

**GUNNISON COUNCIL AGENDA**  
**MEETING IS HELD AT CITY HALL, 201 WEST VIRGINIA AVENUE**  
**GUNNISON, COLORADO; IN THE 2<sup>nd</sup> FLOOR**  
**COUNCIL CHAMBERS**  
**REMOTE ACCESS MEETING**

Approximate meeting time: 1.5 hour

**TUESDAY**

**JUNE 8, 2021**

**DISCUSSION/WORK SESSION**

**1:30 P.M.**

*Due to the international outbreak of novel coronavirus (COVID-19), the City of Gunnison is holding meetings Gunnison City Council in person and online. The public may attend Council meetings remotely. Click [Gunnison City Council Work Session](#) to register and access the meeting.*

No formal Council action will take place at this meeting.

**I. Presiding Officer Call Regular Session to Order: (silent roll call by City Clerk):**

**II. Ballot Initiative Data:** City Council and staff will discuss feedback received to date through the City of Gunnison Community survey related to potential ballot initiatives to fund a new firehouse, road maintenance, and Parks & Recreation programs and facilities.

Staff contacts: City Manager Russ Forrest and City Clerk Erica Boucher

Estimated time: 60 minutes

**III. Alcohol Consumption in Public Parks:** City Council and staff will discuss options related to the permitting of alcohol consumption in Gunnison City Parks.

Staff contact: City Clerk Erica Boucher

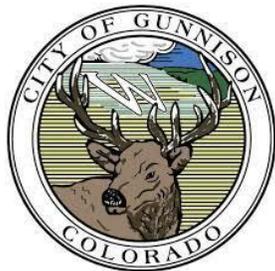
Estimated time: 30 minutes

**IV. Meeting Adjournment:**

The City Council Meetings 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.gunnisonco.gov](http://www.gunnisonco.gov). Work Sessions are recorded; however, minutes are not produced. 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.**



**RRC**  
ASSOCIATES



# City of Gunnison

**Community Survey 2021- PRELIMINARY RESULTS**  
**RRC Associates**

# Introduction

## 2018 Community Survey

- Focused on ratings of departments and priorities.
- Tracked resident sentiment on relevant topics in the community (e.g., housing).

## 2021 Community Survey

- All departmental ratings were kept for comparisons.
- New ballot initiative questions added.
- **Results are preliminary and subject to change.**



# Methodology

## Sampling of Gunnison Residents

- **Three different approaches to gather response:**
  - Email to Gunnison residents via utility lists.
  - Mail survey to all available mailing records in Gunnison.
  - Targeted email to Western Colorado University students to garner participation.
  - Only those living within city limits are included in the results; however, responses from those outside city limits are still collected for comparisons.
  - Data is weighted using U.S. Census results by age distribution of Gunnison and Hispanic, Spanish, or Latinx origin.

# 731

**Total responses  
from Gunnison  
residents\***

\*Subject to change – Data is preliminary.

