

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

**TUESDAY**

**SEPTEMBER 8, 2015**

**REGULAR SESSION**

**7:00 P.M.**

I. Call Meeting to Order:

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

Receive Public Input on Ordinance No. 4, Series 2015; Re: Revising a Program for Residential and Commercial Electric Customers Who Install Photovoltaic or Wind Systems and Establishing a Rate for the Electrical Energy Consumed by Such Customers; and Ordinance No. 8, Series 2015; Re: Amending an Optional Residential Time-of-Day Electrical Rate for the City of Gunnison Electrical Department.

III. Consideration of Minutes:

- A. Minutes of August 25, 2015 Regular Session Meeting
- B. Minutes of September 1, 2015 Special Session Meeting

IV. Pre-Scheduled Citizens:

- A. Ethan Mueller and John Sale; CBMR Teocali Expansion Letter of Support

V. Unfinished Business:

- A. Continued Discussion on Chamber of Commerce Visitors Center Funding

VI. New Business:

- A. Excuse Councilor Ferguson from Meeting
- B. Action to Award Bid for Trails/Highway Underpass Work for Ridges to Rivers Project to Schmalz Construction in an amount not to exceed \$220,000
- C. Authorize Expenditure of Funds in the Amount Not to Exceed \$54,443.22 for Lazy K Property Planning Process

VII. Resolutions and Ordinances:

- A. Ordinance No. 4, Series 2015; Re: Installation of Residential and Commercial Photovoltaic or Wind Systems and Establishing Associated Rate, 2<sup>nd</sup> Reading
- B. Ordinance No. 8, Series 2015; Re: Amending an Optional Residential Time-of-Day Rate for the City Electrical Department; 2<sup>nd</sup> Reading
- C. Ordinance No. 10, Series 2015; Re: Vacating a Utility Easement within Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended; 2<sup>nd</sup> Reading
- D. Ordinance No. 11, Series 2015, Re: Mid-Year 2015 Additional Appropriations for the Fiscal Year Ending December 31, 2015; 2<sup>nd</sup> Reading
- E. Ordinance No. 12, Series 2015; Re: Refinancing the City Park and Recreation Fund Sales and Use Tax Revenue Bonds, Series 2007; 1st Reading
- F. Resolution No. 15, Series 2015; Re: Cancelling Regular Session Meeting of September 22, 2015

VIII. City Attorney: Kathleen Fogo

IX. City Manager: Ken Coleman

Acting City Manager: Public Works Director Tex Bradford

City Clerk: Gail Davidson

- X. 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.**
- XI. City Council Discussion, Meeting Reports, Items for Future Work Sessions:
- XII. 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](http://www.cityofgunnison-co.gov). Work sessions are recorded, minutes are not produced and formal action cannot be taken. For further information, contact the City Clerk's office at 970-641-8140. **TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY CLERK 24 HOURS BEFORE ALL MEETINGS AT 970-641-8140.**

PUBLIC HEARING FORMAT  
7:00 P.M., Tuesday, September 8, 2015

**On Ordinance No. 4, Series 2015; Re: Revising a Program for Residential and Commercial Electric Customers Who Install Photovoltaic or Wind Systems and Establishing a Rate for the Electrical Energy Consumed by Such Customers; and Ordinance No. 8, Series 2015; Re: Amending an Optional Residential Time-of-Day Electrical Rate for the City of Gunnison Electrical Department.**

- I. Mayor or Mayor Pro Tem Open Public Hearing  
Open Hearing and State the time, date, location, and name those in attendance – City Council, City Attorney, City Manager, City Clerk, Public Works Director and \_\_\_\_\_.
- II. State Reason for Public Hearing  
Receive Public Input on Ordinance No. 4, Series 2015; Re: Revising a Program for Residential and Commercial Electric Customers Who Install Photovoltaic or Wind Systems and Establishing a Rate for the Electrical Energy Consumed by Such Customers; and Ordinance No. 8, Series 2015; Re: Amending an Optional Residential Time-of-Day Electrical Rate for the City of Gunnison Electrical Department
- III. Proof of Publication - City Clerk
- IV. City Staff Comments/Recommendation  
Public Works Director Tex Bradford
- V. Public Comment  
Ask anyone wishing to comment to please step up to the microphone, state their name, and sign the sign-in sheet for the record.
- VI. Enter letters, emails or other comments received from the public into the record.
- VII. Call for any final comments on the ordinances – hearing none, Mayor Close the Public Hearing.

**PUBLIC HEARING**

**PUBLIC HEARING NOTICE**

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTE THAT, the City Council of the City of Gunnison, Colorado, will hold a Public Hearing at the hour of 7:00 PM on the 8th day of September, 2015, in the City Council Chambers, Gunnison City Hall, 201 West Virginia Avenue, Gunnison, Colorado, to receive public input on the merits of Ordinance No. 4, Series 2015; and Ordinance No. 8, Series 2015, regarding the following utility rates:

**Ordinance No. 4:** An ordinance of the City Council of the City of Gunnison revising a program for residential and commercial electric customers who install photovoltaic or wind (PV-W) systems, and establishing a rate for the electrical energy consumed by such customers. Proposed changes include:  
• Allowing commercial customers  
• All new customers will be credited at a wholesale rate  
• All PV-W systems shall be limited to a maximum capacity of 25 kilowatts  
• An additional \$2.50 per month service charge for a typical single-phase meter and an additional \$5.00 per month for three phase meters  
• Existing net meter customers shall continue to operate under the conditions of Ordinance No. 10 Series 2003 unless they choose to increase the size of their systems

**Ordinance No. 8:** An ordinance of the City Council of the City of Gunnison, Colorado amending an optional residential time-of-day electrical rate for the city of Gunnison electrical department. Proposed changes include:  
• Allowing commercial customers  
• All customers that voluntarily signing up for the Time-Of-Day Rate must agree to participate for a period of twelve months before voluntarily returning to the standard published electric rates  
• Until amended by further action of Council, the time-of-day rate schedule currently applicable to residential customers shall be applied to commercial customers

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

CITY OF GUNNISON  
CITY COUNCIL

/s/Gail A. Davidson, City Clerk

Gunnison Country Times  
Gunnison, Colorado  
Publication date of July 30, 2015

**AFFIDAVIT OF PUBLICATION IN THE  
GUNNISON COUNTRY TIMES**

STATE OF COLORADO,  
County of Gunnison

} SS.

I, Chris Dickey,  
do solemnly swear that I am the Publisher of  
**THE GUNNISON COUNTRY TIMES;**

that the same is a weekly newspaper printed in whole or in part and published in the County of Gunnison, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Gunnison for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under provisions of the Act of March 3, 1879, and any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the legal notice or advertisement of which the attached is a full, true and correct copy, was published in the regular and entire issue of every number of said weekly newspaper for the period of one insertions; and that the first publication of said notice was in the issue of said

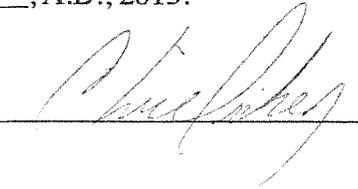
newspaper dated July 30, A.D., 2015.

and that the last publication of said notice was in the issue of said newspaper dated \_\_\_\_\_, A.D., 2015.

In witness whereof I have hereunto set my hand this

30th day of July, A.D., 2015.

Chris Dickey,  
Publisher

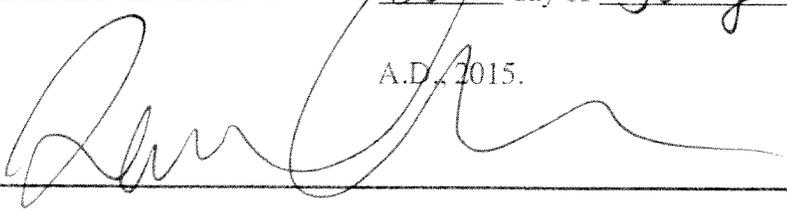
By 

**LAURA E. ANDERSON**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #20144012507  
My Commission Expires March 19, 2018

Subscribed and sworn to before me, a notary public in and for the County of Gunnison, State of Colorado, this

30th day of July

A.D., 2015.



### **PUBLIC HEARING NOTICE**

The Gunnison City Council will hold a Public Hearing on **Tuesday, September 8, 2015, at 7:00 P.M.** in the Council Chambers of City Hall, 201 W. Virginia Ave., Gunnison, CO, to receive public input on Ordinance No. 4, Series 2015; and Ordinance No. 8, Series 2015, regarding the following utility rates:

**Ordinance No. 4:** An ordinance of the City Council of the City of Gunnison revising a program for residential and commercial electric customers who install photovoltaic or wind (PV-W) systems, and establishing a rate for the electrical energy consumed by such customers. Proposed changes include:

- Allowing commercial customers
- All new customers will be credited at a wholesale rate
- All PV-W systems shall be limited to a maximum capacity of 25 kilowatts
- An additional \$2.50 per month service charge for a typical single-phase meter and an additional \$5.00 per month for three phase meters
- Existing net meter customers shall continue to operate under the conditions of Ordinance No. 10 Series 2003 unless they choose to increase the size of their systems

**Ordinance No. 8:** An ordinance of the City Council of the City of Gunnison, Colorado amending an optional residential time-of-day electrical rate for the city of Gunnison electrical department. Proposed changes include:

- Allowing commercial customers
- All customers that voluntarily signing up for the Time-Of-Day Rate must agree to participate for a period of twelve months before voluntarily returning to the standard published electric rates
- Until amended by further action of Council, the time-of-day rate schedule currently applicable to residential customers shall be applied to commercial customers

## MEMO

To: City Council

Date: July 14, 2015

From: Tex Bradford

Re: Time of Day Rate Policy

The City electric department has had a Time of Day Rate policy in place since 1998 that allows for city residential electric customers to voluntarily participate in a Time of Day Rate should they so choose. Out of approximately 4,200 total electric meters there are currently 15 residential customers utilizing the Time of Day Rate and no commercial customers. City staff is proposing to amend the current policy to allow city commercial customers to voluntarily participate in this program if they so choose at the same published rate as the residential customers. Staff also recommends that any new residential or commercial customers that choose to participate in the program must do so for a twelve month period before changing back to the standard electric rates. The additional cost of meters, meter reading, billing, and the possibility of switching back and forth seasonally which would negate any savings the city may see in our purchased power billings in regards to demand charges and is the reason we can offer the lower off peak rate without other customers subsidizing Time of Day customers.

The following is a short explanation as to why a customer may want to participate in the Time of Day Rate Program as it is not for everyone. For those choosing to participate there is potential for cost savings although not necessarily savings in overall kWh used. It requires shifting electric power usage patterns to use more power during off peak times (From 10 Am to 5Pm and from 9PM to 5AM) and using less during on peak times (6 AM to 10 Am and from 5Pm to 9 PM). This does not work for everyone since it would cost more for those who do not shift to the usage patterns above.

The reason the city can offer this as a voluntary program is that should customers shift part of their load from on peak times to off peak times it reduces the city's demand therefore the cost the city pays for demand charges from our power suppliers. What if many customers chose to participate in the Time of use Program and reversed the city's on peak and off peak times? We would have to evaluate and adjust on peak and off peak times accordingly. This is unlikely due to our city load factors although some utilities with many large commercial and large irrigators found themselves in that predicament some years back.

Staff recommends council approval to adopt the attached Ordinance in Regards to the amending the City Time of Day rate Policy with the following schedule:

July 28, 2015	First reading of the Ordinance
September 8, 2015	Public Hearing
September 8, 2015	Second Reading of the Ordinance

City Clerk Gail Davidson will answer any questions regarding the above schedule and notification requirements which will be published and included in Utility billings.

The City Council Regular Session meeting was called to order at 7:04 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, and Morrison present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Acting City Manager/Community Development Director Westbay, Finance Director Cowan, a couple citizens and the press. Councilor Schwartz was out of town. A Council quorum was present.

**Consideration of Minutes of August 11, 2015, Regular Session Meeting.**

Councilor Drexel moved and Councilor Ferguson seconded the motion to approve the Regular Session meeting minutes of August 11, 2015, as presented.

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

Roll call vote, no: None.

**Consideration of Minutes of August 18, 2015, Special Session Meeting.**

Councilor Morrison moved and Council Ferguson seconded the motion to approve the August 18, 2015, Special Session meeting minutes as presented.

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

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Funding Request for Gunnison County GOCO Inspire Initiative Grant Application – John Messner.** Mr. Messner reviewed the Great Outdoors Colorado (GOCO) Inspire Initiative Grant. The Grant is intended to reverse the disconnect between today's youth and the outdoors. The Grant is a 2-Tier process. The first tier is a \$100,000 planning grant for up to five communities that demonstrate readiness to serve as a pilot community. Grants in the amount of \$25,000-\$75,000 will also be granted to up to 10 additional communities for planning purposes. If a community is not selected for the higher level planning grant, they will automatically be considered for the lower-level funding. The \$100,000 grant-awarded communities will have approximately 10 months to develop a plan before submitting an application for the full implementation grants that will range between \$1 million and \$5 million per pilot community. The GOCO Grant application is being submitted through the County and, as with all GOCO Grant applications, the more supporting partnerships there are, the more viable the grant application is for award. City Council has already signed a letter of support for the County's grant application. The grant application is for a Level 1 planning grant in the amount of \$78,000 and will need \$20,000 in matching funds and in-kind services. The proposal is to plan for an educational facility like the previously proposed CDPW Discovery Center adjacent to Tomichi Creek. The facility will offer programming specific to outdoor and environmental education for youth. The County is asking the City for \$5,000 in the 2016 Budget to be used as part of those matching funds. Other entities that have committed are Western State Colorado University and the RE1J School District. He is awaiting hearing about support from a number of other partners including the USFS, BLM, NCRS, Mountain Roots, Gunnison Trails, CDPW, UGRWCD and the Crested Butte Land Trust.

