

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

MAY 10, 2016 **REGULAR SESSION** **7:00 P.M.**

I. Call Regular Session Meeting to Order:

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

Receive Public Input on Ordinance No. 4, Series 2016; Re: Use of Public Sidewalk Right-of-Way for Private Business Purposes

III. 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.

- Minutes of April 26, 2016, Regular Session Meeting
- Approval of City Website Domain Name Request Letter
- Approval of Amended Memorandum of Agreement with Gunnison Chamber of Commerce Re: Visitor Center Operations Funding
- Approval of Complete Streets Project Colorado Pedals Program Grant Application Letter

IV. Pre-Scheduled Citizens: None

V. Old Business: None

VI. New Business:

A. Action to Set Special Session Meeting to Conduct an Executive Session for 1P.M., Wednesday, May 25, 2016, for Selection of City Manager Finalists

VII. Resolutions and Ordinances:

A. Ordinance No. 4, Series 2016; Re: Use of Public Rights-of-Way for Private Purposes; 1st Reading

B. Ordinance No. 5, Series 2016; Re: Amending Gunnison Municipal Code Section 5.40.020 Animal Licensing; 1st Reading

C. Ordinance No. 6, Series 2016; Re: Amending Gunnison Municipal Code Section 2.20 City Purchasing Policy; 1st Reading

VIII. Reports:

City Attorney Report: Kathleen Fogo

City Manager Report: Mark Achen

Acting City Manager: Finance Director Ben Cowan

City Clerk Report: Gail Davidson

WSCU Liaison: Absent Until Fall Semester

IX. Non-Scheduled Citizens: **At this agenda time, non-scheduled citizens may present issues of City concern to Council. Per Colorado Open Meetings Laws, NO action or Council discussion will be take place until a later date, unless an emergency situation is deemed to exist by the City Attorney. Speaker has time limit of 3 mins.**

X. City Council Meeting Reports, Discussion, Items for Future Work Sessions

XI Meeting 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.**

PUBLIC HEARING FORMAT
7:00 P.M., TUESDAY, MAY 10, 2016

Receive Input on Ordinance No. 4, Series 2016; Re: Use of Public Right-of-Way for Private Purposes

- I. **Mayor Open Public Hearing**
Open Public Hearing and State the time, date, location, and name those in attendance – City Council, City Attorney, Interim City Manager, City Clerk, Community Development Director, Finance Director, and _____
_____.

- II. **State Reason for Public Hearing - Mayor**
Receive Input on Ordinance No. 4, Series 2016; Re: Use of Public Right-of-Way for Private Purposes.

- III. **Proof of Publication - City Clerk**

- IV. **City Staff Comments/Recommendation – Staff Comments and Recommendation by Community Development Director Steven Westbay**

- V. **Public Comment**
Anyone wishing to comment – pro or con - on Proposed Ordinance No. 4, Series 2016, Use of Public Right-of-Way for Private Purposes; come forward and address Council.

- VI. **Enter letters, emails or other written comments received from the public into the record - City Clerk**

- VII. **Call for any final comments – when hearing none, Mayor Close the Public Hearing.**

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

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTE THAT, the City Council of the City of Gunnison, Colorado, will hold a Public Hearing at the hour of 7:00 PM on the 10th day of May, 2016, in the City Council Chambers, Gunnison City Hall, 201 West Virginia Avenue, Gunnison, Colorado, to receive public input on the merits of Ordinance No. 4, Series 2016, Re: Regulations for the Use of Sidewalks for Private Purposes;

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

**CITY OF GUNNISON
CITY COUNCIL**

/s/Gail A. Davidson, City Clerk

MEMORANDUM

TO: City Council
FROM: Steve Westbay
DATE: May 10, 2016
RE: Ordinance - Use of Public Rights-of-Way

The Council packet includes the final draft ordinance and the documented results of the business owner survey. The draft ordinance contains **highlighted** text denoting amendments intended to address the comments from the May 3rd work session.

The survey results document includes a copy of the survey questions, a graphic summary of question results (55 respondents), and a complete list of written survey statements. It is requested that the Council include the documented survey results into the public hearing record. Please feel free to contact me with any questions.

**ORDINANCE NO. 4
SERIES 2016**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REPEALING TITLE 8, CHAPTER 8.20, SIDEWALK VENDORS, AND REPEALING AND REENACTING TITLE 9, CHAPTER 9.40, USE OF PUBLIC RIGHTS-OF-WAY FOR PRIVATE PURPOSES, OF THE CITY OF GUNNISON MUNICIPAL CODE

WHEREAS, the City of Gunnison as a home-rule municipality has the power to enact ordinances regulating the use of right-of-ways within its boundaries to ensure the safety and convenience of its citizens and visitors; and

WHEREAS, the City Council of the City of Gunnison directed staff to review policies and standards related to private business sidewalk cafe seating within the Central Business District; and

WHEREAS, on April 5, 2016 the staff provided a report on existing Municipal Code provisions regulating the use of rights-of-way for private purposes and described the existing provisions to be lacking in necessary detail; and

WHEREAS, the City Council of the City of Gunnison desires to establish standards in the municipal code that provide a means to allow for the use of public-rights-of-way for private purposes when there is adequate space and site conditions to ensure that public safety and convenience is not impaired; and

WHEREAS, informal surveys and community input suggests that an active and vital Central Business District is desired; and

WHEREAS, on May 10, 2016 the Council held a public hearing to consider amendments to Title 9, Chapter 9.40 of the Municipal Code regulating the use of public rights-of-way for private purposes; and

WHEREAS, the City Council hereby determines that the proposed standards regulating the use of public rights-of-way for private purposes, is in the best interests of the City of Gunnison, Colorado, and its citizens.

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

Section 1.

Gunnison Municipal Code, Title 8, Chapter 8.20, Sidewalk Vendors is hereby repealed.

Section 2.

Gunnison Municipal Code, Title 9, Chapter 9.40, Use of Public Rights of Way for Private Purposes is hereby repealed and reenacted to read as follows:

9.40.010 Purpose

The purpose of this Chapter is to manage the use of public rights-of-way in a manner that is flexible, adaptable, and protects the community's health, safety and welfare.

9.40.20 Definitions

- A. "Accessway" means that portion of the public sidewalk section designated as the clear and continuous pedestrian corridor for use and enjoyment by the general public.
- B. "Barrier" means any fence, landscaped planter, rope or other perimeter enclosures used to separate cafe sidewalk seating areas from the public accessway or required curb clearance established within the public rights-of-way.
- C. "License" means a Revocable License Agreement, addressing the terms for using a portion of the public rights-of-way for private purposes.

- D. “Licensee” means any property owner, business owner, representative, or assignee that is the signatory to a valid Revocable License Agreement and who is responsible for the maintenance, upkeep and general conformance of the standards established by this Chapter.
- E. “Merchandise Display” means stands, tables, freestanding merchandise or other features intended for sale to the general public that is placed within the public rights-of-way. For the purposes of administering this Chapter, sandwich board signs shall be considered a merchandise display.
- F. “Permanent Physical Feature” means trees, public signage, street lights, fire hydrants, decks, and porch roofs extending into the rights-of-way and any other features deemed by the City Manager to be a permanent feature.

9.40.030 Applicability

This Chapter applies to all public rights-of-way within the City of Gunnison incorporated limits. Any private roads and sidewalks serving development within the city limits are not affected by the standards established herein, but private ways intended for the purposes of public use shall be subject to Section 4.1 (Adequate Public Facilities), Section 4.2 (Road Construction Standards), Section 4.5 (Pedestrian Circulation Facilities) and any other applicable standards established by the *City of Gunnison Land Development Code*.

9.40.040 Administrative Authority and Responsibility

The City Manager, or a designee assigned by the City Manager, shall have the administrative authority over the provisions of this Chapter of the Municipal Code.

9.40.050 Revocable License Agreement Required

All use of public rights-of-way for private purposes requires a Revocable License Agreement (License) approved by the City of Gunnison.

Exceptions: Placing irrigation pumps, irrigation pump covers, mail boxes and landscaping improvements compliant with the *Land Development Code* (Section 4.6, Landscaping, Buffering and Screening) and parking of currently licensed private vehicles within the rights-of-way pursuant to *Municipal Code*, Chapter 5.30 (Traffic) shall not be subject to licensing requirements established in this Chapter.

9.40.060 License Types, Application, and Process

- A. Physical improvements within the public rights-of-way for private purposes are subject to the standards and conditions established by this Chapter. Two types of licenses are established by this Chapter:
 1. **Permanent Feature License Agreement.** Revocable License Agreement applications requesting the placement of apparatus, facilities, posts, any structural element of a building extending into the right-of-way or other permanent physical features shall be subject to review and approval of a Revocable License Agreement acted on by the City Council at a regular or special meeting. Applications proposing cafe sidewalk seating shall be classified as a Permanent Feature License Agreement.
 2. **Administrative Use License Agreement.** A Revocable License Agreement application proposing the placement of merchandise, displays, racks, sandwich boards or other features that are temporary in nature, are subject to administrative approval by the City Manager under the provisions of this Chapter.
- B. **Interpretation Authority.** The City Manager shall have the discretionary authority to determine if a license application is classified as a Permanent feature or an Administrative Use License Agreement. The City Manager may submit any Administrative Use License Agreement application to the City Council for consideration.
- C. **Minimum Application Contents.** All Revocable License Agreement applications shall include, at a minimum, the following information and materials.

1. **Name, Street and Mailing Address, Telephone Number, and Power of Attorney.** The proposed licensee name, address and telephone number. If the licensee is to be represented by an agent, a letter signed by the licensee granting power of attorney to the agent shall be submitted, authorizing the agent to represent the licensee and stating the representative's name, street and mailing address and phone number.
2. **Legal Description.** The legal description and street address, if such exists, of the property on which the improvement is to be located. Legal descriptions are available at the County Assessor Office (970-641-1085) or City Community Development Department (970-641-8150).
3. **Disclosure of Ownership.** A disclosure of ownership of the property to which the application applies.
4. **Vicinity Map.** An eight and one-half inch by 11inch vicinity map locating the subject property within the City of Gunnison.
5. **Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed private use of the public right-of-way complies with the applicable review standards established in this Chapter.
6. **Plan View and Elevation Drawing.** Any license application proposing to develop a Permanent Feature within public rights-of-way shall provide a scaled plan view (map) and elevation drawing depicting the feature, the continuous and clear accessway, and any other permanent feature located on the sidewalk adjacent to the business front.
7. **Barriers.** All applications proposing barriers shall include cut sheets or design illustrations depicting the proposal design.

C. **Process.** Five stages comprise the process for the use of public rights-of-way for private purposes as described below.

1. **Pre-Application Conference.** The licensee is encouraged, but not required to meet with the Community Development Department staff prior to the submittal of a Revocable License Agreement application.
2. **Application Submittal.** The licensee must provide a complete application to the Community Development Department prior to scheduling a formal review.
3. **Staff Review.** The Community Development Director or an assigned designee shall review the application within five working days of the application submittal. Upon review completion, the Community Development Department shall notify the applicant of any omissions or required additional information.
4. **Decision.** All Permanent Physical Feature license applications shall be submitted to and discussed by the City Council at a work session, prior to scheduling any action at a regular meeting. Administrative Use License Agreement shall be approved by City Manager or designee.
5. **Post Decision Actions.** All uses of public rights-of-way for purposes that are subject to license application review shall be memorialized through the execution of a Revocable License agreement defining the terms by which the licensee shall comply.

D. **Insurance and Indemnification.** The revocable License Agreement shall be a binding contract approved as to form by the City Attorney. The licensee/property owner hereby agrees to indemnify, defend, and save harmless the city, its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the licensee's use of the public right-of-way. The Licensee shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars covering the Licensee's operation on the sidewalk. Such insurance shall name the City as an additional insured.

E. **Application Fee.** The application fee for a license agreement shall be determined by resolution approved by the City Council.

G. **Termination.** Upon termination of the license, the licensee shall immediately remove any permanent features, personal property, furnishings, display and equipment from the right-of-way. The public right-of-way shall be restored to its original condition.

9.40.070 Land Development Code Applicability

A. **Sidewalk Facilities.** Pedestrian circulation facility improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the Pedestrian Circulation Facilities standards established in Section 4.5 of the *City of Gunnison Land Development Code*.

B. **Landscaping.** Landscaping improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the standards established in Section 4.5 (Landscaping, Buffers and Screening) of the *City of Gunnison Land Development Code*.

C. **Signage.** All signs and banners in the public rights-of-way shall be subject to Section 4.8.H of the *City of Gunnison Land Development Code*, which includes the requirement to maintain a current and valid Administrative License Agreement.

9.40.080 Commercial, B-1, CBD Districts

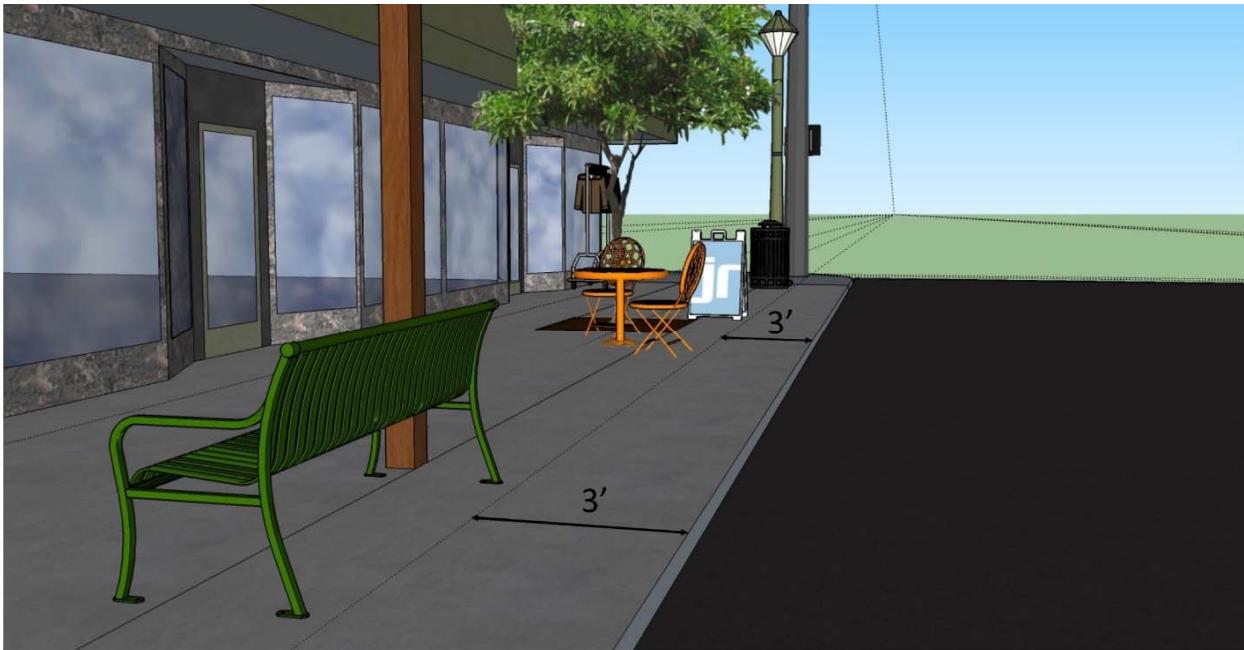
Uses within the Commercial, B-1, and CBD Districts proposing to use public rights-of-way for private purposes shall be subject to the standards established herein.

A. **General Standards.**

1. **Accessway.** All public sidewalks shall maintain a minimum six feet wide clear and continuous pedestrian corridor. The accessway shall, in most cases, be located between the property line and any irrigation ditch located within the right-of-way. No clear and continuous accessway shall be located within the curb clearance area. Horizontal transitions of accessways shall not exceed an off-set of greater than three feet and shall have a uniform transition geometry between off-sets to accommodate easy pedestrian movement.



