

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

**TUESDAY,
JANUARY 12, 2016**

REGULAR SESSION

7:00 P.M.

- I. Call Meeting to Order:
- II. Consent Agenda:
The listing under "CONSENT AGENDA" is a group of items, which Council has already reviewed, to be acted on with a single motion or vote. This agenda is designed to expedite the handling of limited routine matters by Council. The Mayor will ask if any Councilor or Citizen wishes to have any specific item removed from the Consent Agenda and acted upon individually.
 - A. Minutes of December 8, 2015, Regular Session Meeting
 - B. Minutes of December 15, 2015, Special Session Meeting
 - C. Minutes of January 5, 2016, Special Session Meeting
 - D. Action on Amendment to Fund Balance Policy
 - E. Action to Designate Official Posting Places for City Information
- III. Consideration of Minutes
 - A. Minutes of December 29, 2015, Special Session Meeting
- IV. Pre-Scheduled Citizens:
- V. Unfinished Business:
 - A. Confirmation of City Council Committee/Boards Assignments
- VI. New Business:
 - A. Action on Chamber Visitor Center Memorandum of Agreement
 - B. Set Public Hearing on Yardbird KLC, LLC Liquor License Application
- VII. Resolutions and Ordinances:
 - A. Resolution No. 1, Series 2016; Re: Adopting City Fees
- VIII. City Attorney Report: Kathleen Fogo
- IX. City Manager Report: Mark Achen
Acting City Manager: Police Chief Robinson
City Clerk Report: Gail Davidson
WSCU Liaison Report: Amy Davis
- 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. 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.



To: City Council
CC: Interim City Manager Mark Achen
From: City Clerk Gail Davidson
Date: January 6, 2016
RE: Consent Agendas

City Council:

You will note the Regular Session agenda contains a Consent Agenda. This type of agenda item allows City Council to approve, by a single motion, second and vote, matters that have already been discussed by the entire Council or matters that are considered routine or non-controversial. A Consent Agenda allows for the meeting to proceed in a more efficient and timely manner. The agenda items will not be separately discussed unless a Councilor, City Staff, or a citizen requests an item be removed be discussed separately. Items removed from the Consent Agenda will then be considered under New Business.

If all of the Councilors who will vote on an item were not present for the initial discussion, then the item will not be placed on the Consent Agenda. For example, the minutes of the December 29, 2015, Special Session meeting must be considered separately. Not all Councilors were present at that meeting. Therefore, the minutes will not be considered under the Consent Agenda.

When a motion is made to approve the Consent Agenda, the Councilor making the motion should, for the record, include the list of the Consent Agenda items being considered in the vote.

Please let me know if you have any questions regarding the Consent Agenda process.
Thank you, Gail

DECEMBER 8, 2015

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

7:00 P.M.

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

December 8, 2015

PUBLIC HEARING

7:00 P.M.

Receive Public Input On Proposed 2016 City Electric Rate Increase.

Mayor Hagan called the Public Hearing to order and stated it is 7:00 P.M., on Tuesday, December 8, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Bob Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathleen Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, Public Works Director Tex Bradford, Finance Director Ben Cowan, Community Development Director Steve Westbay, Police Chief Keith Robinson and WSCU Liaison Amy Davis.

Mayor Hagan stated the purpose of this Public Hearing is to receive input on the proposed 2016 City Electric Rate Increase. Mayor Hagan called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official publication affidavit file. Per Colorado State Statutes, a copy of the Notice of Public Hearing was mailed to all City electric utility customers with their November utility bill. The Mayor entered the Notice of Publication into the record.

Mayor Hagan called for City Staff Comments and Recommendation. Public Works Director Tex Bradford stated that due to increased operating costs and the rising cost of purchased power, the Electric utility rates need to be raised in 2016. Mayor Hagan asked Director Bradford's comments be included in the official hearing record.

Mayor Hagan called for public comment. There was no public comment.

Mayor Hagan then asked if any letters, emails, or other forms of comments had been received to be entered into the record. City Clerk Davidson responded no other comments were received.

Mayor Hagan called for any further comments on the proposed utility rate increase. Hearing none, the Mayor closed the Public Hearing at 7:03P.M.

Since it was not yet 7:15PM, Mayor Hagan moved onto later agenda items prior to the next listed Public Hearing.

Consideration of Minutes of November 17, 2015, Special Session Meeting.

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the November 17, 2015, Special Session meeting minutes as submitted.

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

Roll call vote, no: None.

Consideration of Minutes of December 1, 2015, Special Session Meeting.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve the December 1, 2015, Special Session meeting minutes as submitted.

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

Roll call vote, no: None.

Roll call vote, abstain: Morrison. She was absent from the meeting.

Set Special Session for 7PM, December 15, 2015, for Public Hearings on Retail Marijuana Store Applications from Roots RX, Frosty Leaf and Colorado Cannabis Cabin.

Councilor Ferguson moved and Councilor Morrison seconded the motion to set a Special Session meeting of Council on 7:00 P.M., for Tuesday, December 15, 2015, for action on the following agenda items:

- 7:00 P.M. Public Hearing on Retail Marijuana Store License application from RFSCG LLC dba Roots RX, 1198B N Main Street in Gunnison

- 7:20 P.M. Public Hearing on Retail Marijuana Store License application from MissKat Inc., dba Frosty Leaf, 500 W. Hwy 50, Unit 102 in Gunnison
- 7:40 P.M. Public Hearing on Retail Marijuana Store License application from The Colorado Cannabis Cabin LLC dba The Colorado Cannabis Cabin, 650 S. 11th Street, Unit B in Gunnison
- New Business
Action on Retail marijuana Store License application from RFSCG LLC dba Roots RX
Action on Retail Marijuana Store License application from MissKat Inc. dba Frosty Leaf
Action on Retail Marijuana Store License application from The Colorado Cannabis Cabin LLC dba Colorado Cannabis Cabin

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

Roll call vote, no: None.

December 8, 2015

PUBLIC HEARING

7:15 P.M.

Receive Public Input On Retail Marijuana Store License Application from Gunnison Cannabis LLC, dba Rocky Mountain Cannabis, 901 W. New York Avenue in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:08 P.M., on Tuesday, December 8, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathleen Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, Finance Director Ben Cowan, Community Development Director Steve Westbay, Parks & Recreation Director Ampietro, Public Works Director Bradford, and WSCU Liaison Amy Davis.

Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from Gunnison Cannabis LLC, dba Rocky Mountain Cannabis, 901 W. New York Ave., in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicants James Fitzgerald and Jeremy Johnson stood and introduced themselves to Council.

Mayor Hagan called for City Staff Comments, and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. Gunnison Cannabis LLC., dba Rocky Mountain Cannabis, 16222 6765 Rd., Montrose, CO, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 901 W. New York Ave. Principals in the LLC are James Fitzgerald of Montrose and Jeremy Johnson, also of Montrose.

The proposed store location property is owned by Navid Navidi . Mr. Navidi has completed the Property Owner Consent form for the City stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. Gunnison Cannabis LLC paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:
 - Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
 - Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
 - Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
 - The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
 - The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
 - Off-premises retail marijuana establishment storage facilities are prohibited.
 - Occupancy of the building for the purposes of a retail marijuana establishment shall not occur until a certificate of permit completion is issued by the Building Official.
 - A mechanical source capture system designed following directives of the International Mechanical Code shall be required. Approval of the source capture system installation is subject to the issuance of a mechanical system permit. Occupancy of the facility as a marijuana establishment shall not occur until written approval of the source capture system installation is provided by the Building Official.
 - Said marijuana establishment shall have a minimum of five parking spaces. One of the spaces shall be van accessible (11' x 19.5')
 - The site requires buffering on New York Avenue with the installation of five trees and six shrubs.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:15 P.M., Tuesday, December 8, 2015, the premises was posted with the Public Hearing notice for over the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the Gunnison Cannabis LLC dba Rocky Mountain Cannabis, 901 W. New York Avenue, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the above-stated conditions.

to be located at 901 W. New York Ave. Mr. Craig Clark of Cherry Hills, Colorado, is the Managing Member with 100% interest in the LLC.

The proposed store location property is owned by Debbie and Bruce Hoffman and they have completed the Property Owner Consent form for the City stating they authorize the submission of the application for a retail marijuana store on property they owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. Gunnison Cannabis LLC paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicant principal.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:
 - Marijuana establishment signage shall include only the registered business or trade name, address and telephone number of the marijuana establishment.
 - Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
 - Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
 - Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
 - The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
 - The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
 - Off-premises retail marijuana establishment storage facilities are prohibited.
 - The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official prior to issuing an Occupancy Certification.
 - The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
 - The facility is portioned with a Retail Establishment (limited and Restricted Access areas) comprising approximately 1,422 square feet and the remaining building floorplan (+3,152 sq. ft. is identified as storage. Use of the storage area, not associated with the licensed premises, is considered as an accessory use with the primary building use being the retail
 - Marijuana establishment. General indoor storage of non-hazardous materials is permitted in that portion of the facility designed as accessory use "storage". Any future change in use for the designated storage floor area located apart from the licensed Limited and Restricted Access Areas, as noted on the submitted floor plans, shall be subject to review and approval of all related standards established in *the City of Gunnison Land Development Code* and all adopted City International Code Council Codes.

- A minimum of 4 exterior parking spaces shall be dedicated to accommodate parking demand associated with the accessory “storage” use as depicted on the floor plans.
- The parking facilities will include an 8’ perimeter landscaping island pursuant to Section 4.6.G.2 of the *City of Gunnison Land Development Code* as depicted on the revised site plan submittal.
- Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:30 P.M., Tuesday, December 8, 2015, the premises was posted with the Public Hearing notice for over the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the East River Management LLC, dba Growhouse Gunnison, 811 N. Main St., Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the above-stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant’s Testimony. Mr. Craig Clark addressed Council. Mr. Clark informed Council he is a retired USMC JAG Officer. He has other Marijuana licenses in Nederland, Fraser and Central City. He is focusing on smaller communities where his businesses can support the local needs and can provide local jobs. He believes in strict compliance to both local and State laws and the industry is highly regulated. He also believes in a strong educational component in his businesses. Mr. Clark informed Council his LLC has purchased the building from the Hoffmans and he will get the correct documents to the City clerk to clarify the ownership. Mayor Hagan asked that Mr. Clark’s comments be entered into the record.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Once again he asked that anyone wishing to speak to step forward to the microphone, sign in the sign-in sheet and to keep their comments to only the Retail Marijuana Store Application. There were no comments.

