

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

**MAY 24, 2016** **REGULAR SESSION** **7:00 P.M.**

I. Call Regular Session Meeting to Order:

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

Receive Public Input Hotel & Restaurant Liquor License Application from ABCD Bikes LLC dba Double Shot Cyclery, 222 N. Main Street in Gunnison.

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 May 09, 2016, Special Session Meeting
- Minutes of May 10, 2016, Regular Session Meeting
- Minutes of May 17, 2016, Special Session Meeting
- Approval of Awarding 2016 Street Improvement Projects Contract to United Companies in an amount not to exceed \$655,000
- Appointment of Erin Carlson to City Challenge Grant Committee
- Action on Gunnison Arts Center Multi-Day Event Permit for 2016 Sundays at 6 Music Programs at Legion Park

IV. Pre-Scheduled Citizens: Presentation from Youth Challenge Grant Recipients for GHS Project Grad – Lilly Westbay and DeAndré Adamich

V. Old Business: None

VI. New Business:

- A. Action on Hotel & Restaurant Liquor License Application from ABCD Bikes LLC dba Double Shot Cyclery, 222 N. Main Street in Gunnison
- B. Appointment for Planning & Zoning Commission Vacancy with term to expire 5/2021
- C. Action on Contract for Service with Gunnison County for Colorado Wildfire & Incident Management Academy in an Amount of \$1,000
- D. Action to Set Public Hearing for The Pot Shop LLC, Retail Marijuana Store Application for 7:00 P.M., June 28, 2016
- E. Action to Set Public Hearing for Frozen Smoke LLC, Retail Marijuana Store Application for 7:15 P.M., June 28, 2016
- F. Action on Letter of Resignation from City Councilor Stu Ferguson with an effective Date of May 31, 2016

VII. Resolutions and Ordinances:

- A. Resolution No. 4, Series 2016, Creating Parks & Recreation Advisory Committee
- B. Resolution No. 5, Series 2016, Re: Cancellation of June 14, 2016, Regular Session Council Meeting
- C. Resolution No. 6, Series 2016, Re: Setting Use of Public Rights-of-Way by Private Business Application Fee
- D. Ordinance No. 4, Series 2016; Re: Use of Public Rights-of-Way for Private Purposes 2nd Reading
- E. Ordinance No. 5, Series 2016; Re: Amending Gunnison Municipal Code Section 5.40.020 Animal Licensing; 2nd Reading
- F. Ordinance No. 6, Series 2016; Re: Amending Gunnison Municipal Code Section 2.20 City Purchasing Policy; 2nd Reading
- G. Ordinance No. 7, Series 2016; Re: Amending Municipal Code Section 4.10 Municipal Court, 1st Reading

VIII. Reports:

City Attorney Report: Kathleen Foggo  
City Manager Report: Mark Achen  
Acting City Manager: Finance Director Ben Cowan – Semi-Annual Department Report  
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](http://www.cityofgunnison-co.gov). Work sessions are recorded, minutes are not produced and formal action cannot be taken. For further information, contact the City Clerk's office at 970-641-8140. **TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY CLERK 24 HOURS BEFORE ALL MEETINGS AT 970-641-8140.**

## **LIQUOR LICENSE APPLICATION PUBLIC HEARING PROCEDURES**

- I. **Call to Order:** Mayor State the Date: **Tuesday, May 24, 2016**, Time: **7:00 PM** and Place: **the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, CO.** The purpose of the Public Hearing is to receive input on the **Hotel & Restaurant Liquor License Application from ABCD Bikes LLC, dba Double Shot Cyclery, 222 N. Main Street, Gunnison, CO.**
  
- II. **Record should reflect the attendance of:**
  - A. City Councilors
  - B. City Manager
  - C. City Attorney
  - D. City Clerk
  - E. Applicant(s)
  
- III. **Request that the applicant(s) identify him/herself.**
  
- IV. **Report from the City Clerk/City Attorney:**
  - A. Duties of the Board
  - B. Procedural Aspects of the Hearing
  - C. For the Record:
    1. Proof of Publication - Clerk
    2. Proof of Posting - Clerk
    3. Application – Mayor enter into the record
    4. Preliminary Investigation Report – Clerk review
  
- V. **Reiteration the Determination of the Neighborhood:**
  - A. “The Incorporated City Limits of Gunnison, Colorado”
  
- VI. **Applicant’s Testimony**

Note: Enter all Documents Provided into the Record
  
- VII. **Testimony in Favor** of Application - if any  
**Testimony in Opposition** of Application - if any
  
- VIII. **Council Agrees to take into consideration the application during the Regular Session Meeting**
  
- IX. **Close Public Hearing**

**NOTICE OF PUBLIC HEARING  
APPLICATION FOR A HOTEL & RESTAURANT LIQUOR LICENSE  
ABCD BIKES LLC dba DOUBLE SHOT CYCLERY**

**PURSUANT TO THE LIQUOR LAWS OF THE STATE OF COLORADO:** ABCD Bikes LLC dba Double Shot Cyclery, 222 N Main Street, Gunnison, Colorado, has requested the licensing officials of the City of Gunnison to grant a Hotel & Restaurant Liquor License for dispensing malt, vinous and spirituous liquor by the drink for on-premises consumption.

A Public Hearing on the application will be held in the **City Council Chambers, second floor of City Hall, 201 West Virginia Avenue, Gunnison, CO, at 7:00 P.M., Tuesday, May 24, 2016.**

Date of Application: April 13, 2016

Petitions or remonstrances may be filed at the City Clerk's Office, City Hall, 201 W. Virginia Avenue, Gunnison, CO, mailed to: City Clerk, P.O. Box 239, Gunnison, CO 81230 or emailed to [gail@cityofgunnison-co.gov](mailto:gail@cityofgunnison-co.gov) until 5:00 P.M., Tuesday, May 24, 2016.

By order of Gail A. Davidson, City Clerk

/s/Gail A. Davidson

**CITY OF GUNNISON, COLORADO  
CITY COUNCIL/LOCAL LICENSING AUTHORITY**

<b>IN THE MATTER OF THE APPLICATION FOR A</b>	)	
<b>HOTEL &amp; RESTAURANT LIQUOR LICENSE</b>	)	
<b>FOR ABCD BIKES LLC,</b>	)	<b>PRELIMINARY</b>
<b>dba DOUBLE SHOT CYCLERY</b>	)	<b>FINDINGS AND REPORT</b>
<b>222 N. MAIN STREET</b>	)	
<b>GUNNISON, CO 8 1230</b>	)	

**TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;  
GREETINGS:**

Pursuant to Section 12-47-312 C.R.S., you are hereby advised that with regard to the above application for a Hotel & Restaurant Liquor License, an investigation has been made, and based on the results thereof the following has been determined:

- (1) There has not been a denial of an application at the same location by either the State or the Liquor Licensing Authority of the City of Gunnison within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing outlets.
- (2) It does appear from the evidence submitted by you that you are entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Malt, Vinous and Spirituous Liquor by the drink, in the manner proposed in the license application, is not in violation of the zoning, fire and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption and to sell malt liquor brewed on the premises in sealed containers for off-premises consumption does not appear to be within 500 feet of any public or a parochial school or the principal campus of any college, university or seminary.
- (5) Within the City Limits where you propose to sell liquor, there are the following existing other outlets:
  - 4 - Beer and Wine Type Licenses
  - 14 - Hotel/Restaurant Type Licenses
  - 5 - Retail Liquor Store Licenses

- 1 - Arts License
  - 1 - Brew Pub Licenses
  - 6 - Tavern Licenses
  - 1 - Club Licenses
  - 6 - 3.2% Beer Type Licenses
  - 38 - Total Number of Active Liquor Licenses in City of Gunnison
- (6) According to information of the Police Department of the City of Gunnison, the following records have been found with regard to the following applicant:
- (a) Applicants: A local background check has been conducted and a memo from Gunnison Police Chief Keith Robinson states he has no objections to the issuance of a license. The fingerprint card for the principal of the LLC, Daniel D. Crean, has been mailed to the CBI for a background check, and the City is awaiting results.

The Public Hearing on your application will be held on Tuesday, the 24<sup>th</sup> day of June, 2016, at 7:00 P.M., in the City Council Chambers of City Hall, 201 W. Virginia Avenue, Gunnison, Colorado. At said hearing, you shall have the opportunity to be heard regarding all matters touching upon your application, including all matters herein set forth.

Dated this 17th day of May, 2016.

LIQUOR LICENSING AUTHORITY  
CITY OF GUNNISON

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Gail A. Davidson, City Clerk  
City of Gunnison  
201 W. Virginia Avenue  
Gunnison, CO 81230

**CERTIFICATE OF DELIVERY**

I hereby certify that I have emailed/digitally delivered the foregoing "**PRELIMINARY FINDINGS & REPORT**" to Daniel Crean at the following email address: [Dan@doubleshotcyclery.com](mailto:Dan@doubleshotcyclery.com) and have mailed via USPS mail to the following address: Double Shot Cyclery, 222 N Main Street, Gunnison, CO 81230

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Gail A. Davidson, City Clerk

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Date



7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Tuneup LLC	Tenant ABCD Bikes LLC	Expires 2/2020		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.		N/A		
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				
Has a local ordinance or resolution authorizing optional premises been adopted? N/A		<input type="checkbox"/>	<input type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)				<input type="checkbox"/>
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input type="checkbox"/>	
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation N/A				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(c) How long has the club been incorporated?				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following: N/A				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>	
18a) For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)				
Last Name of Manager Crean	First Name of Manager Daniel	Date of Birth 03.11.72		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Name N/A	Type of License -	Account Number -		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?				
If yes, provide an explanation and include copies of any payment agreements.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license

**Notice:** This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <del>ABC Bikes LLC PISA -</del> Double Shot Cyclery		Home Phone Number [REDACTED]	Cellular Number Same	
2. Your Full Name (last, first, middle) Crean Daniel D.		3. List any other names you have used		
4. Mailing address (if different from residence)		Email Address Dan@DoubleShotCyclery.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From To
Current 415 S. 14th St #1		Gunnison, CO, 81230		1/06 Current
Previous				
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business	Address (Street, Number, City, State, Zip)		Position Held	From To
Mavic	17 Parkridge Rd Haverhill, MA 01835		Sales	10/05 7/13
Self employed as owner of Double Shot Cyclery	222 N. Main St. Gunnison, CO, 81230		owner	7/13 Present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-1 (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Daniel Crean	415 S 14th St. #1 Gunnison CO 81230	[REDACTED]	Owner-Manager	100
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

\*\* If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20  
 \*\* Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)  
 \*\* If total ownership percentage disclosed here does not total 100%, applicant must check this box:  
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

**Oath Of Applicant**

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

Authorized Signature 	Printed Name and Title Daniel D. Crean Owner	Date 03.31.16
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**Report and Approval of Local Licensing Authority (City/County)**

Date application filed with local authority 04/13/16	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) 7 P.M. 05/24/16
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-1 (Individual History Record) has:

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

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

(Check One)  
 Date of inspection or anticipated date \_\_\_\_\_  
 Will conduct inspection upon approval of state licensing authority

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

Local Licensing Authority for City of Gunnison	Telephone Number 970-641-8140	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature 	Print Gail A. Davidson	Title City Clerk
Signature (attest)	Print	Title
		Date

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)  Yes  No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)  Yes  No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)  Yes  No

**Personal and Financial Information**

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth  b. Social Security Number  c. Place of Birth  d. U.S. Citizen  Yes  No

e. If Naturalized, state where  f. When  g. Name of District Court

h. Naturalization Certificate Number  i. Date of Certification  j. If an Alien, Give Alien's Registration Card Number  k. Permanent Residence Card Number

l. Height  m. Weight  n. Hair Color  o. Eye Color  p. Gender  q. Race  r. Do you have a current Driver's License/ID? If so, give number and state.  Yes  No #  State CO

**14. Financial Information.**

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ 8000

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 8000

\* If corporate investment only please skip to and complete section (d)

\*\* Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Checking	<input type="text"/>	\$8,000.00

d. Provide details of the corporate investment described in 14 b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
N/A				

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

**Oath of Applicant**

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Daniel D. Crean Title Owner Date 03-30-16

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

ABCD Bikes LLC

is a

Limited Liability Company

formed or registered on 05/03/2010 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20101254677 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/31/2016 that have been posted, and by documents delivered to this office electronically through 04/01/2016 @ 12:02:13 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/01/2016 @ 12:02:13 in accordance with applicable law. This certificate is assigned Confirmation Number 9580540 .



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Colorado Secretary of State  
Date and Time: 05/03/2010 08:05 PM  
ID Number: 20101254677

Document must be filed electronically.  
Paper documents will not be accepted.

Document processing fee  
Fees & forms/cover sheets  
are subject to change.