# Demographics

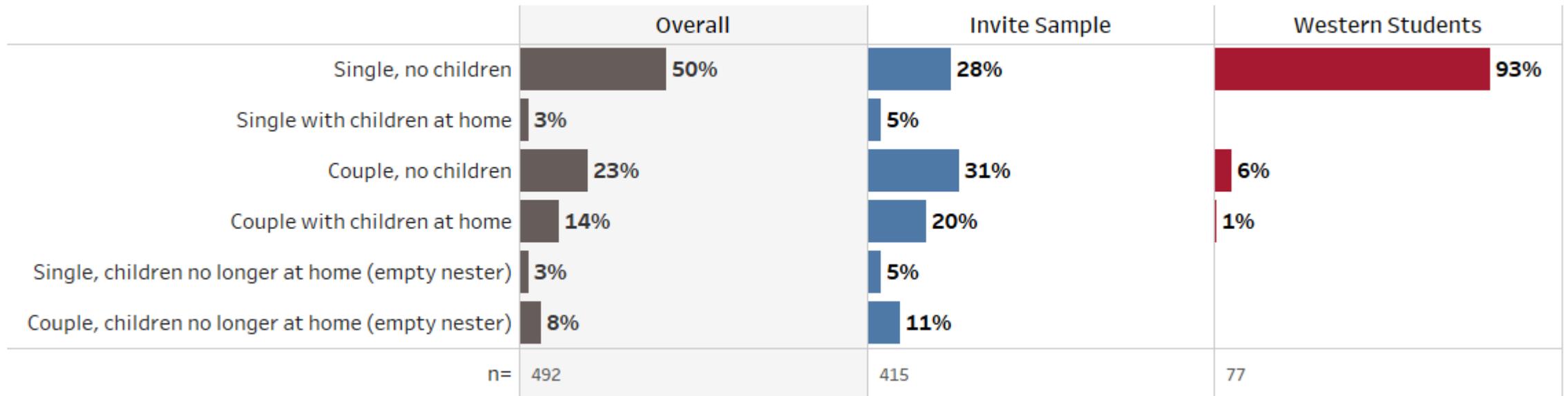


# Household

## By Data Source

- Overall, most respondents were either single, without children (50%) or couples with or without children (37% combined). The percentage of singles without children increase due to Western's influence and the volume of younger demographics in Gunnison.

Q 45: Which of these categories best describes your household?



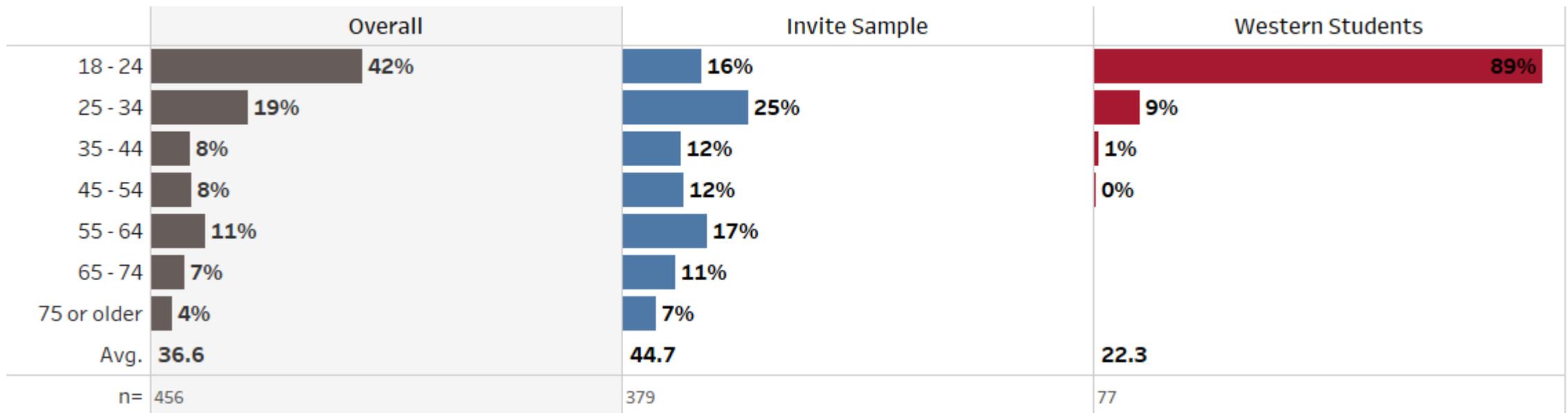
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Age

## By Data Source

- Average age among Gunnison respondents is 37 years old. Among the invite sample, a broad range of ages respondents with Western students filling in for the younger age groups.

