements be the same as State Election Code requirements. This should eliminate confusion by the voters by having the same rules apply in all elections. The amendment will also alleviate confusion for the staff running the election. HRC Section 2.1 should be amended to clarify the wording reference to the State Municipal Election Code. In addition, four of the existing sections are not addressed in the State Municipal Election Code and these sections would not be repealed. These sections are: Section 2.2 Elective Officers and Terms of Office; Section 2.3 City at Large Voting Precinct; Section 2.4 Election Date; and Section 2.9 Election Commission. These Sections would not be repealed, except, Section 2.2 (C) will be repealed since the City follows the State mandated term limit requirements, that being, 8 years or 2 terms. The remaining Article II sections would be repealed in full.

The wording for the ballot questions will be placed in a resolution for your consideration at next week's Regular Session meeting. The ballot language, once passed, will be then forwarded to the ballot printers for inclusion on this year's ballot. Please let me know if you have any questions regarding these proposed amendments.

Thank you,

Gail