2. **Curb Clearance.** Proposed uses on public sidewalks shall be arranged and conducted in a manner to maintain a minimum three feet of clear distance from the curb edge. Placement of permanent features, merchandise displays or other items shall not create a barrier greater than 15 feet in length that preclude pedestrians from moving between parking stalls and the accessway.



3. **Americans with Disabilities Act Standards.** Any proposed use of public rights-of-way for private purposes shall fully comply with all provisions of the Americans with Disabilities Act (ADA).
4. **Vertical Clearance.** Any proposed use of public rights-of-way for private purposes shall maintain a minimum seven feet of vertical clearance distance from the sidewalk grade.
5. **Sound System Noise Level.** The maximum noise level for any sound system equipped with speakers within the public rights-of-way shall not exceed 60 decibels.
6. **Electric Cords or Other Tripping Hazard.** The use of electric cords or other features not specifically addressed herein, but that could create a tripping hazard, are prohibited.

B. Merchandise Display Standards.

1. Merchandise displays located on public sidewalks shall be contained in no more than two display clusters per business frontage.
2. The aggregate maximum coverage area of displays shall be 35 square feet of the sidewalk surface area directly adjacent to the business store front. For the purposes of administering this Chapter, the display of sandwich boards shall be considered a merchandise display, and signage standards established by the *City of Gunnison Land Development Code* (Section 4.8) shall apply.
3. Merchandise displays shall be removed from the public rights-of-way after business hours.
4. Placement of merchandise displays shall not create a dangerous public condition and shall provide adequate means for emergency egress and ingress from any adjacent building.

C. Sidewalk Cafe Standards.

1. Sidewalk cafe seating shall be arranged in a manner that complies with all provisions of Section 9.40.080.A General Standards.
2. Sidewalk cafe seating shall be licensed for use between March 15th and November 15th. The licensee may be required to discontinue sidewalk cafe seating at any time as determined and ordered by the City Manager.

3. Sidewalk cafe seating shall be located directly adjacent to the business wall-plane or property line. Alternative seating layout may be considered if Section 9.40.080.A General Standards are satisfied.
4. Sidewalk cafe seating may extend onto an adjacent business only upon written agreement by the adjacent property owner and under the condition that insurance indemnification provisions protecting the City's interest are satisfied.
5. Tables, chairs and other features associated with sidewalk cafe seating shall not interfere with the pedestrian accessway or the curb clearance area. **Chairs next to the pedestrian accessway shall be placed in a manner as not to impede upon the accessway.**



6. Smoking in the cafe seating area is prohibited.
7. Sidewalk cafe seating associated with a business serving alcoholic beverages shall be limited to the specified Premise established by a current Colorado State and City Liquor License. The specified premise shall abut directly to the building wall plane/property line bordering the licensee's business.
8. Sidewalk cafe seating associated with a business serving alcoholic beverages shall have a barrier bordering the liquor license's established Premise. **Pursuant to state regulations, the serving of alcohol shall be conducted within defined barrier.** Sidewalk cafe seating businesses not serving alcohol are not required to, but may install a barrier.
9. Perimeter barriers associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
 - a. **General.** The location, design and construction of all barriers is subject to review and approval by the City Council.
 - b. **Design Concept.** The physical design of the barrier shall be compatible with the design of the building, shall be visually appealing and help to separate the dining/seating area from the side.
 - c. **Open Appearance.** Barriers shall be at least 70 percent open (transparent) in order to maintain visibility of street level activity.
 - d. **Height.** Barriers shall be a minimum height of 36 inches and may not exceed 42 inches in height.

- e. **Anchoring.** Barriers may be anchored through the use of recessed sleeves and posts or weighted bases, or other means approved by the City. When removed, the resulting surface must be flush with the sidewalk.
 - f. **Support Members.** Stanchions or other vertical supporting members that have a base shall not create a tripping hazard. The stanchion base shall not be domed or more than one-half inch above the sidewalk surface. **The stanchion bases shall not impede upon accessway.**
 - g. **Use of Planters.** Planters may be used in situations where no barrier is required. All planters must have living plants contained within them. Dead plants must be replaced or the planter removed from public view.
 - h. **Prohibited Materials.** Fabric inserts of any size, chain-link, cyclone fencing, standard wire gage material or similar small soft metal materials are prohibited from being used as part of the barrier.
10. **Furniture and Features.** Furniture and features associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
- a. The licensee shall ensure that tables, chairs and other materials do not interfere with pedestrian movement in the accessway.
 - b. Chairs next to the pedestrian accessway shall be placed at a 90-degree angle so as not to obstruct pedestrian movement.
 - c. Furniture and features must maintain a good visual appearance without visible fading, dents, tears, rust or chopped/peeling paints.
 - d. All furniture and features must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
 - e. Furniture and features must not be secured to trees, lampposts, street signs, hydrant or any other public street infrastructure by any means during restaurant operation hours or when the business is closed.
11. **Lighting.** Lighting will be required for outdoor dining areas where food will be eaten during evening hours. Lighting features shall be decorative and complement the architectural character of the building façade. Lighting features will illuminate only the sidewalk area and shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers.
12. **Maintenance.** The licensee shall keep the outdoor dining area clear from litter, food scraps, and soiled dishes and utensils at all times. Debris generated from the business shall not be disposed in public trash receptacles located in the public rights-of-way. Private trash receptacles shall be emptied daily. **The Licensee is required to keep the entire sidewalk in and around the sidewalk seating area clean and orderly.** No debris shall be swept, washed or blown into the sidewalk, **irrigation ditches**, gutter or street.

9.40.090 Residential Districts (Reserved)

9.40.100 Industrial District (Reserved)

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of _____, 2016, on first reading, and introduced, read, and adopted on second and final reading this _____ day of _____, 2016.

Richard Hagan, Mayor

(SEAL)

ATTEST:

Gail Davidson, City Clerk

GUNNISON MAIN STREET SIDEWALK SURVEY
The City Would Like Your Input!

Address:

DBA:

Contact name:

Current sidewalk license:

The City desires your ideas for enhancing the Downtown sidewalk experience. Please complete and return this postage paid survey. If you prefer, feel free to respond by phone to Mark Achen at 641-8171.

Are there things/activities now (bike racks, benches, trash containers, planters, trees, sandwich boards, merchandize displays, canopies, street lighting, irrigation, etc.) that you definitely want to keep or want to be removed from Downtown? Please explain:

Do you have other ideas to make pedestrian passage along the sidewalks more convenient and enjoyable?

Do you like the idea of sidewalk café seating? Yes No Your thoughts?

Gunnison prides itself as bike-friendly, yet bicycles occasionally restrict the convenient use of our sidewalks. Would you favor:

Restricting bicycle parking on Main Street somehow? Yes No

Dedicated off-sidewalk corrals? Yes No Using some parking spaces? Yes No

Other locations such as side streets or nearby park (IOOF)? Yes No

Seasonal restrictions? Yes No During major events, holidays? Yes No

Do you have other suggestions for bicycle parking?

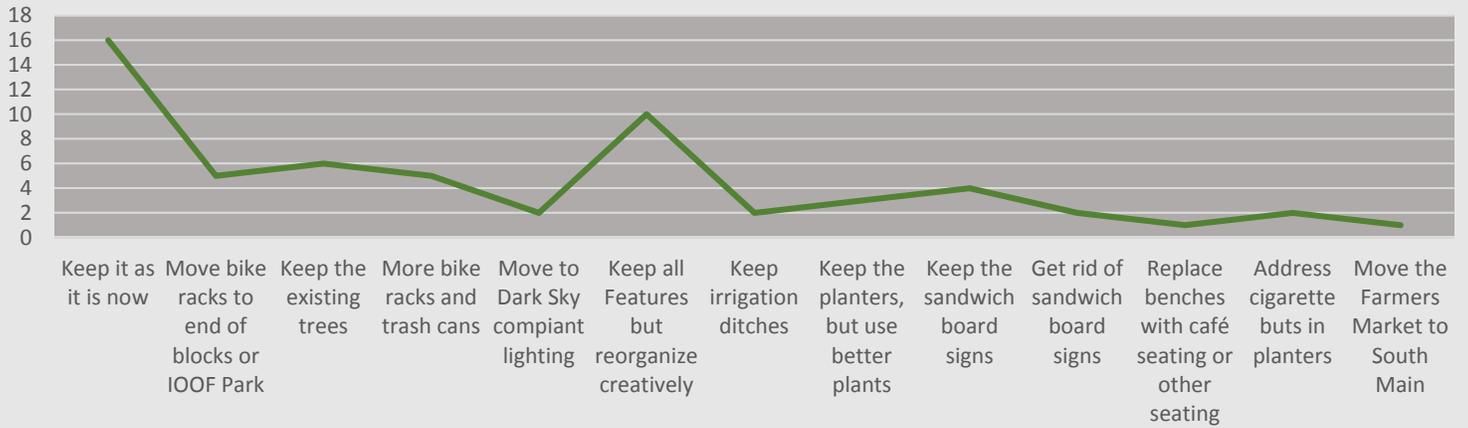
Other comments, suggestions:

Please return within five days so staff can tabulate results for the presentation to Council on May 3rd.

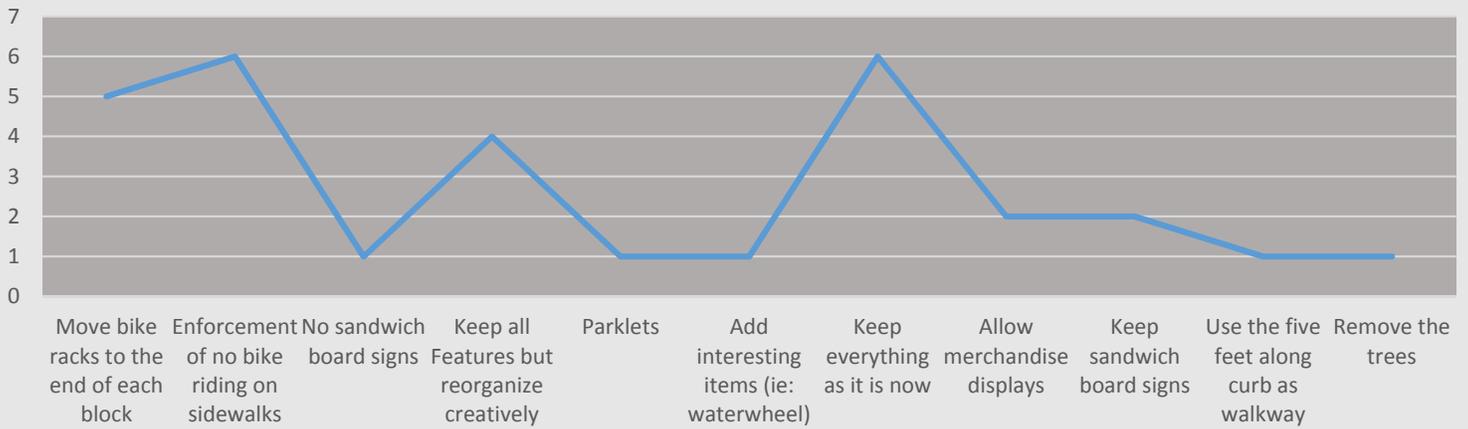
Mail using the provided envelope or drop off at City Hall, 201 West Virginia Avenue.

GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

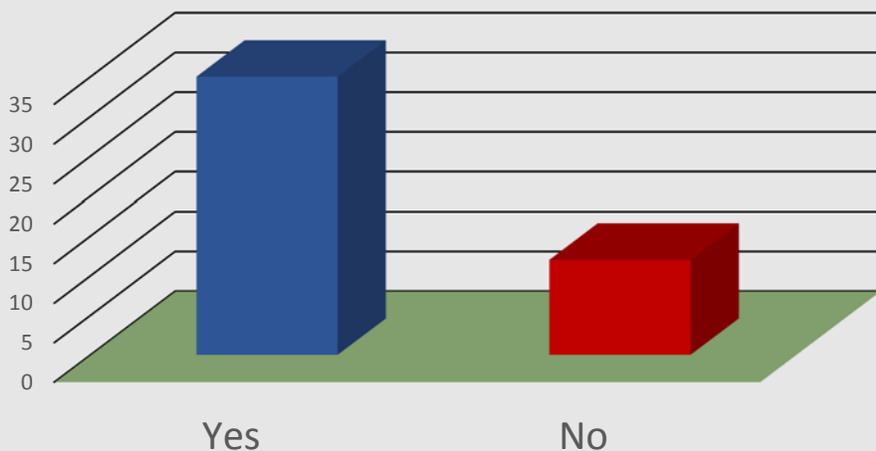
Are there things/activities now that you definitely want to keep or remove from Downtown?



Do you have other ideas to make pedestrian passage along the sidewalks more convenient and enjoyable?

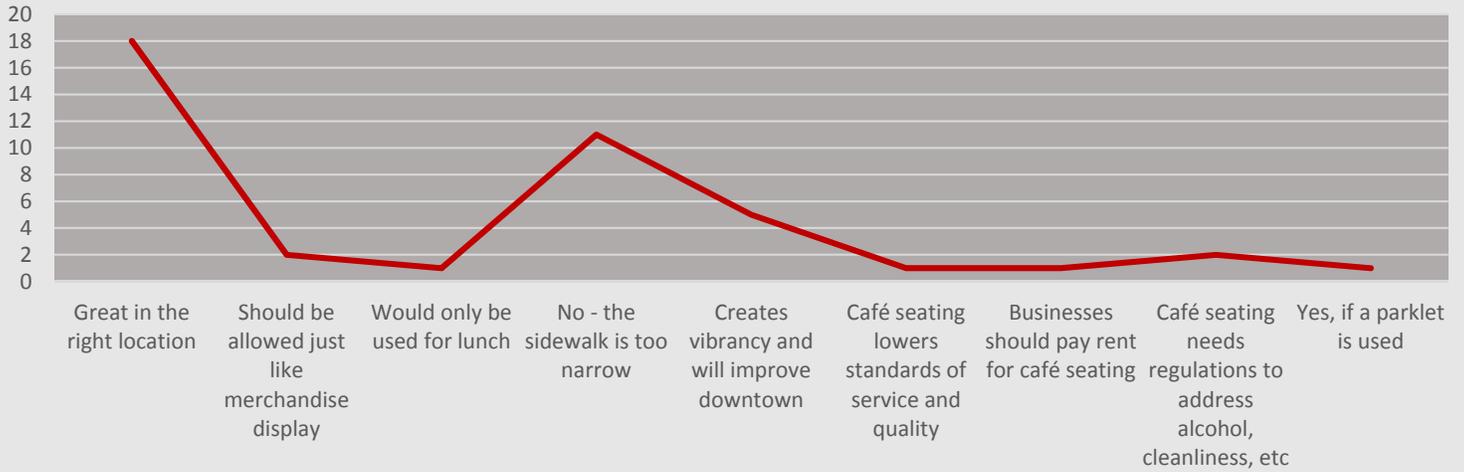


Do you like the idea of sidewalk café seating?