Q 52: Age of respondent



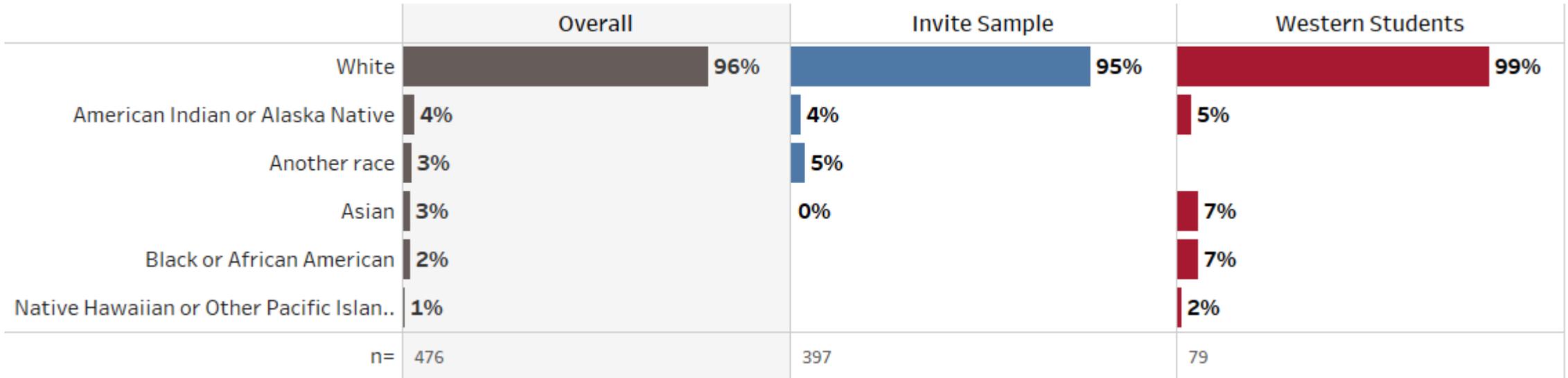
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Race

## By Data Source

- Most respondents identify as White (96%) among both the Invite and Western groups.

Q 51: Which of the following best describes your race?



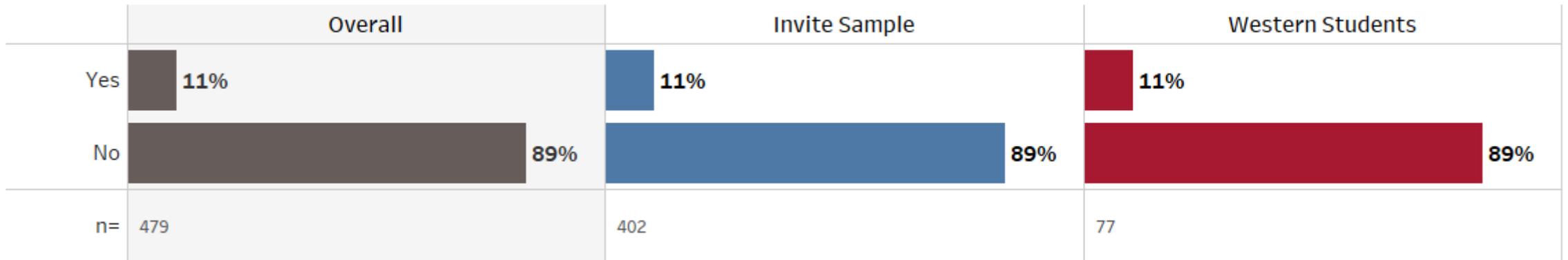
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Hispanic, Latino, Spanish Origin

## By Data Source

- Approximately 11% of respondents identify as Hispanic, Latino, or Spanish origin.

Q 50: Are you of Hispanic, Latino or Spanish origin?



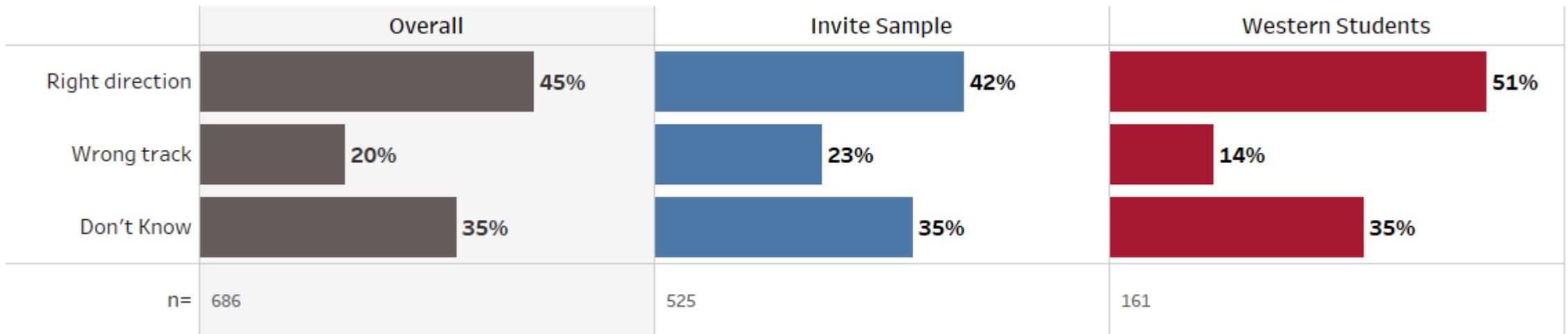
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Right Direction/Wrong Track