Mayor Hagan thanked all of the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded no other comments were received.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:36 P.M. Mayor Hagan stated that action on the application will take place later in the Regular Session meeting.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Action on Retail marijuana Store License for Gunnison Cannabis LLC dba Rocky Mountain Cannabis; 901 W. New York Avenue in Gunnison.

Councilor Schwartz moved and Councilor Morrison seconded the motion that the Retail Marijuana Store License for Gunnison Cannabis LLC, dba Rocky Mountain Cannabis, 901 W. New York Avenue, Colorado, 81230, be approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
 - 0 – Medical Marijuana Center
 - 0 – Optional Premises Cultivation Operation
 - 0 – Medical Marijuana-Infused Products Manufacturing
 - 2 – Retail Marijuana Store
 - 0 – Retail Marijuana Cultivation Facility
 - 0 – Retail Marijuana-Infused Product Manufacturing Facility
 - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

- (1) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (2) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (3) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (4) The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (5) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (6) Off-premises retail marijuana establishment storage facilities are prohibited.
- (7) Occupancy of the building for the purposes of a retail marijuana establishment shall not occur until a certificate of permit completion is issued by the Building Official.
- (8) A mechanical source capture system designed following directives of the International Mechanical Code shall be required. Approval of the source capture system installation is subject to the issuance of a mechanical system permit. Occupancy of the facility as a marijuana establishment shall not occur until written approval of the source capture system installation is provided by the Building Official.
- (9) Said marijuana establishment shall have a minimum of five parking spaces. One of the spaces shall be van accessible (11' x 19.5')
- (10) The site requires buffering on New York Avenue with the installation of five trees and six shrubs.

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

Roll call vote, no: None.

Action on Retail Marijuana Store License for East River Management LLC dba Grow House Gunnison, 811 N. Main Street in Gunnison. Councilor Ferguson recused himself. He stated his Business is conducting work for the applicant at their proposed store location.

Councilor Morrison moved and Councilor Schwartz seconded the motion that the Retail Marijuana Store License for East River Management LLC dba Gunnison GrowHouse, 811 N. Main Street, Gunnison, Colorado, 81230, be approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
 - 0 – Medical Marijuana Center
 - 0 – Optional Premises Cultivation Operation
 - 0 – Medical Marijuana-Infused Products Manufacturing
 - 2 – Retail Marijuana Store
 - 0 – Retail Marijuana Cultivation Facility
 - 0 – Retail Marijuana-Infused Product Manufacturing Facility
 - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

- (1) Marijuana establishment signage shall include only the registered business or trade name, address and telephone number of the marijuana establishment.
- (2) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (3) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (4) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (5) The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (6) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (7) Off-premises retail marijuana establishment storage facilities are prohibited.
- (8) The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official prior to issuing an Occupancy Certification.
- (9) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- (10) The facility is portioned with a Retail Establishment (limited and Restricted Access areas) comprising approximately 1,422 square feet and the remaining building floorplan (+3,152 sq. ft. is identified as storage. Use of the storage area, not associated with the licensed premises, is considered as an accessory use with the primary building use being the retail Marijuana establishment. General indoor storage of non-hazardous materials is permitted in that portion of the facility designed as accessory use “storage”. Any future change in use for the designated storage floor area located apart from the licensed Limited and Restricted Access Areas, as noted on the submitted floor plans, shall be subject to review and approval

of all related standards established in *the City of Gunnison Land Development Code* and all adopted City International Code Council Codes.

- (11) A minimum of 4 exterior parking spaces shall be dedicated to accommodate parking demand associated with the accessory “storage” use as depicted on the floor plans.
- (12) The parking facilities will include an 8’ perimeter landscaping island pursuant to Section 4.6.G.2 of the *City of Gunnison Land Development Code* as depicted on the revised site plan submittal.
- (13) Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

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

Roll call vote, no: None.

Councilor Ferguson returned to the meeting.

City Manager Annual Evaluation/Contract Discussion. City Manager Coleman stated City Council has requested an Executive Session to discuss his yearly evaluation and contract. Every other year he has requested this be done in open session but he is agreeing to Council’s request for hold the discussion in an Executive Session. It is the first opportunity for Council and him to collectively discuss how to proceed.

Executive Session: Pursuant to C.R.S. §24-6-402(4)(f)(1) – Personnel Matters

Councilor Schwartz moved and Councilor Morrison seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(f)(1) to discuss “personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.” The Executive Session is not open to the public and action may not be taken.

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

Roll call vote, no: None.

The public left the Council Chambers and Council went into Executive Session at 7:52 P.M.

Council returned to Regular Session and the public came back into the room. Mayor Hagan stated the following: The time is now 8:51 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Richard Hagan, Councilor Stu Ferguson, Councilor Robert Drexel, Councilor Leia Morrison, Councilor Matt Schwartz, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Finance Director Ben Cowan. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Upon hearing none, we now return to the Regular Session meeting agenda.

City Manager Coleman stated that due to City Council’s desire to make a change in the City administration, he resigned his position as City Manager and accepted the agreement terms offered to him for his resignation. He agreed that the agreement terms are in his best interest and helps Council achieve their ultimate goals.

Discussion and Possible Action on Personnel Matter. Councilor Schwartz moved and Councilor Ferguson moved to accept Ken Coleman’s resignation as City Manager effective January 7, 2016, a

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Drexel. So carried.

Roll call vote, no: None.

Councilor Drexel stated he voted yes with a heavy heart.

Under his current contract, the City Manager will serve as Manager for 30 days, through January 7, 2016, and then under the proposed employment contract will then will be employed as a City consultant for 2016 to assist with the transition for an Interim City Manager and a new City Manager. He will be paid his existing salary and retirement benefits, will accrue vacation time, will maintain City employee health insurance, will work a minimum of 20 hours per week and will

be paid for his existing accrued sick leave. Council and the City Manager signed Ken Coleman's 2016 Employment Agreement.

Discussion and Possible Action on Interim City Manager Position.

Councilor Ferguson moved and Councilor Morrison seconded the motion to direct the Mayor to contact Sam Mamet at the Colorado Municipal League to gather advice on how to proceed with the appointment of an Interim City Manager and on the selection of a new City Manager

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

Roll call vote, no: None.

City Manager Coleman thanked all of the citizens in the audience that came in support of him. He has worked for more than 30 years for the City and has a passion for working for the community. He has done so much for so long, working nights, weekends and holidays, and he really appreciated the support he has received to serve the community.

Citizen Bill Nesbitt thanked Ken. He stated they have been through a lot together and he would like a public reason for why this is taking place. Since 2005 Ken has assisted in obtaining over \$12 Million in grants to better the community. The City Manager stated he has served each year on contract and Council has given him a new direction to seek other opportunities on the horizon.

Resolutions and Ordinances:

Resolution No. 21, Series 2015; Re: Adopting City Strategic Plan. Councilor Ferguson introduced Resolution No. 2, Series 2015, and it was read by title only by Councilor Ferguson.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Resolution No. 21, Series 2015; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING THE ADOPTION OF THE CITY OF GUNNISON STRATEGIC PLAN**, be introduced, read, passed and adopted this 8th day of December, 2015.

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

Roll call vote, no: None.

Ordinance No. 13, Series 2015; Re: Amending City Electric Rates; 2nd Reading. Councilor Ferguson introduced Ordinance No. 13, Series 2015, and it was read by title only by Councilor Ferguson.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 13, Series 2015; **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE RATES TO BE CHARGED BY THE CITY OF GUNNISON ELECTRIC DEPARTMENT FOR ELECTRICITY CONSUMED**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

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

Roll call vote, no: None.

Ordinance No. 14, Series 2015; Re: Amending City Water Rates; 2nd Reading. Councilor Schwartz introduced Ordinance No. 14, Series 2015, and it was ready by title only by Councilor Schwartz.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 14, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON FIXING THE AMENDED RATES TO BE CHARGED FOR WATER SERVICE WITHIN THE CITY OF GUNNISON, AND AMENDING THE RATE TABLES IN SECTION 12.40.020 OF THE CITY CODE OF THE CITY OF GUNNISON TO REFLECT THE NEW SERVICE RATES**, be introduced, read, passed and adopted on second and final reading this 8th day of December 2015.

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

Roll call vote, no: None.

Ordinance No. 15, Series 2015; Re: Amending City Sewer Rates; 2nd Reading. Mayor Hagan introduced Ordinance No. 15, Series 2015, and it was read by title only by Mayor Hagan.

Mayor Hagan moved and Councilor Schwartz seconded the motion that Ordinance No. 15, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE MONTHLY RATES FOR SEWER SERVICE AND THE FEES CHARGED FOR RECREATIONAL VEHICLE, SEPTIC TANK, AND PORTABLE TOILET WASTE TREATED BY THE CITY OF GUNNISON**, be introduced, read, passed and adopted on second and final reading this 8th day of December 2015.

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

Roll call vote, no: None.

Ordinance No. 17, Series 2015; Re: Amending Gunnison Municipal Code Title 8, Re: Marijuana Licensing Regulations, 2nd Reading. Councilor Morrison introduced Ordinance No. 17, Series 2015, and it was read by title only by Councilor Morrison.

Councilor Morrison moved and Councilor Ferguson seconded the motion that Ordinance No. 17, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO AMENDING TITLE 8 BUSINESS REGULATION, CHAPTER 8.50 MARIJUANA BUSINESS LICENSING REGULATIONS, SECTION 8.50.020 APPLICATION AND LICENSE FEE REQUIRED, OF THE CITY OF GUNNISON MUNICIPAL CODE**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

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

Roll call vote, no: None.