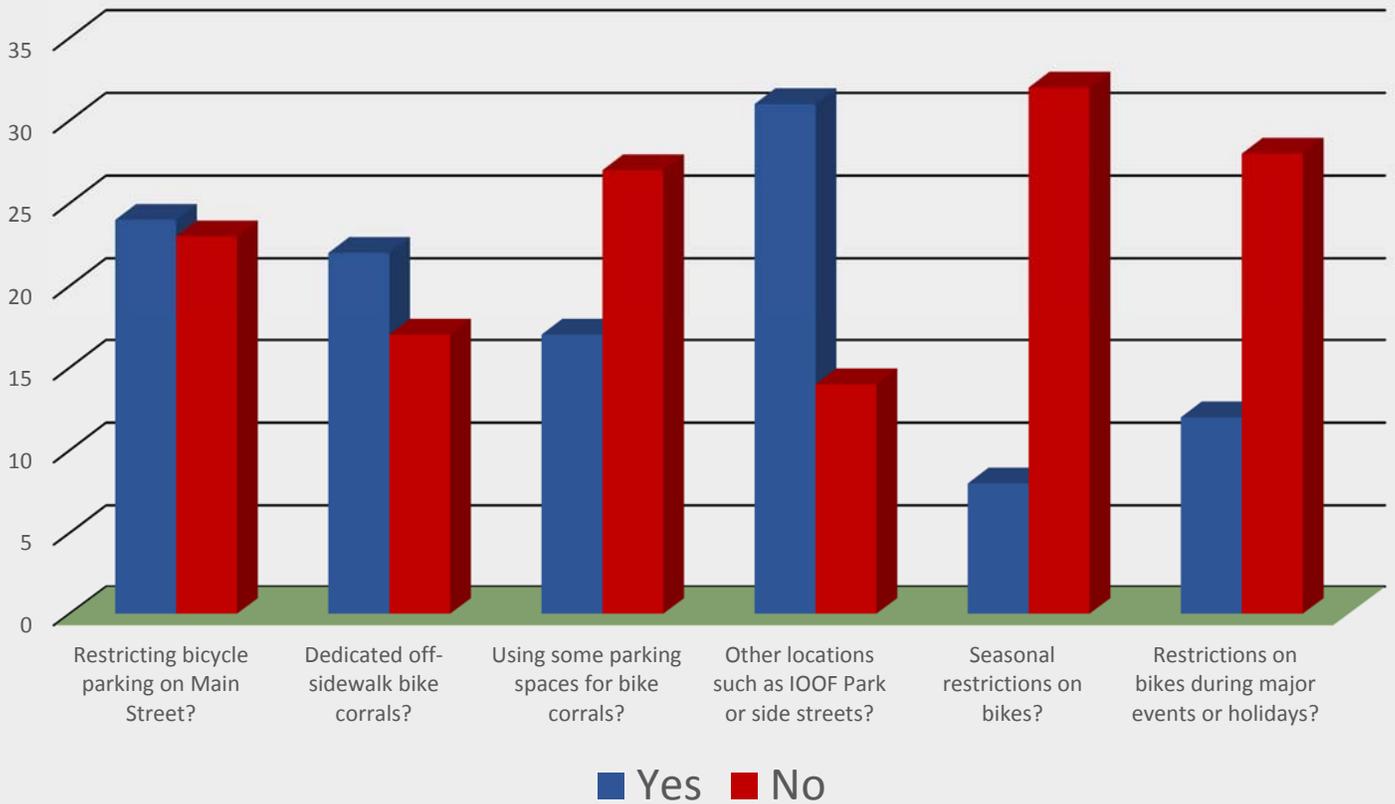


GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

Your thoughts on sidewalk café seating?

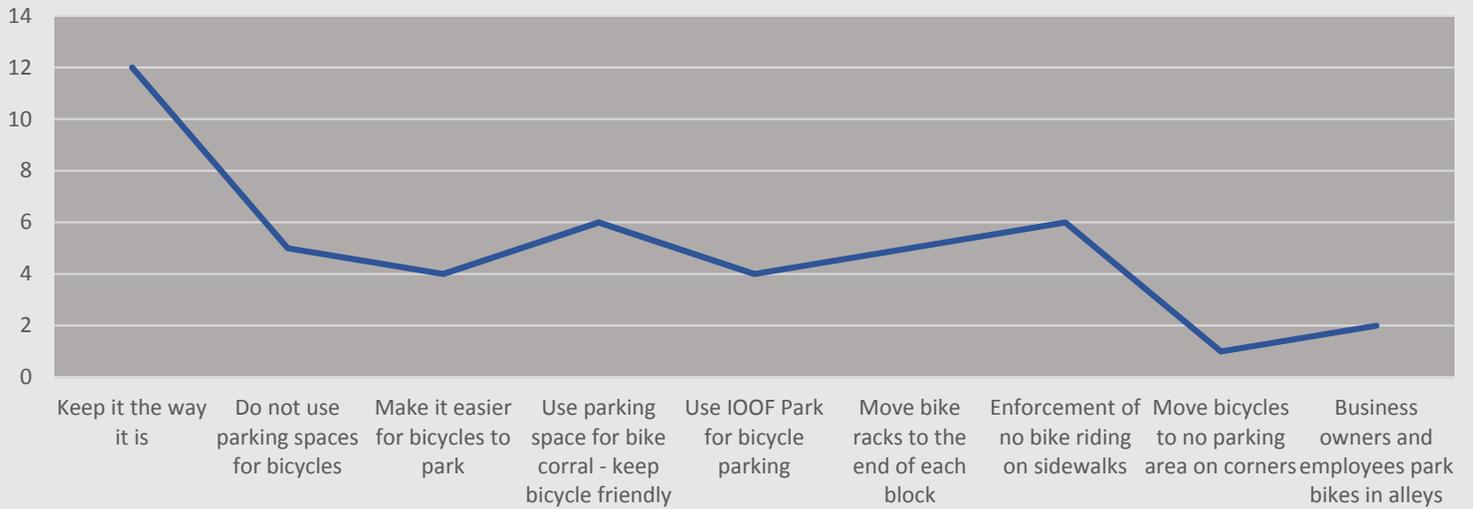


Bicycles Downtown - Would you favor:



GUNNISON MAIN STREET SIDEWALK SURVEY RESULTS

Do you have other suggestions for bicycle parking?



Other comments:



GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

Are there things/activities now (bike racks, benches, trash containers, planters, trees, sandwich boards, merchandize displays, canopies, street lighting, irrigation, etc.) that you definitely want to keep or want to be removed from Downtown?

- Keep all – Put bike racks to end of blocks. Make an area just for bike parking.
- Keep the nice trees.
- Wouldn't mind having the green bench (and cigarette trash) removed from the front of our store. People just sit there and smoke and it just travels into the store, we cannot keep our front door open during nice weather [Hope and Glory].
- We'd like to keep a bike rack but would give up the parking spot in front of shop to use for bike parking. I would like to see more bike racks and trash cans. I would also like to see the entire city move to Dark Sky compliant lighting.
- I think they all serve a good purpose but perhaps the placement of any and all of them could be improved. My observation is bicycles accumulate at restaurants and bars, almost exclusively at late afternoon/evening. Benches can go where businesses are that don't use sidewalk displays.
- We currently have too much stuff on our sidewalks. There are seven benches and six bike racks on my side of the street plus everything else that makes the sidewalk cluttered. With some creativity some of these items could be combined in a useful and still artistic fashion to cut down on the clutter.
- Definitely want to keep irrigation, trees and planters.
- A trash can is needed on the side street of the Toggery (Virginia). I like sandwich boards as it helps identify business sales, lunch specials and a quick reference. Keep the ditch!! No other town has them.
- The benches are ok, but not comfortable to sit on, especially when it is cold! I think some/all could be replaced with café seating or other seating, perhaps an option for each business?? Sandwich boards are the most constricting items on the sidewalk. Maybe they should go.
- Benches, trash containers, trees, canopies, lighting, irrigation keep them all.
- I believe the planters take up too much space, especially since they don't have nice plants in them.
- Keep all of them. Close one lane and make sidewalk bigger. Go European Style!!
- I love the planters out front and would like to keep them there. However, patrons of other establishments seem to like to use our planter out front as an ashtray. I would like to see if we could keep some sort of foliage year round to discourage them from being an ashtray. Maybe businesses could sponsor a planter year round or seasonal?? Also how about requiring bars that allow smoking to provide outside ashtrays for their patrons?
- Keep the items already on the sidewalks, possibly add more benches.
- Bike racks, trash cans, benches, trees should all be kept. Irrigation ditches most definitely should be kept as long as we have street lighting. Awnings etc most. YES! YES!
- Remove bike racks from the sidewalk. Place them either at the end of the streets or maybe in the IOOF Park.
- Bike racks, our customers tend to prefer bikes. Chalk boards.
- Keep trash cans to keep litter down! Benches- we see people using them lots. Sandwich boards help promote the businesses and educate the consumer. Street lighting helps with visibility.
- In my opinion we need to leave the benches, trashcans, and street lighting as they are. If we have alternative bike parking, then we could move the bike racks. One possibility is on the south side of Virginia, as there are no store entrances other than H & R Block, which is very much seasonal.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- Another alternative is using the IOOF Park. Enforcement would be key here, as people still lock bikes up to trees, lights and posts as well as ride on the sidewalk. I believe it goes without saying we need to keep the trees.
- I don't like the type of trees. They're messy. Maybe lights year round. Taller would be nice.
- Keep All.. We were told 4 years ago that sandwich boards were not allowed. But now everyone has one - so we are putting it back out.
- All are good. Perhaps fewer bike racks.
- Keep benches, trash containers, planters, trees, canopies, street lighting.
- Sandwich boards and merchandize displays...I believe sidewalk merchandize display racks should be allowed only when town wide "Sidewalk Sale". Sandwich boards I believe are unnecessary during business hours.
- Keep Benches, trash containers, more planters, sandwich boards, trees.
- Currently, Main Street sidewalks have two rows of obstacles. The most noticeable row of obstructions are in line with the trees and include: bike racks, city signage, awning posts, sandwich boards, trash cans, light posts, fire hydrants and possibly planters. Even if you remove all the "optional" items and leave only trees (although I suppose you could remove those), posts and fire hydrants, it does not offer a walking lane. It could offer a weaving lane, to move toward the street to go around slower-moving pedestrians.
There is another obstacle row consisting mostly of benches, and I've heard council assert that "no one" uses the benches (although one person I saw using the bench in front of Pat's Screen Printing was Matt Schwartz), but those benches are used far more frequently than council seems to think, and for much more of the year than one might guess. Shoppers (if we want to generalize, women) will linger in stores much longer if their non-shopper companions (generalizing: husbands) have someplace outside to sit and wait. The bench obstacle row also includes sandwich boards, newspaper boxes, and, if merchants are adhering to current requirements, merchandise. Twenty-four square feet means a merchant could effectively block the transit lane. If there were a way to combine the obstacles all into one row, it would free up transit space. To do this, benches would end up in the middle of the sidewalk, closer to cars and with people walking behind them. This may not be as inviting for people to sit, so I'm not sure it's a viable option. Unless you put in S-curved benches that gave the sitter a choice of facing the street or the storefronts. Maybe it's still not viable. Or perhaps round benches that circle the trees? Since I haven't really answered the question, I would like to say that my favorite sidewalk feature is the waterwheel installed seasonally by high school students in front of Castle Creek Guitars or 126 N. Main. The ditches used to be a unique feature (although yet another sidewalk obstacle) and conversation starter, and this simple waterwheel seems to attract a lot of comment.
- Satisfied with current set up.
- Keep trees, benches, trash, lights. Need more recycling containers.
- Bike racks.
- I like the sidewalk additions, they bring interest and life to downtown. I'd love to see more outdoor seating available and it become more pedestrian friendly. Right now, it feels like the cars have right-a-way and it's dangerous to cross the streets.
- Enforce the bike law.
- Everything should be kept, however it needs to be placed in an organized manner to accommodate all uses and those with ADA needs.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- From my 20 + years vantage point on the first block of Main. I think the amenities on Main Street (bike racks, benches, canopies, etc) serve the public well. I like the pretty little café tables that have pooped up outside of Double Shot and the flower shop. The merchandize displays outside of Treads & Threads on holidays are fun & stir interest. I like the bikes parked outside businesses. I've even had tourists comment that they knew the Firebrand must serve good food because of all the bikes parked outside. The tables, benches, trees, canopies, and bikes encourage a slow-paced enjoyment of our town and make it inviting and picturesque.
- Everything currently looks good. No dogs tied up outside!!
- We should keep: Benches, planters, trees, irrigation and current lighting. Businesses using the sidewalks should conform to the existing policies (per the brochure).
- Yes- probably all of them. Bike racks could go, but only if there is a suitable alternative for them, which I'm not sure there is.
- Please remove bike racks in winter months, pain shoveling snow.
- Street lighting needs to be updated- hard to see pedestrians at night.
- We need recycling and trash containers. There is always overflowing trash all summer long. Especially when there is back to back events.
- None removed. Add bike racks and benches.
- I believe all of the above in proper proportions enhance the downtown experience.

Do you have other ideas to make pedestrian passage along the sidewalks more convenient and enjoyable?

- Put bike racks at end of each sidewalk block. No bike riding on sidewalks.
- I don't care for sandwich boards and other signs in the walk area.
- There needs to be more patrolling of cyclists and skateboarders on the sidewalks. Several of my customers have almost been run over when leaving the shop.
- Remove and rearrange all items. - planters, benches, newspaper stands.
- Parklets in a few parking spots.
- I think the merchandise display on the sidewalk is inviting and good for business. Remove some benches & bike racks where they are not used on a regular basis.
- I fear you are going to kill Main Street when you further limit parking on the street. Do not make it into a pedestrian mall or people will just take their business elsewhere.
- The waterwheel at the old Gallery 126 is very cool. Makes the sidewalk interesting.
- Bikes are a part of the charm of our town. If there are specific areas that need a better parking system due to overcrowding, that could be considered, but it doesn't seem to be a problem most times in most areas.
- Move bike racks. IOOF Park, Courthouse, Blackstocks, IRS parking space on South Main St.
- I do not see a problem with the people using the sidewalks now. Even in the summer with more people.
- Allow merchants to have stuff on sidewalks as this attracts visitor's attention.
- I think sandwich boards attract visitors to explore by encouraging their interest.
- I feel the streets are fine no further improvements needed.
- Slow traffic on Hwy 50! Figure out how to make peds and & bikes feel safer when crossing @ 50 & 135.
- A clear walk way and not so zig-zaggy. Benches against buildings and trash cans by street.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- I think that business owners, who are legal to do so (insurance), should be able to use the sidewalks as they wish out to the last 5', which is the newer section of the sidewalks. 5' is adequate for pedestrian travel and is greater than the required 4' travel corridor. Most merchants as it is now do not put out an abundance of sale items or displays anyway. In my opinion, all the sandwich boards are also not too big as it is.
- Enforce no bicycles on sidewalks.
- Remove the Big trees – They block our signage. Do more flower pots and smaller trees.
- I watch tourists in front of my office in the summer. They seem to enjoy our downtown. I haven't observed pedestrian passages as being an issue.
- Is there an existing ordinance for no smoking within so many feet of businesses? I believe this is an issue and I prefer as a no smoking experiment. Also who will be cleaning the sidewalks?
- In addition to the probably unpalatable option of putting benches in the same line as the trees, a friend suggested the concept of vertical bike racks, and locating them all on the side streets. I looked up vertical racks, and I'm not sure they save any space, but if all bike racks were located along the wide side-street walks, where there are no trees, trash cans, benches or store doors, that might make Main look less cluttered. There is plenty of room on the north side of the Toggery and Nu Vista Credit Union, for instance, to locate two or three bikes racks each. There is probably space north of Pat's Screen Printing, although the bikes might end up parked on rocks. Perhaps a larger rack could be placed at IOOF, and there's probably room for at least one alongside Tango, although there are more business doors along that sidewalk. Maybe Bank of the West would like to swap its planter, the main function of which is to direct pedestrians out away from the cars that might be exiting the drive-through, for a bike rack that would accomplish the same thing. Whether this means that many bicyclists would simply park their bikes in front of whatever store they're visiting, I don't know, and you would have to decide if bikes in front of bike stores counted as a merchandise display or parking. Moving bike racks to the side streets seems like an easy and fairly inexpensive experiment to try.
- Just do not create clutter and force pedestrians into the street. Police Dept should enforce no street skates, skateboards, & bicycles on sidewalks. Ticket the punks!
- Reduce 4 lane traffic to 2 lane traffic on first 2 blocks North Main.
- Ditch parking, expand sidewalks. Move stop light north a street, that will slow traffic and encourage pedestrian traffic and more customers to explore downtown.
- Move bike racks to corners or utilize (1) parking space on each side of the first 3 blocks for bikes. Move trash cans to corners on side street, the sides of Virginia, Tomichi, Georgia.
- Keep but better organization.
- Safe and convenient pedestrian passage along the sidewalks is important, but we need to consider the bigger picture. Main Street needs to be safer for pedestrians, cyclists and motorists.
If we slow traffic on Main, everyone will be safer.
With slower traffic on Main, cyclists won't be pushed to use the sidewalks for safety.
If traffic lights sense bicyclists in the street at intersections, bicyclists won't be forced to walk (or ride) up on the curb to trigger the walk signal.
Somehow make it easier for pedestrians to cross Main & Tomichi. Example of the Hwy 50 in Delta with medians and sidewalk kick outs. Marble planters??
- I feel that the current downtown sidewalk configuration is good. That its's pedestrian friendly. Parallel parking is working. **DO NOT ADD BIKE LANES!**

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- I don't think it's inconvenient or unenjoyable now, minus heavy traffic and loud trucks.
- Encourage restaurants to "build on" over their sidewalks (like the Brewery) with matching or partial funding.
- I don't think anything is inconvenient now. We have wide sidewalks and 95% of the time no one is on them.
- More hanging flowers. People visiting love our flowers because it is generally too hot where they come from to have them. Possibly year round clear lighting in the trees (done properly).