Discussion ensued. City Manager Coleman stated he has attended one meeting regarding the grant application and he would like a broader financial support base because without firm commitments it is hard to move forward. Mr. Messner stated that the proposed facilities that would be planned would be adjacent to the City of Gunnison on property owned by Dick Bratton and his partners. He has had discussions with Mr. Bratton regarding the project. Of course, the planning could evolve and any facilities could be located in alternate locations. Council concurred there was a lot of interest in the Discovery Center project during the Gunnison Rising Annexation process. Councilor Morrison stated there is already City trail connectivity planned through that area. Mr. Messner indicated the grant application is due tomorrow by 3pm and the award will be made on October 23<sup>rd</sup>. Council concurred to place the requested funds in the 2016 Budget under Grants and Contracts for Service funds.

**Unfinished Business:** None.

**New Business:**

Mayor Hagan asked Council to deviate from the Agenda for the following two items:

Excuse Councilor Schwartz from the August 25, 2015, Regular Session Meeting.

Councilor Ferguson moved and Councilor Drexel seconded the motion to excuse Councilor Schwartz from this evening's meeting due to personal business.

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

Roll call vote, no: None.

Letter of Support for Bill Nesbitt's Reappointment as Municipal Representative to the Gunnison River Basin Roundtable. Mayor Hagan stated the City has been approached by Bill Nesbit requesting to be reappointed as the Municipal Representative to the Gunnison River Basin Roundtable. He would like to continue with the work that has been started, particularly on the Governor's Statewide Water Plan. At the Mayor's request, City Manager Coleman has drafted a letter and Council is now signing that letter. Council thanked Mr. Nesbitt for his service on the Water Roundtable.

**Set Special Session for September 1, 2015; Re: November 3, 2015, Election Ballot Language Resolution.**

Councilor Morrison moved and Councilor Ferguson seconded the motion to set a Special Session meeting of City Council for Tuesday, September 1, 2015, at 7:00 P.M. for consideration of Resolution No. 14, Series 2015, Re: Setting Ballot Language for the City of Gunnison Ballot Question in the November 3, 2015, Coordinated Election.

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

Roll call vote, no: None.

**Ordinance and Resolutions:**

**Ordinance No. 10, Series 2015; Re: Vacating a Utility Easement Within Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended; 1<sup>st</sup> Reading.** Councilor Ferguson introduced Ordinance No. 10, Series 2015, and it was read by title only by the City Attorney.

City Clerk Davidson informed Council the legal description of the utility easement being vacated was received today and is now included in the Ordinance that was placed on their desk this evening.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 10, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A UTILITY EASEMENT WITHIN BOUNDARY LINE ADJUSTMENT – SALMON PROPERTY, TRACT B AND D, WEST GUNNISON AMENDED, RECEPTION #631561, CITY OF GUNNISON, STATE OF COLORADO**, be introduced, read, passed and ordered published as presented this evening on first reading this 25<sup>th</sup> day of August, 2015.

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

Roll call vote, no: None.

**Ordinance No. 11, Series 2015; Re: Mid-Year 2015 Additional Appropriations for the Fiscal Year Ending December 31, 2015; 1<sup>st</sup> Reading.** Councilor Ferguson introduced Ordinance No. 11, Series 2015, and it was read by title along with Section 1 by the Mayor.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 11, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015**, including the \$4,000 transfer for the bond arbitrage compliance, be introduced, read, passed and ordered published this 25<sup>th</sup> day of August, 2015.

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

Roll call vote, no: None.

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

**City Manager: Ken Coleman** reported on the following: the public input session for the highway corridor/safe streets plan will be held on Thursday, September 3<sup>rd</sup> starting at 6pm at the Fred Field Center at the Rodeo Grounds; there will be a follow-up meeting with the DOLA representative regarding the City's Strategic Plan on September 22<sup>nd</sup> starting at 6pm; Mayor Hagan would like to equalize the Council and Staff's "votes" on the proposals and maintaining City services really isn't a Strategic Plan goal but a necessity for operations; the senior addition to the Community Center is getting closer to completion, and the seniors are pleased with the progress; local Architect Jody Reeser is developing a conceptual design of the dog park prior to budget development; and the City employee picnic will be this Friday starting at 4pm at the Legion Park pavilion.

**Acting City Manager: Community Development Director Steve Westbay:** reviewed the semi-annual report he included in their packets. Items reviewed included the following: it is a value to present these reports and review the past 6 months of work accomplished; he has a great staff who put their hearts and souls into projects; he has been participating in the One Valley Prosperity Project (OVPP); work on the Ridges to Rivers trails project continues; the biologic assessments of the river access trail has been undertaken and is moving forward; a digital aerial data set with a strip-map of the urban highway corridors with topographic data was undertaken; traffic counts of the highway corridors were completed in May; three telephone conferences were held with CDOT concerning permitting of the highway corridors project; the public workshop on the highway corridors/safe streets project will be held on September 3<sup>rd</sup>; work on the Safe Routes to Schools program took place and culminated in the annual Ana's Pledge bike rodeo with 140 children participating; Better Cities was selected by the County to complete the Federal and State-funded economic development assessment portion of the OVPP Project and the Gunnison Downtown Renaissance Feasibility Study was selected for further consideration; review of marijuana establishment applications and discussions with the applicants is on-going; the Comprehensive Plan update is on-hold at this time due to staff time limitations; the Building Department has been very busy with 32 permits processed since the beginning of the year and new residential construction accounts for 10 of the total number of permits; the City was recognized by FEMA for the upgraded Community Rating System Designation; the Fire Marshal is busy with design of the new training facility and site improvements; the Fire Marshal has been working on the design of the new pumper truck with delivery anticipated in May, 2016; public education on Fire Safety is a big component of Dennis' time; and there will be a Household Hazardous West Day scheduled for September 26<sup>th</sup>. City Manager Coleman stated the public always receives a positive reception in the Community Development Department, and Steve and his staff do a great job. Council thanked Director Westbay for his thorough report.

**City Clerk: Gail Davidson** reported the City has now received a total of five marijuana establishment applications for retail marijuana stores from the State Marijuana Enforcement Division. The City applications and fees have been paid and those applications are now being reviewed by City Staff. Inquiries and questions regarding the application process continue to be answered.

**Non-Scheduled Citizens:** Stephen Pierotti, Gunnison resident, addressed Council. Mr. Pierotti informed Council he thinks businesses have the right to depict what they are selling on their business signs. This is commercial freedom of speech. The issue is regarding the ban on the use of a marijuana leaf on a marijuana establishment sign. He is challenging the City Sign Code. It violates commercial free speech. City Manager Coleman informed Council he has talked with Mr. Pierotti several times regarding the issue. He consulted with the City Attorney and she has confirmed the City has acted in the best interest of the City in setting the provisions of the sign code regarding marijuana establishments. City Attorney Fogo informed Council that case law is being made at this time about these issues. There is a question about whether this issue of "freedom of speech" is protected when it is advertising an industry that is still illegal under federal law. She has determined there is no basis for change at this time and will continue to monitor the issue for any changes. Council consensus was to stay with the existing decision. The Marijuana Regulation Ordinance can be revisited at any time in the future. Council thanked Mr. Pierotti.

Bill Nesbitt, City resident, then addressed Council. He wanted Council to be aware of the great job Ginny Baylor, Faith Saltmarsh, Tracy Chandler, and other staff members have done at the Aquatics Facility regarding the Kids' Water Safety Program. It is an amazing program for kids and many sponsors, including the Water Board, are paying for the program. It teaches kids to be safe around ditches, open water and to beware of ice on ponds and lakes. The Upper Gunnison Board is very enthusiastic about the program and the staff is to be commended for the program.

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

**Councilor Ferguson:** reported he attended a Chamber Board meeting this morning. Councilor Morrison was there as well. It has been a busy summer and fundraising efforts continue. At every Board meeting the members are seeking new and better ways to do things. The Board is looking at revamping their website and will include a calendar component as well. The People's Choice Awards are coming out this week. The Board discussed Visitor Center funding and understand Staff is evaluating funding options.

**Councilor Morrison:** reported the Chamber is looking at taking over the Gunnison Visitor Guide from the Tourism Association since they found it lacking in coverage this summer. The Governor's Conference on Tourism will take place in Mt. Crested Butte on September 13<sup>th</sup> through 15<sup>th</sup>. She also attended a last minute Citizens' for Safe Streets Meeting. That group is working with the Safe Routes to Schools project and are looking at using a graphic designer to produce a more kid-friendly safe routes map. The Bike Train Event will take place on September 9<sup>th</sup> and will acquaint kids with safer routes for kids to walk or bike to school. She also attended a phone conference meeting for the OVPP but there were technology problems and the meeting needs to be face-to-face between all of the entities.

**Mayor Pro Tem Drexel:** informed Council he attended the Town Hall meeting with the Governor in Montrose and also the meeting with Representative Scott Tipton in Gunnison. At both meetings health care, tourism, transportation, economic development, youth safety and the impact of the Endangered Species Act were discussed.

**Mayor Hagan:** reported he attended the Upper Gunnison Water meeting where they heard 2 scientists discuss water monitoring. The typical method currently used is largely inaccurate. They are working on new monitoring techniques. The Water Board also discussed concerns about the draft State-wide Water Plan and issues that need to be expressed by the local board to the Colorado Water Board. He also spoke with a school board member about suicide prevention.

**Adjournment:** Mayor Hagan called for any further discussion from Council, staff or the public, and hearing none, adjourned the meeting at 8:26 P.M.

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Mayor

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City Clerk

**SEPTEMBER 1, 2015**

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

**7:00 P.M.**

The City Council Special Session meeting was called to order at 7:02 P.M., by Mayor Hagan, with Councilors Ferguson, Morrison and Schwartz present along with City Manager Coleman, City Clerk Davidson, Public Works Director Bradford, Finance Director Cowan, WSCU Liaison Davis, an interested citizen and the press. Councilor Drexel was out of town. A Council quorum was present.

**Resolution No. 14, Series 2015; Re: Referring a Ballot Question to the City Electors for the November 3, 2015, Coordinated Election.** Councilor Schwartz introduced Resolution No. 14, Series 2015, and it was read by title only by the City Clerk.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that Resolution No. 14, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REFERRING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE CITY OF GUNNISON REQUESTING AUTHORIZATION TO RE-ESTABLISH THE AUTHORITY OF THE CITY TO PROVIDE ALL SERVICES, DESCRIBED AS “ADVANCED SERVICES” (HIGH SPEED INTERNET), “TELECOMMUNICATIONS SERVICES” AND “CABLE SERVICES”, RESTRICTED SINCE 2005 BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES,** be introduced, read, passed and adopted this 1<sup>st</sup> day of September, 2015.

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

Roll call vote, no: None.

**Adjournment:** Mayor Hagan called for any further discussion on the Resolution and hearing none, adjourned the meeting at 7:04 P.M.

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Mayor

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City Clerk

# Teocalli Drainage Ski Area Expansion Project



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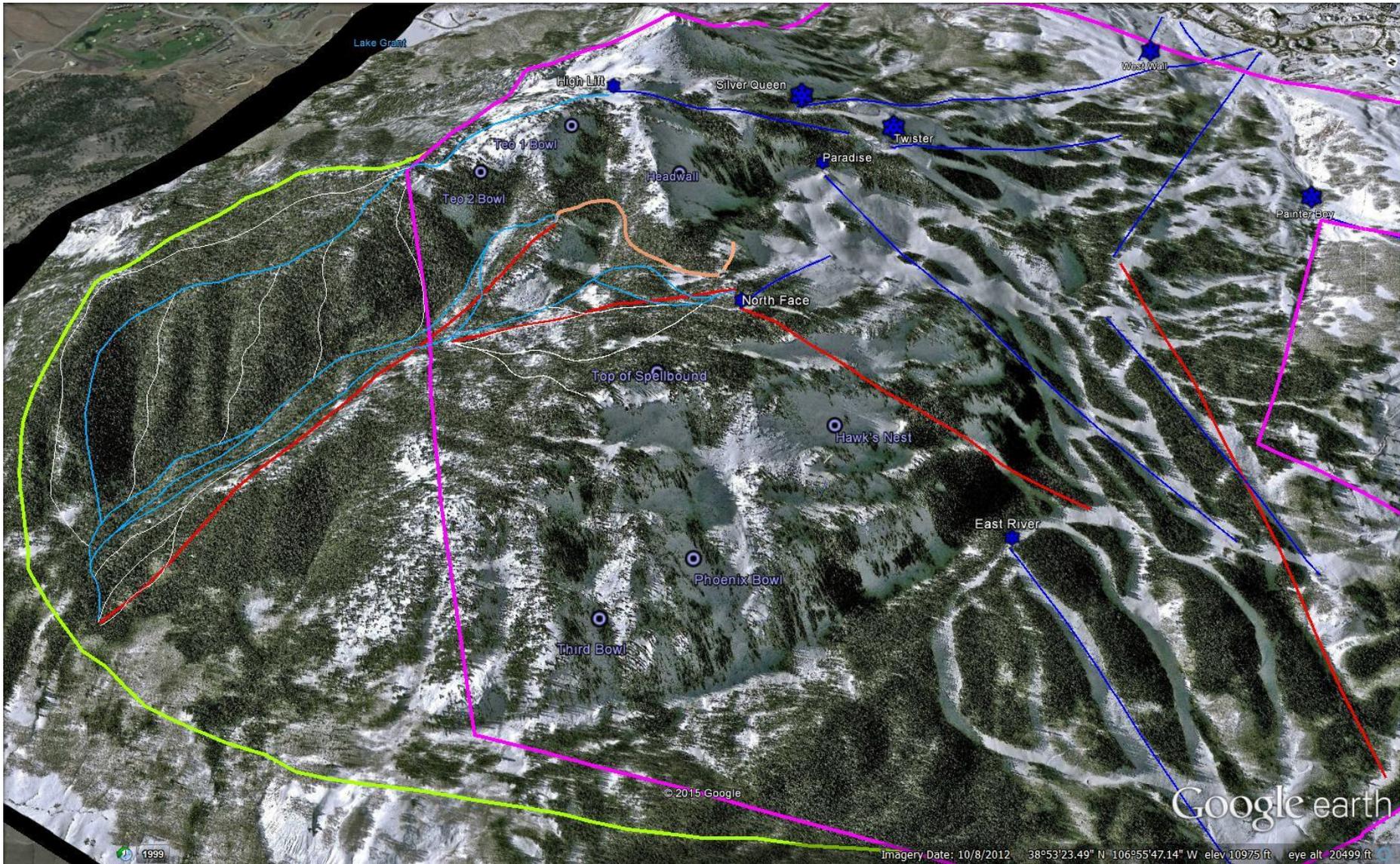


MOUNTAIN RESORT

# Teocalli Drainage Ski Area Expansion Project

## Goals and Objectives

- Creating additional terrain variety/diversity.
- Increasing the total amount of developed/undeveloped terrain and ski pods, with an emphasis on intermediate and advanced skiers to increase the length of stay of destination guests so that CBMR can remain competitive as a destination resort.
- Providing an expanded offering of additional recreational activities for year-round utilization of the facilities, with a focus on summer activities.
- Continuing to increase the quality of the facilities to meet the ever-increasing expectations of the local, regional, and destination skier markets.