Ordinance No. 18, Series 2015; Re: Adopting City 2015 Mill Levy; 2nd Reading. Councilor Drexel introduced Ordinance No. 18, Series 2015, and it was read by title only by Councilor Drexel.

Councilor Drexel moved and Councilor Morrison seconded the motion that Ordinance No. 18, Series 2015, **AN ORDINANCE SETTING A TAX LEVY FOR THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

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

Roll call vote, no: None.

Ordinance No. 19, Series 2015; Re: Adopting 2016 City Budget; 2nd Reading. Councilor Schwartz introduced Ordinance No. 19, Series 2015, and it was read by title only by Councilor Schwartz.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that Ordinance No. 19, Series 2015, **AN ORDINANCE ADOPTING AND APPROPRIATING AN ANNUAL BUDGET**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison.

Roll call vote, no: None.

Ordinance No. 20, Series 2015; Re: Adopting Additional Appropriations to 2015 City Budget; 2nd Reading. Councilor Ferguson introduced Ordinance No. 20, Series 2015, and it was read by title only by Ferguson.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 20, 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**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

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

Roll call vote, no: None.

Ordinance No. 21, Series 2015; Re: Change in Sales Tax Vendor Fee; 2nd Reading. Councilor Morrison introduced Ordinance No. 21, Series 0215, and it was read by title only by Morrison.

Councilor Morrison moved and Councilor Drexel seconded the motion that Ordinance No. 21, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 3 FINANCE, CHAPTER 3.10 CITY SALES AND USE TAX CODE, SECTION 3.10.050 VENDOR LIABLE FOR TAX**, be introduced, read, passed and adopted on second and final reading this 8th day of December, 2015.

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

Roll call vote, no: None.

City Attorney Kathleen Fogo: nothing further to report.

City Manager: Ken Coleman reported there was a small fire in the Art room at the Gunnison Middle School last night and the school was closed today. It will reopen tomorrow morning.

Acting City Manager/City Clerk: Gail Davidson: nothing further to report.

Western State Colorado University Student Liaison Amy Davis: reported she attended the Higher Education Student Coalition conference in Denver. The students discussed Governor Hickenlooper's proposed 2016 State Budget cuts to Higher Education and the proposed changes to the Native American Education Act. There is not much is going on in SGA at this time since finals start next week.

Non-Scheduled Citizens: Chris Rourke, reporter with the Gunnison Country Times, asked Council for their individual explanations on why the City Manager change is needed. Councilor Schwartz stated the City has an opportunity to incorporate the change that is taking place in the entire Valley for greater cooperation. He thinks the change is appropriate.

Councilor Morrison stated that when she decided to run for office last May she was under the impression City Manager Coleman would be retiring by the end of the year. She thought she would be part of a Council that was going to be experiencing change. That's why she ran for Council. She felt that a leadership change was needed.

Mayor Hagan stated he feels the need for a change. We need to take the City to a different level . that level includes a more vibrant downtown with attention to pedestrians as shown in the strategic plan. He wants to see new leadership and a new vision to get that change.

Councilor Drexel stated he does not see a need for a change in leadership. Ken's vision in acquiring and developing the Lazy K property shows his vision for change. He is concerned with the cost to the community and to staff in losing Ken. Ken has provided good will to the community and it extends beyond Gunnison to the Western Slope and other parts of Colorado. He regrets to see him resign.

Councilor Ferguson stated he has worked with Ken Coleman for a very long time. He conceded that Council doesn't always see everything eye-to-eye. He thinks Ken will be recognized as having done an awesome job for the community. He thinks Council is committed to move forward in the best possible way and will be working to be constructive and positivem and to do what is in the best interest of our community.

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

Councilor Ferguson: reported he attended the Comprehensive Plan Advisory Committee meeting. Work continues to move forward on the Plan. Staff has done a good job incorporating the Council's Strategic Plan into the developing draft Comprehensive Plan.

Councilor Drexel: reported he attended the lighting of the tree last Friday night. He also attended the Mayors'/Managers' meeting last week since Mayor Hagan was out of town. That group had a lighter attendance than normal but the attendees discussed changing the format of their meetings.

Mayor Hagan: stated he was in Canada last week and didn't attend any meetings.

Councilor Morrison: informed Council she just got back from Florida and attended the Night of Lights as well. She also attended a good play at WSCU. The attended the Chamber Board meeting

this morning and they are looking at 10 applications for the vacant administrative assistant position. That person will help with the transition for a new Chamber Executive Director. The Gunnison Greenbacks program took place on Saturday morning and, for the first time in many years, they did not sell out.

Councilor Schwartz: reported he attended the CML Policy Meeting last Thursday. There are no real hot-button issues. He will keep Council informed as policy develops. He also attended a Service Learning seminar at Western State last Saturday. They discussed the need for students to be more involved in the community. The program is in the exploratory phase at this time.

Adjournment: Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the meeting at 9:38 P.M.

Mayor

City Clerk

DECEMBER 15, 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, Drexel, Morrison and Schwartz present along with City Manager Coleman, City Clerk/Acting City Manager Davidson, Community Development Director Westbay, City Planner Ruggera, several citizens and the press. City Attorney Fogo and WSCU Liaison Davis were absent. A Council quorum was present.

December 15, 2015

PUBLIC HEARING

7:00 P.M.

Receive Public Input On Retail Marijuana Store License Application from RFSCG LLC dba Roots RX, 1198B N. Main Street in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:02 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from RFSCG, LLC dba Roots RX, 1198B N. Main Street, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicants Peter Tramm and Robert Holmes stood and introduced themselves to Council.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. RFSCG LLC, dba Roots RX, located at 1375 Red Butte Dr., Aspen, CO 81611, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 1198B N. Main Street, in the northern portion of the existing Auto Corral Building. Principals in the LLC are Robert Holmes with a 66.7% interest and Peter Tramm with a 33.3% interest.

The proposed store location property is owned by Steven Landry of Gunnison. Mr. Landry has completed the City's Property Owner Consent form stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. RFSCG LLC paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building Standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.
- The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 4 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:00 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the RFSCG LLC dba Roots RX, 1198B N. Street, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the five stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Mr. Tramm and Mr. Holmes came forward. Mr. Holmes informed Council they run a vertical business, that is, from seed to sale. They have five licensed recreational retail stores in Colorado. They feel the need exists in Gunnison for their store and they anticipate tourist traffic will utilize their business. Mayor Hagan asked for the applicants' comments be entered into the record. Mr. Tramm passed out a petition of citizen signatures in favor of the application.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. Clint Larson, contractor from Leadville, Colorado, came forward. Mr. Larson stated that he has done construction work for the applicants on many projects. They pay attention to details and operate within State and local laws. They have had no violations at their other stores and are in good standing with the State. They exceed codes where they can and the tax dollars and benefits from their business is a good thing. They help people with physical ailments. He feels they are good business who help people with physical ailments. He thinks their business will be a good addition to the community.

Mayor Hagan called for any public comment in opposition to the application. Dr. Shawn R Harvey, DDS, Gunnison County resident, came forward. Dr. Harvey stated he is originally from the San Francisco Bay area and is familiar with drug use problems from that area. He had 2 friends die in drug-related accidents. He also has six kids, ages 6 to 13 and he has concerns for their well-being due to the proposed retail marijuana stores. He stated he didn't stay on track of license application problems between medical and recreation uses. He asked what we are educating our kids about. These stores have impacts on his children. There already is drug abuse in the schools. He doesn't want Gunnison to be a guinea pig for drugs and doesn't like the locations of the proposed stores. Dr. Harvey is asking the license not be approved.

Mayor Hagan thanked all of the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded a letter and an eighteen page anti-marijuana informational packet was received today from Mrs. Angelyn S. Harvey in opposition to the license application. A copy of the letter was placed on Council's desks. The original letter and packet was included in the license application file. Mayor Hagan asked for the letter and information packet to be entered into the record.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:21 P.M. Mayor Hagan stated that action on the application will take place later in the Special Session meeting.

December 15, 2015 **PUBLIC HEARING** **7:20 P.M.**
Receive Public Input On Retail Marijuana Store License Application from MissKat Inc., dba Frosty Leaf, 500 W. Highway 50, Unit 102, in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:21 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from MissKat Inc., dba Frosty Leaf, 500 W. Hwy 50, Unit 102, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicants Katina Conchola and Richard Paradiso stood and introduced themselves to Council.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. MissKat Inc., dba Frosty Leaf, located at 125 S. Neilson Ave., Pueblo, Colorado, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 500 W. Hwy 50, Unit 102. Principals in the Corporation are Katina Conchola with a 49% interest and Richard Paradiso with a 51% ownership interest.

The proposed store location property is owned by Tomichi Landmark No. 2 LLC of Gunnison. Robert Meldrum of Tomichi Landmark No. 2 LLC has completed the City's Property Owner Consent form stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. MissKat Inc., paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 3 exterior parking spaces, as shown on the final plat, shall be dedicated to this Retail Marijuana establishment operation.
- The western two-thirds of this unit's floor plan are considered unoccupied and/or unused for general indoor storage. Any other uses contemplated for this space shall not be permitted if they generate additional parking demand.
- Building occupancy for the licensed retail marijuana establishment shall not occur until final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:20 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the MissKat, Inc. dba Frosty Leaf, 500 W. Hwy 50, Unit 102, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the five stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Ms. Conchola and Mr. Paradiso came forward. Mr. Paradiso informed Council they owned a licensed dispensary in Pueblo but sold that business to move to Gunnison. They decided Gunnison is the place to be. They will be a very small retail business. They want to provide for the health benefits of the community. Mr. Paradiso stated they see the benefit of cannabis, like for children with seizures. They see energy in healing in Gunnison. They have a great track record with the State Marijuana Enforcement Division. Mayor Hagan asked for their comments to be entered into the record. Mr. Paradiso gave Council a petition of citizen signatures in favor of the application.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Dr. Shawn R Harvey, DDS, Gunnison County resident, came forward. Dr. Harvey state he is opposed to this application as well. It will be right next to the SOMA marijuana store. Dr. Harvey asked why we are talking about parking spaces and not about educating our kids. Adams County had over 1000 applications for 10 permits. The locations are touristy. He is worried about adults as well as the kids. When he rides public transportation to Crested Butte, the post smoke odor is offensive. Are the tax benefits worth it? Should gambling and prostitution be allowed here too? Who is controlling this in town? Bad things are already happening in Gunnison. Colorado ranks 3rd in the nation for drug-related crimes. Dr. Harvey read more statistics from "*The Legalization of Marijuana in Colorado – The Impact*" report published by the Rocky Mountain High Intensity Drug Trafficking Area group.