Do you like the idea of sidewalk café seating...Your thoughts?

- I think it would be great! In some location and only if other amenities such as benches & trees can be preserved.
- I don't really have an opinion on this except to say that coffee shops and restaurants need to maintain a cleaner sidewalk area regardless!!
- We'd love to have sidewalk seating. It creates an attractive, vibrant atmosphere downtown. If you visit nearly any other town, café seating is extremely common. With such wide sidewalks, it is a no-brainer for Gunnison! This will improve the vitality of downtown especially CBD.
- They should have the right to be there as much as merchandise. Given the accumulation of bicycles at night, it may need to be restricted. A possible fire hazard.
- Having lived here since 1951 I believe I am correct in saying that there are only 4 to 5 months that one would consider eating outside and that would just be for lunch because it's too cold most evenings.
- No. Even though it's nice to sit outside it narrows the sidewalk too much.
- It would be nice if there were an option for businesses – either benches or chairs or café seating depending on the type of business and their preference.
- Like it but don't feel it can work. The streets are already too narrow with car traffic, bikes. Example opening driver side doors on Main St.-SCARY.
- In a limited capacity where it is appropriate.
- Defiantly yes.
- It encourages people to linger and take in our town. It creates a sense of community.
- Where?? Where does anyone believe this seating could possibly fit? Seriously Ridiculous!!
- Yes! And More of it! Our customers ask us all the time if we will get it.
- It creates a vibrancy of a "happening" downtown, which helps all businesses causing cars to slow down and encourages more walking traffic.
- I like café seating. I believe the restaurants that choose to do so, such as High Alpine, should be allowed this on a trial basis this summer. As long as it still adheres to the travel corridor rule, why not. The example I mentioned has a well-defined area, which along with their balcony would provide a great experience for people. Other restaurants have this as well. It would provide for the city the ability to test how this would work throughout this summer season.
- Absolutely!
- This is downtown Gunnison, NOT EUROPE with cobblestone streets and outdoor eating. We have (2) State Highways with a lot of traffic. Which will cause too much exhaust from trucks & cars. Our sidewalks are roughly 14ft. So taking away 6ft you will have people walking around trees and posts from the overhangs. WON'T WORK. Then there's alcohol outside. This will not be watched without somehow fencing it in and having someone outside watching all the time. Kids will pass it

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

along on the Street. I can go on & on about how this will not help our business. We designed an upper deck. But until everything is final we are not going to spend a dime!!!

- Minimal and seasonal.
- Yes, but two top tables only and not smoking.
- Whether I'm in favor or not seems less relevant than a council saying, "We want to declutter the sidewalks, but let's talk about adding features at the same time." That's bad for PR if you tell everyone else you want to remove their benches, but it's okay for food and drink establishments to set out seating. Are you also talking about erecting little fences? If so, now you're adding serious sidewalk clutter. The little tables set out by Double Shot and Spin a Christmas Tale look cute and inviting to me, as did the one Gallery 126 used to put out (perhaps not in the public right-of-way since it was in their alcove), but these are definitely obstacles people have to maneuver around. If the tables go along the tree line, which is where Spin a Tale likes to put theirs, I think it's a bit more pedestrian friendly than up against the building. But I don't know what liquor laws require, if someone such as High Alpine Brewery wants to put out a table or tables. (Tables, plural, really starts to sound cluttered, especially when working around awning posts.)
- Use standard awnings, allow tables and chairs on sidewalks. Often the street scape creates more atmosphere = sales tax!!
- Yes, but music should not be loud enough for neighbors to hear.
- Yes, just as long as there is still sidewalk walking area and more than single file.
- Love it. Please allow this.
- It is already difficult just to walk up and down Main Street.
- Maybe. If the sidewalks were wider. Like the idea of utilizing a parking space, but don't know how that would be fair.
- If parking space is used for seating.
- I like the idea of café seating, but there currently isn't a lot of room for it. I believe the existing uses of sidewalks are appropriate, but do not allow sufficient space for a lot of sidewalk dining. Restricting bicycles is not a reasonable solution to this problem. Sidewalk dining is a great idea, but needs to be considered as part of a comprehensive review of downtown that might include narrowing of the roadway, widening the sidewalks, sidewalk bump-outs, dedicated bike lanes and revised traffic flows. Until the comprehensive plan is completed, perhaps café style tables could be allowed on a case by case basis- clearly there is room for tables here and there.
- No.. Sidewalks are very congested as it is in front of restaurants and it's hard to get around on a Saturday morning as is.
- Our downtown is changing and becoming more vital. Sidewalk café seating would add to the ambiance.
- Love the concept, but doubt our Main Street is really well suited for it (Back to traffic and noise)
- Minimally. I'd be sorry to lose all the things listed above to café seating.
- Make some sidewalk seating available to the restaurants and coffee shops like Montrose.
- Don't care. Street too noisy to enjoy getting outside.
- Depends on the definition. Many of us already have small tables & chairs for people to sit for a while. There are many reasons people use them. But to have a restaurant meal on the sidewalk I do not believe fits Gunnison and would utilize much more square footage of the sidewalk.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

Do you have other suggestions for bicycle parking?

- I love that downtown is so bike friendly, keep it that way.
- Just like drivers, cyclists are going to want to park their bikes in front of the establishments they are frequenting. What's the solution?? Would hate to see valuable parking spaces used for bicycles.
- We want people to bike downtown. Let's make parking as easy as possible.
- Using parking spots is a great idea! Please don't take away the bike friendliness of Gunnison. We are spending a lot of marketing dollars to get more bikers here.
- Perhaps in the alley after normal business hours. We could probably benefit from cleaning up the alley space and adding lighting to minimize drunken misbehavior.
- Since bikes are vehicles then maybe they should park on the street.
- We like having kids ride their bikes and park in front of Circus Train. It's only temporary.
- The bike racks that are currently on the sidewalks, I don't believe create too much clutter. I just wish people would abide by the rules and not ride their bikes on the sidewalks.
- Use IOOF Park.
- I think the bike racks are ok like they are, but I do like off-sidewalk corrals or other locations.
- NO! WHY!! Why change what works now and spend the extra \$\$ WHY??
- Take away a parking spot in front of our building and replace it with a huge bike rack.
- Leave it as is.
- 2 bike racks per block, on the ends of each block.
- I would be okay with, but do not favor, restricting bike parking.
- I don't know where off-sidewalk corrals would go. Using parking spaces is a bad idea – the spaces all get used, and I would feel very uneasy leaving my bike that close to traffic. Especially if it's close to drivers upset about not having anywhere to park. Side streets or IOOf? Yes--see above. Seasonal restrictions? No. Our bike rack is filled year-round, and if my employees didn't ride their bikes, they would drive and park in two-hour spaces (disregarding my admonishments to not do so), disappearing out the door every two hours to move their cars.
- Do not take out parking on N Main St, S Main St or Highway 50, (Tomichi Ave.) People will not walk to restaurants. Make the bicycles obey existing traffic rules. Put bicycle over on Virginia & New York. Not on Main & Tomichi.
- Side streets – especially if they match new bike crossings.
- Use IOOF Park!
- Enforcement of NO BIKES on sidewalks would help.
- Stop them from riding on sidewalks.
- I am adamantly opposed to restricting bicycle parking on Main. Additional bike parking in dedicated off-sidewalk corrals or at the IOOF park could be helpful, but the parking area would have to be 100% protected from motor vehicles. Just ask Mochas how many times their bike rack has been dragged around by passing cars. There would have to be a curb or some barrier to avoid damage to bikes.
- It's fine the way it is. Expand bike parking so that less people drive.
- Bike parking on Main street should be kept to a minimum. No racks should be added. Any additional racks should be off Main & Tomichi.
- Don't think it's a big enough problem to go looking for a solution.
- Still have issues with closing or blocking even a portion of E Virginia St. The farmers market already takes up what is left of the small amount of parking.
- It's nice to be able to rack your bike close to the business you're going into.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- I think if you don't let people park their bikes pretty close to where they are going, they won't ride their bikes...Then we need to first move parking spaces.
- Although I haven't noticed a problem with people "parking" their bikes at racks I think the same rules should apply to them as to cars. They should not exceed a certain time limit and owners or employees should not be allowed to park their bikes all day long. Riding bicycles on the sidewalk should also be prohibited.

Other comments, suggestions:

- Take the time to think through all of the ramifications of changing downtown and include all citizens not just building owners.
- Thanks for letting business owner's voices be heard!
- Would love to have someone from the City/City council let the Main street businesses know what the overall plan is. There are many rumors floating around that directly affect us.
- Bicycle traffic is generally not in support of the gift shops, clothing shops, galleries etc.
- Before you turn Gunnison into a walk about just look at Montrose and Grand Junction. It sure didn't work for them. I believe businesses in Gunnison will migrate off of Main Street when people cannot conveniently park close to that business. Just face it --- most of the year Gunnison is stuck with just the locals and we aren't interested in lounging around down town. Perhaps downtown businesses should be open from 9am until 9pm and make some effort to accommodate tourists as well as locals, particularly in the summer. Why not utilize the IOOF park on Main Street with shade, benches, bike racks? Take out that less than lovely water feature and create more lounging spots. You would find from the City of Montrose just how many people utilize the blocked off street downtown... I'll bet not many because most all of the good businesses left the downtown area. They used to have a great downtown shopping district until they made it difficult to park and started blocking off streets. I'd say if some businesses want sidewalk café eating then they should take 15 or 20 feet out of the front of their building and create a space. As a tax payer it's not my job to provide them a place to do business.
- I don't understand any tearing up or changing right now. You are planning a huge project next year.
- The trash receptacles do need to be either increased in numbers or emptied and cleaned (the area around) more often during the busy summer months! The newspaper stands could all go to one central location, not in front of each business. They are pretty obsolete!
- Get the Meter Maid to work marking tires. I don't see here very often.
- I will not be interested in outside seating at all!!
- We would suggest pruning the lower branches of the trees.
- Thank You!
- Thanks for asking and let's keep Gunnison beautiful user friendly and charming.
- I have heard from other business owners that they would like to paint the bench in front of their business a bright color. If it's done well, why not. They are trying to invite people into their business. To do everything I mentioned we need better enforcement of the bicycle/skateboard rules and better sign placement. Some people see the signs. The key is to allow visitors the opportunity to really see what we have to offer. I think the above suggestions would add to that.
- Leave things less controlled. More friendly and lively. Too many rules feels unfriendly, too planned.

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

- Thank you for asking!
- No bicycles allowed, driven or walked on sidewalks.
- You didn't ask about merchandise displays, and maybe that's being saved for another day. But since merchandise makes up a lot of the clutter in the summer months, it ought to be addressed. We use a 5 x 2-foot covered rack, and in the mornings we put it against the building (in the main traffic corridor), and in the afternoons we move it in line with the bike rack (at the end of the street, where no parking spaces exist). We do this for the sole purpose of preserving merchandise, which otherwise doesn't survive more than four days in the sun without fading. I think the outdoor displays generate a fair amount of sales and traffic for Gunnison merchants, who really have a window from say late June through perhaps mid-October to make enough money to survive most of the rest of the year. I think it helps us, up at the north end of the 200 block, show people that there is some retail all the way up there. I've heard several people over the years suggest that pedestrian flows could be improved by relocating the traffic light at Main and Virginia to Main and Georgia. I know this is a CDOT decision, and I believe the city would have to foot the expensive bill for this, but this might do more to aid traffic flow than any of the pejorative options of requiring merchants to go without items (benches, merchandise, sandwich boards, café seating) they deem important. I have to assume, if a merchant puts something outside, it's because he or she feels it helps their business. Sorry to turn a one-page survey into three, but that's what happens when you ask for my opinion.
- I must begin by expressing my concerns and utter amazement upon receiving this "Survey". The fact that whomever was responsible for this survey doesn't know the name of this business, doesn't know who owns it and doesn't know that we do have a sidewalk sign license with insurance waiver just tells me that no matter what direction we go, this will end up a mess. After 12 years of business in this community, hundreds of employees, thousands of tax dollars and too many community projects to mention, is it too much to expect that a communication from the city would at least have the right name on it? The fact that we are addressing this issue now, with a deadline of this summer, is just a ridiculous example of how this will be rushed through without proper planning. We should be starting the implementation of a process that had been debated and decided upon throughout last winter. What is the sudden rush? Why does the City all of the sudden feel pressured to act?
This city council has shown me over the years that they have no real sense of responsibility for their actions and how they effect this community. When it comes to the issuance of licensing for the sales of controlled substances this becomes most evident. With the continued focus on tightening liquor laws there seems to be no thought as to planning for the future as it will evolve. How do you justify the continued permitting of drive through liquor stores? A bad idea when originally implemented and even worse now. Many states have already outlawed them. Approval of an on premise consumption liquor license for a gas station? How about a shot while you're filling up? If you don't believe this is a problem, just check with the G.P.O. as to the number of DUI's traced back to that license vs the rest of the restaurant liquor licenses in town. I do see that this concept did not originate here in Gunnison but again, did the question of whether the city needed this even come into play?

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

How about the sheer number of cannabis licenses issued, their locations and feasibility? A cannabis license and a liquor license that share the same patio? I guess there is no way that that could be a problem. How many is enough? Of course supply and demand will dictate how many "recreational pot shops" actually survive but does the city not have any responsibility to the community or even to the individuals that will lose most if not all of their life savings on a business venture. Over the past two years there has been an increase in petty crime in the Gunnison area. Is it a direct result of new cannabis laws, a shift in demographics or just the symptoms of a community experiencing growing pains? I personally think it is a combination of all these factors.

We would not support sidewalk cafes because it is impacted by the same decision making process, there will be unintended consequences if approved. What is the goal other? than someone has told you it would be cool. Possibly some may think that there is revenue that they are missing out on. If just making money and getting "rich" is the only motivation for opening a business in Gunnison, then possibly they are in the wrong location. There are restaurants in Gunnison that have patios as a part of their business plans so if there was an overwhelming demand wouldn't there be more?

For over forty years I have always enjoyed the activity of Gunnison's downtown area in the summer and would like to see it enhanced not commercialized. Although not perfect, the current usage of benches, landscaping and trash receptacles is a positive for the area.

1. The 6 foot, continuous corridor is a great idea and we feel it should be from building outward, possibly permanent roofs or coverings which would require benches to be moved or somehow become a part of tree planters, flower beds etc.
2. Bicycle parking must be removed from the sidewalk. Can the no parking {red zones} be utilized as bike parks without losing parking spaces? Possibly inset the racks a foot or two into the sidewalk area at the corners?
3. A common awning design for businesses that don't have them. Existing awnings could be incorporated as a way to provide continuous covered walkways year around. How nice it would be to be able to stroll main street year around without fighting weather.
4. I don't know what happened to the idea of turning the east side of main and Virginia into a permanent public venue but we feel it would be a great way to enhance the downtown experience and would help solve numerous issues including bicycle parking.
5. Most of the restaurants downtown are smaller and utilize the exterior as waiting areas. Enhancing these areas with more benches, planter boxes and shelter would be a way to make the downtown area more appealing. Adding a couple of cafe tables would in my opinion lead to increased costs, lowered standards of service and quality and eventually would hurt overall business. One thing that many operators lose sight of is

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

that "all business is not good business" if you really care about the end product, not just \$\$\$.