# Project Stats

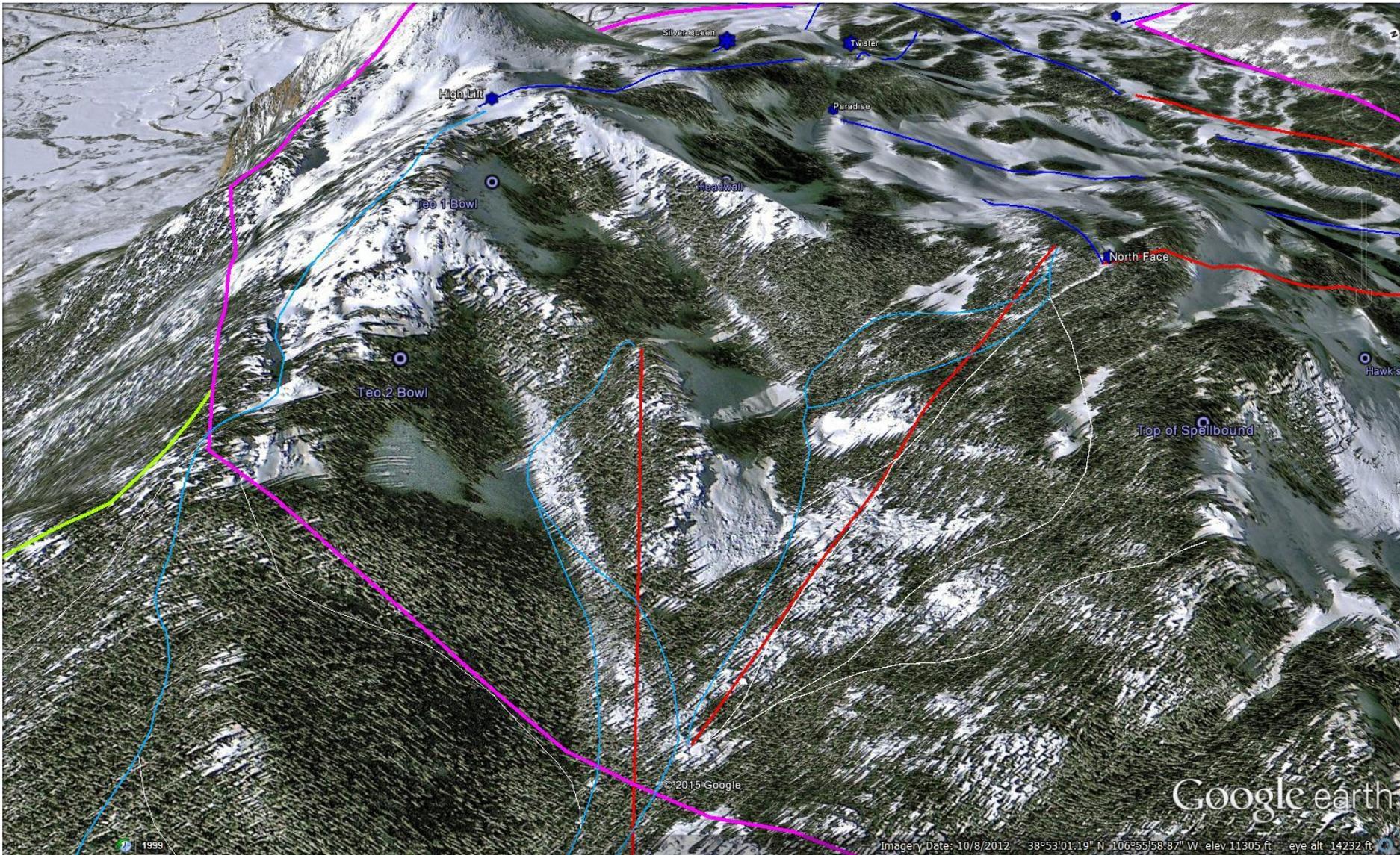
## Terrain

- 500-acre SUP boundary adjustment
- 100 acres of developed trails
  - ✓ 5 new Intermediate trails – average length = 3,687 feet long
  - ✓ 2 new Advanced trails – average length = 3,809 feet long
- 300+ acres of gladed terrain
  - ✓ 12 new gladed trails – average length = 2,034 feet long
- 88 acres of vegetation/tree removal required
- Lift-served access to Teo 1 and Teo 2 bowls – 125 acres

# Project Stats

## Lifts

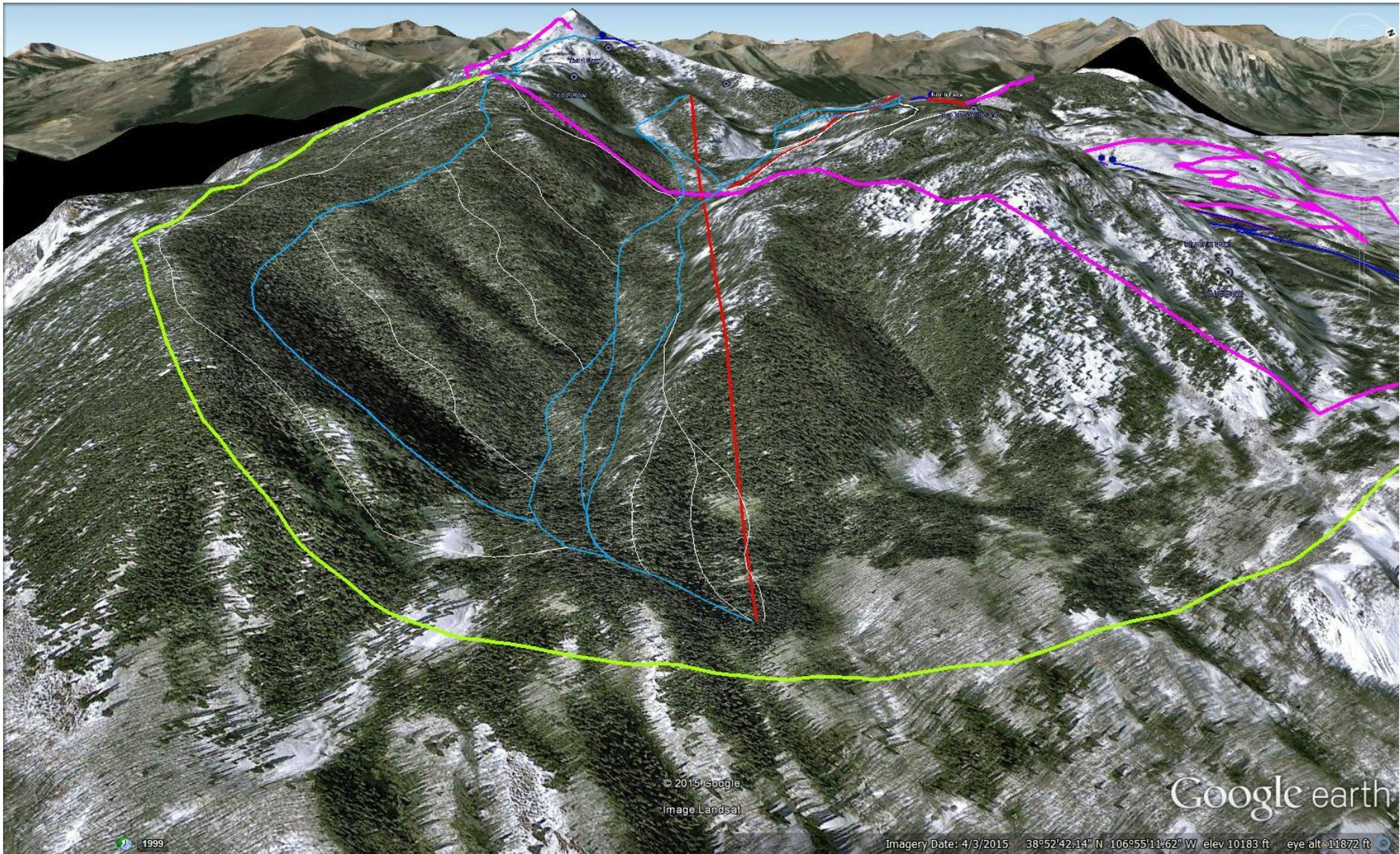
- Two new lifts
  - Teo Park Lift
    - Fixed Grip triple – 3050' length, 500' vertical
  - Teo Drainage lift
    - High speed quad – 6000' length, 1625' vertical
- Replacement of North Face T-Bar lift
  - New NF lift – Fixed Grip triple – 4300' length, 1450' vertical



crested  
butte



MOUNTAIN RESORT



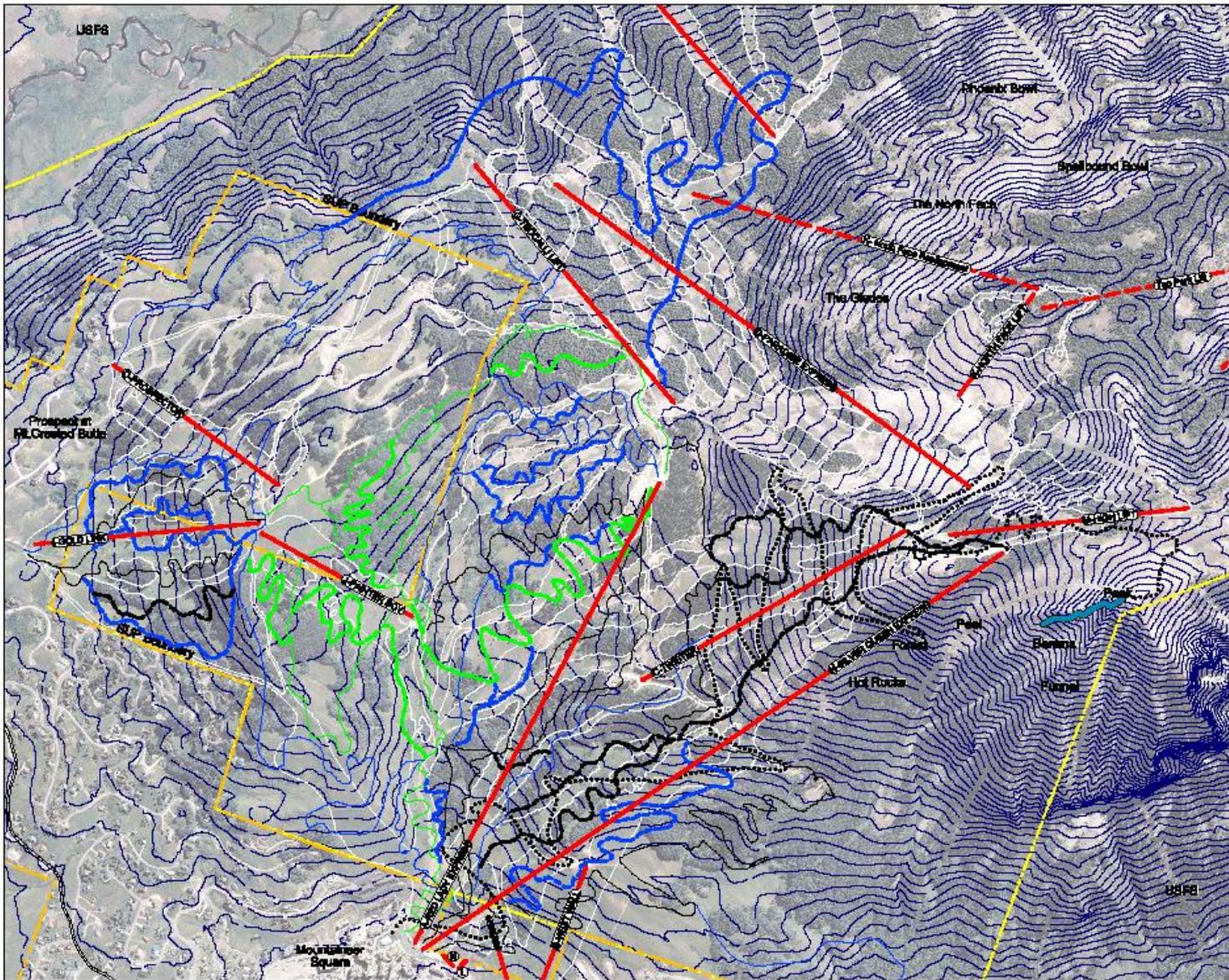
# Project Stats

## Snowmaking

- 32 acres of new snowmaking coverage
  - Championship, Black Eagle, Lower Gallowich, Rachel's, Shep's Chute

## Summer Activities

- Mountain Biking Trails
  - 15 new miles of downhill and cross-country mountain biking trail.
  - Additional multi-use hiking trails



**Proposed Summer Upgrades**

- LEGEND**
- USFS Special Use Permit
  - Property Boundary
  - Existing Major Roads
  - Existing Lifts
  - Proposed Lifts
  - Existing Hiking Only Trail
  - Planned SUP Expansion
  - Existing Trails
  - Proposed Trails
  - Via Ferrata

**NOTE: TRAILS ARE COLORED ACCORDING TO DIFFICULTY LEVEL:**  
 GREEN = BEGINNER  
 BLUE = INTERMEDIATE  
 BLACK = ADVANCED/EXPERT

DATE: APRIL 2015  
 0 500 1,000 2,000 FT  
 Scale: 1 inch = 1,000 Feet  
 Contour Interval: 80 Feet

PRODUCED BY: SE GROUP





## *City of Gunnison*

September 3, 2015

Crested Butte Mountain Resort  
Ethen Mueller; Vice President and General Manager  
Mt. Crested Butte, Colorado 81225

Dear Ethan,

The City of Gunnison appreciates the value of your business in our greater valley and wants to congratulate you on your thoughtful approach in managing the public resources encompassed in your operations. Your stewardship of the land is commendable.