\$50.00

Document number: 20101254677  
Amount Paid: \$50.00

To access other information or print  
copies of filed documents,  
visit [www.sos.state.co.us](http://www.sos.state.co.us) and  
select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

### Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

**ABCD Bikes**

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)*

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

2. The principal office address of the limited liability company's initial principal office is

Street address

**222 N Main St**

*(Street number and name)*

**Gunnison**

*(City)*

**CO**

*(State)*

**81230**

*(ZIP/Postal Code)*

**United States**

*(Country)*

*(Province - if applicable)*

Mailing address

*(leave blank if same as street address)*

*(Street number and name or Post Office Box information)*

*(City)*

*(State)*

*(ZIP/Postal Code)*

*(Province - if applicable)*

*(Country)*

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

*(if an individual)*

**Crean**

*(Last)*

**Daniel**

*(First)*

**D**

*(Middle)*

*(Suffix)*

OR

*(if an entity)*

*(Caution: Do not provide both an individual and an entity name.)*

Street address

**222 N Main St**

*(Street number and name)*

**Gunnison**

*(City)*

**CO**

*(State)*

**81230**

*(ZIP Code)*

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF DOCUMENT FILED**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, the attached document is a true and complete copy of the

Articles of Organization

with Document # 20101254677 of  
ABCD Bikes LLC

Colorado Limited Liability Company

(Entity ID # 20101254677 )

consisting of 3 pages.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/31/2016 that have been posted, and by documents delivered to this office electronically through 04/01/2016@ 12:04:01.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/01/2016 @ 12:04:01 in accordance with applicable law. This certificate is assigned Confirmation Number 9580548



A handwritten signature in cursive script that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi:/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

**Mailing address**

(leave blank if same as street address)

\_\_\_\_\_  
(Street number and name or Post Office Box information)

\_\_\_\_\_  
(City)

CO  
(State)

\_\_\_\_\_  
(ZIP Code)

*(The following statement is adopted by marking the box.)*

The person appointed as registered agent has consented to being so appointed.

**4. The true name and mailing address of the person forming the limited liability company are**

Name  
(if an individual)

Crean

(Last)

Daniel

(First)

D

(Middle)

\_\_\_\_\_  
(Suffix)

**OR**

(if an entity)

*(Caution: Do not provide both an individual and an entity name.)*

Mailing address

415 S 14th St #1

(Street number and name or Post Office Box information)

Gunnison

(City)

CO

(State)

81230

(ZIP/Postal Code)

United States

(Country)

(Province - if applicable)

*(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

**5. The management of the limited liability company is vested in**

*(Mark the applicable box.)*

one or more managers.

**OR**

the members.

**6. (The following statement is adopted by marking the box.)**

There is at least one member of the limited liability company.

**7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)**

This document contains additional information as provided by law.

**8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)**

*(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)*

The delayed effective date and, if applicable, time of this document is/are \_\_\_\_\_  
(mm/dd/yyyy hour:minute am/pm)

**Notice:**

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Crean	Daniel	D	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
415 S 14th St #1			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
Gunnison	CO	81230	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
<i>(Province – if applicable)</i>	United States		<i>(Country)</i>

*(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

**Disclaimer:**

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

8'

(outside)

~~table~~

~~table~~

~~table~~

25'

FRONT DOOR

101

101

TABLES

75'

SHIRTS

PRIDGE

SINK

KEYS

FREEZER

FRIDGE

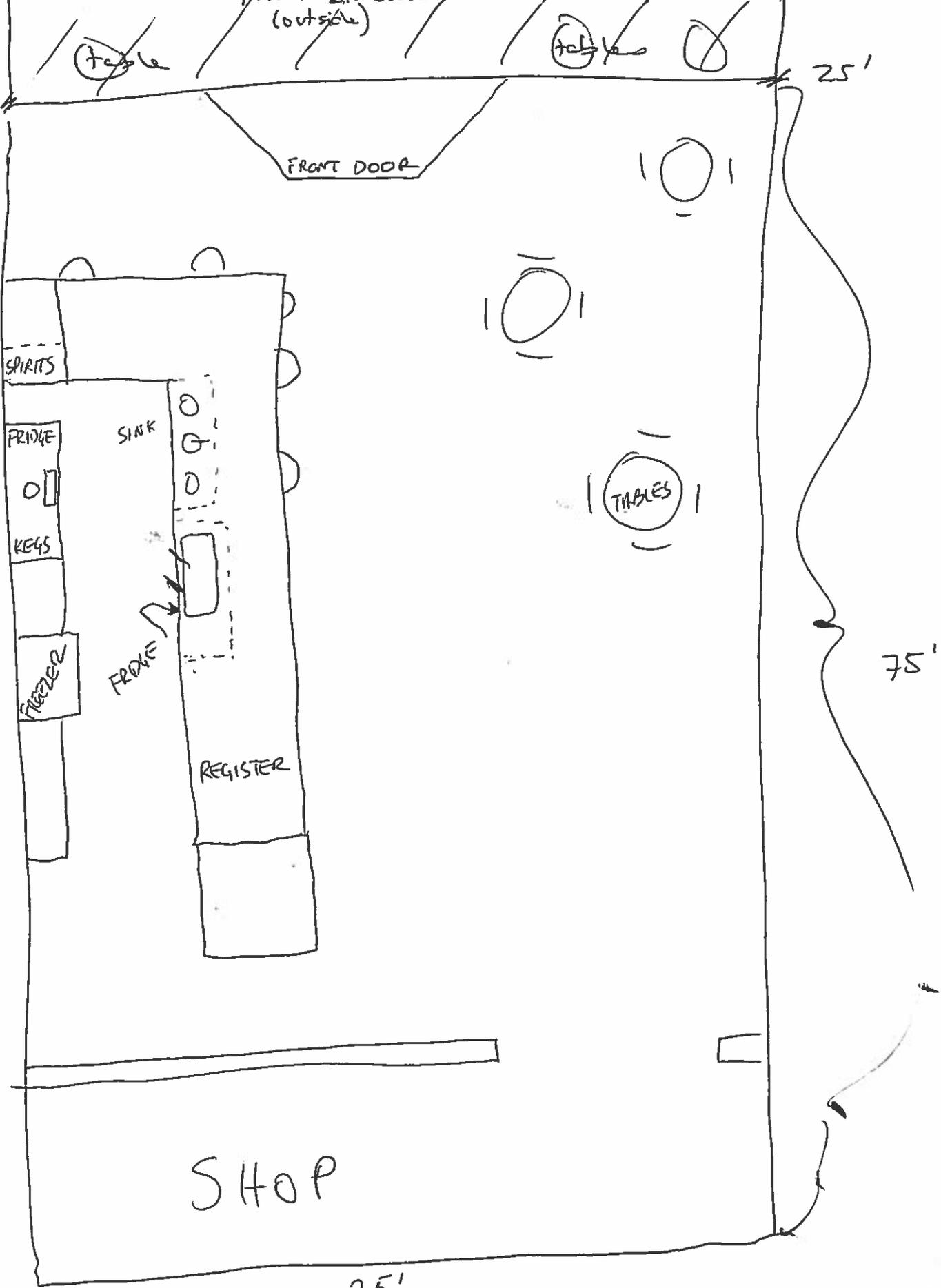
REGISTER

SHOP

25'

→ N

222 N. Main St



## Gail Davidson

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**From:** Kathleen Fogo <kathy@fogolaw.com>  
**Sent:** Tuesday, April 12, 2016 11:26 AM  
**To:** Gail Davidson  
**Subject:** RE: New Liquor License Applications

Hi Gail – I have reviewed the liquor license application for ABCD Bikes, LLC, and noted only one minor issue. In the individual history record, 13.q. Race – it is blank. Otherwise all looked good. Thanks, Kathy

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**From:** Gail Davidson [mailto:Gail@cityofgunnison-co.gov]  
**Sent:** Monday, April 11, 2016 3:15 PM  
**To:** Kathleen Fogo <kathy@fogolaw.com>  
**Subject:** New Liquor License Applications

Good afternoon Kathy,

Attached is the hotel & restaurant liquor license application from ABCD Bikes LLC dba Double Shot Cyclery at 222 N. Main Street. Dan Crean is the sole member of the LLC and all investment is coming from personal savings. I will email this to Keith, Dennis, Eric, etc., for their review. Dan paid for a concurrent review so Wednesday, after Council sets the public hearing for more than 30 days out – May 24<sup>th</sup> – I will mail it into the State for them to start their review.

I did explain the differences between the types of licenses but he felt that they wanted more than 25% of the income to come from food and not just the liquor so he opted for the H&R route. Please let me know if you have any questions. Thanks, Gail

*Gail A. Davidson*  
Gail A. Davidson, CMC  
GunnisonCity Clerk  
PO Box 239  
Gunnison, CO 81230-0239  
970.641.8140  
[gail@cityofgunnison-co.gov](mailto:gail@cityofgunnison-co.gov)

## Gail Davidson

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**From:** Eric Jansen  
**Sent:** Monday, April 18, 2016 8:58 AM  
**To:** Gail Davidson  
**Subject:** RE: new liquor license to review

Hi Gail, I do not see any building or zoning code related issues with the issuance of a Liquor license to Double Shot Cyclery at 222 N. Main St., other than I will now have to require Dan Crean to post a max occupant load sign in the establishment pursuant to the 2009 International Building Code.

ERIC JANSEN  
BUILDING OFFICIAL/CFM/CBO  
CITY OF GUNNISON  
[ejansen@cityofgunnison-co.gov](mailto:ejansen@cityofgunnison-co.gov)  
office 970-641-8151  
mobile 970-209-0988

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**From:** Gail Davidson  
**Sent:** Monday, April 11, 2016 3:18 PM  
**To:** Keith Robinson <[Keith@cityofgunnison-co.gov](mailto:Keith@cityofgunnison-co.gov)>; Dennis Spritzer <[dennis@cityofgunnison-co.gov](mailto:dennis@cityofgunnison-co.gov)>; Eric Jansen <[ejansen@cityofgunnison-co.gov](mailto:ejansen@cityofgunnison-co.gov)>  
**Subject:** new liquor license to review

Good afternoon,

Attached is the hotel & restaurant liquor license application from ABCD Bikes LLC dba Double Shot Cyclery at 222 N. Main Street. Dan Crean is the sole member of the LLC and all investment is coming from personal savings. I have emailed this to Keith, Dennis, Eric, etc., for their review. Dan paid for a concurrent review so Wednesday, after Council sets the public hearing for more than 30 days out – May 24<sup>th</sup> – I will mail it into the State for them to start their review.

Please email me your findings and concerns about the application prior to the first part of May. Thank you, Gail

*Gail A. Davidson*  
Gail A. Davidson, CMC  
Gunnison City Clerk  
PO Box 239  
Gunnison, CO 81230-0239  
970.641.8140  
[gail@cityofgunnison-co.gov](mailto:gail@cityofgunnison-co.gov)



To: City Council  
CC: Interim City Manager Mark Achen  
From: City Clerk Gail Davidson  
Date: May 19, 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:

- Minutes of May 09, 2016, Special Session Meeting
- Minutes of May 10, 2016, Regular Session Meeting
- Minutes of May 17, 2016, Special Session Meeting
- Approval of Awarding 2016 Street Improvement Projects Contract to United Companies in an amount not to exceed \$655,000
- Appointment of Erin Carlson to City Challenge Grant Committee
- Action on Gunnison Arts Center Multi-Day City Event Permit for Sundays at 6 Music Programs at Legion Park

**MAY 9, 2016**

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

**12:00 P.M.**

The City Council Special Session meeting was called to order at 12:06 P.M., by Mayor Hagan with Councilors Ferguson, Drexel, Morrison and Schwartz present along with Interim City Manager Achen, City Clerk Davidson, and Strategic Government Resources Consultant Mike Tanner. A Council quorum was present.

**Executive Session. Pursuant to C.R.S. §24-6-402(4)(f)(I) To discuss personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. The Executive Session is not open to the public.**

Councilor Drexel moved and Councilor Morrison seconded the motion to go into Executive Session to discuss personnel matters as stated on the agenda.

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

Roll call vote, no: None.

Council went into Executive Session. The City Clerk left the meeting.

Council came out of Executive Session at 2:46 P.M. and the City Clerk returned to the meeting. Mayor Hagan stated the following: the time is now 2:46 P.M. and the Executive Session has been concluded. The participants in the Executive Session were Mayor Richard Hagan, Mayor Pro Tem Robert Drexel, Councilor Stu Ferguson, Councilor Leia Morrison, Councilor Matt Schwartz, Interim City Manager Mark Achen, and SGR Consultant Mike Tanner. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. No comments were made and Council proceeded with the Special Session.

**Adjournment:** Mayor Hagan called for any further discussion or motions on the Special Session agenda items, and hearing none, adjourned the Special Session meeting at 2:47 P.M.

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Mayor

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City Clerk

**MAY 10, 2016**

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

**7:00 P.M.**

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

**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.**

Mayor Hagan opened the Public Hearing and stated the time is now 7:00 P.M. on Tuesday, May 10, 2016, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathy Fogo, Interim City Manager Mark Achen, City Clerk Gail Davidson, Community Development Director Steve Westbay, Finance Director Ben Cowan, and lots of citizens. The purpose of this Public Hearing is to receive input on Ordinance No. 4, Series 2016; Re: Use of Public Right-of-Way for Private Purposes.

Mayor Hagan called for proof of publication. City Clerk Davidson responded a copy of the Public Hearing notice was included in their packets and the affidavit of publication will be included in the Public Hearing official file.