6. If Sidewalk cafes are implemented there are regulations that should be implemented:
 - a. Businesses should pay a reasonable rent or fee for usage of public areas to conduct private business upon variance approval.
 - b. Operations serving alcohol must fence or enclose service area to ensure that access and regress occur through licensed premises and not directly onto sidewalk.
 - c. A representative of the licensee must be present in the enclosed service area at all times. (Alcohol passed from patios to underage drinkers is common place, especially in college towns)
 - d. Operators must be responsible for maintaining cleanliness and appearance of area.

In closing I will add that 12 years ago, when we purchased the Oasis, we took a once very popular restaurant turned bar, back in to a thriving restaurant. The Saturday evening prior to our closing the purchase there were exactly 3 cars parked on the 1st two blocks N. Main at 7:00pm. Now there are maybe 3 empty spots. Although we will not say that we are responsible for this turn around, we have definitely been a part of the resurgence of Gunnison's downtown evening viability. Please allow the hard work and innovation of the individuals that have brought this energy to the downtown area to continue without trying to push the visions of a few that don't have the experience or in some cases the nerve to take the risk.

- Sales Tax is key... Do not omit parking. Putting in additional parking near downtown has merit in addition to existing parking.
- BICYCLES & SKATEBOARDS: the riders are all healthy enough to walk a few blocks. Riding on downtown sidewalks should be prohibited. Many elderly, handicapped not only need space to walk but cannot move fast enough to get out of bike & skateboard riders. Parking of bikes on Main Street are not a problem. They really don't take up much space when locked to a tree or the bike racks. However, these should be reserved for tourists, customers. Business owners and employees should park their bikes in the alley behind their store. Concern about vandalism in the alleys is overstated and rarely occurs. SOUTH SIDE MAIN & TOMICHI: The right-of-way is very wide and beyond the control of CDOT. With distinctive pavers a downtown, visible, public plaza could be established in the middle of the street. It would be much more visible than IOOF. Temporary furniture could be used in the summer season. Temporary pedestals could be used to display antique autos, etc. promoting as each big event is about to occur. In addition, a large arch could be placed across the intersection to distinguish the center of Gunnison. The arch could be designed with symbols of all the activities available here (sports, fishing, etc.) or some other feature that is Gunnison's brand. One side might be carved wood, the other steel for structure with imbedded/cut-out, etc. designs on that side. Jane Chaney, retired from the Tourism Association, tried unsuccessfully a few years ago to help downtown businesses to come up with a brand. It is still needed. PARKING: Any Main Street improvements should preferably increase parking spaces. Nothing should be done that will decrease the current number of spaces. The increase in the parking limit fine has helped discourage business owners and employees from dominating the Main Street spaces.
- April 29, 2016 phone call: Debbie Phelps, 219 Tiama Trail, Castle Mtn, 641-1273 (phone ID: Ralph Kiwatkowski) Customers, even non-residents should have a voice in the sidewalk issue

GUNNISON MAIN STREET SIDEWALK SURVEY COMMENTS

She will not be out of town during meetings, hearing on this. Moving bike racks end block, won't work if not enforce. Benches serve customers of individual businesses, moving them to a central area does not serve them. Outdoor seating, not enough room even if take all furniture away, only few feet left to get around. Brewery already has outdoor seating with their balcony. Concerned about liquor being passed illegally from sidewalk dining. We are rural, small town, not Boulder or Cherry Creek, don't need to try to be. Sidewalks will be congested, no place to sit or park so people will go to CB instead. Cops should be visible, walking downtown, community policing.

- Thank you for looking at this! Highway 50 is frightening to cross especially 50 and 135.
- Thanks for asking for input!! Please feel free to call me with any questions 275-9081.
- Please do not take away any more parking by letting a permanent close off area by the farmer's market. A parking problem already exists in the summer months. Need a commute incentive program for locals.
- Please feel free to subsidize all the other businesses by the same amount of free income producing square footage!
- Don't let a single thing go unused. Put a bench in front of the Food Pantry please!
- Need to have more dog stations around the main part of town.
- Public BATHROOMS open and available all year long and signage to direct.
- For the 2 months that our poor retailers are actually making money I feel things could/should stay as is. Gunnison is normally pretty quiet, so if a tourist has to wait a few seconds to pass through on the sidewalk because someone else is looking at clothes rack, maybe they'll say hello and make a new friend. The only thing that really bothers me about downtown now that more families are living downtown. I don't like other families parking in front of my storefront at night and not parking in front of theirs....So that people driving by can see their store front but not mine.

**ORDINANCE NO. 4
SERIES 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON
REPEALING TITLE 8, CHAPTER 8.20, SIDEWALK VENDORS, AND REPEALING
AND REENACTING TITLE 9, CHAPTER 9.40, USE OF PUBLIC RIGHTS-OF-WAY
FOR PRIVATE PURPOSES, OF THE CITY OF GUNNISON MUNICIPAL CODE**

WHEREAS, the City of Gunnison as a home-rule municipality has the power to enact ordinances regulating the use of right-of-ways within its boundaries to ensure the safety and convenience of its citizens and visitors; and

WHEREAS, the City Council of the City of Gunnison directed staff to review policies and standards related to private business sidewalk cafe seating within the Central Business District; and

WHEREAS, on April 5, 2016 the staff provided a report on existing Municipal Code provisions regulating the use of rights-of-way for private purposes and described the existing provisions to be lacking in necessary detail; and

WHEREAS, the City Council of the City of Gunnison desires to establish standards in the municipal code that provide a means to allow for the use of public-rights-of-way for private purposes when there is adequate space and site conditions to ensure that public safety and convenience is not impaired; and

WHEREAS, informal surveys and community input suggests that an active and vital Central Business District is desired; and

WHEREAS, on May 10, 2016 the Council held a public hearing to consider amendments to Title 9, Chapter 9.40 of the Municipal Code regulating the use of public rights-of-way for private purposes; and

WHEREAS, the City Council hereby determines that the proposed standards regulating the use of public rights-of-way for private purposes, is in the best interests of the City of Gunnison, Colorado, and its citizens.

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

Section 1.

Gunnison Municipal Code, Title 8, Chapter 8.20, Sidewalk Vendors is hereby repealed.

Section 2.

Gunnison Municipal Code, Title 9, Chapter 9.40, Use of Public Rights of Way for Private Purposes is hereby repealed and reenacted to read as follows:

9.40.010 Purpose

The purpose of this Chapter is to manage the use of public rights-of-way in a manner that is flexible, adaptable, and protects the community's health, safety and welfare.

9.40.20 Definitions

- A. "Accessway" means that portion of the public sidewalk section designated as the clear and continuous pedestrian corridor for use and enjoyment by the general public.
- B. "Barrier" means any fence, landscaped planter, rope or other perimeter enclosures used to separate cafe sidewalk seating areas from the public accessway or required curb clearance established within the public rights-of-way.
- C. "License" means a Revocable License Agreement, addressing the terms for using a portion of the public rights-of-way for private purposes.

- D. “Licensee” means any property owner, business owner, representative, or assignee that is the signatory to a valid Revocable License Agreement and who is responsible for the maintenance, upkeep and general conformance of the standards established by this Chapter.
- E. “Merchandise Display” means stands, tables, freestanding merchandise or other features intended for sale to the general public that is placed within the public rights-of-way. For the purposes of administering this Chapter, sandwich board signs shall be considered a merchandise display.
- F. “Permanent Physical Feature” means trees, public signage, street lights, fire hydrants, decks, and porch roofs extending into the rights-of-way and any other features deemed by the City Manager to be a permanent feature.

9.40.030 Applicability

This Chapter applies to all public rights-of-way within the City of Gunnison incorporated limits. Any private roads and sidewalks serving development within the city limits are not affected by the standards established herein, but private ways intended for the purposes of public use shall be subject to Section 4.1 (Adequate Public Facilities), Section 4.2 (Road Construction Standards), Section 4.5 (Pedestrian Circulation Facilities) and any other applicable standards established by the *City of Gunnison Land Development Code*.

9.40.040 Administrative Authority and Responsibility

The City Manager, or a designee assigned by the City Manager, shall have the administrative authority over the provisions of this Chapter of the Municipal Code.

9.40.050 Revocable License Agreement Required

All use of public rights-of-way for private purposes requires a Revocable License Agreement (License) approved by the City of Gunnison.

Exceptions: Placing irrigation pumps, irrigation pump covers, mail boxes and landscaping improvements compliant with the *Land Development Code* (Section 4.6, Landscaping, Buffering and Screening) and parking of currently licensed private vehicles within the rights-of-way pursuant to *Municipal Code*, Chapter 5.30 (Traffic) shall not be subject to licensing requirements established in this Chapter.

9.40.060 License Types, Application, and Process

- A. Physical improvements within the public rights-of-way for private purposes are subject to the standards and conditions established by this Chapter. Two types of licenses are established by this Chapter:
 1. **Permanent Feature License Agreement.** Revocable License Agreement applications requesting the placement of apparatus, facilities, posts, any structural element of a building extending into the right-of-way or other permanent physical features shall be subject to review and approval of a Revocable License Agreement acted on by the City Council at a regular or special meeting. Applications proposing cafe sidewalk seating shall be classified as a Permanent Feature License Agreement.
 2. **Administrative Use License Agreement.** A Revocable License Agreement application proposing the placement of merchandise, displays, racks, sandwich boards or other features that are temporary in nature, are subject to administrative approval by the City Manager under the provisions of this Chapter.
- B. **Interpretation Authority.** The City Manager shall have the discretionary authority to determine if a license application is classified as a Permanent feature or an Administrative Use License Agreement. The City Manager may submit any Administrative Use License Agreement application to the City Council for consideration.
- C. **Minimum Application Contents.** All Revocable License Agreement applications shall include, at a minimum, the following information and materials.

1. **Name, Street and Mailing Address, Telephone Number, and Power of Attorney.** The proposed licensee name, address and telephone number. If the licensee is to be represented by an agent, a letter signed by the licensee granting power of attorney to the agent shall be submitted, authorizing the agent to represent the licensee and stating the representative's name, street and mailing address and phone number.
 2. **Legal Description.** The legal description and street address, if such exists, of the property on which the improvement is to be located. **Legal descriptions are available at the County Assessor Office (970-641-1085) or City Community Development Department (970-641-8150).**
 3. **Disclosure of Ownership.** A disclosure of ownership of the property to which the application applies.
 4. **Vicinity Map.** An eight and one-half inch by 11inch vicinity map locating the subject property within the City of Gunnison.
 5. **Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed private use of the public right-of-way complies with the applicable review standards established in this Chapter.
 6. **Plan View and Elevation Drawing.** Any license application proposing to develop a Permanent Feature within public rights-of-way shall provide a scaled plan view (map) and elevation drawing depicting the feature, the continuous and clear accessway, and any other permanent feature located on the sidewalk adjacent to the business front.
 7. **Barriers.** All applications proposing barriers shall include cut sheets or design illustrations depicting the proposal design.
- C. **Process.** Five stages comprise the process for the use of public rights-of-way for private purposes as described below.
1. **Pre-Application Conference.** The licensee is encouraged, but not required to meet with the Community Development Department staff prior to the submittal of a Revocable License Agreement application.
 2. **Application Submittal.** The licensee must provide a complete application to the Community Development Department prior to scheduling a formal review.
 3. **Staff Review.** The Community Development Director or an assigned designee shall review the application within five working days of the application submittal. Upon review completion, the Community Development Department shall notify the applicant of any omissions or required additional information.
 4. **Decision.** All Permanent Physical Feature license applications shall be submitted to and discussed by the City Council at a work session, prior to scheduling any action at a regular meeting. Administrative Use License Agreement shall be approved by City Manager or designee.
 5. **Post Decision Actions.** All uses of public rights-of-way for purposes that are subject to license application review shall be memorialized through the execution of a Revocable License agreement defining the terms by which the licensee shall comply.
- D. **Insurance and Indemnification.** The revocable License Agreement shall be a binding contract approved as to form by the City Attorney. The licensee/property owner hereby agrees to indemnify, defend, and save harmless the city, its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the licensee's use of the public right-of-way. The Licensee shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars covering the Licensee's operation on the sidewalk. Such insurance shall name the City as an additional insured.

- E. **Application Fee.** The application fee for a license agreement shall be determined by resolution approved by the City Council.
- G. **Termination.** Upon termination of the license, the licensee shall immediately remove any permanent features, personal property, furnishings, display and equipment from the right-of-way. The public right-of-way shall be restored to its original condition.

9.40.070 Land Development Code Applicability

- A. **Sidewalk Facilities.** Pedestrian circulation facility improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the Pedestrian Circulation Facilities standards established in Section 4.5 of the *City of Gunnison Land Development Code*.
- B. **Landscaping.** Landscaping improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the standards established in Section 4.5 (Landscaping, Buffers and Screening) of the *City of Gunnison Land Development Code*.
- C. **Signage.** All signs and banners in the public rights-of-way shall be subject to Section 4.8.H of the *City of Gunnison Land Development Code*, which includes the requirement to maintain a current and valid Administrative License Agreement.

9.40.080 Commercial, B-1, CBD Districts

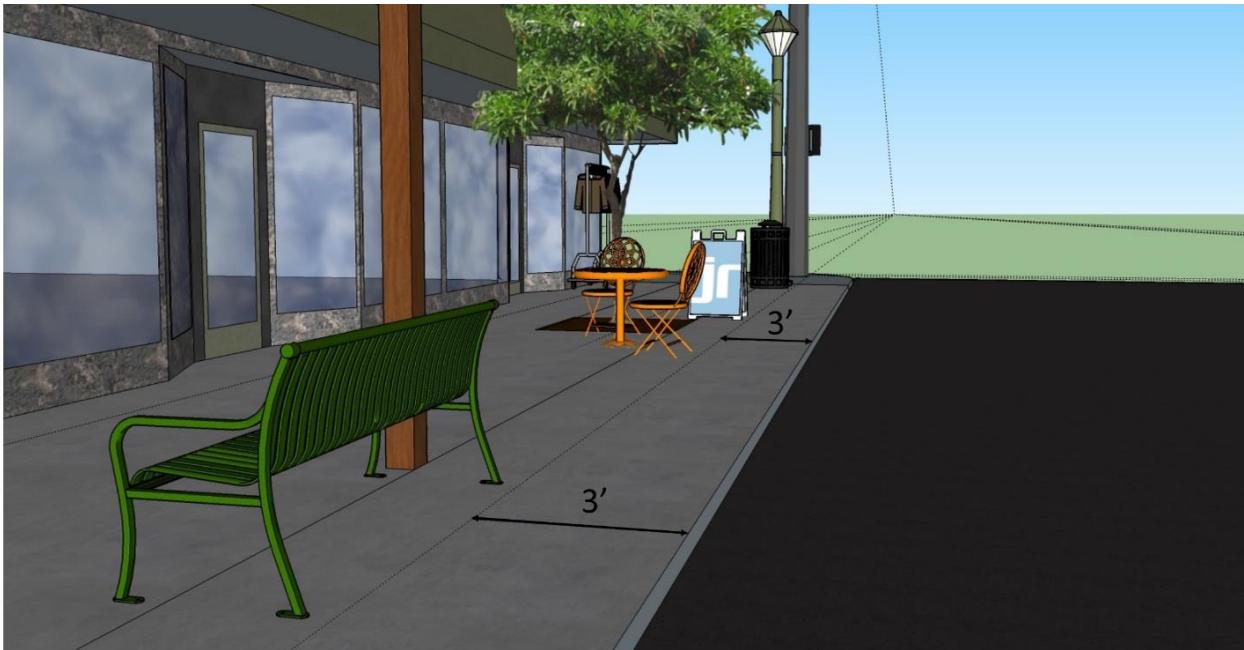
Uses within the Commercial, B-1, and CBD Districts proposing to use public rights-of-way for private purposes shall be subject to the standards established herein.