We understand your need to provide a full complement of amenities to your guests and are pleased that you are taking the initiative to create additional options for multiple users. The planned expansion of the Crested Butte Mountain resort base area footprint demonstrates your understanding in the importance of creating an enhanced visitor experience while respecting our great outdoor assets.

The Teocalli Expansion project shows foresight in adding intermediate and advanced terrain for winter and summer enthusiasts with a perceptive mix of quality trail opportunities for both skier/boarders and mountain bicyclists. With all this considered, the City of Gunnison wholly endorses the expansion plan and we offer our full support to gain approval on this project.

Sincerely,

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Richard Hagen; Mayor

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Robert Drexel; Mayor Pro Tem

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Stu Ferguson; Councilor

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Matthew Schwartz; Councilor

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Leia Morrison; Councilor

# Memorandum



**To:** City Council  
**From:** Ken Coleman  
**Date:** September 2, 2015  
**Re:** Chamber Funding

This memo is formulated in response to the recent Chamber funding request. This topic was initiated by Council members during the development of the 2015 budget. There was concern that the City funds used for the Chamber Visitor Center did not provide full benefit to all businesses within our jurisdiction and other funding options should be considered. Staff recommended the Chamber receive the requested funding and we would work cooperatively with the Chamber to research other possible opportunities.

The primary concern at that time was that all businesses within the City did not have a means for marketing exposure at this point of contact with visitors. Staff did follow up and met several times with Chamber board representatives. Ben Cowan did provide accurate information in email communications with Ryan Johnson. *(ITEM A)* At each meeting the primary purpose of equal business representation and exposure was restated. It is desired that all businesses have equal standing whether they are a current Chamber member or not. The Chamber has made it clear this is not acceptable to their organization.

Three funding options were introduced to the Chamber reps by City staff, including a staff preferred strategy of overall reduction in the sales tax vendor fee retained by businesses. Less favored was an increase in the sales tax license fee. The third alternative was to continue on a Contract for Service basis with annual requests to the City at budget time. One caveat clearly stated on the first two options was the need to solicit widespread support from our local businesses for them to fund the Visitor Center operations.

Ben Cowan and I offered our assistance in conducting this outreach, yet were not accessed for this task. Two subsequent presentations were made to Council by the Chamber board concerning the two new funding alternatives. While the method of outreach in either case was not defined, it seems the sales tax vendor fee reduction was not well received, yet there may have been a modicum of support to raise the sales tax license fee. In either case there was not enough data presented to evaluate the level of support from City sales tax licensed businesses for these approaches.

What was presented by the Chamber Board President was their desire to identify a mechanism to fund the Visitor Center in a sustainable way and it was suggested that the City of Gunnison should be wholly and solely responsible in that effort. While it is agreed that this facility provides an important function, and the City receives value from its operation, benefits are received by others as well. The Visitor Center offers opportunities for people to find many of the amenities within the County realm and even up-valley benefits are achieved through these contacts. Since the Chamber serves first and foremost their membership, referrals benefit those businesses most.

Through CML list serve outreach and direct contacts the following question was posed to other communities.

***The City of Gunnison is exploring funding alternatives for the visitor center, which is operated by the Chamber of Commerce. The City currently funds a portion of the visitor center through a service agreement supported by our General Fund.***

***We would greatly appreciate it if you could answer the following questions:***

- 1) Does your jurisdiction partially fund, wholly fund a visitor center?***
- 2) If so, what is the source of the funding (i.e. unrestricted revenues, a percentage of sales tax, sales tax license fees, business license fees, etc.)***
- 3) How much control does your Council or governing body have over the operations at the visitor center?***

The responses (**ATTACHED**) varied greatly with everything from no support to a dedicated funding stream to help cover the expenses of a local visitor center. The City of Gunnison seems to be in the middle of the pack, yet the greater number of responses show we continue to provide healthy support in comparison to comparable communities.

It seems apparent there are multiple beneficiaries that could come to the table to offer financial support for this worthy effort. The County has provided funding to the Chamber in the past, yet has deferred this expense to the Local Marketing District (LMD) funds via the Tourism Association. In partnership with the City, if both County General Fund and LMD sources were garnered along with a contribution from Chamber members, a collective financing package could offer a solution to fund the Chamber Visitor Center operations.

The City has provided funding from the General Fund for many years and that continued strategy has staff's support. The alternative funding options are not recommended for implementation by staff without the documented strong majority of the business community's support.

If Council wishes to pursue lowering sales tax vendor fees retained by businesses or raise sales tax license fees levied on businesses it is highly recommended that a stringent public outreach/input process be utilized before any action is taken in that regard.

- A direct mailing to 800+ businesses could be a good first step to measure the level of business support for this type of pass-through funding.
- The mailing should be followed by public meetings designed to further gauge and confirm backing for a new Chamber Visitor Center funding method.

## ITEM A

**From:** Ben Cowan  
**Sent:** Friday, February 20, 2015 1:03 PM  
**To:** Ken Coleman; Ryan Johnson; Danny Lefebvre  
**Cc:** <info@gunnisonchamber.com>  
**Subject:** RE: next chamber finance committee meeting

Good Afternoon,

As we discussed this morning, here are some bits of data that may be helpful in formulating your strategies for obtaining a more significant funding stream for the Chamber.

- 1) Vendor fees deducted from 2014 sales tax returns at 5% totaled \$272,584.18. Therefore, each 1% reduction of the vendor fee would generate \$54,516, based on 2014 taxable sales.
- 2) Vendor fees deducted by businesses reporting a mailing address outside 81230 totaled \$158,080.72. An argument might be made that 58% of the vendor fees deducted are for businesses outside the city limits and therefore, reducing the vendor fee so that the funds may be used for Chamber needs is a way of importing outside funds to inject into the local economy.
- 3) Vendor fees (or Service Fees) for the City of Gunnison are 50% higher than the next highest vendor fees in the State of Colorado. See form [DR 1002](#) for statewide rates for both state-administered and home-rule municipalities.
- 4) Vendor fees were deducted from 4192 sales tax returns in 2014.
- 5) 869 Sales Tax Licenses were obtained during 2014. 27 of these were obtained between July and December when the fee is only \$5.50. All others were paid at \$10.50 each.
- 6) For example, a business making \$10,000 monthly in net taxable sales will pay \$400 for City sales tax. The current vendor fee is \$20. If a 1% vendor fee reduction was enacted, and subsequently passed through to the Chamber, it would cost that business \$4 per month.

Have a great weekend and please let me know if you have any questions or require additional information.

Ben

Ben Cowan  
City of Gunnison

Jurisdiction	Does your jurisdiction partially fund or wholly fund a visitor center?	If so, what is the source of the funding (i.e. unrestricted revenues, a percentage of sales tax, sales tax license fees, business license fees, etc.)	How much control does your council or governing body have over the operations at the visitor center?
Alamosa	None.		
Berthoud	None, but the Town is a chamber member.		
Brush	They partially fund their center - the center applies for \$5,000 during their budget process.	General Fund	None.
Carbondale	\$20,000 a year. 100% of the 2% lodging tax is given to the visitor center and then the center funnels part of that money to the tourism council.	General Fund	None.
Craig	The County levies a lodging tax to support the visitor center. The City gives the chamber/center \$50,000 every year and they re-grant that to non profits.		None.
Crested Butte	Partially - we give \$44,000 - \$48,000 per year.	A portion of the Town's Business & Occupation License Tax	The Chamber must request the funds during the annual budget process and provide a budget and operating plan. The Town Council has required the Chamber to enter into operating/service agreements in the past. Chamber gives updates to the Council when requested.
Delta	None for the visor center, but provides the chamber \$3,000 for holiday shopping and \$500 for their parade	General Fund	None.
Evans	None.		
Federal Heights	None, but the Town is a chamber member.		
Firestone	None.		
Fort Lupton	None.		
Fort Morgan	No financial support		
Frederick	They provide up to \$1,200 for financial support for specific events such as Brewfest.	Oil Royalties	The Visitor Center reports the use of funds.
Frisco	The town runs the visitor center.		
Fruita	The visitors center is funded by the State and the Chamber is funded by the City of Fruita. They give them \$23,000 and then another \$5,000 for their fall festival. Fruita provides the building free of charge and the Chamber pays the utilities.	General Fund	None.
Glenwood Springs	The voters passed a 2.5% accommodations tax. 80% of that tax is goes toward the Tourism Council, predicted at \$850,000.	Accommodations Tax.	The Chamber has to submit a budget and the Finance Director goes through it and audits their check register.
Gypsum	None, but the Town is a chamber member for \$350.		
Montrose	Wholly fund	Hotel & Restaurant Excise Tax & 2% of the vendors fee	The City Council approves their budget each year and receives updates on activities throughout the year.
Monument	A contribution of \$20,000 to the Chamber that they use for operations.	The source of the funding is from unrestricted General Fund revenues.	Council does not have any control over operations of the visitor center, but they do receive a monthly update from the Chamber at a regular Council meeting which provides an opportunity for Council to provide feedback if they wanted.
Palisade	\$15,000	General Fund	Just a presentation on how they spent the money.
Parker	The Town of Parker does not fund the visitor center directly, but we do make a contribution to the Chamber that they use for operations.	The source of the funding is from unrestricted General Fund revenues.	Council does not have any control over operations of the visitor center, but they do receive a monthly update from the Chamber at a regular Council meeting which provides an opportunity for Council to provide feedback if they wanted.
Silverthorne	We give \$8K to the visitors center that is run by the Outlets Shops and is listed as one of the State Visitor Centers.	The funds come from our general fund which is made up mostly from sales tax revenues.	We don't get involved with the visitor center outside of producing and providing some brochures.
Sterling	\$8,500	General Fund	None.
Telluride	74% of the business license fees go to the center, 20% to open space and the remainder to the City. Last year they collected \$377,000, which is spent mostly on marketing. Telluride, the county and Mtn. Village all contribute funds.	License Fees	None.
Winter Park	Majority fund the visitor center	Funded through sales tax. The Town eliminated the 3.3% vendor fee deduction from sales tax and allocated the money to fund the visitor center	Chamber runs the visitor center but we maintain a position on their board and operate through an agreement which spells out the basics of operations and funding uses. We also approve the annual appropriation through our budget process each year and Chamber presents how the money will be spent in their budaet.
Woodland Park	Partially fund	Unrestricted General Fund revenues	Very limited

# Memorandum

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**To:** City Council  
**CC:** City Manager Ken Coleman  
**From:** City Clerk Gail Davidson  
**Date:** 9/4/2015  
**Re:** Excusing Councilor Ferguson

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City Council:

Councilor Ferguson has asked to be excused from the September 8, 2015, City Council meeting due to personal business.

Councilors are allowed to be formally excused from a Regular, Special or Reorganization Session meeting by a quorum vote of the City Council via Section 4.4, Section F, of the Gunnison Municipal Home Rule Charter. Councilors do not have to be formally excused for absences from Work Session meetings where no action is taken.

**Action requested of Council:** A motion, second and vote of Council to excuse Councilor Ferguson from the September 8, 2015, Council Regular Session meeting.

MEMO

To: City Council

Date: September 3, 2015

From: Tex Bradford

Re: Ridges to Rivers Trails Construction Bids

Advertisements soliciting bids to construct portions of the Tenderfoot-Signal Peak Trail which includes improvements to the crossing of the existing box culvert going under Hwy. 50 were advertised per the City Purchasing Policy. The Bid Tabulation sheet is attached. Three bids from local contractors were received and opened on Wednesday September 2, 2015. The low bid was submitted by Schmalz Construction.

Staff recommends council approval for staff to award the Tenderfoot-Signal Peak Trail Construction bid to Schmalz Construction. As additions and deletions for the project are anticipated along with some unknowns until construction is underway staff request council approval to award the bid to Schmalz for an amount not to exceed the budgeted amount of \$220,000.