## By Data Source

- Approximately 45% of respondents see Gunnison going in the “right direction” while only 20% view it as on the “wrong track.” however, over 1/3<sup>rd</sup> don’t know which direction the City is heading.

Q 4: Would you say that things in the city are going in the right direction, or have they gotten off on the wrong track?



\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Potential Ballot Initiatives

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# Three Ballot Initiatives

- 1) Maintenance and preservation of streets/pathways
- 2) New fire station in Gunnison
- 3) Funding for recreation maintenance and improvements

## Three primary questions:

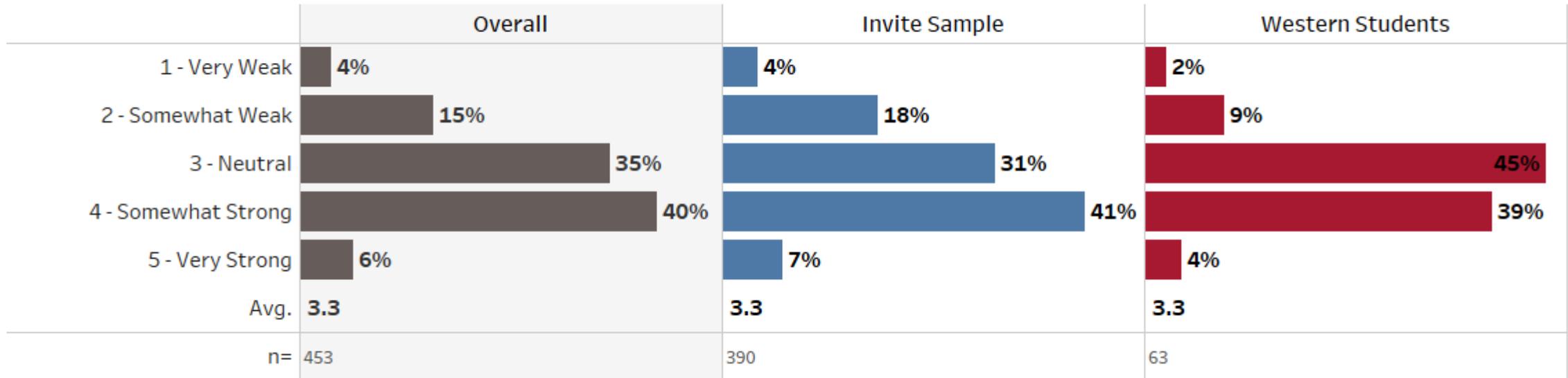
- **Q38) How would you rate the priority you would place on the following potential ballot initiatives?**
  - Each initiative asked on a scale where: 1="Not a priority" to 5="High priority"
- **Q39) How likely would you or your household be to support the following funding sources for the potential new ballot initiatives? (Scale: 1="Very unlikely", 3="Neutral", and 5="Very likely")**
  - Sales tax increase
  - Mill levy (property tax) increase
- **Q40) How likely would you or your household be to support the following ballot initiatives?**
  - Each ballot initiative asked on scale where: 1="Very unlikely", 3="Neutral", and 5="Very likely"

# Overall Economy

## By Data Source

- Most respondents see Gunnison’s economy somewhat strong or neutral (75% combined). Only 19% view the economy as either “somewhat” or “very” weak, but only 6% view the economy as “very strong” as well.