A. General Standards.

- 1. **Accessway.** All public sidewalks shall maintain a minimum six feet wide clear and continuous pedestrian corridor. The accessway shall, in most cases, be located between the property line and any irrigation ditch located within the right-of-way. No clear and continuous accessway shall be located within the curb clearance area. Horizontal transitions of accessways shall not exceed an off-set of greater than three feet and shall have a uniform transition geometry between off-sets to accommodate easy pedestrian movement.



2. **Curb Clearance.** Proposed uses on public sidewalks shall be arranged and conducted in a manner to maintain a minimum three feet of clear distance from the curb edge. Placement of permanent features, merchandise displays or other items shall not create a barrier greater than 15 feet in length that preclude pedestrians from moving between parking stalls and the accessway.



3. **Americans with Disabilities Act Standards.** Any proposed use of public rights-of-way for private purposes shall fully comply with all provisions of the Americans with Disabilities Act (ADA).
4. **Vertical Clearance.** Any proposed use of public rights-of-way for private purposes shall maintain a minimum seven feet of vertical clearance distance from the sidewalk grade.
5. **Sound System Noise Level.** The maximum noise level for any sound system equipped with speakers within the public rights-of-way shall not exceed 60 decibels.
6. **Electric Cords or Other Tripping Hazard.** The use of electric cords or other features not specifically addressed herein, but that could create a tripping hazard, are prohibited.

B. Merchandise Display Standards.

1. Merchandise displays located on public sidewalks shall be contained in no more than two display clusters per business frontage.
2. The aggregate maximum coverage area of displays shall be 35 square feet of the sidewalk surface area directly adjacent to the business store front. For the purposes of administering this Chapter, the display of sandwich boards shall be considered a merchandise display, and signage standards established by the *City of Gunnison Land Development Code* (Section 4.8) shall apply.
3. Merchandise displays shall be removed from the public rights-of-way after business hours.
4. Placement of merchandise displays shall not create a dangerous public condition and shall provide adequate means for emergency egress and ingress from any adjacent building.

C. Sidewalk Cafe Standards.

1. Sidewalk cafe seating shall be arranged in a manner that complies with all provisions of Section 9.40.080.A General Standards.
2. Sidewalk cafe seating shall be licensed for use between March 15th and November 15th. The licensee may be required to discontinue sidewalk cafe seating at any time as determined and ordered by the City Manager.

3. Sidewalk cafe seating shall be located directly adjacent to the business wall-plane or property line. Alternative seating layout may be considered if Section 9.40.080.A General Standards are satisfied.
4. Sidewalk cafe seating may extend onto an adjacent business only upon written agreement by the adjacent property owner and under the condition that insurance indemnification provisions protecting the City's interest are satisfied.
5. Tables, chairs and other features associated with sidewalk cafe seating shall not interfere with the pedestrian accessway or the curb clearance area. **Chairs next to the pedestrian accessway shall be placed in a manner as not to impede upon the accessway.**



6. Smoking in the cafe seating area is prohibited.
7. Sidewalk cafe seating associated with a business serving alcoholic beverages shall be limited to the specified Premise established by a current Colorado State and City Liquor License. The specified premise shall abut directly to the building wall plane/property line bordering the licensee's business.
8. Sidewalk cafe seating associated with a business serving alcoholic beverages shall have a barrier bordering the liquor license's established Premise. **Pursuant to state regulations, the serving of alcohol shall be conducted within defined barrier.** Sidewalk cafe seating businesses not serving alcohol are not required to, but may install a barrier.
9. Perimeter barriers associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
 - a. **General.** The location, design and construction of all barriers is subject to review and approval by the City Council.
 - b. **Design Concept.** The physical design of the barrier shall be compatible with the design of the building, shall be visually appealing and help to separate the dining/seating area from the side.
 - c. **Open Appearance.** Barriers shall be at least 70 percent open (transparent) in order to maintain visibility of street level activity.
 - d. **Height.** Barriers shall be a minimum height of 36 inches and may not exceed 42 inches in height.

- e. **Anchoring.** Barriers may be anchored through the use of recessed sleeves and posts or weighted bases, or other means approved by the City. When removed, the resulting surface must be flush with the sidewalk.
 - f. **Support Members.** Stanchions or other vertical supporting members that have a base shall not create a tripping hazard. The stanchion base shall not be domed or more than one-half inch above the sidewalk surface. **The stanchion bases shall not impede upon accessway.**
 - g. **Use of Planters.** Planters may be used in situations where no barrier is required. All planters must have living plants contained within them. Dead plants must be replaced or the planter removed from public view.
 - h. **Prohibited Materials.** Fabric inserts of any size, chain-link, cyclone fencing, standard wire gage material or similar small soft metal materials are prohibited from being used as part of the barrier.
10. **Furniture and Features.** Furniture and features associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
- a. The licensee shall ensure that tables, chairs and other materials do not interfere with pedestrian movement in the accessway.
 - b. Chairs next to the pedestrian accessway shall be placed at a 90-degree angle so as not to obstruct pedestrian movement.
 - c. Furniture and features must maintain a good visual appearance without visible fading, dents, tears, rust or chopped/peeling paints.
 - d. All furniture and features must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
 - e. Furniture and features must not be secured to trees, lampposts, street signs, hydrant or any other public street infrastructure by any means during restaurant operation hours or when the business is closed.
11. **Lighting.** Lighting will be required for outdoor dining areas where food will be eaten during evening hours. Lighting features shall be decorative and complement the architectural character of the building façade. Lighting features will illuminate only the sidewalk area and shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers.
12. **Maintenance.** The licensee shall keep the outdoor dining area clear from litter, food scraps, and soiled dishes and utensils at all times. Debris generated from the business shall not be disposed in public trash receptacles located in the public rights-of-way. Private trash receptacles shall be emptied daily. **The Licensee is required to keep the entire sidewalk in and around the sidewalk seating area clean and orderly.** No debris shall be swept, washed or blown into the sidewalk, **irrigation ditches**, gutter or street.

9.40.090 Residential Districts (Reserved)

9.40.100 Industrial District (Reserved)

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of _____, 2016, on first reading, and introduced, read, and adopted on second and final reading this _____ day of _____, 2016.

Richard Hagan, Mayor

(SEAL)

ATTEST:

Gail Davidson, City Clerk



To: City Council
CC: Interim City Manager Mark Achen
From: City Clerk Gail Davidson
Date: May 5, 2016
RE: Consent Agenda

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.

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

Action Requested of Council:

Motion, second and vote to approve the Consent Agenda as presented with the following items:

- Approval of Minutes of April 26, 2016, Regular Session Meeting;
- Approval of City Website Domain Name Request Letter;
- Approval of Amended Memorandum of Agreement with Gunnison Chamber of Commerce, Re: Visitor Center Operations Funding; and
- Approval of Complete Streets Project Colorado Pedals Program Grant Application Letter.

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, Interim City Manager Achen, City Clerk Davidson, Public Works Director Bradford, Finance Director Cowan, Community Development Director Westbay, several citizens and the press. A Council quorum was present.

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.

**Approval of Habitat for Humanity Request to Waive Building Permit Fees;
Appointment of New Election Commission Members and BOZAA Member;
Approval of Contract for Service for “Sources of Strength Program” in the Amount
of \$3,800.00;**

**Set Special Session of Council for Monday, May 9, 2016, at 12:00 P.M. for Council to
Hold an Executive Session to Select City Manager Semi-Finalists and Direct
SGR to Conduct Review on those Semi-Finalists; and**

Set Public Hearing on Ordinance No. 4, Series 2016, for 7:00 P.M., May 10, 2016.

City Clerk Davidson informed Council the three appointees to the Election Commission are Kathleen Kinkema, Susan Crawford for full terms and Sharon Cave as the Alternate, and for the appointment of Sharon Cave to the Zoning Board of Adjustments and Appeals.

Councilor Ferguson moved and Councilor Morrison seconded the motion to approve the Consent Agenda as read.

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

Roll call vote, no: None.

Consideration of Minutes:

Minutes of April 12, 2016, Regular Session Meeting.

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the April 12, 2016, Regular Session meeting minutes as submitted.

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

Roll call vote, no: None.

Roll call vote, abstain: Schwartz. He was absent from the meeting.

Pre-Scheduled Citizens: None.

Old Business: None.

New Business:

Action on Terms for a Joint City-County Federal Lands Access Grant (FLAP) Grant Application for the Gold Basin Trail Project.

Interim City Manager Achen and Community Development Director Westbay gave Council information on the proposed Federal Lands Access Program (FLAP) Grant. County Commissioner Jonathan Houck joined in the conversation. The Federal Highway Administration (FHA) has excess funds available from larger highway projects in the form of grants to enhance the public's access to federally-administered lands. The grant application being proposed is a joint application between the County and the City for the construction of the Gold Basin Trail Project. The trail would link the Hartman Rocks Recreation Area via a trail running on the east side of Gold Basin Road. The City is proposing adding links to the City's Thornton Way trail to enhance access on the west side of the City and to the Rio Grande Avenue bike trail to further access the trails on the south and east side of the City. Those links would add approximately \$60,000 to the total project. The FLAP Grant requires a 17.21% local grant match during the engineering and construction phases and a \$10,000 up front payment at the time of grant award. The estimated total cost of the project is \$1.5 Million, with the project cost to the City of approximately \$280,000-\$290,000. Funding is proposed to be taken from the 1A sales tax-generated funds. Approximately \$100,000 in City funds would be utilized each year for 2017-2018 and 2019. The County will write the application and administer the grant since federal grant funds require a higher level of auditing

than the City has at this time and that the County has in-place. Commissioner Houck stated the project is not only good for local citizens but for attracting visitors to the Valley. The FHA does the engineering and construction on the project. In addition to writing and administering the grant, the County will manage the project, give the easement for the trail along the east side of Gold Basin Road, will deal with any wetlands mitigation and will work with the FAA on any airport issues that arise. Director Westbay stated the proposal would provide great connectivity to federal lands. The trails linkage is already included in the City-adopted Trails Master Plan. The local Bureau of Land Management office, who administers Hartman Rocks, has indicated their interest in partnering on the project. The grant application is due May 21st.

Councilor Morrison indicated she is hesitant about the project since there are no absolute costs. She asked if the trail would be visible from Highway 50 as people traveled in from the west. Director Westbay stated that is the plan, that visibility and signage for the trail would increase its viability.

Councilor Schwartz stated the costs would be agreed upon in the grant application. Tonight, City Staff and the County are looking for direction on moving forward. Director Westbay stated City staff is fully in favor of the project. Since the City co-owns the Hartman Rocks base area that connectivity will enhance our in-town and out-of-town amenities. The County has agreed to do the maintenance on the trail once it is constructed. An Intergovernmental Agreement (IGA) between the City and the County will need to be developed and signed outlining the funding, grant administration, and trail maintenance provisions of the project.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to direct Staff to move forward and work with Gunnison County on the submission of the FLAP Grant application for the Gold Basin Trail Project and to prepare an IGA with the County for consideration as needed.

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

Roll call vote, no: None.

Action on Filing Statement of Opposition on Division 4 Water Court Case No. 16CW3009; Re: Gunnison River Upstream of City Wells.

Director Bradford informed Council the City contracts with Water Attorneys in Denver who follow all water court cases in the Valley. They are recommending filing a statement of opposition for two reasons. One is to keep current with all information filed on the case and the other is to ensure the diversion of the proposed 0.4 cfs water right complies with the water engineers requirements. It is a junior right to the City's senior rights. This is a standard procedure in these water cases.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve notifying the City's Water Counsel to file the City's statement of opposition regarding the Division 4 Water Court Case No. 16CW3009.

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

Roll call vote, no: None.

Action on Supporting NWCCOG's Letters to Governor and Senator, Re: Federal Drought Action Plan Priority for Colorado River Basin.

Frank Kugel, General Manager of the Upper Gunnison River Water Conservancy Board, stated he made minor changes to the letters for the NWCCOG's QQ and had them include sending the letter to Senator Cory Gardner as well. He supports the letters and CML has recommended their approval as well.

Councilor Morrison moved and Councilor Drexel seconded the motion to support the Northwest Colorado Council of Government's letters to Governor Hickenlooper and Senators Bennet and Gardner regarding encouraging federal agency cooperation in the Colorado River Basin water issues.

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

Roll call vote, no: None.

Resolutions and Ordinances:

Ordinance No. 1, Series 2016; Re: Additional Appropriations to 2016 Budget; 2nd Reading. Councilor Ferguson introduced Ordinance No. 1, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 1, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016**, be introduced, read, passed including the amounts in the document, and adopted on second and final reading this 26th day of April, 2016.

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

Roll call vote, no: None.

Ordinance No. 2, Series 2016; Re: Approving Major Change to the Gunnison Rising PUD; 2nd Reading. Councilor Drexel introduced Ordinance No. 2, Series 2016, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Ferguson seconded the motion that Ordinance No. 2, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 2.1: PUD ZONING AND LAND USE ALLOCATIONS; SECTION 2.6: HIGHWAY ACCESS CONTROL PLAN; AND APPENDIX A: DEVELOPMENT PHASING WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS**, be introduced, read, passed and adopted on second and final reading this 26th day of April, 2016.

As with the first reading of the Ordinance, Mayor Hagan explained he was voting no on the Ordinance because he thinks the increase in allowed commercial square footage is too large and will have a negative effect on the existing Main Street and Tomichi commercial districts. There is plenty of available property vacant in the existing commercial zones. Councilor Ferguson stated he is voting for the Ordinance since it helps further the cause of the WSCU Foundation to accomplish what they envision on their property and he doesn't see a direct conflict between the commercial property on the Gunnison Rising property and the existing commercial zones. He thinks the areas will have different draws for different types of businesses. By approving this increase, the City is following the recommendation of the Community Builders Task Force to jump start economic growth in the community.

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

Roll call vote, no: Hagan.

Ordinance No. 3, Series 2016; Re: Text Amendment to Gunnison Land Development Code Regarding Tree and Shrub Buffer Plantings; 2nd Reading. Councilor Morrison introduced Ordinance No. 3, Series 2016, and it was read by title only by the City Attorney.

Councilor Morrison moved and Councilor Schwartz seconded the motion that Ordinance No. 3, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO AMEND SECTION 2, ZONING DISTRICTS; SECTION 4, GENERAL DEVELOPMENT STANDARDS; SECTION 9, DEVELOPMENT STANDARD WAIVERS; AND, SECTION 12, SUBDIVISION STANDARDS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE**, be introduced, read, passed and adopted on second and final reading this 26th day of April, 2016.

Discussion ensued. Community Development Director Westbay informed Council that, after speaking with Councilor Schwartz, the intent of Section 4.4 F. Off-Street Parking was not clear. The wording is too restrictive as written and needs to be amended.

Vote on amendment: Councilor Ferguson moved and Councilor Morrison seconded the motion to amend Section 4.4 F. on page four of the Ordinance to read "Off-street parking areas are subject to the following driveway access standards:"

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

Roll call vote, no: None.

Vote on original motion:

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

Roll call vote, no: None.

Reports:

City Attorney Kathleen Fogo: Nothing further to report.