Mayor Hagan then called for City Staff comments and recommendations. Community Development Director Steve Westbay addressed Council and informed them of the following: most of the changes to the Ordinance as it appears in their packets for the hearing are housekeeping changes; the first part outlines the application process, the required application materials, basing information in insurance indemnification requirements and the applicability to the Land Development Code; Section 9.40.080 deals with the use of public rights-of-way in the City's CBD; the general standards talk about the access way being a 6' clear and continuous pathway, meeting ADA standards, vertical clearances requirements; Section B outlines merchandise displays being set at no more than 35 square feet and 2 display nodes are allowed; the highlighted areas in the Ordinance reflect changes made pertinent to last week's discussion; Section C(10) reflects the changes made to the Furniture and Features requirements with section a. being unchanged, section b. being changed to state Umbrellas placed within the public rights-of-way shall not display trademarks, logos, brands or other advertising messages, and section c. requires that furniture and features must be maintained in good visual repair, the rest of the section remains unchanged. Those are the only other changes to the Ordinance. Mayor Hagan thanked Director Westbay.

Mayor Hagan called for Public Input on the Ordinance. He requested speakers limit their remarks to 3 minutes.

Paula Swenson, county resident and City business owner at Tomichi and Main and other locations, thanked Council and Staff for the surveys that were distributed on the project and for the proposed ordinance. It addresses issues on the public right-of-way. The sidewalks need to be bike friendly and provide ADA accessibility. Ms. Swenson asked about the space that is 3 feet in from the curb. The sidewalks space needs to be utilized as much as possible. Councilor Ferguson stated that space is to accommodate car door swing area. Ms. Swenson said to take a look at the Tomichi side of her business where some bike racks and other amenities are located right next to the curb in that space. Council thanked Ms. Swenson.

Cathie Pagano, City resident and business owner on Main Street, stated she is excited about sidewalk seating for her business. It will be a great amenity. Last year the City rearranged the furniture and other items in front of their building. She would like to see the spaces on the sidewalks located where two parking spaces meet utilized right next to the curb in the 32". Some things could be moved closer to the curb and still allow for car door swing. She is in favor of bike parking along the block not just at the ends. She likes the concept of bike parking corrals in existing parking spaces and would like the parking space in front of her business to be a test case.

Brad Tutor, City business owner of Turquoise Junction, thanked Council for the opportunity to comment on the survey. He likes the ordinance and prefers the bike racks located at the end of the blocks. If you look at the space on the north side of the Toggery, there is a lot of room for bike

parking. He would like the City to work with each business to disperse the amenities along the block.

TL Livermore, City resident and business owner of Pat's Screen Printing, asked Council to clarify the transitions phrasing in the Ordinance on page 4. It is very confusing. He stated there is more latitude for café seating in the Ordinance than there is for merchandise display. He would like that changed. He displays merchandise on the sidewalk, as do other businesses, and they need more latitude than just immediately adjacent to the front of their stores. He would also like to see more enforcement of the existing laws. There are people riding their bikes on the sidewalks every day and the sandwich boards creep into the walking lane. This all needs to be enforced.

Michelle Zanga, City business owner on Tomichi Avenue, stated she didn't receive a survey but wants Council to know that sandwich board signs are needed. She needs one for her business since she isn't readily visible from the street. Bike Racks are problematic, especially for parking bikes with carts or child carriers on them. Perhaps the racks should be located at the ends of the block to keep the side walk clearer for walking. The City also needs to cut down the people riding bikes on the sidewalks. Café seating is also fantastic.

Jarral Ryter, City resident, informed Council they need to think of places they want to be like. Café seating is great. We need to slow traffic down so that bikes can then be in the streets. Bike parking corrals are very trending in other areas. He suggests counting the number of bikes on the sidewalks to determine how many racks and bike parking spots are needed. Bike corals should be located mid-block or where there is the heaviest concentration and then racks at the ends.

William Spicer, City resident and bike owner, said this process is great. Bike parking is a problem and there needs to be a place to park them. Bike corrals are a good idea and would provide a transition from people on a bike to being a pedestrian. Bikes are part of the solution and are not a problem. There should be corrals mid-block. Counting the bikes on the sidewalks to determine the bike parking volume is needed. There should be bike corrals mid-block on both sides of the street.

Vicky Castka, City downtown business owner, asked Council not to take away parking spaces. Her customers arrive by car, not by bicycle. Also, bikes need to be rotated in parking just like cars. If downtown employees take up all of the bike rack spaces, then the visitors on bikes end up parking their bikes against signs and poles.

Bryan Wickenhauser, City resident and downtown business owner, stated Gunnison is a progressive town. He likes to travel to other mountain towns and parking issues exist in many places. He and his family use the alleys on their bikes to stay off of Main. He encourages downtown employees to use bike parking in back in the alleys. The locals appreciate his elevated deck seating and have asked for café seating off of the garage doors he has in front of his business. He would like to see that opportunity downtown.

Wayne Castka, City downtown business owner, stated bikes are a good thing. However, there needs to be more enforcement of the bike laws and on the boarders riding on the sidewalks. There needs to be more bike racks by the Brewery since they park all over the sidewalk. The existing racks are adequately used. Not all of the time but during busy times they are used and full. They are great for the community but riders need to think of safety for their fellow citizens.

Jonathan Houck, City resident and business owner in the CBD, bike travel is part of the solution not the problem. There needs to be bike racks at the ends of the blocks but also bike corrals in the middle where the bikes are going to be in front of businesses. They need to be seasonal to accommodate snowplowing. The downtown trees are beautiful but need a professional arborist to trim them up. Bike Colorado is a good resource for planning. Bikes move people, kids and goods. He applauds Council for this work.

Alan Ivey, County resident and City business owner, supports the bike racks and maybe placement of the bike corrals. He too supports trimming the trees in front of businesses to make the business more visible from the street.

Heidi Magnus, City resident and downtown business owner, loves the idea of café seating but probably won't have it at her place. Many downtown businesses will want it in front of their

business. It makes downtown more inviting and people will want to linger. There will be less congestion on the street with more bikes and would like to see an experimental bike corral this summer. Bike corrals might make it safer. It is pain for people to haul their kids from their bike carrier from the ends of the street bike racks. There also needs to be bike-activated crosswalk lights. It is safer on Main, then more people will ride their bikes there. She thanked Council for asking for public opinion.

Mark Hare, City resident, informed Council he is legally blind and does use the bike racks. He sometimes leans his bike on the tree guards. The trees need pruning since it is an issue for him in not seeing the branches hanging down over the sidewalk. He is not for the café seating. Handicap community needs unobstructed path at least 6 feet in width on the sidewalk. If that 6 feet clearance is maintained, he is for it. If you walk the sidewalk in Crested Butte, the clutter is bad and makes walking dangerous. The City needs enforcement at the crosswalks. He appreciates the sound activated cross walks but some work and some don't.

Council thanked everyone for their input and stated the Ordinance will be taken up later in the meeting for passage on first reading. Mayor Hagan then called for any letters, emails, or other written comments received from the public for the record. City Clerk Davidson replied one letter was received and it was from David Jacobson, owner of the Gunnisack Restaurant. She read the letter into the record. The text of the letter follows:

Dear council members, I was hoping to address you in person on this evening but Tuesday nights are very busy for me and I am cooking as you hold this meeting. As a follow up to my previous communication, I would like to have my position known regarding the downtown sidewalks. I sincerely hope that you will review this project carefully and not rush decision that may or may not come back to bite us all at a later date. A design for the new layout of the sidewalks needs to be available for downtown merchants to look at and comment on with plenty of time to review the impact it may have on them. As I mentioned before, I really feel we should be at the point now where we are implementing a plan that was put together months ago, not trying to hit an imaginary deadline. The plan for this should first address functionality for pedestrians and store owners alike then aesthetics then the feasibility of variances. First and foremost bicycle parking has to be moved off of the sidewalks. It is pure insanity to tell people they cannot ride on the sidewalks but please park on them. I still feel that creating little bike parking lots at the corners where parking is not allowed is a viable option to look at. Secondly, in order to have a clear, 6ft continuous walkway and maintain the "curb appeal" it must be from the building front out. (I would prefer 8ft to allow window shopping but that probably isn't realistic without widening the sidewalks). Lastly I would like to see a design for businesses that do not have awnings that would not require variances or moving of existing features. When I approached the city a few years ago I was told that I would have to apply for a variance of which I was also told would probably be rejected. The biggest issue was the location of features that would have to be moved (at my expense) and where these would be relocated. If every business had an awning to cover the continuous walkway it would create a year round covered area for pedestrians, rain snow or shine. As to the café seating, the Gunnisack would most likely not participate. For service and functionality reasons it really makes no sense. I won't go into details here but if there are restaurants that want to pursue this avenue I believe they should have to pay a reasonable rent for use of the space as well and most importantly adhere to all state liquor laws. I also have concerns over the maintenance and sanitation of these serving areas. Thank you for your time, David Jacobson, Owner/Operator, The Gunnisack. Mayor Hagan asked the letter to be entered into the record.

Mayor Hagan then called for any final comments on the matter, and hearing none, closed the Public Hearing at 7:53 P.M. and returned to the Regular Session meeting.

**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; and  
Approval of Complete Streets Colorado Pedals Program Grant Application Letter.**

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.

**Pre-Scheduled Citizens:** None.

**New Business:**

**Action to Set Special Session Meeting to Conduct an Executive Session for at 1:00 P.M., Wednesday, May 25, 2016, for Selection of City Manager Finalists..**

Councilor Drexel moved and Councilor Schwartz seconded the motion to set a Special Session meeting to conduct an Executive Session for 1:00 P.M., Wednesday, May 25, 2016, for selection of City Manager finalists.

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

Roll call vote, no: None.

**Resolutions and Ordinances:**

**Ordinance No. 4, Series 2016; Re: Use of Public rights-of-Way for Private Purposes; 1<sup>st</sup> Reading.** Councilor Drexel introduced Ordinance No. 4, Series 2016, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Schwartz seconded the motion that 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**, be introduced, read, passed and ordered published on first reading this 10<sup>th</sup> day of May, 2016.

Discussion ensued on the Ordinance. TL Livermore requested that the off-set provision language be clarified in the Ordinance. Director Westbay stated he would rework that wording. Mr. Livermore also asked for the display area be reworked to allow some latitude as long as the 6 foot clear pathway is maintained. Council concurred and asked that the 3 foot safe zone next to the curb have greater flexibility as long as cars can open their doors and have access. Some features could be centered between parking spaces and placed in that zone. Councilor Schwartz suggested the City place their fixed amenities such as trash cans, planters or benches in those areas. Councilor Morrison wants the City to look at getting permits from CDOT for bike corrals in the parking spaces. Councilor Drexel would like enforcement to be stepped up on the downtown sidewalks. There is obviously a problem. Police Chief Robinson stated that now we have a full-time Parking Enforcement Officer that should help with enforcement. Councilor Schwartz stated this Ordinance is about using the public right-of-way, now the design needs to be done. The design is experimental and should be flexible, not permanent. Mayor Hagan summed up the following suggested changes for the design phase: leave the trees but trim them up so they are not a walking hazard and don't block business signs; leave some bike racks on the sidewalks but investigate the use of bike corrals in adjacent parking places; and to increase bike and boarder laws on the downtown sidewalks.

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

Roll call vote, no: None.

**Ordinance No. 5, Series 2016; Re: Amending Gunnison Municipal Code Section 5.49.020 Animal Licensing; 1<sup>st</sup> Reading.** Councilor Ferguson introduced Ordinance No. 5, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 5, Series 2016, **AN ORDINANCE AMENDING SECTION 5.40.020 OF THE GUNNISON MUNICIPAL CODE RELATING TO LICENSING OF DOGS AND CATS**, be introduced, read, passed and ordered published on first reading this 10<sup>th</sup> day of May, 2016.

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

Roll call vote, no: None.

**Ordinance No. 6, Series 2016; Re: Amending Gunnison Municipal Code Section 2.20 City Purchasing Policy; 1<sup>st</sup> Reading.** Councilor Schwartz introduced Ordinance No. 6, Series 2016, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that 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** be introduced, read, passed and ordered published on first reading this 10<sup>th</sup> day of May, 2016.

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

Roll call vote, no: None.

**Reports:**

**City Attorney Kathleen Fogo:** informed Council that Jill Norris, who was the alternate City Attorney has moved to Grand Junction. She is recommending Marcus Locke be appointed as the Alternate City Attorney to act when she is not available or has a conflict of interest.

Councilor Ferguson moved and Councilor Morrison seconded the motion to appoint Marcus Locke as the Alternate City Attorney.

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

Roll call vote, no: None.

**Interim City Manager Mark Achen:** Interim City Manager Achen: nothing to report this evening.

**Acting City Manager: Finance Director Ben Cowan** informed Council he had nothing further and will give his semi-annual report at the next Regular Session meeting.

**City Clerk Gail Davidson:** informed Council she has received two letters of interest for the vacancy on the Planning & Zoning Commission and one letter of interest for the City's Challenge Grant Committee. She wants input from Council whether to invite the interested parties to next week's Work Session meeting for a discussion with Council and then possible appointment to fill the vacancies at the May 24<sup>th</sup> Regular Session meeting. Council consensus was to invite the interested citizens to next week's meeting.