# Memorandum



**To:** City Council  
**From:** Ken Coleman  
**Date:** September 4, 2015  
**Re:** Lazy K Expenses

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As discussed at the September 1, 2015 work session, it is requested that remaining allocated funds designated for the purchase of the Lazy K parcel be utilized to complete some tasks associated with ownership of this property.

The scope of this work includes the completion of an improvements survey, conducting a Phase 1 Environmental assessment and a Wetlands Delineation, as well as initiating a conceptual plan on the potential uses of this property and other related expenses.

The remaining budget for the Lazy K is \$54,443.22. It is requested that staff proceed with initiating work to complete the elements that can be accomplished within the 2015 fiscal year expending up to, yet not exceeding remaining funds for this project.

**ORDINANCE NO. 4  
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REVISING  
A PROGRAM FOR RESIDENTIAL AND COMMERCIAL ELECTRIC CUSTOMERS  
WHO INSTALL PHOTOVOLTAIC OR WIND SYSTEMS, AND ESTABLISHING A  
RATE FOR THE ELECTRICAL ENERGY CONSUMED BY SUCH CUSTOMERS.**

**WHEREAS**, the City of Gunnison wishes to encourage the continuing development of alternative renewable energy resources; and

**WHEREAS**, in furtherance thereof, the City of Gunnison, through its electrical department, is revising a photovoltaic or wind pilot program for residential and commercial electric customers who wish to install such systems.

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

Section 1. Section 12.40.010, Definitions, of the City Code of the City of Gunnison, is hereby amended to read as follows:

N. Net Metering is, for billing purposes, the net consumption as measured at the City of Gunnison's service meter. When net metering is negative, such that the PV-W system production is greater than the customer's consumption in any month, the City of Gunnison will credit customer for such production. In the event that such negative balance remains after December 31 of each year, the City of Gunnison will pay customer for such negative balance at the City of Gunnison's average wholesale rate. If customer consumption is greater than the PV-W system production, the customer shall pay for that electric use at the most current published rate on a monthly billing. Customers will be billed the monthly service charge for each month, even in months when negative or no net electric consumption by the customer results.

R. Photovoltaic or Wind Pilot Program is the City of Gunnison's program to accommodate the installation of PV-W systems on the City of Gunnison's electric distribution system for the purpose of providing residential and commercial electric customers an option to own photovoltaic or wind generation equipment which is tied to the City of Gunnison's electric grid.

Section 2. Title 12, Utilities, Chapter 4, Utility Service Rates and Fees, Rules and Regulations, Section 12.40.040 Photovoltaic and wind service rate schedule, is hereby amended to read as follows:

A. Applicability. The photovoltaic and wind pilot program is applicable to residential and commercial electrical customers to install eligible photovoltaic or wind (PV-W) systems under the following rate, whose electric service is supplied by the City of Gunnison. The PV-W rate is applicable to electric customers who own, operate, and maintain a photovoltaic or wind generation system in parallel with the City of Gunnison's electric system. The PV-W system shall be limited to a maximum capacity of 25 kilowatts. Service under the following rate schedule is an exception to the applicability of the electric rate schedule such that these schedules are applicable for standby and/or auxiliary service for this program only, and is not available to re-sale service.

- B. All customers taking advantage of this rate shall be located within the City of Gunnison's service territory.
- C. All electric energy delivered by the City of Gunnison to the customer hereunder shall be received and paid for by the customer at the applicable residential or commercial rate. The City of Gunnison shall net meter all electric energy produced by the PV-W system. The City of Gunnison will charge the customer an additional Two Dollars and Fifty Cents (\$2.50) per month service charge for administrative expenses and additional meter cost that are incurred over that of a typical single-phase meter and an additional Five Dollars (\$5.00) per month for three phase meters.
- D. Customers who have installed photovoltaic systems prior to this revision shall continue to operate under the conditions of Ordinance No. 10 Series 2003 unless they choose to increase the size, (kW), of their systems at which time they will fall under the requirements of this revision.
- E. The City of Gunnison shall, at its sole discretion, provide, own, operate, and maintain all meters and metering equipment necessary to measure both the energy supplied by the City of Gunnison and the energy produced by the PV-W system. The City of Gunnison reserves the right to utilize measurements from its meter of the energy produced by the PV-W system for billing the unit's productions.

Section 3. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 28th day April, 2015, on first reading, and introduced, read, and adopted on second and final reading this 8th day of September, 2015.

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Mayor

(SEAL)

ATTEST:

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City Clerk

Published in Full in the  
Gunnison Country Times  
Newspaper May 7, 2015

**ORDINANCE NO. 8  
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,  
COLORADO AMENDING AN OPTIONAL RESIDENTIAL TIME-OF-DAY  
ELECTRICAL RATE FOR THE CITY OF GUNNISON ELECTRICAL  
DEPARTMENT**

**WHEREAS**, the City operates an electric utility which provides service to residents and commercial properties of the City and to customers in adjoining areas certificated to the City by the Public Utilities Commission; and

**WHEREAS**, the City does not own generation resources, but instead purchases its wholesale power requirements from the Western Area Power Administration and the Municipal Energy Agency of Nebraska; and

**WHEREAS**, retail time-of-day rates under which the price of power varies, depending upon the time of its use by City customers, can assist the City in managing its wholesale purchases in a cost-effective manner; and

**WHEREAS**, the City has developed a residential time-of-day rate tariff which will be available to residential customers, both within and outside the municipal limits, upon request of the customer; and

**WHEREAS**, the City wishes to extend the time-of-day rate option to commercial properties, both within and outside the municipal limits, upon request of the commercial customer.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF GUNNISON, COLORADO, THAT:**

Section 1. The City Council of the City of Gunnison hereby adopts and authorizes the City of Gunnison Electric Department to offer a commercial time-of-day rate schedule in addition to the current residential option.

Section 2. Until amended by further action of Council after proper notice, the time-of-day rate schedule currently applicable to residential customers shall be applied to commercial properties.

Section 2. The time-of-day rate tariff sheet shall be duly executed and included within the City of Gunnison tariffs, and as such, shall be held open for public inspection.

Section 3. The Residential or Commercial customer voluntarily signing up for the Time-Of-Day Rate must agree to participate for a period of twelve months before voluntarily returning to the standard published electric rates.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 28th day of July, 2015, on first reading, and introduced, read, passed and adopted on second and final reading this 8th day of September, 2015.

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Richard Hagan, Mayor

(SEAL)

ATTEST:

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Gail Davidson, City Clerk

Published by title in the  
Gunnison Country Times Newspaper  
August 6, 2015

**ORDINANCE NO. 10  
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A UTILITY EASEMENT WITHIN BOUNDARY LINE ADJUSTMENT – SALMON PROPERTY, TRACT B AND D, WEST GUNNISON AMENDED, RECEPTION #631561, CITY OF GUNNISON, STATE OF COLORADO.**

**WHEREAS**, the applicant, Salmon Rentals, LLC., submitted an application on June 24, 2015, requesting the City of Gunnison to vacate a utility easement within Boundary Line Adjustment – Salmon Property, Tract B and D, Reception #631561 as described in Exhibit 1; and

**WHEREAS**, Section 12.11 of the *City of Gunnison Land Development Code* states that approval of a vacation of a recorded plat, right-of-way or easement may only occur if the application meets all the Review Standards for a Vacation; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on August 12, 2015, and made a recommendation to the City Council to approve the requested easement vacation; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public meeting on the requested utility easement vacation on August 25, 2015;

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

Section 1. Findings of Fact. Based upon the application for an easement vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning and Zoning Commission of the City of Gunnison, the City Council hereby finds as follows:

- A. The applicant requests to vacate a portion of a 25 foot north/south utility easement within Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended, Reception #631561.
- B. The 25 foot utility easement was originally recorded in Gunnison County Clerk and Recorder in 1962 (as a power line easement) and was amended as a utility easement in 1975 at Book 437, Page 394.
- C. Utilities are not located within the north/south utility easement nor are any utilities planned at this location in the future.
- D. The site contains two east/west easements with one a centralized 20 foot easement providing access and utility extensions for tracts A through D and the other a northern 25 foot utility easement adjacent to Tracts B and C.
- E. Vacation of portions of the north/south 25 foot utility easement will allow for reasonable utilization of Tract B.
- F. The vacation of the easement will not be a detriment to the health, safety and welfare of the community.

Section 2. Vacation. The easement which is vacated by this ordinance is located in a portion of Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended, Reception #631561, as described in Exhibit 1.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED**, this 25th day of August, 2015, on first reading, and introduced, read, and adopted on second and final reading this 8th day of September, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

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

A tract of land within vacated Ninth Street, according to the Amended Plat of the Town of West Gunnison, City of Gunnison, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block 21, according to said Amended Plat, thence South 00°00'00" East 25.00 feet along the west boundary of said Ninth Street, to the POINT OF BEGINNING, thence the following courses:

1. South 00°00'00" East 226.71 feet along said west boundary to the northerly boundary of U.S. Highway No. 50;
2. 50.26 feet along the arc of a curve to the right, said curve having a radius of 774.10 feet, and a long chord bearing North 29°50'07" East 50.25 feet, along said boundary to a point which is 25.00 feet east of said west boundary of Ninth Street;
3. North 00°00'00" East 183.12 feet along a line which is 25.00' east and parallel to said west boundary, to point which is 25.00 feet south of the south boundary of Tomichi Avenue, according to said Amended Plat;
4. North 90°00'00" West 25.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of the above described tract which lies within that tract labeled "Easement for access and public utilities" on the plat of Boundary Line Adjustment - Salmon Property, recorded at Reception No. 631561, in the records of Gunnison County.

*Timothy E. Pearson*

8-25-15





**ORDINANCE NO. 11  
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.**

**WHEREAS**, by Ordinance No. 16, Series 2014, appropriations for the year 2015 were made; and

**WHEREAS**, additional appropriations may be made by ordinance as authorized under Section 7.11 of the City of Gunnison’s Municipal Home Rule Charter; and

**WHEREAS**, since adoption of the 2015 Budget, receipt of additional revenues have been recognized and expenditures authorized therefrom; and

**WHEREAS**, transfers of appropriated funds from one department to another may be made by resolution or ordinance as authorized under Section 7.10 of the City of Gunnison’s Municipal Home Rule Charter.

**WHEREAS**, additional appropriations have been preliminarily approved as follows:

- a) Replacement of the street sweeper and bulldozer for \$24,500 in the General Fund – approved February 24, 2015.
- b) Purchase of a chlorine control system for \$10,600 in the Community Center/Pool Fund – approved March 24, 2015.
- c) Purchase of an energy monitoring system for \$10,500 in the Other Recreation Improvements Fund – approved March 24, 2015.
- d) Purchase of the Lazy K property for \$1,050,000 in the General Fund – approved April 28, 2015. As outlined in Ken Coleman’s April 23 memo, proposed funding is sourced from:
  - General Fund \$450,000
  - Other P&R \$450,000
  - Wastewater \$100,000
  - Water \$50,000
  - TOTAL \$1,050,000
- e) Rink compressor rebuild for \$10,500 in the Other Recreation Improvements Fund – approved May 26, 2015.
- f) Interfund Transfers Out included in 2015 Adopted Budget:
  - General Fund \$73,623
  - Conservation Trust \$14,750
  - Fleet Maintenance \$395,000

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AS FOLLOWS:**

**Section 1. Appropriations.** Section 2 of Ordinance No. 16, Series 2014, is amended to reflect the budgeting and appropriation of aggregate 2015 expenditures to the respective Funds as follows:

	Original Appropriations	Additional Appropriation	Interim 2015 Budget
General Fund	8,175,214	1,148,120	9,323,334
Conservation Trust Fund	45,000	14,750	59,750
Ditch Fund	469,069	0	469,069
Firemen's Pension Fund	144,000	0	144,000
Enterprise Fund	10,374,946	631,600	11,006,546
Fleet Maintenance Fund	370,560	395,000	765,560
<b>TOTAL</b>	<b>19,578,789</b>	<b>2,189,470</b>	<b>21,768,259</b>

**Section 2. Transfers.**

- a) Transfer of \$4,000 for bond arbitrage compliance from the Finance Department to Capital Assets. – approved February 24, 2015.

**Section 3.** **Amendment.** This Ordinance shall constitute an amendment to the 2015 Budget adopted by Ordinance No. 16, Series 2014.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED** this 25th day of August, 2015, on first reading, and introduced, read, and adopted on second and final reading this 8th day of September, 2015.

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Mayor

SEAL:

ATTEST:

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City Clerk

Published by Title in the  
Gunnison Country Times  
September 3, 2015



## Memorandum

**To:** City Council  
**From:** Ben Cowan  
**Date:** 9/3/2015  
**Re:** Series 2007 Sales and Use Tax Revenue Bonds Forward Refunding Ordinance

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We have been working with Troy Bernberg, with UMB Bank and Tom Peltz, serving as the City's bond counsel with Kutak Rock LLP. to work out an arrangement to refinance the City's 2007 Sales and Use Tax Revenue Bonds using a mechanism referred to as a "Forward Refunding Private Placement". This includes an agreement whereby the City agrees to issue a new 2017 bond on March 1, 2017 and UMB agrees to purchase the bond on such date. The proceeds of the new bond, when issued, will be placed in an escrow account (along with the release of the debt service reserve of approximately \$550,000) to be used to refund the City's outstanding 2007 bonds at the December 1, 2017 call date. This arrangement allows the City to refinance now rather than wait until December 1, 2017 when the interest rates may (and likely will based on historical trends) be considerably higher and prevent any savings from being realized.