Q 37: How would you describe the overall economy in the City of Gunnison at this time?



\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

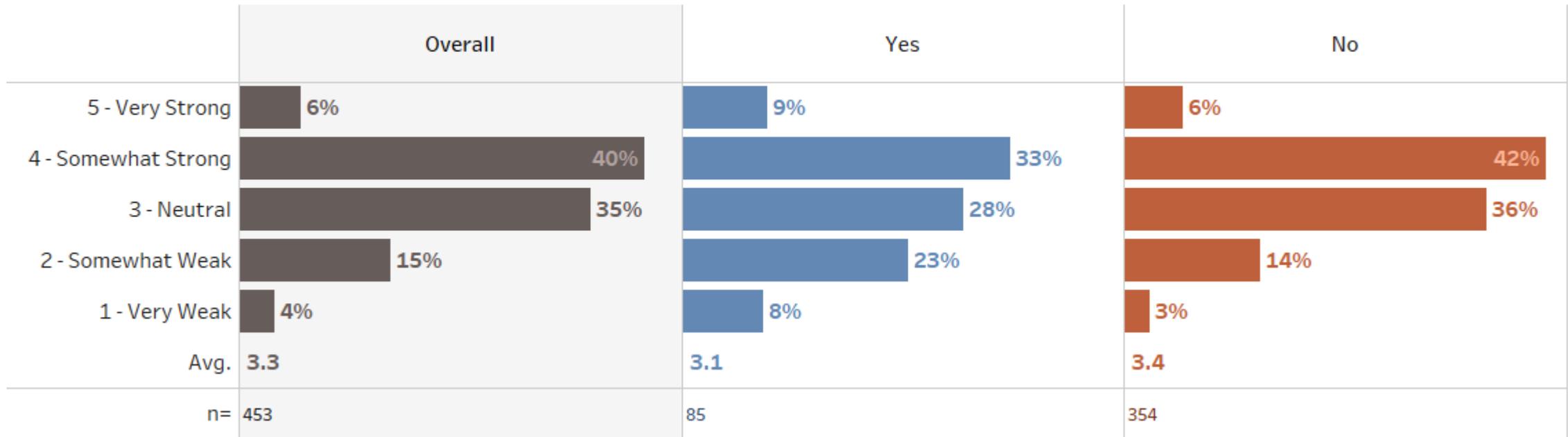
# Overall Economy

## By Business Ownership

- As an additional point of comparison, business owners/operators were cross tabbed to test for differences. Those who own a business are more likely to say the economy is “somewhat weak.” Overall, results are not substantially different between groups.

Q 37: How would you describe the overall economy in the City of Gunnison at this time?

By "[If resident of Gunnison] Do you own or operate a business within the city?"



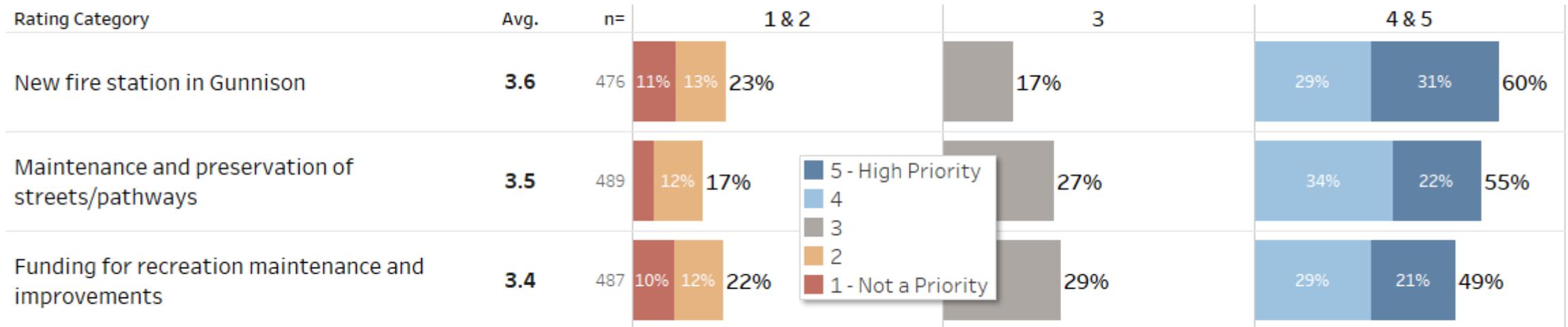
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Prioritization of Ballot Initiatives

## Overall

- Respondents rated the fire station and maintenance/preservation of streets and pathways as equal priorities. That said, many respondents are still neutral about their priorities.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?