**Western State Colorado University Student Liaison:** absent until fall semester.

**Non-Scheduled Citizens:** None.

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

**Councilor Schwartz:** reported he attended the Community Builders Task Force (CBTF) meeting last week. The release party of the One Valley Prosperity Project draft Strategic Plan will take place on May 18<sup>th</sup> at the Almont Resort. The report talks about where the process goes from here, how identified projects are funded and what the measurements of success will be for those projects. He also attended the Trails Commission meeting last night. The Crested Butte to Carbondale Trail was discussed. It is anticipated most of the Crested Butte side will be single track but some of the trail closer to Carbondale will be more multi-use. The Trail is on the Governor's "16 in 16" projects list. County Public Works Director Marlene Crosby also presented information on the Gold Basin Trail FLAP Grant application that is underway. Last, along with Richard and Leia, he attended the RTA meeting in Crested Butte last Friday. People in the Sapinero area are requesting to be opted out of the RTA tax since they are way outside of the service area. The Strategic Air Plan group are now working together on upcoming flight negotiations.

**Councilor Morrison:** reported she attended the CBTF meeting and the RTA as well. The RTA is proposing increasing the senior transportation to 5 days per week and are looking at purchasing a new bus and hiring a driver. Discussion on an early morning commuter bus took place as well. She attended the Chamber's Summer Forecast meeting this morning and they gave out a list of summer events. Councilor Morrison then asked that a discussion on marijuana licensing be included on an upcoming work session agenda. She has received a lot of negative comments about the number of licensed facilities in the City. Councilor Drexel stated he too was going to ask for that discussion since he has been receiving a lot of comments as well.

**Mayor Hagan:** reported he attended the Mayors'/Managers' meeting hosted by the Library and they heard a good presentation on the CAFÉ Program. He urged the other Councilors to read the book "Walkable Cities" that is being passed around.

**Councilor Drexel:** reported he had no meetings this past week.

**Councilor Ferguson:** reported too he too had no other meetings other than the CBTF meeting already reported on.

City Attorney Fogo directed Council's attention to a letter placed on their desks this evening. It is a letter to Governor Hickenlooper and other State officials requesting the Governor veto the recently passed HB 16-1309 requiring municipalities to provide city-funded counsel to defendants in custody on first appearance in municipal court. City Attorney Fogo stated that this will have a minimal impact in Gunnison Municipal Court since we rarely see defendants in custody at the time of their first appearance, however it will have large impacts on other municipalities as it is an unfunded mandate from the State of Colorado.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to approve the letter to the Governor regarding HB 16-1309 and to authorize the Mayor to sign said letter.

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

Roll call vote, no: None.

**Adjournment:** Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 8:38 P.M.

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Mayor

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City Clerk

**MAY 17, 2016**

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

**7:00 P.M.**

This Special Session meeting was called in writing by Mayor Richard Hagan to City Clerk Gail Davidson on May 13, 2016, pursuant to Section 5.2 of the City of Gunnison Municipal Home Rule Charter.

The City Council Special Session meeting was called to order at 7:00 P.M., by Mayor Hagan with Councilors Ferguson, Drexel, Morrison and Schwartz present along with Interim City Manager Achen, City Clerk Davidson, Finance Director Cowan, Police Chief Robinson, Parks & Recreation Director Ampietro, Community Development Director Westbay, and Streets Superintendent Summer. A Council quorum was present.

**Action on MOU with Gunnison County, Re: FLAP Grant Application for Gold Basin Trail Project.** Interim City Manager Achen informed Council a copy of the Memorandum of Understanding (MOU) is in their packet and a copy of the full grant application was received from the County and is on their desks this evening. The County Commissioners have approved the submission of the grant but will be acting on the MOU at their next meeting.

A brief discussion on the initial \$10,000 fee took place. Councilor Schwartz stated if the application doesn't get into the semi-finalist scoping phase then the \$10,000 payment is not required. If the application does make the short list then the payment is required. If the application isn't accepted after the scoping phase, the application will probably be moved higher on the list for approval in future grant cycles.

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the Memorandum of Understanding with Gunnison County regarding the FLAP Grant Application for the Gold Basin Trail Project.

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

Roll call vote, no: None.

**Action on Approval of FLAP Grant Application Submittal and Authorize Mayor to Sign Application.**

Councilor Schwartz moved and Councilor Morrison seconded the motion to approve the submission of the FLAP Grant Application as shown and to authorize the Mayor to sign the application.

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

Roll call vote, no: None.

**Adjournment:** Mayor Hagan called for any further discussion or motions on the Special Session agenda items, and hearing none, adjourned the Special Session meeting at 7:07 P.M.

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Mayor

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City Clerk



## MEMO

To: City Council  
Date: May 12, 2016  
From: Street Supervisor/Greg Summer  
Re: 2016 Street Improvements Bid

Advertisements were published per the city purchasing policy for 2016 Street Improvements Bids.

Two projects were presented to council at an earlier council work session. The projects are to remove existing asphalt, prep sub-grade, and replace broken curb/gutter; concrete drainage pans and place new asphalt at 3" thick compacted. The two projects are San Juan from Wisconsin to Teller and North 14<sup>th</sup> from Hwy. 50 to Spencer. The budgeted amount for 2016 street improvements is \$655,000.

We received one bid from locally based United Companies for \$679,488.75 which is \$24,488.75 more than budget. City staff will work with Greg Frazier of United Companies to identify any cost savings and are reductions in the scope of work to bring the project in at the budgeted amount of \$655,000.

**Action Requested of Council:** Approval of the Consent Agenda that will approve awarding the 2016 Street Improvement Projects to United Companies in an amount not to exceed \$655,000.

# Memorandum

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**To:** City Council

**CC:** Interim City Manager Mark Achen

**From:** City Clerk Gail A. Davidson

**Date:** 5/18/2016

**Re:** Appointment to City Challenge Grant Committee

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The City Clerk advertised vacancies on several City Commissions, Boards and Committees for many weeks. Those vacancies were posted in display ads in the Times and the Shopper, on facebook and on the City website.

For the City Challenge Grant Committee, with an indefinite term, I received one letter of interest from Erin Carlson. That letter is attached.

Erin was unable to attend the Work Session meeting on May 17<sup>th</sup>.

**Action Requested of Council at the May 24<sup>th</sup> Regular Session Meeting:**

**A motion, second and vote to approve the Consent Agenda that includes the appointment of Erin Carlson to the City Challenge Grant Committee for an indefinite term.**



*"Creating A New Financial Outlook On Life"*

Gail Davidson – City Clerk  
PO Box 239  
Gunnison, CO 81230

RE: Challenge Grant Program Committee Vacancy

Ms. Davidson,

I am writing to express my interest in the open position on the Challenge Grant Program Review Committee. As a representative of a business within the community, I feel I could contribute to the decision making process of this committee. NuVista is dedicated to supporting the community and fully believes in efforts to support small businesses and the citizens of Gunnison. I feel my aptitude for numbers and my financial knowledge could be an asset on this committee.

Thank you for our consideration and I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Carlson'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Erin Carlson  
NuVista FCU - Branch Member Service Lead  
243 N. Main St.  
Gunnison, CO 81230  
970-648-7022  
ecarlson@nuvista.org

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INTEROFFICE MEMORANDUM

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**TO:** CITY COUNCILORS  
**CC:** INTERIM CITY MANAGER ACHEN  
**FROM:** CITY CLERK GAIL A. DAVIDSON, CMC  
**SUBJECT:** MULTI-DAY SPECIAL EVENTS PERMIT APPLICATION  
**DATE:** 5/12/2016

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City Council,

Attached please find a copy of the City Event Permit application from the Gunnison Arts Center for the 2016 Sundays @ 6 Concert Series. The concerts will once again be held at the covered pavilion in the northeast corner of Legion Park and will run on Sunday evenings from June 12th through August 14th.

Per City Policy, since this event takes place on multiple days, exceeding 4 or more separate days, Council approval is required. Arts Center representatives will be present at the Work Session on May 17<sup>th</sup> to give you an update on the Arts Center activities and the proposed special events. Thank you for your consideration of this request.

**Action Requested of Council at the May 24<sup>th</sup> Regular Session meeting:** A motion, second and vote to approve the multi-day Special Events Permit application from the Gunnison Arts Center for the 2016 Sundays @ 6 Concert Series to be held at Legion Park.

# City of Gunnison Special Event Permit Application

To be submitted to the City Clerks Office, at City Hall, 201 W. Virginia Avenue or at the Gunnison Community Center, 200 E Spencer Street in Gunnison, CO 81230

Phone: 970.641.8140 Fax: 970.641.8051

No later than ten (10) business days prior to the Proposed Event

Gunnison Arts Center  
Name of Applicant

\_\_\_\_\_  
Sponsoring Agency (If Different than Applicant)

970-641-4029  
Phone Number

102 S. Main St  
Address

Sarah@gunnisonartscenter.org  
E-Mail Address

602-229-1859  
Cell Number

Type of Event: concert / community gathering

Name or Title of Event: Sundays @ 6

Location and Description of the Event: Legion Park - concert on the covered stage

6/12 - 8/14  
Date of Event

300+  
# of People

From: 4 AM/PM to 9 AM/PM  
Event Hours (including set up/take down)

List any streets requiring closure as a result of the Event (Please be specific in regards to time making sure there is extra time before and after the event for clearing parked cars, set-up and clean-up): N/A

Times of actual street closure: From: N/A AM/PM To: --- AM/PM

Route to be Traveled (Display on accompanying map): \_\_\_\_\_

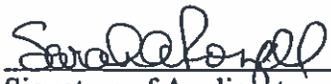
**Unless exempted by the City, Businesses and Residents located adjacent to your event must be notified at least 7 days prior to the event - of any possible street closures, potential noise or traffic impacts. See last page of application for an example of a notification form.**

**INDEMNIFICATION AND RELEASE PROVISIONS  
FOR USE OF CITY OF GUNNISON FACILITIES AND RIGHTS-OF-WAY**

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Gunnison, (hereinafter "City"), (insert name of person/entity seeking permission to use facilities and/or rights-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that, if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted to use the facilities and/or rights-of-way, Applicant, on behalf of itself, and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Printed Name of Applicant

  
\_\_\_\_\_  
Date

**For Internal Use Only**

**Approved:**

City Clerk: AM

Additional Comments: no alcohol w/o Spec-Event liquor Permit.

Finance: BC

Additional Comments: \_\_\_\_\_

Community Development: GW

Additional Comments: \_\_\_\_\_

Fire Marshall: GW For Dennis

Additional Comments: \_\_\_\_\_

Park and Recreation: DA

Additional Comments: Any vendors with vehicles need to be on street  
NOT GRASS.

Police: KR

Additional Comments: no alcohol in park without permit

Public Works: TX

Additional Comments: \_\_\_\_\_

City Manager: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

IT: M

City Council: \_\_\_\_\_

Mayor

**Does the Event Involve Any of the Following? (Please check if applicable):**

Liquor/ Beer Sale and/or Consumption? If yes, please contact the City Clerk 641-8140

N/A

Sales of Any Kind of Product? If yes, please contact the Finance Department 641-8070

N/A

Distribution of Handbills/ Flyers or Hanging of Banners? If yes please contact the Community Development at 641-8090

Use of a City Park/ Pavilion? If yes, please contact the Parks Dept 641-8060

Music/ Entertainment? If yes, please describe: live music - various artists

Animals/ Livestock? If yes, please describe: \_\_\_\_\_

Use of Tents or Fencing Causing Ground Disturbance? If yes, please contact the Parks Dept 641-8060

Open Flame Cooking in Booths or Trailers? If yes, contact Fire Marshal at 641-8153.

Use of Port-a-Toilets? If yes, please contact the Parks Department 641-8060

Pyrotechnic Displays? If yes, contact Fire Marshal at 641-8153.

**Will you Require:**

Water? If yes, for what use, amount needed and method of dispensing N/A

Electricity? If yes, for what use, type needed and method of dispensing yes, outlets on covered stage

Dumpsters/ Trash Cans? If yes, amount needed, type, time delivered/ picked up and location \_\_\_\_\_

Traffic Cones/ Barricades? If yes, for what use, amount needed, time delivered/ picked up and location \_\_\_\_\_

Additional Police/ Fire Presence? If yes, for what purpose, type needed, and time/ location \_\_\_\_\_

**Have You Placed the Event on the Gunnison-Crested Butte Community Calendar (www.gcbcalendar.com)?**

Yes, it will be

**CITY OF GUNNISON  
COLORADO**

**IN THE MATTER OF THE APPLICATION FOR A )  
HOTEL & RESTAURANT LIQUOR LICENSE )  
FOR ABCD BIKES LLC ) FINDINGS AND DECISION  
dba DOUBLE SHOT CYCLERY )  
222 N. MAIN ST., GUNNISON, CO 81230 )**

**TO THE APPLICANT ABOVE-NAMED AND ALL OTHER INTERESTED PARTIES:**

Pursuant to Section 12-47-312, C.R.S., you are hereby advised based upon the application for a Hotel & Restaurant Liquor License in the City of Gunnison, the investigation conducted by the City of Gunnison, as the local licensing authority, and the evidence submitted at the public hearing, the application of ABCD Bikes LLC, dba Double Shot Cyclery, for a Hotel & Restaurant Liquor License, is approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the State or the local Liquor Licensing Authority of the City of Gunnison within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing outlets.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling malt, vinous and spirituous liquor by the drink for On-Premises Consumption as proposed in the application is not in violation of the zoning, fire and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell malt, vinous and spirituous liquor by the drink does not appear to be within 500 feet of any public or a parochial school or the principal campus of any college, university or seminary.
- (5) Within the City Limits where liquor is proposed to be sold, there are the following existing other outlets:

- 4 - Beer and Wine Licenses
- 14 - Hotel/Restaurant Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 1 - Brew Pub License
- 6 - Tavern Licenses
- 1 - Club Licenses
- 6 - 3.2% Beer Licenses

38 Total Number of Active Liquor Licenses in City of Gunnison

- (6) According to the information required by the State of Colorado Liquor Division and after testimony of the applicants at the public hearing, the applicants are of good moral character and possess the qualifications necessary to conduct the type of business proposed.
- (7) All fees necessary for the application have been paid.