The attached ordinance allows the City to issue a new bond to accomplish the Forward Refunding Private Placement. The current bonds have interest rates ranging from 4.00% to 4.35% per year and the rate lock allows for a reduction to 2.75%, with a rate change in the last 5 years. The last five years will carry a maximum rate of 5.5%. In today's dollars, that should equate to approximately \$630,000 in savings, or an annual savings of over \$50,000. The new bond will be callable after three years.

**Action Requested:**

- 1) Introduction of Ordinance 12, Series 2015 and request to read the Ordinance by Title only.
- 2) A motion to approve on first reading Ordinance 12, Series 2015.

**ORDINANCE NO. 12  
SERIES 2015**

**AN ORDINANCE OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING A BOND, EVIDENCED BY THE ISSUANCE OF A SALES AND USE TAX REVENUE REFUNDING BOND, FOR THE PURPOSE OF REFUNDING SERIES 2007 BONDS OF THE CITY AT A LOWER INTEREST RATE; PROVIDING FOR THE FORM AND DELIVERY OF THE BOND AND BOND REPAYMENT; AND MAKING COVENANTS AND APPROVING DOCUMENTS RELATING TO THE BOND.**

**WHEREAS**, the City of Gunnison, Colorado, is a municipal corporation duly organized and operating as a home-rule city under Article XX of the Constitution of the State of Colorado and the Charter of the City (certain capitalized terms used in the preamble of this Ordinance are defined in Section 1 hereof); and

**WHEREAS**, pursuant to an election held on May 8, 2007, the majority of the voting electors of the City approved a Ballot Issue 1A authorizing revenue bonds in an amount not to exceed \$9,500,000, with a maximum repayment cost of \$19,500,000, payable from a twenty-five year sales and use tax imposed at a rate of 1%, which rate decreases to 0.25% on July 1, 2031; and

**WHEREAS**, pursuant to Ordinance No. 7, Series 2007, the City increased its sales and use tax from 3% to 4% and established the Park and Recreation Fund in accordance with Ballot Issue 1A; and

**WHEREAS**, on November 8, 2007 there were issued and delivered the City's Sales and Use Tax Revenue Bonds, Series 2007 in the original principal amount of \$8,330,000, which bonds are currently outstanding in the aggregate principal amount of \$6,765,000 and bear interest at rates ranging from 4.00% to 4.35% per annum; and

**WHEREAS**, Sections 8.5 and 8.8 of the Charter authorize the issuance of revenue bonds and refunding securities by ordinance of the City when the Council determines it to be to the best advantage of the City; and

**WHEREAS**, the earliest call date that the 2007 Bonds are subject to redemption at the option of the City is December 1, 2017; and

**WHEREAS**, UMB Bank, n.a. has presented a proposal to the City for the direct purchase of a bond, the proceeds of which will be used to refund the 2007 Bonds in advance of their Call Date, however, in order to increase the City's refunding savings, the proposal of UMB Bank, n.a. limits the length of the escrow account to be established for the payment of the 2007 Bonds by delaying the date for the funding and issuance of the Bond until the Delivery Date; and

**WHEREAS**, the City Council has determined that the direct placement of the Bond with the Bank is in the best interests of the City and desires to refund all of the 2007 Bonds maturing after the Delivery Date by issuance of the Bond pursuant to this Ordinance; and

**WHEREAS**, the Bond will be a revenue obligation of the City, payable solely from the same sources pledged to the 2007 Bonds with the exception of a reserve account (which is not required by the Bank proposal); and

**WHEREAS**, Article X, Section 20 of the Colorado Constitution provides that voter approval in advance is not required for refinancing outstanding obligations at a lower interest rate; and

**WHEREAS**, the net proceeds derived from the sale of the Bond, together with reserve account moneys pledged to the 2007 Bonds, shall be deposited into a special fund and trust account and used solely for the purpose of paying the principal of and interest on the 2007 Bonds until the Call Date; and

**WHEREAS**, there has been presented to the City and made available to the City Council, among other things, the forms of (a) the Direct Purchase Agreement, (b) the Escrow Agreement, and (c) the Paying Agent Agreement; and

**WHEREAS**, none of the members of the City Council have any potential conflicting interests in connection with the authorization, issuance or delivery of the Bond, or the use of the proceeds thereof; and

**WHEREAS**, the City Council desires to authorize the issuance and delivery of the Bond;

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

Section 1. **Definitions.** The following terms shall have the following meanings as used in this Ordinance:

“*2007 Bonds*” means the Sales and Use Tax Revenue Bond, Series 2007, authorized and issued pursuant to the 2007 Ordinance.

“*2007 Ordinance*” means Ordinance No. 9, Series 2007, passed and adopted on second and final reading October 9, 2007.

“*Act*” means Article 57 of Title 11, C.R.S.

“*Authorized Denomination*” means the outstanding principal amount of the Bond.

“*Ballot Issue 1A*” means Ballot Issue 1A approved by the voters pursuant to an election held on May 8, 2007.

“*Bank*” means UMB Bank, n.a., Denver, Colorado, with headquarters and its principal operations office in Kansas City, Missouri, or its successor, a national banking association duly organized and existing under the laws of the United States of America, being a member of the Federal Deposit Insurance Corporation, and having full and complete trust powers.

“*Bond Account*” means the “Park and Recreation Fund Bond Account” created in the section hereof entitled “Reaffirmation of Park and Recreation Fund; Establishment of Accounts.”

“*Bond Counsel*” means (a) as of the date of issuance of the Bond, Kutak Rock LLP, and (b) as of any other date, Kutak Rock LLP or such other attorneys selected by the City with nationally recognized expertise in the issuance of municipal Bond.

“*Bond*” means the Sales and Use Tax Revenue Refunding Bond, Series 2015, dated as of the Delivery Date, authorized hereby.

“*Business Day*” means any day other than (a) a Saturday or Sunday or (b) a day on which banking institutions in the State are authorized or obligated by law or executive order to be closed for business.

“*Call Date*” means December 1, 2017.

“*Certified Public Accountant*” means an independent certified public accountant within the meaning of § 12-2-115, C.R.S. and any amendment thereto, licensed to practice in the State.

“*Charter*” means the home rule Charter for the City.

“*City*” means the City of Gunnison, Colorado.

“*City Council*” means the City Council of the City.

“*Code*” means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein shall be deemed to include the United States Treasury Regulations proposed or in effect thereunder and applicable to the Bond or the use of proceeds thereof, unless the context clearly requires otherwise.

“*County*” means Gunnison County, Colorado.

“C.R.S.” means the Colorado Revised Statutes, as amended and supplemented as of the date hereof.

“*Delivery Date*” means March 1, 2017.

“*Direct Purchase Agreement*” means the Direct Purchase Agreement between the City and the Bank concerning the funding of the Bond by the Bank and the issuance and delivery of the Bond by the City.

“*Direct Purchase Certificate*” means the certificate executed by the Direct Purchase Delegate under the authority delegated pursuant to this Ordinance, including but not limited to the Sections hereof entitled “Bond Details” and “Redemption of the Bond Prior to Maturity.”

“*Direct Purchase Delegate*” means the Mayor of the City, or the Mayor Pro Tem in the absence of the Mayor.

“*Enabling Laws*” means (i) the State Constitution, (ii) the Charter, (iii) the Act and (iv) all other applicable laws of the State enabling the actions taken or to be taken pursuant to this Ordinance.

“*Escrow Account*” means the trust account established and designated as such in the Section hereof entitled “Escrow Account; Payment of 2007 Bonds” to be maintained by the Escrow Agent in accordance with the Escrow Agreement and the provisions hereof.

“*Escrow Agent*” means the Bank.

“*Escrow Agreement*” means the agreement between the City and the Escrow Agent concerning the establishment of a trust account for the payment of the 2007 Bonds and the duties and obligations of the Bank with respect thereto.

“*Event of Default*” means any of the events specified in the section hereof entitled “Events of Default.”

“*Federal Securities*” means bills, certificates of indebtedness, bonds or similar securities which are direct non-callable obligations of the United States of America or which are fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America.

“*Interest Payment Date*” means each June 1 and December 1, commencing on December 1, 2017.

“*Interest Rate*” means from the Delivery Date to the Rate Reset Date, 2.75% per annum, and on and after the Rate Reset Date the Interest Reset Rate per annum.

“*Interest Reset Rate*” means a fixed rate per annum on the Rate Reset Date calculated as the lesser of (i) 5.50% or (ii) 0.65 multiplied by the sum of the 4-Year Treasury rate plus 180 Basis Points.

“*Interest Sub-Account*” means a sub-account of the Bond Account established by the provisions hereof for the purpose of paying the interest on the Bond.

“*Letter of Instructions*” means the Letter of Instructions, dated the date of issuance of the Bond, and delivered by Bond Counsel to the City, as it may be superseded or amended in accordance with its terms.

“*Maturity Date*” means December 1, 2031.

“*Ordinance*” means this ordinance which authorizes the issuance of the Bond, including any amendments properly made hereto.

“*Owner*” means the Bank as of the Delivery Date, and thereafter, the Person in whose name the Bond is registered on the registration book maintained by the Paying Agent pursuant to this Ordinance.

“*Park and Recreation Fund*” means the “Park and Recreation Fund” established by the Recreation Sales and Use Tax Ordinance and reaffirmed in this Ordinance.

“*Paying Agent*” means the Bank, which shall act as paying agent, bond registrar, and authenticating agent for the Bond.

“*Paying Agent Agreement*” means the Paying Agent Agreement between the City and the Bank.

“*Permitted Investments*” means any investment which is a lawful investment permitted for the investment of funds of the City by the Enabling Laws.

“*Person*” means a corporation, firm, other body corporate, partnership, association or individual and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

“*Pledged Revenues*” means all of the revenues required to be deposited in the Park and Recreation Fund pursuant to the Recreation Sales and Use Tax Ordinance and all moneys on deposit from time-to-time in the Park and Recreation Fund.

“*Principal Redemption Date*” means December 1 or such other date or dates of each year as established in the Direct Purchase Certificate.

“*Principal Sub-Account*” means a sub-account of the Bond Account established by the provisions hereof for the purpose of paying the principal of the Bond.

“*Pro Rata Portion*” means the dollar amount derived by dividing the amount of principal or interest to come due on the next Principal Payment Date or Interest Payment Date by the number of monthly credits required to be made prior to such payment date.

“*Rate Reset Date*” means December 1, 2027.

“*Record Date*” means the 15th day of the calendar month next preceding each Interest Payment Date.

“*Recreation Sales and Use Tax*” means the Recreation Sales and Use Tax required to be deposited into the Park and Recreation Fund pursuant to the Recreation Sales and Use Tax Ordinance.

“*Recreation Sales and Use Tax Ordinance*” means Ordinance No. 7, Series 2007, which was adopted by the City upon second reading on June 12, 2007, which ordinance imposes the Recreation Sales and Use Tax.

“*Refunded Bond Requirements*” means the principal and interest due in connection with the 2007 Bonds from the Delivery Date to the Call Date, including the redemption price for the 2007 Bonds on the Call Date.

“*Refunding Project*” means the refunding of the Series 2007 Bond and any other purpose for which proceeds of the Bond may be expended under the Enabling Laws, including, but not limited to, the payment of the costs of issuance of the Bond and the refunding, paying and discharging of the Refunded Bond Requirements.

“*State*” means the State of Colorado.

Section 2. **Authorization and Purpose of the Bond.** Pursuant to and in accordance with the Enabling Laws, the City hereby authorizes, approves and orders that there shall be issued the “City of Gunnison, Colorado, Sales and Use Tax Revenue Refunding Bond, Series 2017” for the purpose of providing funds for the Refunding Project.

Section 3. **Bond Details.**

(a) **Registered Form, Denominations, Original Delivery Date and Numbering.** The Bond shall be issued as a single, fully registered bond, which shall be dated as of the Delivery Date and registered in the name of the Bank, or if later transferred pursuant to the Section hereof entitled “Registration, Transfer and Exchange of the Bond,” in the name of the Person identified in the registration book of the City maintained by the Paying Agent. The Bond shall be issued in the Authorized Denomination. The Bond shall be in substantially the form set forth in Appendix A hereto with such changes thereto, not inconsistent herewith, as may be necessary or desirable and approved by the City officials executing the same (whose manual signatures thereon shall constitute conclusive evidence of such approval). The Bond shall be numbered R-1, and if transferred thereafter numbered consecutively beginning with the number “2”. The Bond shall recite that it is issued under the authority of Section 11-57-210, C.R.S.

(b) **Maturity Dates, Principal Amounts and Interest Rates.** The Bond shall mature on the Maturity Date. The Bond shall bear per annum interest at the Interest Rate (calculated based on a 360-day year of twelve 30-day months) from the later of the Delivery Date or the latest Interest Payment Date to which interest has been paid in full and shall be payable on each Interest Payment Date.

(c) **Manner and Form of Payment.** Principal of the Bond shall be payable in lawful money of the United States of America to the Owner upon prior redemption or on the Maturity Date, provided that, for the final payment of the principal of the Bond on the Maturity Date, the Bond certificate must be presented for final payment at the principal office of the Paying Agent. Prior to final payment of the principal of the Bond on the Maturity Date (which final payment requires presentation of the Bond certificate), the interest on and principal of the Bond are payable to the Owner at its address as it appears on the registration book maintained by or on behalf of the City by the Paying Agent.

Interest and principal payments (other than on the Maturity Date) shall be paid by check or draft of the Paying Agent mailed on or before each Interest Payment Date and Principal Redemption Date to the Owner. The Paying Agent may make payments of interest on the Bond by such alternative means as may be mutually agreed to between the Owner of the Bond and the Paying Agent. All payments of the principal of and interest on the Bond shall be made in lawful money of the United States of America.