\*Categories are sorted in descending order by the average rating

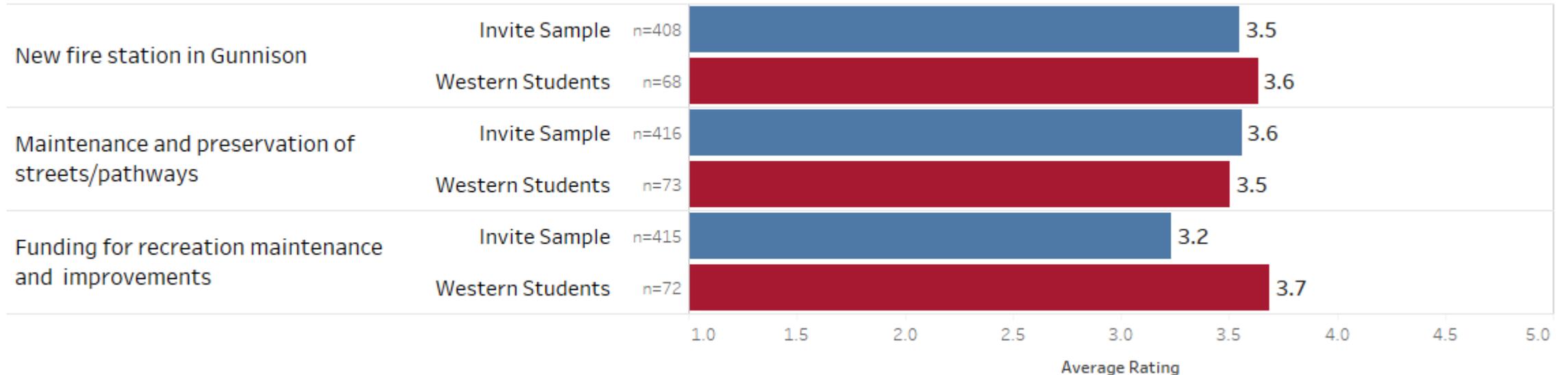
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Prioritization of Ballot Initiatives

## Average Rating by Data Source

- By sample, both the invite sample and Western students are similar on their priorities the fire station and streets/pathways. However, Western students place a higher priority on recreation maintenance and improvements.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?



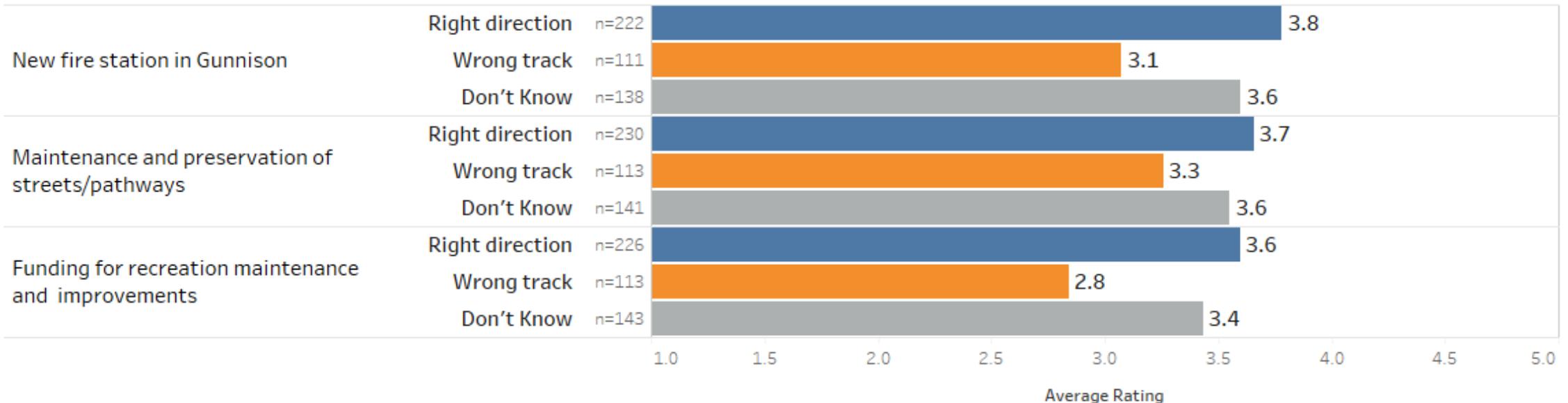
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# Prioritization of Ballot Initiatives