Dated this 24th day of May, 2016.

LIQUOR LICENSING AUTHORITY  
CITY OF GUNNISON

---

Gail A. Davidson, City Clerk  
City of Gunnison  
201 W. Virginia Avenue  
Gunnison, CO 81230

**CERTIFICATE OF DELIVERY**

I hereby certify that I have mailed via USPS the foregoing "**FINDINGS & DECISION**" on May 25, 2016, to the following address:

Double Shot Cyclery  
222 N. Main Street  
Gunnison, CO 81230

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Gail A. Davidson, City Clerk

## MOTION

I move that the Hotel & Restaurant Liquor License for ABCD Bikes LLC, dba Double Shot Cyclery, 222 N. Main St., Gunnison, CO 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.

2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling malt, vinous and spirituous liquor by the drink for On-Premises consumption in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

4. The building where the application proposes to sell malt, vinous and spirituous liquor for on-premises consumption, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.

5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

4 - Beer and Wine Licenses

14 - Hotel/Restaurant Licenses

5 - Retail Liquor Store Licenses

1 - Arts License

1 - Brew Pub License

6 - Tavern Licenses

1 - Club Type Licenses

6 - 3.2% Beer Type License

6. All fees necessary for the application have been paid.

7. According to the information obtained through testimony by the applicants before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

# Memorandum

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**To:** City Council

**CC:** Interim City Manager Mark Achen

**From:** City Clerk Gail A. Davidson

**Date:** 5/18/2016

**Re:** Appointments to City Planning & Zoning Commission

---

The City Clerk advertised vacancies on several City Commissions, Boards and Committees for many weeks. Those vacancies were posted in display ads in the Times and the Shopper, on facebook and on the City website.

For the Planning Commission vacancy, with a 5-year term to expire May 17, 2021, I have received two letters/emails of interest from Cody Scott and Theresa Hanacek. Those letters are attached.

Cody and Theresa appeared and spoke with Council at the Work Session meeting on May 17<sup>th</sup>.

**Action Requested of Council at the May 24<sup>th</sup> Regular Session Meeting:**

**A motion, second and vote to appoint \_\_\_\_\_ to the City Planning & Zoning Commission with a term in expire May 17, 2021.**

Planning and Zoning Commission  
City of Gunnison  
201 W Virginia Ave, Gunnison, CO 81230

April 22, 2016

To whom it may Concern:

I would like to express my interest in filling the vacancy on the Planning and Zoning Commission. I recently spoke with Sharon Cave about the position and feel that I may be the right fit.

Given my educational background in Sociology, I have a strong interest in community planning and development. Though I recently applied to a Master's program in community and regional planning, I would prefer to gain practical experience in the field while serving the community that I love.

Sincerely,



Cody Scott

607 592 0841

## Gail Davidson

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**From:** Theresa Hanacek <theresa.hanacek@gmail.com>  
**Sent:** Thursday, May 12, 2016 4:05 PM  
**To:** Gail Davidson  
**Subject:** Position on Planning and Zoning Commission

Dear Ms. Davidson:

I would like to express my interest in serving on the City of Gunnison Planning and Zoning Commission. I am a current resident for more than a year and am registered to vote in the City of Gunnison.

My husband and I chose to move to Gunnison for the amazing quality of life. I would like to give back to the community that has already given us so much by helping to shape its present and future development.

I hold a bachelor's degree in Geography and Spanish and have formerly worked in the fields of GIS, civil engineering, and medical and legal translation. Presently, I am not employed outside my home.

I look forward to meeting the city council members on Tuesday evening.

Kind regards,

Theresa Hanacek



## Memorandum

**To:** City Council  
**From:** Ben Cowan  
**Date:** 5/17/2016  
**Re:** Colorado Wildfire and Incident Management Academy Funding Agreement

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Please find attached an agreement to help fund the Colorado Wildfire and Incident Management Academy's June 8 dinner at the I-Bar Ranch as was informally approved by the Council on May 17, 2016.

The \$1,000 was approved to be spent from the \$2,000 additional contracts for service line item. Therefore, the remaining amount for additional contracts in the 2016 budget is \$1,000.

**Requested Action:** A motion to authorize the Mayor's signature on the Memorandum of Agreement for Gunnison County; and to authorize the release of the budgeted 2016 funds for this event.

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") made effective this \_\_\_\_ day of \_\_\_\_\_, 2016, is by and between CITY OF GUNNISON, a Colorado home-rule municipality, existing under the laws of the State of Colorado, hereinafter called "CITY", and the Board of County Commissioners of the County of Gunnison, Colorado, hereinafter called "COUNTY".

### RECITALS

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

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

### AGREEMENT

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

1. TERM.

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

2. COMPENSATION, BONUS AND EXPENSES.

- (a) CITY hereby agrees to provide the funds previously appropriated and budgeted to COUNTY in the amount of One Thousand Dollars and No Cents (\$1,000.00), within thirty (30) days of execution of this agreement to be used for hosting the Colorado Wildfire and Incident Management Academy dinner at the I-Bar Ranch on Wednesday, June 8 in Gunnison for all Academy Students and staff. During the Academy, first responders from around Colorado as well as other states attend a variety of courses on fighting and managing wildfires and other large incidents. This is a highly regarded event, which has been recognized nationally as a model for wildfire and incident management training.
- (b) This Agreement is subject to CITY making an annual budget appropriation in an amount sufficient to fund this Agreement. If CITY fails or refuses to make such an appropriation, CITY reserves the right to terminate this Agreement without penalty to COUNTY pursuant to paragraph 10 of this Agreement.
- (c) CITY reserves the right to amend this agreement to reduce the contribution stated herein if the 2015 CITY audit should result in a significantly lower fund balance than projected.

3. CONSIDERATION.

- (a) COUNTY agrees acknowledge the financial support of the City of Gunnison in advertising and promotional literature. Copies of such advertising and literature

must be provided to the Finance Director of the CITY pursuant to paragraph 9 of this Agreement and may be submitted in an electronic format. Photos will be accepted as satisfaction of this requirement.

- (b) COUNTY agrees to provide the CITY with a synopsis of the program's accomplishments during the term of this agreement no later than October 31, 2016, which includes the program's actual revenues and expenditures for 2015 and estimated revenues and expenditures for 2016. The synopsis must also include GUNNISON COUNTY's assessment of progress toward the objectives submitted in the Contract for Service Application. Such written synopsis must be provided to the Finance Director of the CITY pursuant to paragraph 9 of this Agreement and may be submitted in an electronic format.
- (c) COUNTY agrees to demonstrate on-going efforts to cooperate and collaborate with other community based organizations and groups.
- (d) COUNTY agrees to demonstrate financial support (both cash and in-kind) from other resources (exclusive of the City of Gunnison).

#### 4. INDEMNIFICATION.

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

#### 5. INSURANCE.

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

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

- (c) Comprehensive automobile liability insurance on all vehicles used in the Services, in an amount no less than Three Hundred Fifty Thousand and No/100 U.S. Dollars (\$350,000.00) for any injury to one person in any single occurrence and in an amount no less than Nine Hundred Ninety Thousand and No/100 U.S. Dollars (\$990,000.00) for any injury to two or more persons in any single occurrence.

6. INDEPENDENT CONTRACTOR.

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

7. DELEGATION AND ASSIGNMENT.

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

8. ILLEGAL ALIEN CERTIFICATION.

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

- (a) COUNTY shall not knowingly employ or contract with an illegal alien to perform work under this Contract or enter into a contract with a subcontractor that fails to certify to COUNTY that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under the Contract;
- (b) COUNTY has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in either the e-verify program or the department program;
- (c) COUNTY certifies that it will use either the e-verify program or the department program procedures to undertake pre-employment screening of job applicants while this Contract is being performed;
- (d) If COUNTY obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, COUNTY shall be required to: (1) notify the subcontractor and the CITY within three days that COUNTY has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (2) terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to subsection (1), the subcontractor does not stop employing or contracting with the illegal alien; except that COUNTY shall not terminate the contract with the subcontractor if during such

three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien;

- (e) COUNTY shall comply with any reasonable request by the department made in the course of an investigation that the department is undertaking pursuant to the authority established in Section 8-17.5-102(5).
- (f) If COUNTY violates a provision of this Contract regarding requirements under Section 8-17.5-102(2), C.R.S., the CITY may terminate this Contract for a breach of the Contract. If the Contract is so terminated, COUNTY shall be liable for actual and consequential damages to the CITY. In the event of termination under this provision, the CITY is required to notify the Secretary of State.

#### 9. NOTICES.

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

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

COUNTY: GUNNISON COUNTY  
Scott Morrill  
200 E. Virginia Ave.  
Gunnison, CO 81230

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

#### 10. TERMINATION.

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

#### 11. MISCELLANEOUS.

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

12. ATTORNEYS FEES.

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

13. GOVERNING LAW.

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

14. ENTIRE AGREEMENT.

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

15. COUNTERPARTS: FACSIMILE TRANSMISSION.

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

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

CITY OF GUNNISON, a Colorado  
home-rule municipality

ATTEST:

By: \_\_\_\_\_  
Richard Hagan  
Mayor

\_\_\_\_\_  
Gail A. Davidson  
City Clerk

GUNNISON COUNTY

By: \_\_\_\_\_



To: City Councilors  
CC: Interim City Manager Mark Achen  
From: City Clerk Gail Davidson  
Date: May 18, 2016  
Re: Setting Public Hearings on Retail Marijuana Store License Applications from:  
The Pot Shop LLC, 905B N. Main St. and Frozen Smoke LLC, 500 W Hwy 50, Unit 103

Councilors:

On June 23, 2015, City Council passed Ordinance No. 5, Series 2015, establishing the regulations and process for approving medical and retail marijuana establishments in Gunnison. The State Marijuana Enforcement Division (MED) has approved Conditional Retail Marijuana Store Licenses for two applications that are currently being reviewed/processed by City Staff. Staff is recommending the City Public Hearings on these two applications be set in accordance with Gunnison Municipal Code Section 8.50.040B (1). A copy of the City application form has been included in your packet for preliminary information. The more detailed full State/City application will be included for the public hearing meetings.

Thank you, Gail

**Action Requested of Council:** A motion, second and vote to set the City's public hearing on the retail marijuana store license application from The Pot Shop LLC, dba The Pot Shop, 905 B N. Main Street, in Gunnison, for 7:00 P.M., Tuesday, June 28, 2016 in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison.

**Action Requested of Council:** A motion, second and vote to set the City's public hearing on the retail marijuana store license application from Frozen Smoke LLC, dba Frozen Smoke, 500 W. Hwy 50, Unit 103, in Gunnison, for 7:15 P.M., Tuesday, June 28, 2016 in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

CITY OF GUNNISON, COLORADO  
MARIJUANA ESTABLISHMENT LICENSE APPLICATION



CITY CLERK'S DEPARTMENT  
201 W. VIRGINIA AVENUE - P.O. BOX 239  
GUNNISON, CO 81230  
970-641-8140 (phone) 970-641-8051 (FAX)  
gail@cityofgunnison-co.gov (email)

Date Application Received by Clerk: 04/08/16  
Application Fee Paid: 04/08/16 (see attached fee schedule)  
License Fee Paid: 04/08/16  
Application Received By: TK

TYPE OF LICENSE: (please choose ONE)

- Medical Marijuana Center
- Retail Marijuana Store
- Cultivation Establishment: Medical \_\_\_\_\_ Retail \_\_\_\_\_
- Marijuana Product Manufacturing Establishment: Medical \_\_\_\_\_ Retail \_\_\_\_\_
- Marijuana Testing Facility
- License Renewal
- Modification of Premises
- Transfer License Ownership
- Transfer of License Location
- Other (please specify) \_\_\_\_\_

BUSINESS PREMISES INFORMATION

Legal Business Name: THE POT SHOP LLC  
Trade Name of Business (dba): N/A The Pot Shop  
FEIN: 47-1167153 City Sales Tax # 99-785  
State Sales Tax # 31018608-0000  
Physical Address of Business: 905 N MAIN ST B GUNNISON CO 81230  
Mailing Address of Business: 130 TAWANKA TRL GUNNISON CO 81230  
Business Telephone Number: 970-209-7507  
Business Email: CPTSHALB@NETZERO.NET  
Property Owner Name: DREW BENNETT  
Property Owner Address and Phone Number: 905 N Main St. Unit B  
Building Owner Name: SAME as above  
Building Owner Address and Phone Number: 970-275-8240

If the applicant is not the owner of the land or building where the marijuana establishment is to be located, the applicant shall submit a lease and a notarized "Property Owner Consent Form" granting consent from the property and/or building owner for the City to initiate the review process.