(d) **Delegation and Parameters.** The City Council hereby delegates to the Direct Purchase Delegate, for a period of ninety days following the effective date of this Ordinance, the authority to determine and set forth in the Direct Purchase Certificate: (i) the aggregate principal amount of the Bond, which shall not exceed \$6,000,000; and (ii) the principal amount of the Bond subject to mandatory sinking fund redemption on each Principal Redemption Date; provided further, the present value savings as a percentage of the aggregate principal amount of the 2007 Bonds shall be at least 3.00% computed based upon the arbitrage yield for the Bond to the Delivery Date, assuming semi-annual compounding.

Section 4. **Form of the Bond.** The Bond shall be in substantially the form set forth in Appendix A hereto, with such changes thereto, not inconsistent herewith, as may be necessary or desirable and approved by the officials of the City executing the same (whose manual or facsimile signatures thereon shall constitute conclusive evidence of such approval). Although attached as an appendix for the convenience of the reader, Appendix A is an integral part of this Ordinance and is incorporated herein as if set forth in full in the body of this Ordinance.

Section 5. **Execution, Authentication and Delivery of the Bond.**

(a) **Execution.** The Bond shall be executed in the name and on behalf of the City with the manual signature of the Mayor, shall bear a manual or facsimile of the seal of the

City and shall be attested by the manual signature of the City Clerk both of whom are hereby authorized and directed to prepare and execute the Bond in accordance with the requirements hereof. Should any officer whose manual signature appears on the Bond cease to be such officer before delivery of the Bond, such manual signature shall nevertheless be valid and sufficient for all purposes.

(b) **Authentication.** When the Bond has been duly executed, the officers of the City are authorized to, and shall, deliver the Bond to the Paying Agent for authentication. No Bond shall be secured by or entitled to the benefit of this Ordinance, or shall be valid or obligatory for any purpose, unless the certificate of authentication of the Paying Agent has been manually executed by an authorized signatory of the Paying Agent. The executed certificate of authentication of the Paying Agent upon any Bond shall be conclusive evidence, and the only competent evidence, that the Bond has been properly authenticated hereunder.

(c) **Delivery.** Upon the authentication of the Bond, the Bond shall be held in escrow prior to the Delivery Date and, upon receipt of the principal amount of the Bond from the Bank, the funding of the Escrow Account as required by the Section hereof entitled “Escrow Account; Payment of 2007 Bonds” and issuance of the approving opinion of Bond Counsel, the Bond shall be issued and delivered to the Bank on the Delivery Date in accordance with the directions of the Bank. Following the issuance and delivery of the Bond all moneys remaining on deposit in the reserve account established for the payment of the 2007 Bonds shall be released from the lien of the 2007 Ordinance and available for any lawful expenditure of the City.

#### Section 6. **Registration and Transfer of the Bond.**

(a) **Registration.** The Paying Agent shall maintain the registration book in which the ownership and transfer of the Bond shall be recorded. The person in whose name any Bond shall be registered on such registration books shall be deemed to be the absolute owner thereof for all purposes.

(b) **Transfer.** The Bond may be transferred in whole, but not in part, at the principal operations office of the Paying Agent or at such other location designated by the Paying Agent for such purpose, for a like Bond in the Authorized Denomination and of the same Interest Rate, mandatory sinking fund redemption amounts and Maturity Date, upon payment by the transferee of a transfer fee, any tax or governmental charge required to be paid with respect to such transfer or exchange. Upon surrender for transfer of the Bond, duly endorsed for transfer or accompanied by an assignment duly executed by the Owner or his or her attorney duly authorized in writing, the City shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee a new Bond. The transferring Owner shall pay any reasonable costs of the City incurred in connection with the transfer of the Bond.

(c) **Limitations on Transfer.** The City and Paying Agent shall not be required to transfer any Bond during a period beginning at the close of business on the Record Date and ending at the opening of business on the first Business Day following the ensuing Interest Payment Date.

Section 7. **Replacement of Lost, Destroyed or Stolen Bond.** If the Bond shall become lost, apparently destroyed, stolen or wrongfully taken, it may be replaced in the form and tenor of the lost, destroyed, stolen or taken bond and the City shall execute and the Paying Agent shall authenticate and deliver a replacement Bond upon the Owner furnishing, to the satisfaction of the City and the Paying Agent: (a) proof of ownership (which shall be shown by the registration books of the Paying Agent), (b) proof of loss, destruction or theft, (c) an indemnity to the City and the Paying Agent with respect to the Bond lost, destroyed or taken, and (d) payment of the cost of preparing and executing the new Bond.

#### Section 8. **Redemption of the Bond Prior to Maturity.**

(a) **Optional Redemption.** The Bond shall be subject to redemption at the option of the City, in whole but not in part, commencing on June 1, 2020 and on any Business Day thereafter, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date.

(b) **Mandatory Sinking Fund Redemption.** The principal amount of the Bond shall be subject to mandatory sinking fund redemption on the Principal Redemption Date of the years and in the principal amounts specified in the Direct Purchase Certificate, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date.

(c) **Redemption Procedures.** Notice of any redemption of the Bond shall be given by the Paying Agent in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, not less than 15 days prior to the redemption date, to the Owner of the Bond; provided however no notice shall be required for mandatory sinking fund redemption. Such notice may be conditional and state that such redemption is subject to the deposit of funds by the City with the Paying Agent.

Section 9. **Reaffirmation of Park and Recreation Fund; Establishment of Accounts.** There is hereby reaffirmed the Park and Recreation Fund established pursuant to the Recreation Sales and Use Tax Ordinance. Moneys deposited in the Park and Recreation Fund shall be appropriated and distributed in accordance with the Recreation Sales and Use Tax Ordinance and this Ordinance. There also is hereby established within the Park and Recreation Fund the Bond Account, which shall include the Interest Sub-Account and the Principal Sub-Account.

Section 10. **Escrow Account; Payment of 2007 Bonds.** There is hereby established a special account designated as the "Gunnison 2007 Bonds Escrow Account," within which shall be deposited proceeds of the Bond and moneys from the reserve account established pursuant to the 2007 Ordinance in an amount sufficient, as verified by a Certified Public Accountant, to meet the defeasance requirements set forth in Section 19 of the 2007 Ordinance for payment of the Refunded Bond Requirements. The Escrow Account, which shall be maintained in accordance with the provisions hereof and of the Escrow Agreement, shall be maintained in an amount at the time of the initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities to pay the Refunded Bond Requirements. Except as may be otherwise provided in the Escrow Agreement, the City shall have no right or title to the moneys credited to or held in the Escrow Account, and such title shall be and is hereby transferred to the Bank in trust for the payment of the Refunded Bond Requirements pursuant to the Escrow Agreement. Moneys shall be withdrawn by the Bank from the Escrow Account in sufficient amounts and at such times to permit the payment without default of the Refunded Bond Requirements. If for any reason the amount in the Escrow Account shall at any time be insufficient for the purpose hereof, the City shall forthwith from the first moneys available therefor deposit in such account such additional moneys as shall be necessary to permit the payment in full of the Refunded Bond Requirements. Subject to the issuance of the Bond, the City does hereby declare its intent to exercise on behalf of and in the name of the City its option to redeem all of the Refunded Bonds on the Call Date.

Section 11. **Deposit of Pledged Revenues.** Immediately upon receipt of the Recreation Sales and Use Tax, all revenues from the Recreation Sales and Use Tax shall be deposited in the Park and Recreation Fund. The City shall make the following credits within the Park and Recreation Fund in the following order of priority:

*First*, to the credit of the Interest Sub-Account, the amounts required by the section hereof entitled "Bond Account;"

*Second*, to the credit of the Principal Sub-Account, the amounts required by the section hereof entitled "Bond Account;"

*Third*, to the credit of any other fund or account hereafter established for the payment of the principal of and interest on subordinate lien obligations as described in paragraph (c) of the section hereof entitled "Pledge and Lien for Payment of the Bond;" and

*Fourth*, to the credit of any other fund or account hereafter established by the City in accordance with the Recreation Sales and Use Tax Ordinance for the payment of any lawful expenditures.

Section 12. **Bond Account.**

(a) ***Use of Moneys in Bond Account.*** Moneys deposited in the Bond Account shall be used solely for the purpose of paying the principal of and interest on the Bond. The Principal Sub-Account shall be used to pay the principal of the Bond, and the Interest Sub-Account shall be used to pay the interest on the Bond.

(b) ***Deposits to Interest Sub-Account.*** On or before the last day of each month, commencing in the month next succeeding the date of issuance of the Bond, the City shall credit to the Interest Sub-Account, from the Pledged Revenues and any interest income to be deposited in the Interest Sub-Account pursuant to the terms hereof, an amount equal to the Pro Rata Portion of the interest to come due on the Bond on the next succeeding Interest Payment Date. Notwithstanding, the City shall have credited to the Interest Sub-Account from the Pledged Revenues an amount sufficient to pay the interest on the Bond due on the next succeeding Interest Payment Date not less than one Business Day before such Interest Payment Date.

(c) ***Deposits to Principal Sub-Account.*** On or before the last day of each month, commencing in the month next succeeding the date of issuance of the Bond, the City shall credit to the Principal Sub-Account, from the Pledged Revenues and any interest income to be deposited in the Principal Sub-Account pursuant to the terms hereof, an amount equal to the Pro Rata Portion of the principal coming due on the Bond on the next succeeding Principal Payment Date. Notwithstanding, the City shall have credited to the Principal Sub-Account from the Pledged Revenues an amount sufficient to pay the principal coming due on the Bond on the next succeeding Principal Payment Date not less than one Business Day before such Principal Payment Date.

(d) ***Investments.*** Moneys deposited in the Bond Account may be invested or deposited in securities or obligations that are Permitted Investments. The investment of moneys deposited in the Bond Account shall, however, be subject to the covenants and provisions of the section hereof entitled "Covenants Regarding Exclusion of Interest on Bond from Gross Income for Federal Income Tax Purposes." Except to the extent otherwise required by such section, all interest income from the investment or reinvestment of moneys deposited in any sub-account of the Bond Account shall remain in and become part of such sub-account.

Section 13. **Pledge and Lien for Payment of the Bond.**

(a) ***Pledge of Revenues.*** The City hereby pledges for the payment of the principal of and interest on the Bond, and grants a first lien (but not necessarily an exclusive first lien) for such purpose on the Pledged Revenues. Pursuant to § 11-57-208, C.R.S., the Pledged Revenues, as received by the City or otherwise deposited to the Park and Recreation Fund, shall immediately be subject to the lien established herein without any physical delivery, filing or further act. The lien of such pledge shall be valid, binding and enforceable against all persons having claims for any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such lien.

(b) ***Superior and Parity Liens Prohibited.*** The City shall not, without the prior written consent of the Owner, pledge or create any other lien on the revenues and moneys pledged pursuant to paragraph (a) of this Section that is superior to or on a parity with the pledge thereof or lien thereon pursuant to such paragraph.

(c) ***Subordinate Liens Permitted.*** Nothing herein shall prohibit the City from issuing subordinate lien obligations and pledging or creating a lien on the revenues and moneys pledged and the lien created pursuant to paragraph (a) of this section that is subordinate to the pledge thereof or lien thereon pursuant to such paragraph, provided that no Event of Default shall have occurred and be continuing.

(d) ***No Prohibition on Additional Security.*** Nothing herein shall prohibit the City from depositing any legally available moneys that are not Pledged Revenues into any account of the Park and Recreation Fund (and thereby subjecting the moneys so deposited to the pledge made and lien granted in paragraph (a) of this section). Provided however, such legally available revenues shall not be considered Pledged Revenues.

(e) ***Bond is Special, Limited Obligations of the City.*** The Bond is special, limited obligations of the City payable solely from the Park and Recreation Fund and secured solely by the sources provided in this Ordinance. The Bond shall not constitute a debt of the City within the meaning of the Charter or any constitutional limitation.

Section 14. **Additional General Covenants.** In addition to the other covenants of the City contained herein, the City hereby further covenants for the benefit of Owner that:

(a) ***Maintenance of Recreation Sales and Use Tax.*** The City will not reduce the percentage of the Recreation Sales and Use Tax deposited to the Park and Recreation Fund pursuant to the Recreation Sales and Use Tax Ordinance, will not reduce the rate of the Recreation Sales and Use Tax, and will not materially alter, exempt or modify the transactions, properties or items subject to the Recreation Sales and Use Tax or any other sales and use tax of the City without the prior written consent of the Owner.

(b) ***Efficient Collection and Enforcement.*** The City will manage the collection and enforcement of the Recreation Sales and Use Tax in the most efficient and economical manner practicable.

(c) ***Inspection of Records.*** The City will keep or cause to be kept such books and records showing the proceeds of the Recreation Sales and Use Tax, in which complete entries shall be made in accordance with generally accepted accounting principles, as applicable to governmental entities, and the Owner shall have the right at all reasonable times to inspect all non-confidential records, accounts, actions and data of the City relating to the Recreation Sales and Use Tax and the Park and Recreation Fund.

(d) ***Annual Audit.*** The City will cause an annual audit to be made of the books relating to the Recreation Sales and Use Tax each year by a Certified Public Accountant and shall, within two hundred and ten days following the end of each fiscal year, furnish a copy thereof to the Owner. The annual audit of the City's general purpose financial statements shall be deemed to satisfy this covenant.