Mayor Hagan thanked the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson stated a letter in opposition was received from Angelyn S. Harvey and a copy was placed on Council's desks. The original is in the license application file.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:38 P.M. Mayor Hagan stated that action on the application will take place later in the Special Session meeting.

December 15, 2015

PUBLIC HEARING

7:40 P.M.

Receive Public Input On Retail Marijuana Store License Application from The Colorado Cannabis Cabin LLC, dba Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:39 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from The Colorado Cannabis Cabin LLC dba The Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicant Lou Costello introduced himself.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. The Colorado Cannabis Cabin, 103 Basin Park Drive, Gunnison, CO, 81230, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 650 S. 11th Street, Unit B., in Gunnison, in a portion of the building currently occupied by the Hydroponics Store. Principals in the LLC are Lou Costello, with a 50% interest and Gary Fabiano, with a 50% ownership interest.

The proposed store location property is owned by The Sandra L. Head Trust of Montrose Colorado. The Trust representative completed the City's Property Owner Consent form stating they authorize the submission of the application for a retail marijuana store on property they own. In addition, the business applicant will be sub-leasing from Neal Ackley of Salida. He too submitted the City Property Consent Form authorizing the submission of the application. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. The Colorado Cannabis Cabin, LLC, paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
- The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 5 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:40 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of The Colorado Cannabis Cabin LLC, dba The Colorado Cannabis Cabin, 650 S. 11th St., Unit B, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the stated five conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Mr. Costello came forward and addressed Council. He passed out a petition of citizen signatures in favor of the application. Mr. Costello informed Council he employs 13 people at the cultivation center he owns south of Gunnison. He hopes to employ 6 to 10 people at the new store, He feels the free market system will limit the number of stores in Gunnison. 3 or 4 stores will remain. He understands the concerns about kids and marijuana. He raised three boys here. Parents need to keep track of their kids. He uses marijuana, it is an adult choice. His boys do not. He will offer the best product in town. He is a business person – an entrepreneur. He thinks this business is important. The CBD component of the plant is medicinal and is beneficial especially for epileptics. He is also requesting the return of the \$2,500 he wrote to the City through the State of Colorado.

Mayor Hagan called for public comment in favor of the application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Dr. Shawn Harvey, DDS, once again came forward to speak in opposition of the license application. Dr. Harvey stated that people are in this for the money. Ethics are more important than profit. As far as kids athletics, they are mostly good kids. However, 2 student football players were suspended for marijuana use last year. We are spending lots of money to avoid drugs but we are no longer sending the no drugs message. Statistics show that marijuana-impaired driving by youth is up. College-age marijuana use was up 29% in 2013 compared to 19% nationwide. We have a drug culture in Gunnison. Emergency room marijuana-related visits are up 29% in 2014 in Colorado. Mayor Hagan thanked Dr. Harvey for his comments.

Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded that a letter in opposition to the Colorado Cannabis Cabin license application was received from Angelyn Harvey. A copy of that letter was given to Council this evening. Mayor Hagan asked that the letter be entered into the record.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:57 P.M. Mayor Hagan and Council went into the Special Session portion of the meeting.

Councilor Ferguson stated that he appreciates Dr. Harvey's comments. However, the voters of Colorado approved the use of medicinal and recreational marijuana for adults. The vote to allow marijuana establishments in Gunnison was significantly in favor. It is a difficult decision for

Council but they can't circumvent the will of the people. Council Schwartz agreed. There was a lengthy process through the Planning & Zoning Commission and then the City Council to develop the marijuana establishments rules and regulations.

Action on Retail Marijuana Store License Application from RFSCG, LLC dba Roots RX, 1198B N. Main Street in Gunnison.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for RFSCG LLC dba Roots RX, 1198B N. Main Street, Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

- (1) The Marijuana Establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.
- (2) The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- (3) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- (4) A minimum of 4 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- (5) Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development

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

Roll call vote, no: Drexel. He voted no due to the opposition comments during the Hearing.

Action on Retail Marijuana Store License Application from MissKat, LLC dba Frosty Leaf, 500 W. Hwy 50, Unit 102 in Gunnison.

Councilor Morrison moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for MissKat, Inc. dba Frosty Leaf, 500 W. Hwy 50, Unit 102, in Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

- (1) The Marijuana Establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.
- (2) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- (3) A minimum of 3 exterior parking spaces, as shown on the final plat, shall be dedicated to this retail Marijuana establishment operation.
- (4) The western two-thirds of this unit's floor plan are considered unoccupied and/or unused for general indoor storage. Any other uses contemplated for this space shall not be permitted if they generate additional parking demand.
- (5) Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development

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

Roll call vote, no: Drexel. He voted no due to the opposition comments during the Hearing.

Action on Retail Marijuana Store License Application from The Colorado Cannabis Cabin, LLC dba The Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for The Colorado Cannabis Cabin LLC dba The Colorado Cannabis Cabin, 620 S. 11th St., Unit B, Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.

CONDITIONS:

- (1) The Colorado Retail Marijuana Store Conditional License must be received prior to issuance of the approved City license.
- (2) The Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
- (3) A mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- (4) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- (5) A minimum of 5 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- (6) Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Community Development Director.

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

Roll call vote, no: Drexel. Once again, he voted no due to the opposition comments during the Hearing.

Discussion and Possible Action on Interim City Manager Selection Process. Mayor Hagan informed Council he spoke with CML Director Sam Mamet regarding potential candidates for the Interim City Manager position. Mr. Mamet had several candidates but highly recommended Mark Achen, former City Manager of Grand Junction. He helped lead that city during the hard economic times following the oil shale decline. Mr. Achen recently retired and is willing to assume the position. Councilor Ferguson mentioned he knew Mr. Achen from past encounters and he is highly respected. A brief discussion ensued about the need to move forward with the process. Mayor Hagan would like to ask Mr. Achen to come to Gunnison for a Special Session in the next week or so. All of Council needs to be present at that meeting. Councilor Drexel reminded Council he will be out of town for the holidays. A Special Session meeting will be called when all of Council and Mr. Achen can be present in person or by telephone.

Councilor Ferguson moved and Councilor Drexel seconded the motion for the Mayor to start negotiations on a possible contract with Mark Achen.

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

Roll call vote, no: None.

Mayor Hagan closed the Special Session at 8:20 P.M.

Mayor

City Clerk

JANUARY 5, 2016

CITY OF GUNNISON COUNCIL

7:00 P.M.

SPECIAL SESSION MEETING MINUTES

The City Council Special Session meeting was called pursuant to Section 5.2 of the City of Gunnison Municipal Home Rule Charter, by a letter, dated December 30, 2015, from Mayor Richard Hagan to City Clerk Davidson.

Mayor Hagan called the Special Session meeting to order at 7:00 P.M., with Councilors Ferguson, Drexel, Morrison, and Schwartz present along with City Manager Coleman, City Clerk Davidson, Acting City Manager Robinson, Finance Director Cowan, and the press. City Attorney Fogo and WSCU Liaison Davis were absent. Council quorum was present.

Discussion on Interim City Manager Contract and Possible Action on Appointment of Interim City Manager. Mayor reminded Council he was charged by Council to negotiate employment terms with Mark Achen regarding his appointment as Interim City Manager. Initially the discussions were for Mr. Achen to be a contract employee and that has now changed.

Finance Director Cowan reviewed possible City Manager hiring scenarios with Council. He provided a spreadsheet outlining costs for contract versus being a City employee. The City Charter does not allow the City to indemnify a contract employee. The City would have to purchase indemnification insurance for a contract employee but if Mr. Achen is hired as an exempt employee he would be covered by the City's existing insurance policy. Discussion ensued regarding an employment contract. Director Cowan explained the proposed agreement includes a monthly \$1,500 housing allowance. The two weeks that Mark has indicated he will be gone will not be paid by the City. Director Cowan confirmed that Labor Laws allow for that scenario. A short discussion on the Professional Development paragraph in the contract ensued. Finance Director Cowan will delete the first two lines of that clause.

Councilor Ferguson moved and Councilor Morrison seconded the motion to approve the employment contract as modified tonight and appoint Mark Achen as the Interim City Manager effective January 8, 2016.

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

Roll call vote, no: None.

Action to Direct Staff to Develop and Send Out RFP Soliciting Proposals to Assist with City Manager Search. Mayor Hagan stated that he would like Interim City Manager Achen to assist Council with the search for a new City Manager but does not want him to apply for the permanent position. Mr. Achen replied that the ICMA Code of Ethics would see him applying for that position as a violation of that Code. He will not be applying for the permanent position.

Council discussion ensued regarding the draft Request for Proposals (RFP) for City Manager Recruitment Services. Councilor Schwartz suggested having a less restrictive RFP and leaving it more open-ended to see what proposals are submitted. Director Cowan explained the City Attorney and Staff utilized several municipal RFP examples and narrowed those down to the proposed document. Councilor Ferguson suggested that item #9 be modified to have the search firm assist with negotiations with the selected candidate. Mark Achen suggested having the consultant finalists meet with Council prior to the final selection.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to issue the Request for Proposals for City Manager Recruitment Services, as modified this evening.

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

Roll call vote, no: None.

The Special Session meeting was adjourned at 7:42 P.M.