Interim City Manager Mark Achen: Interim City Manager Achen reported on the following: the Special Session that Council set for May 9th will start at 12 Noon and Council will select the City Manager semi-finalists and lunch will be provided; there will be a “Race for Freedom” event starting at Char-Mar Park and on the VanTuyl Trails on Saturday morning and then the “Out of Darkness Walk for Suicide Prevention” event will take place starting at the High School to the Community School and onto the VanTuyl trails on Sunday; the annual Hartman Rocks Cleanup will take place starting on Sunday morning; and he thanked Councilor Morrison for reviewing the marketing brochure from the State. Councilor Morrison stated it is more of a Tourism Association piece and has a very high price for a print ad. Manager Achen then informed Council that he and Staff passed out downtown sidewalk surveys to the businesses last week and approximately one third have already been returned.

Acting City Manager: PW Director Tex Bradford – Semi-Annual Department Report. Public Works Director Bradford asked Council if they had any questions regarding the report he submitted. There were no questions regarding the report.

City Clerk Gail Davidson: informed Council that Alex Alejandre, the Council WSCU Liaison, stopped by her office this afternoon and asked that Council be notified he will not be attending any future Council meetings. It is getting to the end of the semester and his schedule is filling up. He wants to thank all of Council for the opportunity to work with them and he found it to be a rewarding experience. Council agreed that Alex did a good job of representing Western students.

Western State Colorado University Student Liaison Alex Alejandre: absent.

Non-Scheduled Citizens: None.

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

Councilor Ferguson: reported he attended no meetings last week and therefore has no report. Councilor Ferguson thanked Eric Freson, Gunnison Chamber of Commerce Executive Director, for attending the meeting.

Councilor Drexel: reported that Region 10 has made an offer to an individual for the Business Loan Fund vacancy. He will be attending the Region 10 meeting on Thursday and will find out if the person accepted the position.

Mayor Hagan: reported he, Leia and Steve Westbay attended the meeting with CDOT in Grand Junction last Thursday. There were five high-level CDOT representatives present as well. They discussed the Tomichi Avenue highway corridor design ideas and a few of the ideas proposed for Main Street. He felt CDOT was fairly receptive of the design. They talked about protected bike lanes, highway crossings including pedestrian activated flashing walk lights, and then discussed funding possibilities. Councilor Morrison added she felt the meeting was very positive. She feels they are starting to understand the safety issues as the basis for these changes. There will be one more community meeting on the Complete Streets Project for the community on May 26th. CD Director Westbay added that the City is now working on building partnerships for potential funding opportunities and he will be bringing forward a grant application letter to Council for their review next week. The grant application needs to be submitted by the end of May. Mayor Hagan then stated he attended the Community Cleanup Event last Saturday and City Staff did a great job on the event. He attended the Upper Gunnison River Water District meeting last night and it was reported the Gunnison Basin is at 93% of normal and Blue Mesa Reservoir is projected to be filled to 90% capacity this summer. The Water Board also talked about a Trout Unlimited proposal but endorsement for that proposal wasn't given at the meeting. The Board will discuss it further.

Councilor Morrison: reported in addition to the 6-½ hour CDOT meeting last Thursday, she attended the Chamber Board meeting this morning. The Visitor Center organizational meeting will take place on Wednesday morning. The annual Summer Forecast meeting is coming up and there will be Valley-wide participation in that meeting on Tuesday, May 10th at the Fred Field Center. Restaurant Week did well last week and the Chamber is preparing for many summer events.

Councilor Schwartz: informed Council he attended the RTA planning process meeting. Surveys will be distributed this summer regarding transportation needs in the Valley. Councilor Schwartz then asked Council if they are interested in the City becoming a member of the Downtown Colorado Inc. organization. It is \$295.00 dues per year and in light of what is being proposed by the CBTF for downtown Gunnison, he thinks the organization could be a valuable information resource on those issues. Council consensus was to join the organization and pay the dues out of the City Council dues line item.

Adjournment: Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 8:07 P.M.

Mayor

City Clerk



City of Gunnison

May 10, 2016

.Gov Domain Registration
c/o Verisign, Inc.
12061 Bluemont Way
Reston, Virginia 20190

Dear Domain Manager:

As Mayor of the City of Gunnison, I formally request the authority over the gunnisonco.gov second-level domain name be delegated to the City of Gunnison, Colorado. I attest that I am the Mayor of the City of Gunnison, Colorado and have signing rights on behalf of the City of Gunnison, Colorado.

This domain name will be used for City of Gunnison official business, including our website and email domain name. The use of this domain is consistent with the City of Gunnison Internet policy. In addition, I will ensure the content of the requested domain name conforms to the .Gov policy.

By requesting this domain name, I acknowledge that I will be responsible for payment of the annual \$125 .Gov domain fee. I understand that if I wish to retire my domain, I must submit a written request to Registrar@dotgov.gov. If a written request is not submitted, I understand that I will continue to be responsible for all accrued domain fees.

The following individuals will be listed as POCs for gunnisonco.gov. It is understood that the POC information must remain valid and up to date.

Administrative Point of Contact (APOC)

Ms. Gail A. Davidson
Title City Clerk
Address 201 W. Virginia Ave/P.O. Box 239 Gunnison, CO 81230
Phone/Fax Number 970-641-8140/970-641-8051
Email Address gail@cityofgunnison-co.gov

Billing Point of Contact (BPOC)

Mr. Ben Cowan
Title Finance Director
Address 201 W. Virginia Ave/PO Box 239 Gunnison, CO 81230
Phone/Fax Number 970-641-8162/970-641-8051
Email Address ben@cityofgunnison-co.gov

Technical Point of Contact (TPOC)

Mr. Mike Lee
Title Systems Administrator
Address 201 W. Virginia Ave
Phone/Fax Number 970-641-8179/970-641-8051
Email Address mlee@cityofgunnison-co.gov

Sincerely,

Richard Hagan, Mayor, City of Gunnison

FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT

WHEREAS, 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" entered into a Memorandum of Agreement ("MOA") made effective the 12th day of January, 2016; and,

WHEREAS, both parties to such agreement desire to amend the terms of the MOA resulting in more convenient administration of the agreement; and

WHEREAS, such amendment shall replace Section 3. Consideration. in whole;

NOW, THEREFORE, in consideration of the mutual agreements included herein, the sufficiency of which is hereby acknowledged, the parties agree to amend the MOA dated January 12, 2016:

3. CONSIDERATION.

- (a) CHAMBER agrees to provide a report asserting the continued efficacy of visitor centers in the electronic age by December 31, 2016.
- (b) CHAMBER agrees to provide a business plan for the Visitor Center by July 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.

IN WITNESS WHEREOF, the parties have executed this Amendment 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: _____

MEMORANDUM

TO: City Council
FROM: Steve Westbay
DATE: May 10, 2016
RE: Colorado Pedals to Parks Cover Letter

The final draft letter is included in the Council packet. The BOCC has been included to the CC list. Carlos Hernandez and I are discussing a couple more individuals/organizations to add to the CC list and any proposed additions will be discussed on Tuesday night.

May 10, 2016

Colorado Department of Transportation
Attn: Mr. Shialen Bhatt
4201 E. Arkansas Avenue
Denver, CO 80222

Sent Via Email
Original Sent Via 1st Class Mail

Dear Mr. Bhatt:

The purpose of this letter is to express interest in the Colorado Pedals Project and explain the City's request for a grant application in the amount of \$2.5 million under this exciting program. During the past ten years, the City has actively pursued the redevelopment and expansion of public transportation facilities. In 2012, Gunnison was presented the Silver Award by Bicycle Friendly Communities, which was primarily due to City leaders prioritizing non-motorized transportation. Gunnison now seeks to make a transformative change by implementing a Complete Streets model along the City's urban highway corridors. This letter summarizes the ongoing Gunnison Complete Streets project and enumerates the details that make this project worthy of funding through the Colorado Pedals Project.

In 2015, the City began the public scoping process for developing a new Comprehensive Plan. Resoundingly, the community endorsed development of new bike lanes and pedestrian facilities. In fact, citizens lobbied the Council to take immediate action for redeveloping the urban highway corridor. The City Council then appropriated approximately \$40,000 for a Complete Streets public scoping process. In 2016, the Council appropriated another \$100,000 for a design/build program for our U.S. Highway 50 corridor.

In conjunction with an extensive public outreach program, the Colorado Department of Transportation (CDOT) Region 3 staff and City began discussing engineering design details. During the past seven months several webinars involving Region 3 staff have taken place. A milestone meeting occurred on April 21, 2016, when City Council representatives and consultants from Fox, Tuttle and Hernandez travelled to CDOT's Grand Junction office for a day-long program meeting. As a result of this meeting, CDOT Region 3 and the City have formed a partnership for the submittal of this Colorado Pedals Project grant request.

The U.S. Highway 50 urban corridor, with rights-of-way ranging from 95 feet to 200 feet in width, traverses the city in a general east/west direction. The highway effectively segregates the community's neighborhoods and land uses, and constrains non-motorized travel.

Gunnison Complete Streets is focused on funding the design and construction of bicycle facilities along the U.S. Highway 50 corridor (Tomichi Avenue). The project includes intersection designs facilitating non-motorized movements across the 100+ foot wide urban highway corridor. Preliminary engineering designs propose the construction of parking protected bikeways on each side of U.S. Highway 50 through the majority of the community. The design also proposes two improved intersection crossings, one on each end of this corridor. These would provide safe, non-motorized crossings, fulfill traffic calming desires and serve as iconic community entry features. Design has also focused on the U.S. Highway 50/State Highway 135 intersection. The desire is to develop emblematic and functional Complete Streets elements within the community's Central Business District as well.

In 2012, CDOT Region 3 and the City initiated a *Highway Access Control Plan* on the eastern Highway 50 corridor, and using a partnership approach this landmark project took about one year to complete. Now the community has called for City leaders to transform our urban highway system and the Region 3/City partnership has been rekindled. Gunnison has invested approximately \$140,000 to bring the community's vision to a point of detail with preliminary engineering, design and cost estimates (\$2.5 million) vetted through an ongoing public process. Council is enthusiastic about possibilities for this partnership to result in a transformative community change.

Please feel free to contact Steven Westbay (Community Development Director) or City Council directly if you have any questions or desire to discuss this opportunity in more detail.

Sincerely,

Richard Hagan, Mayor

Robert E. Drexel, Mayor Pro Tem

Councilor Leia Morrison

Councilor Stu Ferguson

Councilor Matthew Schwartz

CC: Mr. Michael Lewis (CDOT Deputy Director)
Mr. Kenneth Gart (CDOT Bike Czar)
Mr. David Eller (Director, CDOT Region 3)
Board of County Commissions, Gunnison County

Enclosure: U.S. Highway 50 Design Plan Set

Memo

To: City Council
From: City Clerk Gail Davidson
CC: Interim City Manager Achen
Date: 5/6/2016
Re: Special Session for May 25, 2016

In order to select the City Manager Vacancy Finalists with Mike Tanner, the executive search consultant with SGR, in attendance, a Special Session meeting of Council needs to set. The selection will take place in an Executive Session and that session can only take place at a Regular or Special Session meeting of Council. Mike is available to meet with Council on Wednesday, May 25th to accomplish this selection. Thank you for your consideration of this action. Gail

Action requested of Council: Set a Special Session meeting of Council in the downstairs conference room of City Hall, 201 W. Virginia Avenue in Gunnison, for Wednesday, May 25, 2016, at 1:00 P.M. for action on the following agenda items:

- Executive Session to Select Finalist Applicants for the City Manager Vacancy;
- Following Executive Session in open meeting; Direct Strategic Government Resources to conduct final reviews and investigations on the selected finalist candidates.

**ORDINANCE NO. 4
SERIES 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON
REPEALING TITLE 8, CHAPTER 8.20, SIDEWALK VENDORS, AND REPEALING
AND REENACTING TITLE 9, CHAPTER 9.40, USE OF PUBLIC RIGHTS-OF-WAY
FOR PRIVATE PURPOSES, OF THE CITY OF GUNNISON MUNICIPAL CODE**

WHEREAS, the City of Gunnison as a home-rule municipality has the power to enact ordinances regulating the use of right-of-ways within its boundaries to ensure the safety and convenience of its citizens and visitors; and

WHEREAS, the City Council of the City of Gunnison directed staff to review policies and standards related to private business sidewalk cafe seating within the Central Business District; and

WHEREAS, on April 5, 2016 the staff provided a report on existing Municipal Code provisions regulating the use of rights-of-way for private purposes and described the existing provisions to be lacking in necessary detail; and

WHEREAS, the City Council of the City of Gunnison desires to establish standards in the municipal code that provide a means to allow for the use of public-rights-of-way for private purposes when there is adequate space and site conditions to ensure that public safety and convenience is not impaired; and

WHEREAS, informal surveys and community input suggests that an active and vital Central Business District is desired; and

WHEREAS, on May 10, 2016 the Council held a public hearing to consider amendments to Title 9, Chapter 9.40 of the Municipal Code regulating the use of public rights-of-way for private purposes; and

WHEREAS, the City Council hereby determines that the proposed standards regulating the use of public rights-of-way for private purposes, is in the best interests of the City of Gunnison, Colorado, and its citizens.

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

Section 1.

Gunnison Municipal Code, Title 8, Chapter 8.20, Sidewalk Vendors is hereby repealed.

Section 2.

Gunnison Municipal Code, Title 9, Chapter 9.40, Use of Public Rights of Way for Private Purposes is hereby repealed and reenacted to read as follows:

9.40.010 Purpose

The purpose of this Chapter is to manage the use of public rights-of-way in a manner that is flexible, adaptable, and protects the community's health, safety and welfare.

9.40.20 Definitions

- A. "Accessway" means that portion of the public sidewalk section designated as the clear and continuous pedestrian corridor for use and enjoyment by the general public.
- B. "Barrier" means any fence, landscaped planter, rope or other perimeter enclosures used to separate cafe sidewalk seating areas from the public accessway or required curb clearance established within the public rights-of-way.
- C. "License" means a Revocable License Agreement, addressing the terms for using a portion of the public rights-of-way for private purposes.

- D. "Licensee" means any property owner, business owner, representative, or assignee that is the signatory to a valid Revocable License Agreement and who is responsible for the maintenance, upkeep and general conformance of the standards established by this Chapter.
- E. "Merchandise Display" means stands, tables, freestanding merchandise or other features intended for sale to the general public that is placed within the public rights-of-way. For the purposes of administering this Chapter, sandwich board signs shall be considered a merchandise display.
- F. "Permanent Physical Feature" means trees, public signage, street lights, fire hydrants, decks, and porch roofs extending into the rights-of-way and any other features deemed by the City Manager to be a permanent feature.

9.40.030 Applicability

This Chapter applies to all public rights-of-way within the City of Gunnison incorporated limits. Any private roads and sidewalks serving development within the city limits are not affected by the standards established herein, but private ways intended for the purposes of public use shall be subject to Section 4.1 (Adequate Public Facilities), Section 4.2 (Road Construction Standards), Section 4.5 (Pedestrian Circulation Facilities) and any other applicable standards established by the *City of Gunnison Land Development Code*.

9.40.040 Administrative Authority and Responsibility

The City Manager, or a designee assigned by the City Manager, shall have the administrative authority over the provisions of this Chapter of the Municipal Code.

9.40.050 Revocable License Agreement Required

All use of public rights-of-way for private purposes requires a Revocable License Agreement (License) approved by the City of Gunnison.

Exceptions: Placing irrigation pumps, irrigation pump covers, mail boxes and landscaping improvements compliant with the *Land Development Code* (Section 4.6, Landscaping, Buffering and Screening) and parking of currently licensed private vehicles within the rights-of-way pursuant to *Municipal Code*, Chapter 5.30 (Traffic) shall not be subject to licensing requirements established in this Chapter.