**APPLICANT INFORMATION**

APPLICANT is applying as a: (please choose ONE):

- Corporation
- Limited Liability Company (LLC)
- Partnership (includes Husband/Wife Partnerships)
- Individual (Sole Proprietor)
- Other (Specify)

APPLICANT NAME: JONATHAN BILLINGSLEY

Individual or Sole Proprietorship:

Applicant Full Legal Name: JONATHAN FLOYD BILLINGSLEY Social Security Number: [REDACTED] DOB: [REDACTED]

Applicant's Physical Address: 130 TAWANKA TRL Gunnison CO 81230

Applicant's Mailing Address: SAME

Applicant's Home and Cell Phone Numbers: 970-209-7567

Applicant's Current Email Address: CPTSHAKE@NETZERO.NET

What Marijuana License(s) does the Applicant or any member of the LLC, Corporation, Partnership/Association currently hold with the State of Colorado?

- Medical Marijuana Center License #: \_\_\_\_\_
- Retail Marijuana Establishment License #: \_\_\_\_\_
- Marijuana Product Manufacturing License #: \_\_\_\_\_
- Marijuana Testing License #: \_\_\_\_\_
- Cultivation Center License #: 403R-00337
- Other License #: \_\_\_\_\_
- None

What Marijuana License(s) does the Applicant hold with the City of Gunnison?

- Type: \_\_\_\_\_ License #: \_\_\_\_\_
- Type: \_\_\_\_\_ License #: \_\_\_\_\_

Additional Licenses Use Additional Pages

None

**OATH OF APPLICANT**

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

Authorized Signature: [Signature]  
 Printed Name and Title: JONATHAN BILLINGSLEY OWNER  
 Date: 3/15/16

(This page BELOW to be completed by City Staff)  
CITY OF GUNNISON DEPARTMENTAL APPROVALS

Each Department Must Review, Approve, Sign, Check-Off, and Date for Application Approval to be forwarded to City Council for approval.

CITY CLERK'S DEPARTMENT

- Includes payment of application and licensing fees; submission of complete application forms and any other forms as required.

Date approved: 5/2/16 By: [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

- Compliance with Mechanical, Fire and Technical Codes of the Gunnison Municipal Code
- Compliance with Land Use Requirements as defined in the Gunnison Land Development Code.

Date approved: \_\_\_\_\_ By: \_\_\_\_\_

FINANCE DEPARTMENT

- Compliance with sales tax collection and remittance Code requirements

Date approved: 4/28/16 By: [Signature]

POLICE DEPARTMENT

- Successful completion of local background checks and investigations

Date approved: 5/2/16 By: [Signature]

PUBLIC WORKS DEPARTMENT

- Compliance with City Utilities Codes

Date approved: 4-26-16 By: [Signature]

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**REQUIRED ATTACHMENTS FOR CITY COUNCIL PUBLIC HEARING**

Results of local background check by City of Gunnison Police Department.

Approved Site Development Application and/or Conditional Use Permit.

Completed State of Colorado License Application Forms to Application.

Date Application Accepted by City Council: \_\_\_/\_\_\_/\_\_\_

Date of Public Hearing: \_\_\_/\_\_\_/\_\_\_

APPLICATION APPROVED: \_\_\_/\_\_\_/\_\_\_

APPLICATION DENIED: \_\_\_/\_\_\_/\_\_\_



**CITY OF GUNNISON, COLORADO  
MARIJUANA ESTABLISHMENT LICENSE APPLICATION**



**CITY CLERK'S DEPARTMENT  
201 W. VIRGINIA AVENUE - P.O. BOX 239  
GUNNISON, CO 81230  
970-641-8140 (phone) 970-641-8051 (FAX)  
[gail@cityofgunnison-co.gov](mailto:gail@cityofgunnison-co.gov) (email)**

Date Application Received by Clerk: 04/22/16  
Application Fee Paid: 04/22/16 (see attached fee schedule)  
License Fee Paid: 04/22/16  
Application Received By: AM

**TYPE OF LICENSE: (please choose ONE)**

- Medical Marijuana Center
- Retail Marijuana Store
- Cultivation Establishment: Medical  Retail
- Marijuana Product Manufacturing Establishment: Medical  Retail
- Marijuana Testing Facility
- License Renewal
- Modification of Premises
- Transfer License Ownership
- Transfer of License Location
- Other (please specify) \_\_\_\_\_

**BUSINESS PREMISES INFORMATION**

Legal Business Name: Frozen Smoke, LLC.  
Trade Name of Business (dba): Frozen Smoke, LLC.  
FEIN: 81-1287197 City Sales Tax # \_\_\_\_\_  
State Sales Tax # 30186769-0000  
Physical Address of Business: 500 W Highway 50 Unit 103, Gunnison, CO 81230-3937  
Mailing Address of Business: 500 W Highway 50 Unit 103, Gunnison, CO 81230-3937  
Business Telephone Number: 970-209-7451  
Business Email: frozensmokedispensary@gmail.com  
Property Owner Name: Kadlec Fritz D  
Property Owner Address and Phone Number: 500 W Highway 50 Unit 105 (970) 641-7377  
Building Owner Name: Kadlec Fritz D  
Building Owner Address and Phone Number: 500 W Highway 50 Unit 105 (970) 641-7377

If the applicant is not the owner of the land or building where the marijuana establishment is to be located, the applicant shall submit a lease and a notarized "Property Owner Consent Form" granting consent from the property and/or building owner for the City to initiate the review process.

**APPLICANT INFORMATION**

APPLICANT is applying as a: (please choose ONE):

- Corporation
- Limited Liability Company (LLC)
- Partnership (includes Husband/Wife Partnerships)
- Individual (Sole Proprietor)
- Other (Specify)

APPLICANT NAME: Staci Renee Davis

Individual or Sole Proprietorship:

Applicant Full Legal Name:

Staci Renee Davis

Social Security Number

[REDACTED]

DOB:

[REDACTED]

Applicant's Physical Address: 760 Crawford Avenue, Delta, CO 81416

Applicant's Mailing Address: 760 Crawford Avenue, Delta, CO 81416

Applicant's Home and Cell Phone Numbers: 970-209-7451

Applicant's Current Email Address: frozensmokedispensary@gmail.com

What Marijuana License(s) does the Applicant or any member of the LLC, Corporation, Partnership/Association currently hold with the State of Colorado?

- Medical Marijuana Center License #: \_\_\_\_\_
- Retail Marijuana Establishment License #: \_\_\_\_\_
- Marijuana Product Manufacturing License #: \_\_\_\_\_
- Marijuana Testing License #: \_\_\_\_\_
- Cultivation Center License #: \_\_\_\_\_
- Other License #: \_\_\_\_\_
- None

What Marijuana License(s) does the Applicant hold with the City of Gunnison?

- Type: \_\_\_\_\_ License #: \_\_\_\_\_
- Type: \_\_\_\_\_ License #: \_\_\_\_\_

Additional Licenses Use Additional Pages

- None

**OATH OF APPLICANT**

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

Authorized Signature: \_\_\_\_\_

Staci Davis

Printed Name and Title: Staci Renee Davis, Owner

Date: April 16, 2016

(This page BELOW to be completed by City Staff)  
CITY OF GUNNISON DEPARTMENTAL APPROVALS

Each Department Must Review, Approve, Sign, Check-Off, and Date for Application Approval to be forwarded to City Council for approval.

CITY CLERK'S DEPARTMENT

- Includes payment of application and licensing fees; submission of complete application forms and any other forms as required.

Date approved: 5/2/16 By: [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

- Compliance with Mechanical, Fire and Technical Codes of the Gunnison Municipal Code
- Compliance with Land Use Requirements as defined in the Gunnison Land Development Code.

Date approved: \_\_\_\_\_ By: \_\_\_\_\_

FINANCE DEPARTMENT

- Compliance with sales tax collection and remittance Code requirements

Date approved: 4/28/16 By: [Signature]

POLICE DEPARTMENT

- Successful completion of local background checks and investigations

Date approved: 3/2/16 By: [Signature]

PUBLIC WORKS DEPARTMENT

- Compliance with City Utilities Codes

Date approved: 5/2/16 By: verbal from Lex Bradford

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**REQUIRED ATTACHMENTS FOR CITY COUNCIL PUBLIC HEARING**

Results of local background check by City of Gunnison Police Department.

Approved Site Development Application and/or Conditional Use Permit.

Completed State of Colorado License Application Forms to Application.

Date Application Accepted by City Council: \_\_\_/\_\_\_/\_\_\_

Date of Public Hearing: \_\_\_/\_\_\_/\_\_\_

APPLICATION APPROVED: \_\_\_/\_\_\_/\_\_\_

APPLICATION DENIED: \_\_\_/\_\_\_/\_\_\_



# Memorandum

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**To:** City Council  
**CC:** Interim City Manager Mark Achen  
**From:** City Clerk Gail A. Davidson, CMC  
**Date:** 5/18/2016  
**Re:** Council Vacancy

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## City Councilors:

The City Clerk has received a letter of resignation from City Councilor Stu Ferguson. A copy of that letter is included in your packet. Stu states his last day on City Council will be May 31, 2016. Section 4.7 of the City of Gunnison Municipal Home Rule Charter outlines the procedure for filling a vacancy on City Council. To paraphrase, since the vacancy occurred more than 90 days after the last election and more than 90 days prior to the next election, Council has 30 days to appoint, by a majority vote of the remaining members of the Council, a new City Councilor. Action must take place by June 30, 2016.

I have attached the proposed notice of the vacancy, dates the ad will be run in the local newspapers and the proposed dates for talking with applicants for the position. Thank you,

Gail

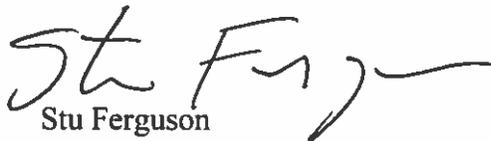
Stu Ferguson  
404 S. Wisconsin #2  
Gunnison, CO 81230  
May 1, 2016

Mayor Richard Hagan  
City Councilors  
City Clerk  
City of Gunnison  
201 W. Virginia Ave.  
Gunnison, CO 81230

Dear Mayor Richard Hagan et. al.;

Please accept my resignation from Gunnison City Council effective May 31, 2016. It has been a privilege to serve our wonderful community and the experience has been incredibly rewarding, but the time has come to move ahead with retirement.

Thank you for your consideration.

  
Stu Ferguson

## CITY COUNCIL VACANCY CITY OF GUNNISON

The City Council of the City of Gunnison, Colorado, has a **vacancy for a City Council term expiring May 22, 2017**. Pursuant to Section 4.1 of the City of Gunnison Municipal Home Rule Charter, to be eligible a person shall be:

- At least 21 years of age;
- Have been a resident of the City for at least one (1) year;
- Be a registered City voter and remain so throughout the term; and
- Shall not be in default to the City.

If you meet these requirements and are interested in being appointed to serve on City Council, please submit your letter of interest and qualifications to City Clerk Gail Davidson, P.O. Box 239, Gunnison, CO 81230-0239, email the letter to [gail@cityofgunnison-co.gov](mailto:gail@cityofgunnison-co.gov) or drop it off at the City Clerk's Office at City Hall, 201 W. Virginia Avenue in Gunnison. **The deadline for letters of interest to fill this vacancy is Friday, June 3, 2016, at 3:00 P.M.** Council discussion with applicants will take place at the City Council meeting on Tuesday, June 7, 2016, with appointment being made thereafter. For more information contact Interim City Manager Mark Achen at 641-8171 or City Clerk Gail Davidson at 641-8140.

Advertisement will appear after Stu's resignation accepted on Tuesday, May 24, 2016.

Display Ad to be run in	Shopper	Times
on	Wed. 05/25	Thurs. 05/26
and	Wed. 06/01	Thurs. 06/02

Letters of interest due 3pm, Friday, June 3<sup>rd</sup> so they can be included in Council's June 7<sup>th</sup> Work Session Packet.

Council discussions with applicants to be held at Work Session meeting on Tues. 06/07 With appointment after meeting, either at Special Session the night of 06/07 or at a later date to be determined by Council. Appointee sworn in by City Clerk upon appointment.

**RESOLUTION NO. 4  
SERIES 2016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON,  
COLORADO, CREATING A PARKS AND RECREATION ADVISORY COMMITTEE**

**WHEREAS**, the City Council of the City of Gunnison, Colorado, desires to establish a Parks and Recreation Advisory Committee to act in an advisory capacity to the City Council relating to parks and recreation planning, projects, and budget formulation; and

**WHEREAS**, the City Council has determined that the structure, powers and duties of such committee as set forth below is appropriate and will serve the purposes intended by the creation of such committee.