Mayor

City Clerk



Memorandum

To: City Council
From: Ben Cowan
Date: 1/7/2016
Re: Fund Balance Policy Amendment

As was discussed during last week's work session, please find the attached clean copy of the recommended modifications to the existing Fund Balance Policy, which was adopted on September 9, 2014.

As a summary, here are the significant changes:

- 1) **Greater detail regarding the definition of fund balance and the calculation of the reserves.** Since proprietary funds are operated similar to businesses, the fund balance can be confused with net position. While some of the terminology is a little technical, the recommended language change will allow enforcement of the reserves by our auditors, creditors, etc. to be interpreted without using the massive balances that are accumulated in some funds due to the installation of capital assets such as infrastructure. Since these assets are not in a spendable form, they should not be used to determine whether the City has sufficient reserves to be able to pay its bills and respond to unforeseen circumstances.
- 2) **Exceptions to the expenditures being used to calculate the minimum and maximum thresholds in the General Fund.** In general, every time \$1.00 of cost is added to the general fund, \$0.33 to \$0.40 must be added to the reserve. The Council acknowledged that certain expenditures may not be appropriate for this type of treatment. For example, the new agreement passing through the vendor fee reduction to the visitor center will automatically fluctuate based on actual vendor fees taken. Therefore, if an economic downturn is experienced, the contract obligation is automatically reduced in a like amount. This represents no threat to the City's reserves and can be prudently removed from the required reserve calculation, if desired.
- 3) **Adjustment of the Communications Fund reserve level.** During the September 2, 2015 Gunnison Regional Communications Board meeting, the Board expressed that the \$250,000 level was not necessarily required. Since there are no major capital replacements needed (the estimate for a total replacement of all computer equipment is only \$90,000) and funding can also be used from the Gunnison/Hinsdale Combined Emergency Telephone Service Authority, those present felt the existing reserve is sufficient (approximately \$125,000 at 12/31/14). The support to approve a fee increase in an amount necessary to reach the existing fund balance recommendation of \$250,000 was absent.

A few other changes to the verbiage to help convey the intent of the policy are also included.

Requested Action: A motion to approve the City of Gunnison Fund Balance Policy, as amended, as of January 12, 2016.



FUND BALANCE POLICY

Purpose

It is essential that the City of Gunnison maintain adequate levels of fund balance to mitigate current and future risks (e.g. revenue shortfalls and unanticipated expenditures), meet emergency obligations, avoid interruptions in cash flow, generate interest income, and maintain a sound bond rating. Fund balance levels are an important consideration in long-term financial planning and credit agencies carefully monitor levels of funds to evaluate a government's continued creditworthiness. This policy establishes appropriate levels of reserves, or Fund Balance, for each fund within the City's operations, recognizing the unique needs and differing situations for the various funds.

- Each fund should maintain a fund balance at a level that will provide for a positive cash balance throughout the fiscal year, which will reduce the likelihood of having to enter into short-term debt to pay for current operating expenditures.
- Adequate fund balances will be maintained so major unplanned occurrences will not jeopardize the financial position of the City.
- Fund balance may be used as appropriate (and approved by the City Council) under sound management practices when current revenues are not adequate to cover current expenditures.

Fund Balance

For the purposes of this policy, Fund Balance is defined as accumulated revenues over expenditures that may be appropriated for use by City Council. More specifically, Fund Balance is associated with the current financial measurement focus as measured during budget development. Available resources (current assets minus current liabilities) will be used to calculate adherence to the below policy statement. Within the Fund Balance, specific reserves have been set aside as prescribed by this Reserve Policy. Excluding the TABOR or other reserves imposed by law or otherwise restricted due to contractual obligations, the reserves may be adjusted depending on current city financial conditions. It is the policy of the City Council to ensure the fiscal health of the community against unforeseen circumstances by maintaining reserves at sufficient levels for operations to continue.

GOVERNMENTAL FUNDS

General Fund

- Because of the City's dependence on sales tax revenue in a tourism-based economy, a cautious approach to managing fund balance reserves is warranted.
- **Unrestricted Fund Balance**
Unrestricted fund balance comprises the committed, assigned, and unassigned fund balance categories. Within the unrestricted fund balance, the unassigned reserves should be a minimum of thirty-three percent (33%) of approved General Fund operating expenditures (excludes capital projects and transfers). Within the unrestricted fund balance, unassigned reserves should not exceed forty percent (40%) of approved General Fund operating expenditures. Council may authorize, through long-term financial planning and budget processes, the transfer of excess unassigned reserves to assigned or committed reserves for a designated future capital expense.



- **Exceptions**

The City Council may exempt the following expenditures from the above and foregoing minimum and maximum thresholds for unassigned reserves:

- *Pass-through Expenditures to Another Entity* – Pass-through expenditures for another entity wherein such expenditures are automatically adjusted depending on fluctuations in a specific revenue stream due to legislation or contract terms.
- *Transfers to Other Funds* – One-time, non-operational transfers to other budgetary funds within the City of Gunnison.
- *One-Time Expenditures* – Capital expenditures or specific one-time expenditures as identified by the City Council.

- **Restricted Fund Balance - TABOR Reserve**

Article X, Section 20 of the Colorado Constitution requires a three percent (3%) reserve for emergencies. The use of this reserve is restricted to the purpose for which it was established and can be used solely for declared emergencies, which excludes financial emergencies.

Special Revenue Funds (Conservation Trust and Ditches)

- In general, no minimum reserve is required.
- The desired minimum reserve should be the subsequent year's annual operating expenditures (unassigned reserves should exceed one-hundred (100%) of approved operating expenditures). This would allow for one budget cycle to determine funding of expenditures if the single revenue source were discontinued.

PROPRIETARY FUNDS

Enterprise Fund

- **Electric Division** – due to the critical equipment in the electric substations, the desired reserve level is \$1,000,000.
- **Water Division** – due to the critical needs of water storage tanks, the desired reserve level is \$1,000,000.
- **Sewer Division** – due to the critical operations of the wastewater treatment plant, the desired reserve level is \$1,000,000.
- **Refuse Division** – due to the critical operations of collecting trash, the desired reserve level is \$300,000.
- **Communications Division** – due to the critical operations of emergency dispatching, the reserve level is 15% of total expenditures. The desired reserve level is 25% of total expenditures.
- **Recreation Division**
 - **Pool**
 - i. The minimum reserve is the amount required by bond covenants.
 - ii. In addition, it is recommended that \$250,000 also be reserved for equipment replacement and building expansion.
 - **Rink**
 - i. The minimum reserve is the amount required by bond covenants.
 - ii. In addition, it is recommended that \$100,000 also be reserved for equipment replacement.
 - **Trails**
 - i. No minimum reserve is required.



- ii. It is recommended that \$35,000 be reserved for equipment replacement.
- **Other Recreation Improvements**
 - i. No minimum reserve is required.

Internal Service Fund (Fleet)

- In general, no minimum reserve is required.
- Due to potential fluctuations in operating costs for fuel and unexpected repairs, etc., the desired minimum reserve level should be eight percent (8%) of operating expenditures and the maximum should not exceed ten percent (10%).
- These limits should provide adequate funding for emergency replacement of equipment located within the fleet shop.



To: City Councilors
CC: City Manager
From: City Clerk Gail Davidson
Date: January 6, 2016
Re: Official Posting Places

Councilors:

At the first Regular Session meeting of each year, City Council designates the official places for posting notices of City meetings, minutes and agendas. I am requesting the bulletin board located inside the north – Virginia Avenue – entrance of City Hall, the bulletin board located inside the east- Wisconsin Street – entrance of City Hall, and the City website be designated as the official posting places for the City of Gunnison.

As you are aware, we do e-post all meeting notices, agendas, and adopted minutes, ordinances and resolutions on the City's website. We also post the Council's e-packet on-line on the website prior to each Council meeting.

Action requested of Council: A motion, second and vote to designate the bulletin boards located inside the north and east entrances of City Hall, and the City of Gunnison website as the official posting places for the City of Gunnison.

Thank you,
Gail

DECEMBER 29, 2015

CITY OF GUNNISON COUNCIL

1:00 P.M.

SPECIAL SESSION MEETING MINUTES

The City Council Special Session meeting was called pursuant to Section 5.2 of the City of Gunnison Municipal Home Rule Charter, by a letter, dated December 17, 2015, from Mayor Richard Hagan to City Clerk Davidson.

Mayor Hagan called the Special Session meeting to order at 1:02 P.M., with Councilors Ferguson, Morrison, and Schwartz present along with City Attorney Fogo, City Clerk Davidson, and the press. Mayor Pro Tem Drexel participated in the meeting by speaker phone. A Council quorum was present.

Discussion on Interim City Manager Selection.

Executive Session; Pursuant to C.R.S. §24-6-402(4)(f)(1) – Personnel Matters;

To discuss “personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.”

The press left the room and Council went into Executive Session at 1:02 P.M.

Council returned to the Special Session meeting at 2:55 P.M.

Mayor Hagan stated the time is now 2:55 P.M. and the Executive Session has been concluded. Participants in the Executive Session were myself Mayor Richard Hagan, City Councilors Stu Ferguson, Leia Morrison and Matt Schwartz, Councilor Robert Drexel by speaker phone, City Attorney Kathy Fogo, City Clerk Gail Davidson, and Mr. Mark Achen. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included on the agenda for the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. No concerns were voiced.

Possible Action on Appointment of Interim City Manager. Discussion on the possible appointment of Mark Achen to the position of Interim City Manager ensued. Discussion items included: hiring Mr. Achen as a contract employee; utilizing a pro-rated monthly compensation rate based on the City Manager compensation adopted in the 2016 Budget; benefits to include a housing allowance; retirement at the same level as the present City Manager; and Mr. Achen’s absence from the City for two weeks due to a prior commitment.

Councilor Ferguson moved and Councilor Morrison seconded the motion to direct the Mayor to negotiate employment terms with Mark Achen and to report the results of those negotiations back to Council for his possible appointment as Interim City Manager.

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

Roll call vote, no: None.