Section 15. **Covenants Regarding Exclusion of Interest on Bond from Gross Income for Federal Income Tax Purposes.** For purposes of ensuring that the interest on the Bond is and remains excluded from gross income for federal income tax purposes, the City hereby covenants that:

(a) ***Prohibited Actions.*** The City will not use or permit the use of any proceeds of the Bond or any other funds of the City from whatever source derived, directly or indirectly, to acquire any securities or obligations and shall not take or permit to be taken any other action or actions, which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, or would otherwise cause the interest on any Bond to be includible in gross income for federal income tax purposes.

(b) ***Affirmative Actions.*** The City will at all times do and perform all acts permitted by law that are necessary in order to assure that interest paid by the City on the Bond shall not be includible in gross income for federal income tax purposes under the Code or any other valid provision of law. In particular, but without limitation, the City represents, warrants and covenants to comply with the following rules unless it receives an opinion of Bond Counsel stating that such compliance is not necessary: (i) gross proceeds of the Bond will not be used in a manner that will cause the Bond to be considered "private activity Bond" within the meaning of the Code; (ii) the Bond is not and will not become directly or indirectly "federally guaranteed"; and (iii) the City will timely file Internal Revenue Form 8038-G which shall contain the information required to be filed pursuant to Section 149(e) of the Code.

(c) **Letter of Instructions.** The City will comply with the Letter of Instructions delivered to it on the date of issuance of the Bond, including but not limited by the provisions of the Letter of Instructions regarding the application and investment of the Bond proceeds, the calculations, the deposits, the disbursements, the investments and the retention of records described in the Letter of Instructions; provided that, in the event the original Letter of Instructions is superseded or amended by a new Letter of Instructions drafted by, and accompanied by an opinion of Bond Counsel stating that the use of the new Letter of Instructions will not cause the interest on the Bond to become includible in gross income for federal income tax purposes, the City will thereafter comply with the new Letter of Instructions.

(d) **Bank Qualification.** The City hereby designates the Bond as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of the Code. The City covenants that the aggregate face amount of all tax-exempt obligations issued by the City, together with governmental entities which derive their issuing authority from the City or are subject to substantial control by the City, shall not be more than \$10,000,000 during calendar year 2017. The City recognizes that such tax-exempt obligations include notes, leases, loans and warrants, as well as bonds.

Section 16. **Defeasance.** The Bond shall not be deemed to be outstanding hereunder if it shall have been paid and cancelled or if Federal Securities shall have been deposited in trust for the payment thereof (whether upon or prior to the Maturity Date, but if the Bond is to be paid prior to maturity, the City shall have given the Paying Agent irrevocable directions to give notice of redemption as required by this Ordinance, or such notice shall have been given in accordance with this Ordinance). In computing the amount of the deposit described above, the City may include the maturing principal of and interest to be earned on the Federal Securities.

Section 17. **Events of Default.** Each of the following events constitutes an Event of Default:

(a) **Nonpayment of Principal or Interest.** Failure to make any payment of principal of or interest on the Bond when due hereunder;

(b) **Breach or Nonperformance of Duties.** Breach by the City of any material covenant set forth herein or failure by the City to perform any material duty imposed on it hereunder and continuation of such breach or failure for a period of thirty days after receipt by the City Attorney of the City of written notice thereof from the Paying Agent or from the Owner; or

(c) **Appointment of Receiver.** An order or decree is entered by a court of competent jurisdiction appointing a receiver for all or any portion of the revenues and moneys pledged for the payment of the Bond pursuant hereto is entered with the consent or acquiescence of the City or is entered without the consent or acquiescence of the City but is not vacated, discharged or stayed within thirty days after it is entered.

Section 18. **Remedies for Events of Default.**

(a) **Remedies.** Upon the occurrence and continuance of any Event of Default, the Owner, or a trustee therefor, may protect and enforce its rights by proper legal or equitable remedy deemed most effectual including, without limitation, mandamus, specific performance of any covenants, injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies; provided however, that acceleration of any payments due with respect to the Bond shall not be a remedy available to the Owner.

(b) **Failure to Pursue Remedies Not a Release; Rights Cumulative.** The failure of the Owner to proceed in any manner herein provided shall not relieve the City of any liability for failure to perform or carry out its duties hereunder. Each right or privilege of the Owner (or trustee therefor) is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of the Owner shall not be deemed a waiver of any other right or privilege thereof.

Section 19. **Amendment of Ordinance.** The City may not amend or supplement this Ordinance without the prior written consent of the Owner.

Section 20. **Findings and Determinations.** Having been fully informed of and having considered all the pertinent facts and circumstances, the Council does hereby find, determine, and declare: the issuance of the Bond and all procedures undertaken incident thereto are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the Enabling Laws; the repayment of the Bond will remain within the parameters established pursuant to Ballot Issue 1A; all provisions of the Act shall be applied to the issuance of the Bond; and it is to the best advantage of the City and its residents that the Bond be authorized, issued and delivered as provided in this Ordinance.

Section 21. **Approval of Direct Purchase Agreement and Miscellaneous Documents.** The City Council hereby ratifies and approves the Direct Purchase Agreement in substantially the form thereof presented to the City and made available to the City Council at the meeting at which this Ordinance is adopted, with such changes therein, if any, not inconsistent herewith, as are approved by the City. The City authorizes and approves the execution of the Paying Agent Agreement and the Escrow Agreement, which shall be in substantially the forms presented to the City and made available to the City Council at this meeting and shall be completed in accordance with the terms of this Ordinance (which, once executed, shall constitute conclusive evidence of approval of the City Council). The Mayor, the City Clerk and all other officers of the City are hereby authorized and directed to execute all documents and certificates necessary or desirable to effectuate the issuance of the Bond and the transactions contemplated hereby.

Section 22. **Ratification of Prior Actions.** All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council or by the officers and employees of the City directed toward the issuance of the Bond for the purposes herein set forth are hereby ratified, approved and confirmed

Section 23. **Events Occurring on Days That Are Not Business Days.** Except as otherwise specifically provided herein with respect to a particular payment, event or action, if any payment to be made hereunder or any event or action to occur hereunder which, but for this section, is to be made or is to occur on a day that is not a Business Day shall instead be made or occur on the next succeeding day that is a Business Day.

Section 24. **Headings.** The headings to the various sections and paragraphs to this Ordinance have been inserted solely for the convenience of the reader, are not a part of this Ordinance, and shall not be used in any manner to interpret this Ordinance.

Section 25. **Ordinance Irrepealable.** After the Bond has been issued, this Ordinance shall constitute a contract between the Owner and the City, and shall be and remain irrepealable until the Bond and the interest accruing thereon shall have been fully paid, satisfied, and discharged, as herein provided.

Section 26. **Severability.** It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 27. **Repealer.** All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Section 28. **Effective Date; Recording and Authentication.** This Ordinance shall be in full force and effect upon adoption. This Ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in accordance with law.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED** this 8th day of September, 2015, on first reading, and introduced, read, passed, and adopted on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor

SEAL:

ATTEST:

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City Clerk

Published By Title in the  
Gunnison Country Times  
Newspaper, September 17, 2015

R-\_\_\_\_\_

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**APPENDIX A  
FORM OF THE BOND  
UNITED STATES OF AMERICA  
CITY OF GUNNISON, COLORADO  
SALES AND USE TAX REVENUE REFUNDING BOND  
SERIES 2017**

**Maturity Date:**

**Delivery Date:**

December 1, 2031

\_\_\_\_\_

REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS

THE CITY OF GUNNISON, a duly organized and validly existing home-rule municipality and political subdivision of the State of Colorado (the "City"), for value received, hereby promises to pay, solely out of the special accounts hereinafter designated but not otherwise, to the registered owner named above, or registered assigns, on the Maturity Date specified above or on mandatory sinking fund redemption dates, the principal amount specified above. In like manner the City promises to pay interest semiannually at the Interest Rate per annum specified in City Ordinance No. 12, Series 2015 (the "Ordinance") on the unpaid principal amount (computed on the basis of a 360 day year of twelve 30 day months) from the Interest Payment Date next preceding the date of registration and authentication of this Bond, except that interest paid on the first Interest Payment Date shall be computed from the Delivery Date. Capitalized terms used in this Bond have the meaning set forth in the Ordinance.

As provided in the Ordinance, the Interest Payment Date is June 1 and December 1 of each year, commencing December 1, 2017, and the Interest Rate is 2.75% per annum from the Delivery Date to the Rate Reset Date and, on the Rate Reset Date, resets at the Interest Reset Rate per annum from the Rate Reset Date to the Maturity Date or the date of optional prior redemption, if any.

The final installment of the principal of and interest on this Bond is payable upon presentation and surrender of this Bond at the principal operations office of UMB Bank, n.a., as Paying Agent (the "Paying Agent"). Prior to the final installment of principal and interest on this Bond, this Bond is payable by check or draft of the Paying Agent mailed on the Principal Redemption Date or the Interest Payment Date to the registered owner hereof whose name shall appear on the registration books of the City maintained by the Paying Agent. The Paying Agent may make payments of interest on this Bond by such alternative means as may be mutually agreed to between the registered owner of this Bond and the Paying Agent, as provided in the Ordinance.

The principal amount of this Bond is subject to mandatory sinking fund redemption on each Principal Redemption Date, as provided in the schedule attached hereto as Exhibit A.

This Bond shall be subject to redemption at the option of the City, in whole but not in part, commencing on December 1, 2020 and on any Business Day thereafter, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date.

The Paying Agent shall maintain the registration book in which the ownership and transfer of this Bond shall be recorded. The person in whose name this Bond is registered on such registration books shall be deemed to be the absolute owner hereof for all purposes, whether or not payment on this Bond shall be overdue, and neither the City nor the Paying Agent shall be affected by any notice or other information to the contrary. This Bond may be transferred at the principal operations office of the Paying Agent in Kansas City, Missouri, or at such other location as identified by the Paying Agent, for a like Bond in the Authorized Denomination and of the same Interest Rate, mandatory sinking fund redemption amounts and Maturity Date, upon

payment by the transferee of a transfer fee, any tax or governmental charge required to be paid with respect to such transfer and any cost of the City in connection therewith.

The Bond is special, limited obligations of the City payable solely from and secured solely by the sources provided in the Ordinance and shall not constitute a debt of the City within the meaning of the City Charter or any constitutional limitation. Pursuant to the Ordinance the City pledged for the payment of the principal of and interest on this Bond, and granted a lien for such purpose, on (i) the Recreation Sales and Use Tax and (ii) on all moneys on deposit from time to time in the Park and Recreation Fund. The City is authorized to pledge and grant a lien, on a parity with the lien for the payment of this Bond, on the Pledged Revenues identified above, for the payment of other bonds or obligations upon satisfaction of certain conditions set forth in the Ordinance.

THE ORDINANCE CONSTITUTES THE CONTRACT BETWEEN THE REGISTERED OWNER OF THIS BOND AND THE CITY. THIS BOND IS ONLY EVIDENCE OF SUCH CONTRACT AND, AS SUCH, IS SUBJECT IN ALL RESPECTS TO THE TERMS OF THE ORDINANCE, WHICH SUPERSEDES ANY INCONSISTENT STATEMENT IN THIS BOND.

The City agrees with the Owner of this Bond and with each and every person who may become the Owner hereof, that it will keep and perform all the covenants and agreements contained in the Ordinance.

It is hereby certified that all conditions, acts and things required by the City Charter, and the constitution and laws of the State of Colorado, and the ordinances of the City, to exist, to happen and to be performed, precedent to and in the issuance of this Bond, exist, have happened and have been performed, and that this Bond does not exceed any limitations prescribed by said City Charter, Constitution or laws of the State of Colorado, or the ordinances of the City. It is hereby recited that this Bond is issued under the authority of Section 11-57-210, C.R.S.

This Bond shall not be entitled to any benefit under the Ordinance, or become valid or obligatory for any purpose, until the Paying Agent shall have signed the certificate of authentication hereon and funds have been received for the Refunding Project as set forth in the Ordinance.

**IN WITNESS WHEREOF**, City of Gunnison, Colorado, has caused this Bond to be signed in the name and on behalf of the City with the manual signature of the Mayor, to be sealed with the seal of the City or a facsimile thereof and to be attested by the manual signature of the City Clerk.

[SEAL]

GUNNISON, COLORADO

By \_\_\_\_\_  
(Manual Signature)  
Mayor

ATTEST:

By \_\_\_\_\_  
(Manual Signature)  
City Clerk

**CERTIFICATE OF AUTHENTICATION**

This is the Bond described in the within-mentioned Ordinance.

UMB Bank, n.a., Kansas City, Missouri, as Paying Agent

By \_\_\_\_\_  
Authorized Representative

Date of Authentication: \_\_\_\_\_

**CERTIFICATE OF TRANSFER**

FOR VALUE RECEIVED, \_\_\_\_\_, the undersigned, hereby sells, assigns and transfers unto \_\_\_\_\_ (Tax Identification or Social Security No. \_\_\_\_\_) the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

**TRANSFER FEE MAY BE REQUIRED**

**RESOLUTION NO. 15  
SERIES 2015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON,  
COLORADO, CANCELING THE REGULAR SESSION MEETING  
THAT WAS SCHEDULED FOR SEPTEMBER 22, 2015**

**WHEREAS**, it is provided by Section 5.1 of the Home Rule Charter of the City of Gunnison, Colorado, that the City Council shall provide for the time and place of its regular meetings; and

**WHEREAS**, the City Council wants to cancel one such meeting, initially scheduled for Tuesday, September 22, 2015.

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

The Regular Session meeting of the City Council scheduled for Tuesday, September 22, 2015, is canceled to allow Council and Staff to participate in a Strategic Planning Development Work Session meeting.

**INTRODUCED, READ, PASSED AND ADOPTED** by the City Council of the City of Gunnison, Colorado, this 8th day of September, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

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