9.40.060 License Types, Application, and Process

- A. Physical improvements within the public rights-of-way for private purposes are subject to the standards and conditions established by this Chapter. Two types of licenses are established by this Chapter:
 - 1. **Permanent Feature License Agreement.** Revocable License Agreement applications requesting the placement of apparatus, facilities, posts, any structural element of a building extending into the right-of-way or other permanent physical features shall be subject to review and approval of a Revocable License Agreement acted on by the City Council at a regular or special meeting. Applications proposing cafe sidewalk seating shall be classified as a Permanent Feature License Agreement.
 - 2. **Administrative Use License Agreement.** A Revocable License Agreement application proposing the placement of merchandise, displays, racks, sandwich boards or other features that are temporary in nature, are subject to administrative approval by the City Manager under the provisions of this Chapter.
- B. **Interpretation Authority.** The City Manager shall have the discretionary authority to determine if a license application is classified as a Permanent feature or an Administrative Use License Agreement. The City Manager may submit any Administrative Use License Agreement application to the City Council for consideration.

C. **Minimum Application Contents.** All Revocable License Agreement applications shall include, at a minimum, the following information and materials.

1. **Name, Street and Mailing Address, Telephone Number, and Power of Attorney.** The proposed licensee name, address and telephone number. If the licensee is to be represented by an agent, a letter signed by the licensee granting power of attorney to the agent shall be submitted, authorizing the agent to represent the licensee and stating the representative's name, street and mailing address and phone number.
2. **Legal Description.** The legal description and street address, if such exists, of the property on which the improvement is to be located. Legal descriptions are available at the County Assessor Office (970-641-1085) or City Community Development Department (970-641-8150).
3. **Disclosure of Ownership.** A disclosure of ownership of the property to which the application applies.
4. **Vicinity Map.** An eight and one-half inch by 11inch vicinity map locating the subject property within the City of Gunnison.
5. **Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed private use of the public right-of-way complies with the applicable review standards established in this Chapter.
6. **Plan View and Elevation Drawing.** Any license application proposing to develop a Permanent Feature within public rights-of-way shall provide a scaled plan view (map) and elevation drawing depicting the feature, the continuous and clear accessway, and any other permanent feature located on the sidewalk adjacent to the business front.
7. **Barriers.** All applications proposing barriers shall include cut sheets or design illustrations depicting the proposal design.

C. **Process.** Five stages comprise the process for the use of public rights-of-way for private purposes as described below.

1. **Pre-Application Conference.** The licensee is encouraged, but not required to meet with the Community Development Department staff prior to the submittal of a Revocable License Agreement application.
2. **Application Submittal.** The licensee must provide a complete application to the Community Development Department prior to scheduling a formal review.
3. **Staff Review.** The Community Development Director or an assigned designee shall review the application within five working days of the application submittal. Upon review completion, the Community Development Department shall notify the applicant of any omissions or required additional information.
4. **Decision.** All Permanent Physical Feature license applications shall be submitted to and discussed by the City Council at a work session, prior to scheduling any action at a regular meeting. Administrative Use License Agreement shall be approved by City Manager or designee.
5. **Post Decision Actions.** All uses of public rights-of-way for purposes that are subject to license application review shall be memorialized through the execution of a Revocable License agreement defining the terms by which the licensee shall comply.

D. **Insurance and Indemnification.** The revocable License Agreement shall be a binding contract approved as to form by the City Attorney. The licensee/property owner hereby agrees to indemnify, defend, and save harmless the city, its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the licensee's use of the public right-of-way. The Licensee shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars covering the Licensee's operation on the sidewalk. Such insurance shall name the City as an additional insured.

E. **Application Fee.** The application fee for a license agreement shall be determined by resolution approved by the City Council.

G. **Termination.** Upon termination of the license, the licensee shall immediately remove any permanent features, personal property, furnishings, display and equipment from the right-of-way. The public right-of-way shall be restored to its original condition.

9.40.070 Land Development Code Applicability

A. **Sidewalk Facilities.** Pedestrian circulation facility improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the Pedestrian Circulation Facilities standards established in Section 4.5 of the *City of Gunnison Land Development Code*.

B. **Landscaping.** Landscaping improvements associated with either a Land Use Development Application or a Site Development application shall be subject to the standards established in Section 4.5 (Landscaping, Buffers and Screening) of the *City of Gunnison Land Development Code*.

C. **Signage.** All signs and banners in the public rights-of-way shall be subject to Section 4.8.H of the *City of Gunnison Land Development Code*, which includes the requirement to maintain a current and valid Administrative License Agreement.

9.40.080 Commercial, B-1, CBD Districts

Uses within the Commercial, B-1, and CBD Districts proposing to use public rights-of-way for private purposes shall be subject to the standards established herein.

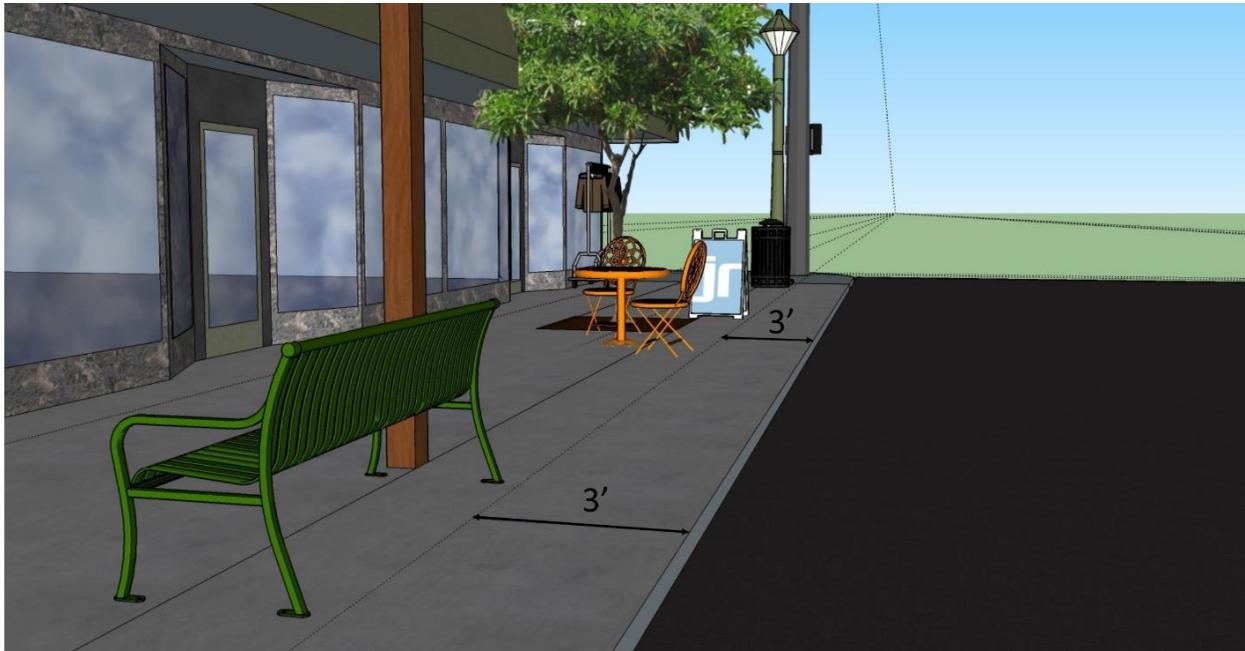
A. General Standards.

1. **Accessway.** All public sidewalks shall maintain a minimum six feet wide clear and continuous pedestrian corridor.

The accessway shall, in most cases, be located between the property line and any irrigation ditch located within the right-of-way. No clear and continuous accessway shall be located within the curb clearance area. Horizontal transitions of accessways shall not exceed an off-set of greater than three feet and shall have a uniform transition geometry between off-sets to accommodate easy pedestrian movement.



2. **Curb Clearance.** Proposed uses on public sidewalks shall be arranged and conducted in a manner to maintain a minimum three feet of clear distance from the curb edge. Placement of permanent features, merchandise displays or other items shall not create a barrier greater than 15 feet in length that preclude pedestrians from moving between parking stalls and the accessway.



3. **Americans with Disabilities Act Standards.** Any proposed use of public rights-of-way for private purposes shall fully comply with all provisions of the Americans with Disabilities Act (ADA).
4. **Vertical Clearance.** Any proposed use of public rights-of-way for private purposes shall maintain a minimum seven feet of vertical clearance distance from the sidewalk grade.
5. **Sound System Noise Level.** The maximum noise level for any sound system equipped with speakers within the public rights-of-way shall not exceed 60 decibels.
6. **Electric Cords or Other Tripping Hazard.** The use of electric cords or other features not specifically addressed herein, but that could create a tripping hazard, are prohibited.

B. Merchandise Display Standards.

1. Merchandise displays located on public sidewalks shall be contained in no more than two display clusters per business frontage.
2. The aggregate maximum coverage area of displays shall be 35 square feet of the sidewalk surface area directly adjacent to the business store front. For the purposes of administering this Chapter, the display of sandwich boards shall be considered a merchandise display, and signage standards established by the *City of Gunnison Land Development Code* (Section 4.8) shall apply.
3. Merchandise displays shall be removed from the public rights-of-way after business hours.
4. Placement of merchandise displays shall not create a dangerous public condition and shall provide adequate means for emergency egress and ingress from any adjacent building.

C. Sidewalk Cafe Standards.

1. Sidewalk cafe seating shall be arranged in a manner that complies with all provisions of Section 9.40.080.A General Standards.
2. Sidewalk cafe seating shall be licensed for use between March 15th and November 15th. The licensee may be required to discontinue sidewalk cafe seating at any time as determined and ordered by the City Manager.
3. Sidewalk cafe seating shall be located directly adjacent to the business wall-plane or property line. Alternative seating layout may be considered if Section 9.40.080.A General Standards are satisfied.
4. Sidewalk cafe seating may extend onto an adjacent business only upon written agreement by the adjacent property owner and under the condition that insurance indemnification provisions protecting the City's interest are satisfied.
5. Tables, chairs and other features associated with sidewalk cafe seating shall not interfere with the pedestrian accessway or the curb clearance area. Chairs next to the pedestrian accessway shall be placed in a manner as not to impede upon the accessway.



6. Smoking in the cafe seating area is prohibited.
7. Sidewalk cafe seating associated with a business serving alcoholic beverages shall be limited to the specified Premise established by a current Colorado State and City Liquor License. The specified premise shall abut directly to the building wall plane/property line bordering the licensee's business.
8. Sidewalk cafe seating associated with a business serving alcoholic beverages shall have a barrier bordering the liquor license's established Premise. Pursuant to state regulations, the serving of alcohol shall be conducted within defined barrier. Sidewalk cafe seating businesses not serving alcohol are not required to, but may install a barrier.
9. Perimeter barriers associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
 - a. **General.** The location, design and construction of all barriers is subject to review and approval by the City Council.

- b. **Design Concept.** The physical design of the barrier shall be compatible with the design of the building, shall be visually appealing and help to separate the dining/seating area from the side.
 - c. **Open Appearance.** Barriers shall be at least 70 percent open (transparent) in order to maintain visibility of street level activity.
 - d. **Height.** Barriers shall be a minimum height of 36 inches and may not exceed 42 inches in height.
 - e. **Anchoring.** Barriers may be anchored through the use of recessed sleeves and posts or weighted bases, or other means approved by the City. When removed, the resulting surface must be flush with the sidewalk.
 - f. **Support Members.** Stanchions or other vertical supporting members that have a base shall not create a tripping hazard. The stanchion base shall not be domed or more than one-half inch above the sidewalk surface. The stanchion bases shall not impede upon accessway.
 - g. **Use of Planters.** Planters may be used in situations where no barrier is required. All planters must have living plants contained within them. Dead plants must be replaced or the planter removed from public view.
 - h. **Prohibited Materials.** Fabric inserts of any size, chain-link, cyclone fencing, standard wire gage material or similar small soft metal materials are prohibited from being used as part of the barrier.
10. **Furniture and Features.** Furniture and features associated with sidewalk cafe seating shall be constructed, installed and maintained according to the following standards:
- a. The licensee shall ensure that tables, chairs and other materials do not interfere with pedestrian movement in the accessway.
 - b. Chairs next to the pedestrian accessway shall be placed at a 90-degree angle so as not to obstruct pedestrian movement.
 - c. Furniture and features must maintain a good visual appearance without visible fading, dents, tears, rust or chopped/peeling paints.
 - d. All furniture and features must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
 - e. Furniture and features must not be secured to trees, lampposts, street signs, hydrant or any other public street infrastructure by any means during restaurant operation hours or when the business is closed.
11. **Lighting.** Lighting will be required for outdoor dining areas where food will be eaten during evening hours. Lighting features shall be decorative and complement the architectural character of the building façade. Lighting features will illuminate only the sidewalk area and shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers.
12. **Maintenance.** The licensee shall keep the outdoor dining area clear from litter, food scraps, and soiled dishes and utensils at all times. Debris generated from the business shall not be disposed in public trash receptacles located in the public rights-of-way. Private trash receptacles shall be emptied daily. The Licensee is required to keep the entire sidewalk in and around the sidewalk seating area clean and orderly. No debris shall be swept, washed or blown into the sidewalk, irrigation ditches, gutter or street.

9.40.090 Residential Districts (Reserved)

9.40.100 Industrial District (Reserved)

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of _____, 2016, on first reading, and introduced, read, passed and adopted on second and final reading this _____ day of _____, 2016.

Richard Hagan, Mayor

(SEAL)

ATTEST:

Gail A. Davidson, City Clerk

Published by Title
In the Gunnison Country Times Newspaper
May ____, 2016

**ORDINANCE NO. 5
SERIES 2016**

AN ORDINANCE AMENDING SECTION 5.40.020 OF THE GUNNISON MUNICIPAL CODE RELATING TO LICENSING OF DOGS AND CATS.

WHEREAS, city staff has recommended amendments to Section 5.40.020, Licensing, A. Licensing, of the Gunnison Municipal Code (G.M.C.); and

WHEREAS, the City wishes to clarify the annual license renewal requirement to be consistent with the calendar year by modifying the City of Gunnison Municipal Code; and

WHEREAS, the proposed change will have no change in the costs to the citizens: and

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

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

Section 1. G.M.C. Section 5.40.020, Licensing, A. Licensing, 3. License Period, is amended to read as follows:

3. License Period. If not revoked, licenses for the keeping of dogs and cats shall be valid for a period of one year. Such license will be renewed annually. The annual licensing period shall begin on January 1st.

A license issued prior to June 1, 2016 will expire May 31, 2016, with a license issued after June 1, 2016 having the costs prorated for the remainder of the calendar year 2016 as per the city fee schedule.

Section 2. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 10th day of May, 2016, on first reading, and introduced, read, passed and adopted on second and final reading this _____ day of _____, 2016.

Richard Hagan, Mayor

(SEAL)

ATTEST:

Gail A. Davidson, City Clerk

Published by title in the
Gunnison Country Times Newspaper
May , 2016

**ORDINANCE NO. 6
SERIES 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, AMENDING CHAPTER 2.20, PURCHASING POLICY AND
PROCEDURE, OF THE CITY OF GUNNISON MUNICIPAL CODE.**

WHEREAS, Article XI, Section 11.8, of the City of Gunnison Municipal Home Rule Charter provides that “The Council shall establish by ordinance the procedure for entering into contracts for purchases and contracts for construction of public works...”; and

WHEREAS, the City Manager and Director of Finance have recommended to the City Council certain revisions to Chapter 2.20, Purchasing Policy and Procedure, of the City of Gunnison Municipal Code, which revisions the City Council wishes to adopt;

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

Section 2.20.150.B. of the City of Gunnison Municipal Code is hereby amended to read as follows:

- B. All invitations to bid for construction contracts in any amount greater than \$100,000 shall include requirements for bid security. Bid security shall be a bond provided by a surety company authorized to do business in the state of Colorado. Bid security for construction contracts in any amount greater than \$100,000 but less than \$500,000 shall be in an amount that covers 5 percent (5%) of the estimated project cost. Bid security for construction contracts in any amount greater than \$500,000 shall be in an amount that covers 10 percent (10%) of the estimated project cost.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 10th day of May, 2016, on first reading, and introduced, read, passed and adopted on second and final reading this ___th day of _____, 2016.

Richard Hagan, Mayor

(SEAL):

ATTEST:

Gail A. Davidson, City Clerk

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