## Average Rating by Direction

- Segmenting by the perception respondents have on the direction the City of Gunnison is going show interesting differences. Those who say Gunnison is on the “wrong track” are significantly less likely to place priority on most initiatives, especially funding for recreation.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?  
By “Would you say that things in the city are going in the right direction, or have they gotten off on the wrong track?”



\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

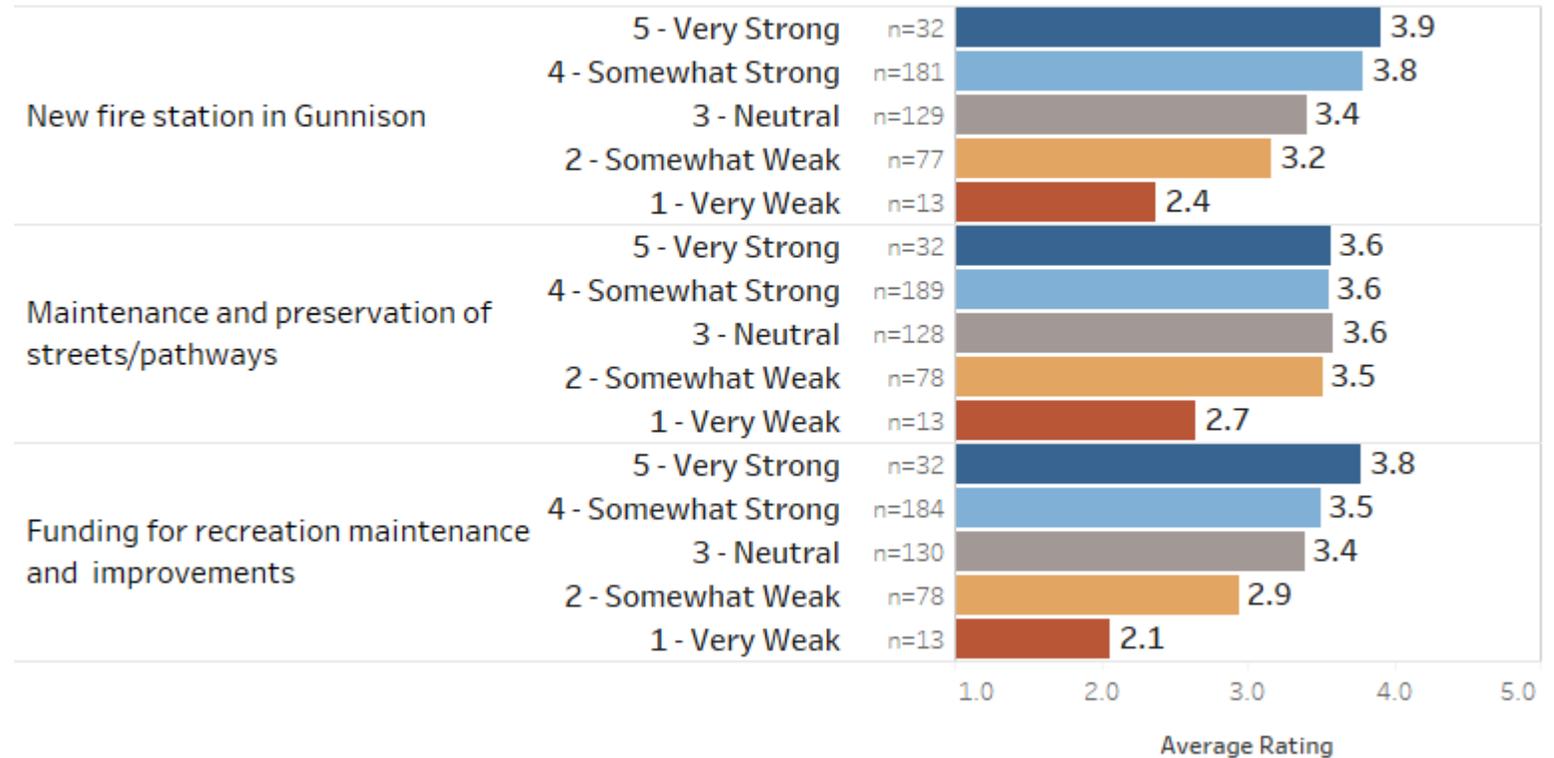
# Prioritization of Ballot Initiatives

## Average Rating by Description of Economy

- Respondents' perception of the Gunnison economy correlates with most priorities for initiatives.