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

1. That a Parks and Recreation Advisory Committee (“Committee”) is hereby created.
2. That the Committee shall have the following powers and duties:
  - a. Act in an advisory capacity to the City Council in all matters pertaining to parks and recreation programs and services.
  - b. Consider the annual budget for parks and recreation programs during its initial preparation and make recommendations with respect thereto to the City Council and City Manager, with particular attention to the use of funds generated by the 1A initiative.
  - c. Advise in the planning of parks and recreation programs, promote and stimulate public interest for such programs, and solicit the cooperation of school authorities and other public and private agencies interested in such programs.
  - d. Recommend proposals for the acquisition, development and improvement of recreation, parks and playgrounds subject to the terms of the Parks and Recreation Department Master Plan and the rights and powers of the City Council.
  - e. Serve as a sounding board for the submission of ideas regarding parks and recreation facilities.
  - f. Encourage individuals and citizen groups to provide funding, property, and participation for the development and operation of the parks and recreation programs within the City, with particular attention to strategies which strengthen grant applications.
3. The Committee shall consist of seven (7) members appointed by City Council, determined as follows:
  - a. Four members shall be registered voters who reside within the City limits of the City of Gunnison;
  - b. One member shall be a Gunnison High School student;
  - c. One member shall reside in the North Valley, defined as North of the City limits of the City of Gunnison;
  - d. One member shall be at large.
4. The Committee shall also contain one City Council member, serving in a non-voting advisory role, and the Parks and Recreation Director, who shall guide and advise the Committee as appropriate.
5. The Committee will select a chair and vice-chair, and shall set such rules of procedure as determined by the Committee.
6. The City Council’s selection process should ensure that the Committee is comprised of individuals who represent a diversity of interest and ages. Members must have resided in the Gunnison Valley for a period of two years prior to appointment and shall serve for a period of two (2) years, or until their successors are qualified and appointed. The terms of

the members shall be staggered so all terms do not end at one time. A term runs from the date of appointment through December 31 of the appropriate year. Should a vacancy occur, Council shall appoint a successor to serve the balance of term vacated by a Committee member.

7. The Parks and Recreation Director is trained in parks and recreation administration, project and program development, grant submissions, facility management, human resource management, and other applicable tasks, and shall be regarded by the Committee as the professional in all matters pertaining to organization, administration and programming within the Parks and Recreation Department. Members of the Committee may meet with the Director to discuss programs, facilities, objectives or other related matters during formal Committee meetings or such other times convenient to the member and Director. The Committee shall not engage in any day-to-day decisions or actions affecting the Department or the Director's role with the City.
8. Meetings of the Committee shall be set at such time and place desired by the Committee, at least quarterly.

**INTRODUCED, READ, PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Gunnison, Colorado on the 24th day of May, 2016.

CITY OF GUNNISON, COLORADO

---

Richard Hagan, Mayor

(SEAL)

ATTEST:

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Gail A. Davidson, City Clerk

**RESOLUTION NO. 5  
SERIES 2016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON,  
COLORADO, CANCELING THE REGULAR SESSION MEETING  
THAT WAS SCHEDULED FOR JUNE 14, 2016.**

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

**WHEREAS**, the City Council wants to cancel one such meeting, initially scheduled for Tuesday, June 14, 2016.

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

The Regular Session meeting of the City Council scheduled for Tuesday, June 14, 2016, is canceled to allow Council to conduct interviews for the vacant City Manager position.

**INTRODUCED, READ, PASSED AND ADOPTED** at a Regular Session meeting of the City Council of the City of Gunnison, Colorado, held this 24th day of May, 2016.

\_\_\_\_\_  
Mayor

(SEAL)

(ATTEST)

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

**RESOLUTION NO. 6  
SERIES 2016**

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

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

**WHEREAS**, 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 (Ordinance No. 4, Series 2016); and

**WHEREAS**, the City Council determined 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; and

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT** the following fees will be adopted for City goods and services effective upon the City's adoption of Ordinance No. 4, Series 2016.

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Community Development	License Agreements	\$ 50.00 (Fee is exempt for Sandwich Board Signs)

**INTRODUCED, READ, PASSED AND ADOPTED** at a Regular Session meeting of the City Council of the City of Gunnison, Colorado, held this 24th day of May, 2016.

\_\_\_\_\_  
Mayor

(SEAL)

(ATTEST)

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

**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*.

Nothing in this Chapter shall be construed to limit the City's ability to use public rights-of-way as deemed necessary or desired.

**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

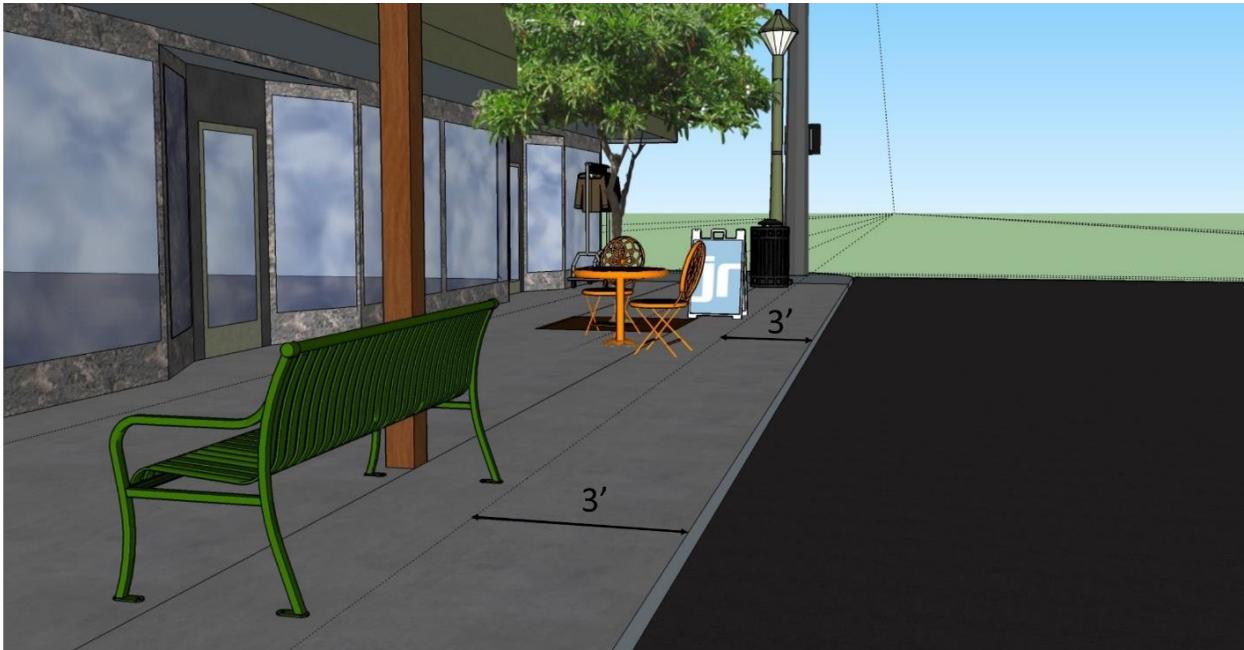
Uses within the Commercial, B-1, and CBD Districts proposing to use public rights-of-way for private purposes shall be subject to the standards established herein.

##### 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. To accommodate easy pedestrian movement, horizontal transitions of the accessway should be uniform and should not exceed three feet over a linear distance of eight feet.



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 physical impediment greater than 15 feet in length that preclude pedestrian movement 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. Alternative merchandise display configurations may be considered if Section 9.40.080.A General Standards are satisfied.
4. Merchandise displays shall be removed from the public rights-of-way after business hours.
5. 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 15<sup>th</sup> and November 15<sup>th</sup>. 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. Umbrellas placed within the public rights-of-way shall not display trademarks, logos, brands or other advertising messages.
  - c. Furniture and features must be maintained in good visual repair.
  - 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 10th day of May, 2016, on first reading, and introduced, read, amended, passed and adopted on second and final reading this 24th day of May, 2016.

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Richard Hagan, Mayor

(SEAL)

ATTEST:

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Gail A. Davidson, City Clerk

Published by Title in the  
Gunnison Country Times Newspaper  
May 19, 2016

And published in Full as amended  
in the Gunnison Country Times Newspaper  
May 26, 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 24th day of May, 2016.

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Richard Hagan, Mayor

(SEAL)

ATTEST:

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Gail A. Davidson, City Clerk

Published by title in the  
Gunnison Country Times Newspaper  
May 19, 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 24th day of May, 2016.

\_\_\_\_\_  
Richard Hagan, Mayor

(SEAL):

ATTEST:

\_\_\_\_\_  
Gail A. Davidson, City Clerk

Published by Title in the  
Gunnison Country Times  
May 19, 2016

**ORDINANCE NO. 7  
SERIES 2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,  
COLORADO, AMENDING TITLE 4 JUDICIARY, CHAPTER 4.10 MUNICIPAL  
COURT, SECTION 4.10.040 MUNICIPAL COURT CLERK**

**WHEREAS**, the City of Gunnison, Colorado, is a Colorado home-rule municipality; and

**WHEREAS**, City staff has undertaken a review of the provisions of the City of Gunnison Municipal Code as such relates to the authority to direct the duties and personnel of the City's municipal court, particularly the municipal court clerk, and determined that changes are necessary to assist in streamlining roles and procedures; and

**WHEREAS**, the City Council has determined that the changes proposed by staff are appropriate and in the best interest of the City of Gunnison, Colorado.

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

Section 1. Title 4 Judiciary, Chapter 4.10 Municipal Court, Section 4.10.010, Municipal Court Clerk, is hereby amended to read as follows:

4.10.040 Municipal Court Administration

The City Council hereby establishes the position of municipal court clerk. The City Manager, after consultation with the municipal court judge, shall designate a City employee(s), to perform the duties of the municipal court clerk as such are delegated by law, court ruling, or the municipal court judge. The municipal court clerk may serve without posting bond. The City Council shall annually assign two of its members to serve as liaisons to the municipal court and its personnel and shall advise Council as necessary.

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 24th day of May, 2016, on first reading, and introduced, read, and adopted on second and final reading this \_\_\_\_\_ day of June, 2016.

\_\_\_\_\_  
Richard Hagan, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Gail Davidson, City Clerk

Ordinance published by title in the  
Gunnison Country Times Newspaper  
June 2, 2016



## Memorandum

**To:** City Council  
**From:** Ben Cowan  
**Date:** 5/19/2016  
**Re:** Semiannual Finance Department Report

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Although most of the services the Finance Department provides are enduring functions, we continually try to make our processes more efficient, more customer friendly, and we try to stay on top of changes in law and the availability of technology.

We have celebrated several milestones in the office during the last six months. Dorene completed 23 years with the City in February (whereas I completed my first year), Shannon completed 6 years in April, Tammy completed 5 years in May and Michelle will complete 8 years in June. They all do an incredible job helping customers in a polite, clear way and in performing their jobs in an accurate and efficient manner.

Below are some highlights of some projects we've undertaken in Finance over the last six months:

### Human Resources:

Tammy worked to help employees through the open enrollment period and prepared personnel action forms for each employee's 2016 wages. We coordinated with the Parks and Recreation Department to offer payroll deduction for City employees' community center memberships. We've seen an increase in employees signing up, which helps employees by spreading the cost of the membership across twelve months and helps the City by gaining more members.

We worked to memorialize the practices used in payroll by finishing the Compensation Plan Administration Guidelines. The document will guide the City in payroll decisions and ensure all employees are treated fairly. The document outlines how minimum wage increases, new hires, promotions, lateral transfers, part-time wage adjustments, part-time experience adjustments, etc. are handled.

The City has enrolled every employee in the Employee Assistance Program. An EAP enhances an organization's employee productivity, performance, conduct, and minimizes behavioral risk by offering 3 free, confidential visits each year to each of the following:

- 1) Attorney visits for estate planning, divorce counseling, legal problems, etc.
- 2) Counseling for relationship difficulties, drug/alcohol misuse, depression or anxiety, family & parenting issues, job-related problems, workplace conflicts, etc.
- 3) Financial advisor to assist with financial planning or problems, elder care, etc.

An EAP can also assist with issues occurring within the workplace by providing mediators/counselors to deal with the aftermath of a critical event, problematic levels of stress, workplace conflict, etc. Thank you for supporting the employees in approving this new program during the budget process.

May 19, 2016

Tammy has updated the CML wage survey data compiled by CSS-TechNet with the City of Gunnison's 2016 wage data. She also completed various other salary surveys that will help us to analyze our wages and benefit packages during the upcoming year.

Tammy has also worked with Gunnison Valley Health to prepare health fair payment vouchers for participating City employees. Rather than paying upfront and getting reimbursed, the employee can simply provide a voucher and the insurance reimburses GVH directly. It is a great way to increase participation in the health fair.

As part of our efforts to cross-train in critical areas, Tammy trained me in the use of the software to process the bi-weekly payroll.