Councilor Drexel did not vote due to his physical absence from the meeting.

Discussion and Possible Action on New City Manager Selection Process. Mayor Hagan stated there are several selection process options to hire a new City Manager. Council could appoint the candidate, the selection process could be handled in-house or a recruiting firm could be hired to assist in the process. Council discussion ensued. Councilor Ferguson stated that utilizing a consulting firm would help ensure an open community process. Councilor Morrison stated it would help gain trust from the public.

Councilor Morrison moved and Councilor Ferguson seconded the motion to direct Staff to develop a Request for Proposal for the City Manager recruitment services.

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

Roll call vote, no: None.

The Special Session meeting was adjourned at 3:03 P.M.

Mayor

City Clerk



To: City Councilors
CC: Interim City Manager Mark Achen
From: City Clerk Gail Davidson
Date: January 7, 2016
Re: Council Boards/Committee Assignments

Councilors:

In the past few weeks there have been questions about what Boards, Committees and other community groups each City Councilor was appointed to or volunteered to serve as the City Council representative. For discussion and possible amendment, I have included the Council appointments made by vote at the City Council Reorganization meeting on May 18, 2015. A couple of these appointments have already been amended. Highlighted are other possible appointments amendments and additions for your discussion and decision.

- Council Representative to Planning & Zoning Commission – Councilor Schwartz;
- Council Representative to Region 10 Board Meetings – Councilor Drexel;
- Council Representative to CML Policy Board – Mayor Hagan;
- Council Representatives to Firemen's Pension Board (2) – Councilor Drexel and Councilor Ferguson;
- Council Representative to City Group Health Plan Trustees – Councilor Morrison;
- City Representative to City Investment Policy Board – Councilor Schwartz;
- Council Representative to BPAC-Bicycle & Pedestrian Advisory Committee – Councilor Morrison;
- Council Representative to Gunnison Trails Commission – Councilor Schwartz;
- Council Representatives to Gunnison Valley Regional Housing Authority – Mayor Hagan and Citizen Ellen Harriman;
- Council Representatives to Gunnison Rural Transportation Authority Advisory Board (2) – Councilor Morrison and Mayor Hagan;
- Council Representative to WSC President's Advisory Council – Councilor Drexel;
- Council Representative to Gunnison Chamber Advisory Committee – Councilor Ferguson;
- Council Representatives to Community Builders Task Force (2) - Councilor Ferguson and Councilor Morrison
- One Valley Prosperity Project Sub-Committee Representatives
1) Affordable Housing 2) Economic Resiliency 3) Tourism & Rec. 4) Social Services/Health
- Better Cities Representative
- Council Representative to Gunnison Arts Center Advisory Council – Councilor Ferguson;
- Council Representative to Gunnison Memorial Scholarship Committee – Citizen Sharon Cave.

Thank you,
Gail Davidson, City Clerk

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") made effective this 12th day of January, 2016, is by and between the by and between the CITY OF GUNNISON, a Colorado home-rule municipality, existing under the laws of the State of Colorado, hereinafter called "CITY", and GUNNISON COUNTRY CHAMBER OF COMMERCE, a non-profit corporation of the State of Colorado, hereinafter called "CHAMBER".

RECITALS

WHEREAS, CHAMBER believes it to be in the interest of the citizens of the City of Gunnison for CITY to contract with CHAMBER to perform certain services to the community; and

WHEREAS, GUNNISON has budgeted certain funds for said services to be provided in the agreed time period; and

WHEREAS, CITY conducted a survey of sales tax licensees with a majority of respondents indicating they support the use of a vendor fee reduction to be used to fund the CHAMBER in its operation of the Gunnison Country Visitor Center; and

WHEREAS, pursuant to Ordinance No. 21, Series 2015, enacted by the City Council of the City of Gunnison on December 8, 2015, the Allowable Service Fee was reduced from 5% to 4% effective January 1, 2016 to better fund the operation of the Gunnison Country Visitor Center.

AGREEMENT

NOW THEREFORE, in consideration of the Recitals and the mutual covenants and obligations hereinafter set forth, the parties agree as follows:

1. TERM.

The term of this Agreement shall commence on January 1, 2016 and shall terminate on December 31, 2016, unless sooner terminated or replaced as provided herein.

2. COMPENSATION, BONUS AND EXPENSES.

- (a) CITY agrees to provide funds equivalent to twenty-five percent (25%) of the Allowable Service Fee on a monthly basis, commonly referred to as vendor fees. CHAMBER acknowledges that this amount is dependent upon the total taxable sales and the amount of sales tax returns that are filed by the deadline. Monthly payments shall be made during CITY'S first check cycle in the third month following the associated filing period (i.e. a payment will be made in the first check cycle in April for taxes collected by vendors in January).
- (b) CHAMBER agrees to provide a full accounting of specifically how dollars were spent in operating the Gunnison Country Visitor Center. Such report must be clearly defined as separate from the revenues and expenditures of the rest of the Gunnison Country Chamber of Commerce operations. CHAMBER will either

provide this report in writing, in person or both by the discretion of the City Council of Gunnison semiannually by August 31, 2016 and March 31, 2017.

- (c) This Agreement is subject to CITY making an annual budget appropriation in an amount sufficient to fund this Agreement. If CITY fails or refuses to make such an appropriation, CITY reserves the right to terminate this Agreement without penalty to CHAMBER pursuant to paragraph 11 of this Agreement.
- (d) CITY reserves the right to amend this agreement to reduce the contribution stated herein if the 2015 CITY audit should result in a significantly lower fund balance than projected.

3. CONSIDERATION.

- (a) CHAMBER agrees to provide a third party impact analysis that demonstrates why visitor centers are a critical part of a healthy local economy by December 31, 2016.
- (b) CHAMBER agrees to provide a business plan for the Visitor Center by April 1, 2016.
- (c) CHAMBER agrees to update the website to include separation of the Gunnison Country Chamber of Commerce and visitor center content by June 1, 2016.
- (d) CHAMBER agrees to establish a three-person Gunnison Country Visitor Center sub-committee by March 31, 2016, with one of the three members to be appointed by CITY. CITY acknowledges it does not have decision making authority for Gunnison Country Chamber of Commerce business that is unrelated to the Gunnison Country Visitor Center.
- (e) CHAMBER agrees to develop an affordable fee structure for service organizations so they can buy into visitor center services even though they don't collect sales tax by October 31, 2016.
- (f) CHAMBER agrees to represent all businesses that have a recognizable presence within the City of Gunnison as determined by the Gunnison Country Visitor Center sub-committee with regard to visitor center services by October 31, 2016.

4. INDEMNIFICATION.

- (a) CHAMBER agrees to indemnify, defend and hold harmless CITY, its Council, agents and employees of and from any and all liability, claims, liens, demands, actions and causes of action whatsoever (including reasonable attorney's and expert's fees and costs) arising out of or related to any loss, cost, damage or injury, including death, of any person or damage to property of any kind caused by the misconduct or negligent acts, errors or omissions of CHAMBER or its employees, sub-contractors or agents in connection with this Agreement.

- (b) This provision shall survive any termination or expiration of this Agreement with respect to any liability, injury or damage occurring prior to such termination.

5. INSURANCE.

CHAMBER agrees that at all times during the Term of this Agreement that CHAMBER shall carry and maintain, in full force and effect and at its sole cost and expense, the following insurance policies. Within thirty (30) days of the execution of this Agreement, CHAMBER will provide insurance certificates to CITY, listing CITY as an additional insured, for the coverage's required herein which shall state that such policies shall not be materially changed or cancelled without thirty (30) days prior notice to CITY.

- (a) Worker's Compensation Insurance in accordance with Colorado and Federal law which adequately protects all labor employed by CHAMBER during the term of this Agreement.
- (b) Comprehensive General Liability Insurance or the equivalent for any injury to one person in any single occurrence, Three Hundred Fifty Thousand and No/100 U.S. Dollars (\$350,000.00); and For an injury to two or more persons in any single occurrence, the sum of Nine Hundred Ninety Thousand and No/100 U.S. Dollars (\$990,000.00).
- (c) Comprehensive automobile liability insurance on all vehicles used in the Services, in an amount no less than \$150,000 for any injury to one person in any single occurrence and in an amount no less than \$600,000 for any injury to two or more persons in any single occurrence.

6. INDEPENDENT CONTRACTOR.

- (a) In carrying out its obligations and activities under this Agreement, CHAMBER is acting as an independent contractor and not as an agent, partner, joint venture or employee of CITY. CHAMBER does not have any authority to bind CITY in any manner whatsoever.
- (b) CHAMBER acknowledges and agrees that CHAMBER is not entitled to: (i) unemployment insurance benefits; or (ii) Workers Compensation coverage, from CITY. Further, CHAMBER is obligated to pay federal and state income tax on any moneys paid it related to the services.

7. DELEGATION AND ASSIGNMENT.

This is a personal services contract with CHAMBER and, therefore, CHAMBER shall not delegate or assign its duties under this Agreement without the prior written consent of CITY which consent CITY may withhold in its discretion. Subject to the foregoing, the terms, covenants and conditions of this Agreement shall be binding on the successors and assigns of either party.

8. ILLEGAL ALIEN CERTIFICATION.

The Following Certifications are made by CHAMBER pursuant to C.R.S. 8-17.5-101, et seq.:

- (a) CHAMBER shall not knowingly employ or contract with an illegal alien to perform work under this Contract or enter into a contract with a subcontractor that fails to certify to CHAMBER that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under the Contract;
- (b) CHAMBER has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in either the e-verify program or the department program;
- (c) CHAMBER certifies that it will not use either the e-verify program or the department program procedures to undertake pre-employment screening of job applicants while this Contract is being performed;
- (d) If CHAMBER obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, CHAMBER shall be required to: (1) notify the subcontractor and the CITY within three days that CHAMBER has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (2) terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to subsection (1), the subcontractor does not stop employing or contracting with the illegal alien; except that CHAMBER shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien;
- (e) CHAMBER shall comply with any reasonable request by the department made in the course of an investigation that the department is undertaking pursuant to the authority established in Section 8-17.5-102(5).
- (f) If CHAMBER violates a provision of this Contract regarding requirements under Section 8-17.5-102(2), C.R.S., the CITY may terminate this Contract for a breach of the Contract. If the Contract is so terminated, CHAMBER shall be liable for actual and consequential damages to the CITY. In the event of termination under this provision, the CITY is required to notify the Secretary of State.