We also are busy working with the semi-annual review of the Employee Handbook as it relates to changes in employment law. Some upcoming changes include a return to work policy, amendments to the drug-free work place/reasonable suspicion policies, and a simplification of overtime calculations, among other changes to bring the Employee Handbook into compliance with the current legal environment.

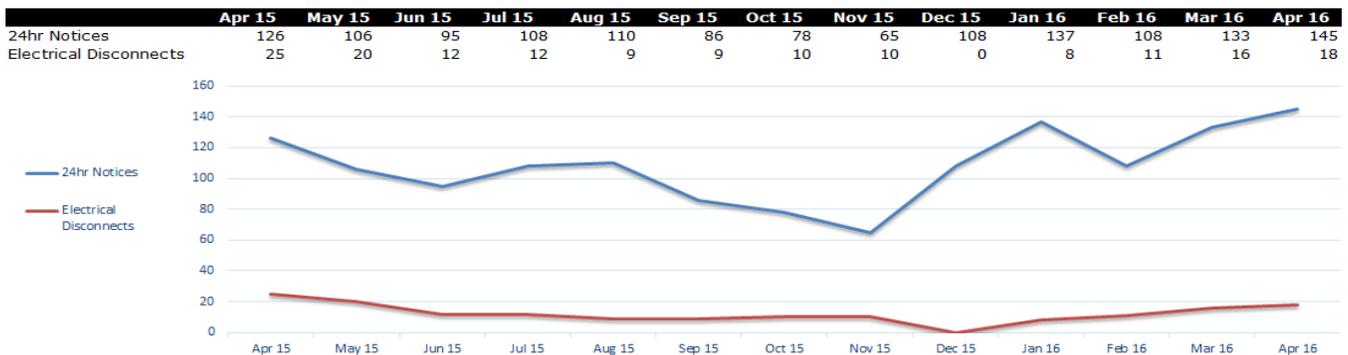
W-2's were sent out on time. Unemployment, disability, Family and Medical Leave Act, and Affordable Care Act reporting is ongoing. Tammy has provided the information to complete the 1094 C transmittal to the IRS for the new Healthcare Act.

We met with Western personnel and made some modifications to the internship program and wage rate to help facilitate internships for those students that have do work during their schooling. Rather than paying \$1,050 at the end of an internship, the City will now pay a base rate with a completion bonus (upon signoff from the student's professor and a passing grade of C).

Utility Billing:

Shannon does a fantastic job managing the utility billing. We often have trouble gathering the meter data from the various types of meters due to electronic and hardware challenges and she invariably works out a way to gather accurate data for billing purposes with a minimum of entry labor and interruption to the electric, sewer, water and refuse crews. The Public Works crews have been busy replacing old manually read meters with new meters that regularly download usage data over the network. Shannon has carefully been working to manually calculate the charges as old meters are retired and new meters are associated with the correct accounts. To date, 903 new meters have been installed.

Shannon processed the annual refund of deposits in November to those utility customers who have had an account with the City for a year and have paid their bills on time.



Now the new Application for Utility Services integrates the Automatic Payment Plan so customers have a much simpler process for signing up for new service and enrolling in the Payment Plan if they wish.

*May 19, 2016*

We have done a significant amount of work to make conducting business online simpler in preparation for the new website, including automatic submission of paperwork via the website. With this integration, we've seen more interest in the free Automatic Payment Plan, which saves time (fewer checks to write), saves postage, prevents late payments and late payment charges even when away on vacation or out of town. Since it reduces the labor of entering 4,000 payments per month on the accounts, we have been waiving the deposit requirement for renters to encourage them to sign up.

Utility billing is busy as many Western students are moving out of their rentals. Shannon is busily updating the customer records, applying deposits and prorating bills.

#### Year-End Processing:

With the end of the fiscal year comes a great deal of work in wrapping up 2015 and starting 2016. Because we utilize a "modified accrual" basis of accounting, all expenses encumbered in 2015 are recorded as a 2015 expense, regardless of when the invoice is received/payment is made. Likewise, all revenues measurable in 2015 are recorded as 2015 revenue.

Dorene has recorded the 2015 expenses through accounts payable and set up a 2015 liability, and changed the date on the computer to the current date to issue a check and reduce the liability in 2016.

We scrambled to ensure all receipts were entered by December 31. For 2015 revenue received after December 31, Michelle made daily journal entries to record the revenues and set up a receivable. This process is wrapping up, so we can close out the books for 2015. Other year-end adjustments are now being made in advance of the auditors' arrival in June.

Tammy has input the new pay rates, insurance premiums, and tax tables for 2016. We have adjusted the part-time salaries for inflation for the first year and hope it will result in the ability to more easily hire quality temporary employees throughout the year.

Michelle sent out 1099's and I produced the 2016 budget document. The budget was posted to the accounting system so we can create weekly financial reports for 2016.

The mileage reimbursement rate has decreased from 57.5 cents to 54 cents per mile.

#### Committees:

The **Computer Working Group** met several times, with Shannon representing our department. Shannon worked closely with the group to recommend updates to hardware and software. The most exciting development in this group is to update the City's website. This will be an exciting new change and improvement for customer interaction.

The **Investment Advisory Board** met via email to help guide investment decisions. We had few maturing investments over the past six months so the Board elected to convene a more lengthy meeting in June to discuss the strategy moving forward.

The **Gunnison/Hinsdale Combined Emergency Telephone Service Authority Board (E911 Authority)** meets on a quarterly basis. The fund balance at the March meeting was \$197,118. The Board's significant work over the last six months has been related to training and programming around radio frequencies and the development of reimbursement agreements for use of repeater sites by non-emergency entities.

The **Firemen's Pension Board** meets semi-annually and held its meeting February 25. A quick synopsis of actions includes acceptance of two firefighters' retirements after having attained 20 years of service and the age of 50. The Board agreed to maintain the current pension levels at \$350 per month, \$175 for a surviving spouse, and \$1,000 for the death benefit.

Youth City Council:

Finance took its turn hosting the Youth City Council on January 18. After discussing some Finance basics such as fund accounting, revenues, expenditures, appropriations and fund balances, the YCC tested their hand at setting priorities and going through the process of allocated limited resources to their desired projects. They came up with their priorities for spending which included the following:

- Public safety
- Support of the University, youth and ranching
- Maintaining the ease of getting around
- Access to recreational amenities
- Preservation of community aesthetics

Each Councilmember played the role of a department head, taking their turns “selling” their proposed projects. They then worked on various methods to allocate funds such as fitting into their priorities, legal mandates, existing programs, etc. We threw in some unanticipated events to highlight the need to keep funds in reserve.

Banking:

With interest rates at a historic low, the banking industry is getting very creative in developing new fees to support their business. It has been a challenge to stay on top of these changes and keep fees as low as possible. Recently, our fees have jumped by double from around \$500 per month to \$1,000. We worked to negotiate lower per unit costs and removed unneeded services like overnight investment sweeps and automatic withdrawals to cover cleared checks in order to maintain the current cost of banking.

Grant Tracking:

We received the final reimbursement request from the Department of Local Affairs for the Senior Addition.

The total cost of the project was \$332,284.43. \$142,979.80 was received from the Department of Local Affairs of the total granted amount of \$150,000. Additional funds were secured from the following sources:

Boomers Building Fund	\$50,894.72
Daniels Foundation	\$38,100.00
Gates Foundation	\$30,000.00
Boettcher Family Foundation	\$20,000.00
El Pomar	\$10,000.00
Young at Heart	\$5,500.00
Community Foundation of the Gunnison Valley	\$1,000.00

The City’s cash match totaled \$33,809.91.

Gunnison Rising Metro Districts:

Finance participated heavily in the process to review the proposed creation of the Gunnison Rising Metropolitan Districts and preparing comments regarding the preliminary review of the service plan.

Professional Development:

Michelle and I attended the Colorado Government Finance Officers Association Western Slope Coalition Workshop in Montrose. A quick synopsis of the topics discussed includes:

*Special Events Roundtable*

Those present discussed how they handle the processing of special events in their municipalities. We came away with some new, good contacts with the State of Colorado Department of Revenue Enforcement Division in order to cooperate more closely during larger events. We modified the Event Permit Application to assist in gathering important information.

*Investing Public Funds*

Ned Connolly, with Chandler Asset Management, presented some ideas for investment policies and reporting structures. I think the City already follows the best practices in this area and have a great group of members on our Advisor Board. We will be discussing management directives and cash flows during upcoming meetings.

*Short Term Rentals*

This was an eye-opening session, hosted by Dean Brookie, with the City of Durango and the Colorado Association of Ski Towns. Mr. Brookie discussed the issues and emergent problems experienced in Durango regarding the growing VRBO industry. They worked diligently to address the health/safety issues, tax loss, disturbance to residential character, unfair playing field with lodging establishments, etc. that arose. Essentially, they required a \$750 land-use permit and use of zoning to disallow VRBOs in certain neighborhoods. The resulting permit number must be displayed on the residence so that anyone can report disturbances or illegal rentals. Only one rental is allowed per block to avoid "dark block" during seasons and investors purchasing entire blocks and operating what amounts to a hotel. There must be a local contact and if no taxes are paid during the year, the license is revoked.

*Navigating the New (municipal bond) World*

Troy Bernberg, with UMB Bank, presented information regarding recent changes enacted by the SEC and Dodd-Frank Wall Street Reform. Discussion hinged around changes to continuing disclosures, which pertain to the City on both our 1997 and 2007 bond issues. We also discussed the use of municipal advisors and the fact that your underwriter or broker-dealers may no longer provide advice to municipalities. We will look into whether or not the City needs to engage a municipal advisor with regard to debt.

*Disaster Finance*

Catrina Asher, Financial Compliance Manager, and Kristyn Unrein, Disaster Recovery Accountant for Boulder County, presented information on the impact the 2013 floods had on Boulder County and the smaller municipalities that were cleaned out financially as a result. They gave some good tips on preparing before a disaster or emergency occurs, as well as advice for the first few days when documentation (and therefore eventual disaster reimbursement) is difficult to attain. Some steps we should look into from a Finance perspective are crafting an emergency procurement policy, determining emergency reserve availability and funding options. We also need to ensure we are adopting annual Colorado Resource Rate Forms with the Colorado Department of Public Safety, so that we can be reimbursed for equipment use and labor for our own events and deliverance of mutual aid, from the Division of Homeland Security and Emergency Management, FEMA, HUD, etc.

Tammy participated in a variety of webinars to stay on top of employment law changes include the publication of the U.S. Department of Labor's (DOL) Final Rule modifying the white-collar exemptions and overtime regulations. Another webinar she participated in was regarding employee rights and e-verify, and Teledoc.

Thank you for your ongoing support of professional development in our department.

Sales Tax:

Dorene has been amazingly thorough in helping our taxpayers adjust to the change in the vendor fee. It was difficult for many to understand the difference between the change in the Rural Transportation Authority's rate and our vendor fee reduction. We notified the State regarding the change to their form DR 1002 to further facilitate change for companies using national software companies to remit taxes. We've also communicated the change to various software vendors.

With the additional marijuana revenues, we had to make significant changes to our internally constructed reporting software. We update the monthly charts, including an industry pie chart to increase user understandability.

Dorene has been great in promptly sending out delinquent notices and as we have experienced poor payment history with the marijuana industry, she has made it very clear to them that they must remit taxes on time to avoid penalties and interest.

Water Lab Billing Database:

I created a new water lab database to assist the wastewater treatment staff in producing test results, billing information and state reporting, all derived from the same data source. Previously, this information had to be re-entered three times, which introduced a great propensity for errors and time wasted. We hope this will be a great addition to the water lab processes.

The image displays three screenshots of the City of Gunnison Water Lab Database software. The first screenshot shows the 'Data Entry' menu with buttons for 'Enter Bench Sheet', 'Edit Customers', 'Edit Results', 'Edit Tests', and 'Delete Samples'. The second screenshot shows the 'Reporting' menu with buttons for 'Invoice Report', 'Results Report', 'Customer List', and 'State Water Data', along with date input fields for 'Start Date' and 'End Date'. The third screenshot shows the 'Bench Sheet Entry Form' with fields for 'Sample', 'Collection', 'Received', 'Read', 'Type', 'Customer', 'Location', 'PO#', 'Paid Upfront', and 'PWS ID #'. To the right of the form is a 'Results' table with columns for 'Test', 'Results', and 'Status'. The fourth screenshot is a 'Summary Water Test' report for 'Arrowhead Ranch' (PWS ID #) showing test results for Chlorine, E. Coli, and Total Coliform, along with a cost breakdown.

Reference	Test	Results	Status	Analyst	Cost
COLLERT	Chlorine	.40	Safe	Dale J. Picard	\$0.00
	E. Coli	Absent	Safe	Dale J. Picard	\$25.00
	Total Coliform	Absent	Safe	Dale J. Picard	\$15.00
TOTAL:					

Daily work continues with accounts payable, payroll, utility billing, and financial reporting for the City, the Firemen's Pension Fund and the Gunnison/Hinsdale Combined Emergency Telephone Service Authority. College students are moving around and into Gunnison with the end of another school year, which means a significant volume of work orders and collecting on delinquent accounts.

Please let me know if you have further questions regarding these items or other activities in the Finance Department.