9. NOTICES.

Any notice, demand or communication which either party may desire or be required to give to the other party shall be in writing and shall be deemed sufficiently given or rendered if delivered personally or sent by certified first class US mail, postage prepaid, addressed as follows:

CITY: Finance Director
City of Gunnison
201 W. Virginia Ave.
Gunnison, Colorado 81230
Phone: 970-641-8162

CHAMBER: Gunnison Country Chamber of Commerce
500 E. Tomichi Ave.
Gunnison, CO 81230

Either party has the right to designate in writing, served as provided above, a different address to which any notice, demand or communication is to be mailed.

10. TERMINATION.

Either party shall have the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days prior written notice to the other.

11. MISCELLANEOUS.

- (a) SEVERABILITY. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions, or portions thereof, shall nevertheless be and remain in full force and effect.
- (b) AMENDMENT. No amendment, alteration, modification of or addition to this Agreement shall be valid or binding unless expressed in writing and signed by the parties to be bound thereby.
- (c) NO WAIVER OF GOVERNMENTAL IMMUNITY. Nothing in this Agreement is, or shall be construed to be, a waiver, in whole or part, by CITY of governmental immunity provided by the Colorado Governmental Immunity Act or otherwise.

12. ATTORNEYS FEES.

If any party hereto shall bring any suit or action against another for relief, declaratory or otherwise, arising out of this Agreement, the prevailing party shall have and recover against the other party, in addition to all court costs and disbursements, such sum as the court may adjudge to be reasonable attorneys fees and expert witness fees.

13. GOVERNING LAW.

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Colorado. Exclusive jurisdiction and venue for any legal proceedings related to this Agreement shall be in the state District Court governing Gunnison, Colorado.

14. ENTIRE AGREEMENT.

This Agreement contains the entire agreement between the parties hereto with respect to the subject matter hereof, and supersedes any and all prior agreements, proposals, negotiations and representations pertaining to the obligations to be performed hereunder.

15. COUNTERPARTS: FACSIMILE TRANSMISSION.

This Agreement may be executed by facsimile and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile counterparts shall be promptly followed with delivery of original executed counterparts.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CITY OF GUNNISON, a Colorado
home-rule municipality

ATTEST:

By: _____
Richard Hagan
Mayor

Gail A. Davidson
City Clerk

GUNNISON COUNTRY CHAMBER OF
COMMERCE

By: _____

INTEROFFICE MEMORANDUM

TO: CITY COUNCILORS
FROM: TARA KINDALL AND MELISSA MCLEOD
SUBJECT: NEW HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION FROM YARD BIRD KLC, LLC DBA YARD BIRD, 107 SOUTH 12TH STREET, GUNNISON, COLORADO.
DATE: JANUARY 7, 2016

City Councilors:

As the Local Liquor Licensing Authority please find attached for your acceptance the application for a new Hotel & Restaurant Liquor License from Yard Bird KLC, LLC dba Yard Bird, 107 South 12th Street in Gunnison. Cara Radca and Lauren Wentworth are the co-owners of the LLC and the applicants. The application, after your acceptance, will be submitted to the Colorado Department of Revenue Liquor Enforcement Division for concurrent review while the City conducts their review and determines the needs and wants of the community to allow a liquor license. To do this we must conduct a public hearing to receive any public input on the application at least 30 days after the receipt of the application by you this evening.

The premise has been licensed previously by the VFW Post #4267 as a Club Liquor License. They relinquished their liquor license in October 2013. The City Attorney, Police Chief, Fire Marshal, and Building Official will conduct their reviews and make their recommendations, which will be submitted to you along with the application in its entirety for the public hearing. The applicants have paid all applicable fees and submitted their fingerprints and personal history as required.

In order to expedite the lengthy application process we would ask Council to consider setting the public hearing and a special session to take possible action on the license on February 16, 2016 at 7 PM followed by the normal work session.

Thank you for your consideration,
Tara and Melissa

Action Requested: Set a Special Session Meeting of City Council for 7:00 P.M., Tuesday, February 16, 2016 to conduct a Public Hearing on the new Hotel & Restaurant Liquor License application for Yard Bird KLC, LLC, dba Yard Bird, 107 South 12th Street, Gunnison, Colorado, and to take possible action on said application.

Colorado Liquor Retail License Application

<input checked="" type="checkbox"/> New License <input checked="" type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor • Local License Fee \$ _____			
1. Applicant is applying as a/an		<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships) <input type="checkbox"/> Association or Other	
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation		FEIN Number	
Yard Bird KLC, LLC		47-5554201	
2a. Trade Name of Establishment (DBA)	State Sales Tax Number	Business Telephone	
Yard Bird	30133305	970-641-9273	
3. Address of Premises (specify exact location of premises, include suite/unit numbers)			
107 S. 12th Street			
City	County	State	ZIP Code
Gunnison	Gunnison	CO	81230
4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
107 S. 12th Street	Gunnison	CO	81230
5. Email Address			
yardbird.klc@gmail.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
Section A Nonrefundable Application Fees		Section B (Cont.) Liquor License Fees	
<input type="checkbox"/> Application Fee for New License \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00 <input type="checkbox"/> Application Fee for Transfer \$ 600.00		<input type="checkbox"/> Liquor Licensed Drugstore (City) \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Manager Registration - H & R \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern \$ 75.00 <input type="checkbox"/> Master File Location Fee \$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background \$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00	
Section B Liquor License Fees			
<input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City) \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00			
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input type="checkbox"/> A. Applicant/Licensee identified <input type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord	Tenant	Expires		
Raymond Rixford	Yard Bird LLC	6/30/15		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)				
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(c) How long has the club been incorporated?				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>	
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)				
Last Name of Manager	First Name of Manager	Date of Birth		
Cara Elise Radca	Cara	7/1/87		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				
Name	Type of License	Account Number		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes, provide an explanation and include copies of any payment agreements.				

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name <i>Cara Radca</i>			Position <i>CO-owner</i>	% Owned <i>50</i>
Name <i>Lauren Wentworth</i>			Position <i>CO-owner</i>	% Owned <i>50</i>
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>Lauren Wentworth</i>	Printed Name and Title <i>Lauren Wentworth CO-owner</i>	Date <i>12/18/15</i>
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants, cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for		Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date	
Signature (attest)	Print	Title	Date	

**RESOLUTION NO. 1
SERIES 2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING FEES.

WHEREAS, the City of Gunnison provides a variety of goods and services to the citizens and customers of Gunnison; and

WHEREAS, the City of Gunnison strives to provide these goods and services at a fair cost that reflects the materials and labor needed to produce the goods or services; and

WHEREAS, periodic fees adjustments are needed to cover the increasing or decreasing costs in providing the goods and services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT the following fees be adopted for City goods and services:

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
ADMINISTRATION/CLERK/FINANCE		
City Code	Per hard copy	\$ 35.00
Photocopies (letter size)	Per page	\$ 0.25
Photocopies (ledger)	Per page	\$ 0.50
Photocopies (24"x36")	Per page	\$ 5.00
Photocopies (36"x48")	Per page	\$ 5.00
Labels	Per label	\$ 0.10
FAX	Per page	\$ 0.25
Disk/card (City Council, Court, Boards)	Initial disk/card	\$ 10.00
CDs of Electronic Documents	Per CD	\$ 1.00
Research	Per hour	Per employee cost
Transient Merchant License Fee	Non-refundable	\$ 50.00
Returned Transactions	Per returned item	\$ 20.00
24-Hour Notice Fee	Per Notice Delivered	\$ 20.00
Electrical Service Reconnection Fee	Per reconnection	\$ 30.00
Collection Fee	Of delinquent balance	\$ 18%
COMMUNITY DEVELOPMENT		
Amendments	Application fee plus legals fee	\$ 130.00
Certified Mailings for all applications	Postage	Current USPS rate
Conditional Use	Application fee plus legals fee	\$ 90.00
Construction Standards	Per copy	\$ 15.00
Handbill Bond	Fee	\$ 100.00
Handbill License	Fee	\$ 10.00
Housing Needs Assessment	Per copy	\$ 6.00
International Building Code	Per copy	\$ 74.00
International Residential Code	Per copy	\$ 54.00
Land Development Code	Per copy	\$ 50.00
Master Plan	Per copy	\$ 140.00
Parks & Recreation Open Space Plan	Per copy	\$ 10.00
CD Copy of Any Document	Per CD	\$ 1.00
Photocopies – letter size	Per page	\$ 0.25
Photocopies – legal size	Per page	\$ 0.25
Photocopies – 11"x17"	Per page	\$ 0.50
Plotter copies – 8-1/2"x11" letter	Per page	\$ 1.00
Plotter copies – 8-1/2"x14" legal	Per page	\$ 2.00
Plotter copies – 11"x17"	Per page	\$ 4.00
Plotter copies - 24" x 36"	Per page	\$ 8.00
Plotter copies – larger than 24"x36"	Per page	\$ 10.00
Subdivision - Exempt	Application fee	\$ 55.00
Subdivision – Major (2 hearings)	Application fee plus legals fee	\$ 180.00
Subdivision – Minor (1 hearing)	Application fee plus legals fee	\$ 100.00
Three Mile Plan	Per copy	\$ 30.00
Trails Master Plan	Per color copy	\$ 45.00
Vacation	Application fee plus legals fee	\$ 130.00
Variance	Application fee plus legals fee	\$ 90.00
West Gunnison Neighborhood Plan	Color copy costs	\$ 170.00
Zoning Map	Per color copy	\$ 15.00

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
PARKS & RECREATION		
Community Center Rental Fees		
"W" Mountain Room	Per hour up to 6 hours	\$ 25.00
"W" Mountain Room	Over 6 hours	\$ 155.00
Palisades Room	Per hour up to 6 hours	\$ 25.00
Palisades Room	Over 6 hours	\$ 155.00
"W" Mountain Rm & Palisades Rm	Per hour up to 6 hours	\$ 35.00
"W" Mountain Rm & Palisades Rm	Over 6 hours	\$ 210.00
Multi-Purpose Room	Per hour up to 6 hours	\$ 25.00
Multi-Purpose Room	Over 6 hours	\$ 155.00
Half Gymnasium	Per hour up to 6 hours	\$ 25.00
Half Gymnasium	Over 6 hours	\$ 210.00
Full Gymnasium	Per hour up to 6 hours	\$ 35.00
Full Gymnasium	Over 6 hours	\$ 210.00
Climbing Wall	Per hour up to 6 hours	\$ 45.00
Cleaning Deposit	Conditional refund	\$ 165.00
Kitchen	Non-refundable	\$ 55.00
Alcohol	Non-refundable	\$ 90.00
Park Rental Fees		
Jorgensen Softball Complex	Per day for 3 fields	\$ 150.00
Jorgensen Softball Complex	Per lighted night game	\$ 10.00
Individual Field Rates (all complexes)	Per day	\$ 50.00
Jorgensen Large Pavilion	Per day	\$ 75.00
Jorgensen Small Pavilion	Per day	\$ 25.00
Jorgensen Event Center-rink/lobby/all	Per 9hr. day	\$ 145.00
Jorgensen Event Center-rink only	Per 9hr. day	\$ 100.00
Other City Parks	Per day	\$ 25.00+
Community Center Membership Fees		
Adult (18-61 yrs.)	Daily	\$ 7.00
Youth (5-17 yrs.)	Daily	\$ 5.00
Active Adult (62-69 yrs.)	Daily	\$ 5.00
Senior (70+ yrs.)	Daily	\$ 4.00
Noon Swim	Daily	\$ 4.00
Twilight Adult	Daily	\$ 4.00
Twilight Youth	Daily	\$ 3.00
Family	Annual	\$ 220.00
Family	6 months	\$ 172.00
Family	3 months	\$ 103.00
Adult	Annual	\$ 181.00
Adult	6 months	\$ 141.00
Adult	3 months	\$ 85.00
Adult Couples	Annual	\$ 204.00
Adult Couples	6 months	\$ 160.00
Adult Couples	3 months	\$ 96.00
Youth	Annual	\$ 98.00
Youth	6 month	\$ 76.00
Youth	3 month	\$ 45.00
Youth Pair	Annual	\$ 181.00
Youth Pair	6 month	\$ 141.00
Youth Pair	3 month	\$ 85.00
Youth w/Choice Pass		\$ 50.00
Active Adult (62-69 yrs.) single	Annual	\$ 98.00
	6 months	\$ 76.00
	3 months	\$ 45.00
Active Adults (62-69 yrs) couple	Annual	\$ 181.00
	6 months	\$ 141.00
	3 months	\$ 85.00
Senior Adult (70+) single	Annual	\$ 77.00
	6 months	\$ 60.00
	3 months	\$ 36.00
Senior Adults (70+) couple	Annual	\$ 132.00
	6 months	\$ 103.00
	3 months	\$ 62.00

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
PARKS & RECREATION		
(continued)		
Community Center Memberships		
Adult (18 – 61 yrs)	20 punch card	\$ 110.00
Youth (5 – 17 yrs)	20 punch card	\$ 71.00
Active Adult (62-69 yrs)	20 punch card	\$ 70.00
Senior (70+ yrs)	20 punch card	\$ 55.00
Community Center members receive a 5% discount on Parks & Recreation Programs and Rentals. Discount does not apply to team fees for league play (basketball, football, softball, volleyball).		
Family memberships (Community Center and Jorgensen Event Complex) are for immediate family members living at the same address consisting of 1 or 2 adults and children under the age of 18. Unmarried children, 18 years and older, attending school full time, are eligible up to the age of 23 years.		
Community Center Annual Memberships are valid for a year starting on date of purchase.		
Jorgensen Event Complex family season pass - \$70.00 for 4 members, each additional member is \$10.00.		
Community Center family memberships - \$220.00 for 4 members, each additional member is \$25.00. Punch cards are good for 1 year from date of purchase, and are transferable youth-to-youth, adult-to-adult, senior-to-senior		
Ages:	Under 5 free with paid adult Youth: 5 to 17 years	Adult: 18 to 61 years Active Adult: 62 to 69 years Senior: 70 years and over
Jorgensen Event Complex		
Public Skating/Indoor Rink		
Adult		\$ 3.50
Youth		\$ 2.50
5 yrs. and under with paid adult		Free
Public Skate on covered rink and pond		Free
Drop In Hockey/Indoor Rink		
Adult		\$ 3.50
Youth		\$ 2.50
5 yrs and under		Free
Open hockey on covered rink and pond		
Season Pass/unlimited public/drop-in hockey		
Individual adult	16 years and older	\$ 50.00
Individual youth	15 years and under	\$ 30.00
Family	4 Members \$10 per add'tl member	\$ 70.00
Skate Rental	Youth	\$ 2.50
Skate Rental	Adult	\$ 3.50
Skate Sharpening	24 hr. turnaround	\$ 6.00
Ice Rental		
Covered rink	Hourly	\$ 70.00
Indoor rink	Hourly	\$ 100.00
Complex Summer Rental		
Lobby & concessions area	Daily	\$ 50.00
Whole complex	Daily	\$ 145.00
Facility/lobby/concessions	Price per hr. based on need/pro rated	
Cleaning Deposit	Conditional refund	\$ 100.00
Cranor Ski Area		
Daily Lift Tickets	Adult: 15-61 yrs.	\$ 16.00
	Youth: 5-14 yrs.	\$ 10.00
	Senior 62+ yrs.	FREE
	Children Under 5 yrs.	FREE
Season Cranor Ski Passes	Community Center/ Jorgensen Center Members	\$ 65.00 for 1st family mbr. \$10.00 each add'tl mbr.
	Non-Community Center/ Jorgensen Center Members	\$ 70.00 for first mbr. & \$10.00 each add'tl mbr.
Cross-Country skis/poles/boots rental	Youth size (limited availability)	\$ 10.00

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
POLICE DEPARTMENT		
Vin Inspections	Per vehicle	\$ 10.00
Fingerprints	Per name	\$ 10.00
Accident Reports	Each	\$ 3.50
Report Copies* (hard & electronic copies)	First 5 pages	\$ 5.00
*Standard report request include 15 Minutes of research time, if additional research is required, cost is pro-rated at \$20.00 per hour.		
Report Copies	Each additional page	\$ 0.25
Communications/Dispatch Recordings (for non-criminal justice requests)	Per Incident Recordings Copy	\$ 40.00
Record Search	Each search	\$ 5.00
PBT (Breath Test)	Per Test	\$ 2.00
Sex Offender Registration	Per Registration	\$ 25.00
Animal-Related Fees		
Animal Pickup Fees	Per animal	\$ 10.00
Animal Shelter Care Fee	Per animal per day	\$ 20.00
	Per Animal for each additional day; computed daily starting at 8am	\$ 20.00
	Additional care costs if needed	Actual costs
Animal Care Costs	Veterinarian costs	Actual costs
Animal License (spayed/neutered)	Per animal per year	\$ 5.00
Animal License (non-spayed/neutered)	Per animal per year	\$ 10.00
Animal License Reissue	Per lost animal tag	\$ 1.00/tag

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
PUBLIC WORKS		
Black Gold Compost	Per yard	\$ 20.00
Concrete/asphalt debris	Per cubic yard – normal hours	\$ 10.00
	Per cubic yard – non-business hours	\$ 20.00
Construction Standards	Per copy	\$ 15.00
Maps/plats	Per copy	\$ 5.00
Street Improvement Plans	Per copy	\$ 40.00
Tree dump – during hrs. of operation	Per pickup load	\$ 6.00
Tree dump – during hrs. of operation	Per trailer load	\$ 12.00
Tree dump – special call out	Per pickup load	\$ 12.00
Tree dump – special call out	Per trailer load	\$ 24.00
Electronics Recycling	Small printer, fax machine, laptop	\$ 5.00
	VHS or DVD Player, phones	\$ 5.00
	Flat screen monitor, tower, stereos	\$ 10.00
	Microwave, large printers	\$ 10.00
	CRT Computer Monitors	\$ 20.00
	Computer tower w/ CRT monitor & peripherals (keyboard, speakers, etc)	\$ 30.00
	Small appliances–i.e. toasters, blenders	\$ 5.00
	Medium appliances-vacuums, stereos w/speakers, gaming systems, etc.	\$ 10.00
	Televisions: small size	\$ 20.00
	Medium-large Based on size and weight	\$ 40.00+

NO Refrigerators/freezers accepted

Electronics recycling fees are general guidelines and fees will be adjusted for oversized or heavier devices.

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Public Works		
Water Lab Fees		
E Coli	Each	\$ 15.00
Total Coliform	Each	\$ 15.00
Bod IN	Each	\$ 45.00
EF	Each	\$ 45.00
TSS IN/EFF	Each	\$ 45.00
TDS IN/EFF	Each test	\$ 20.00
EF	Each test	\$ 20.00
PT	Each test	\$ 20.00
pH	Each test	\$ 10.00
ALK	Each test	\$ 15.00
Oil and Grease	Each test	\$ 50.00
NH ₃	Each test	\$ 15.00
NO ₂	Each test	\$ 15.00
Phosphate	Each test	\$ 30.00
MPN-E Coli	Each test	\$ 25.00

INTRODUCED, READ, PASSED AND ADOPTED at a Regular Session meeting of the City Council of the City of Gunnison, Colorado, held this 12th day of January, 2016.

Mayor

(SEAL)

(ATTEST)

City Clerk