  - Those who perceive the economy to be stronger place higher priority on the initiatives.
- One exception exists with maintenance and preservation of streets/pathways. Much less variation is seen by the state of the economy.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?

By "How would you describe the overall economy in the City of Gunnison at this time?"



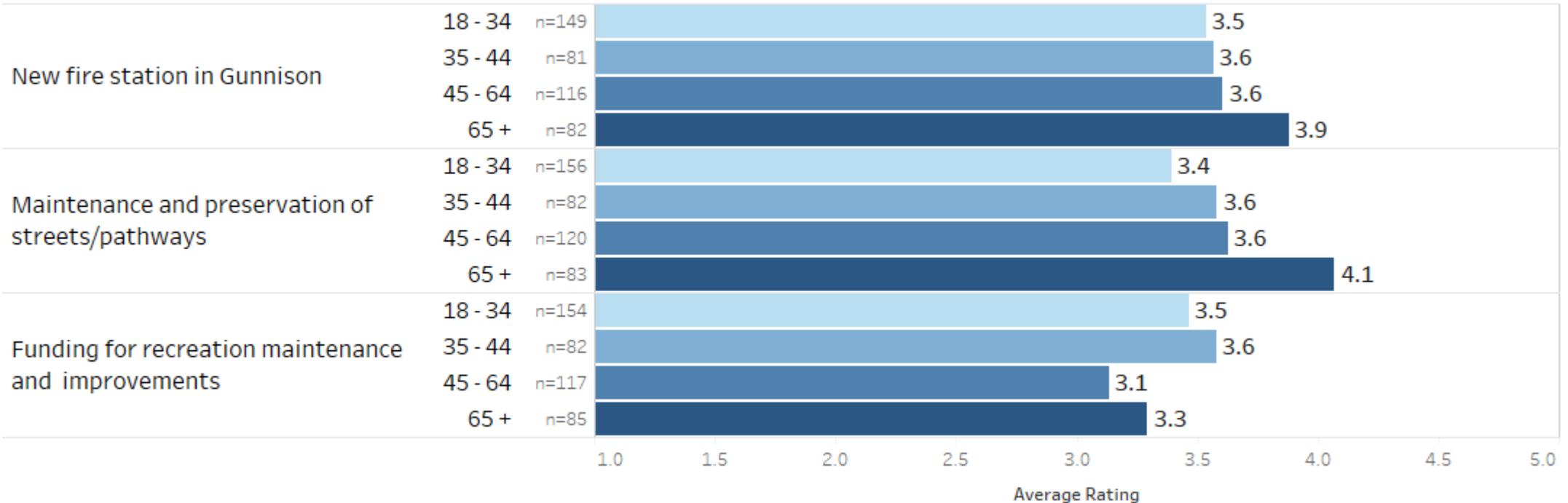
\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

# Prioritization of Ballot Initiatives

## Average Rating by Age

- By age, respondents who are older (65+) are more likely to place a high priority on the fire station and streets/pathways. Younger generations are more likely to place priority on recreation.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?



\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

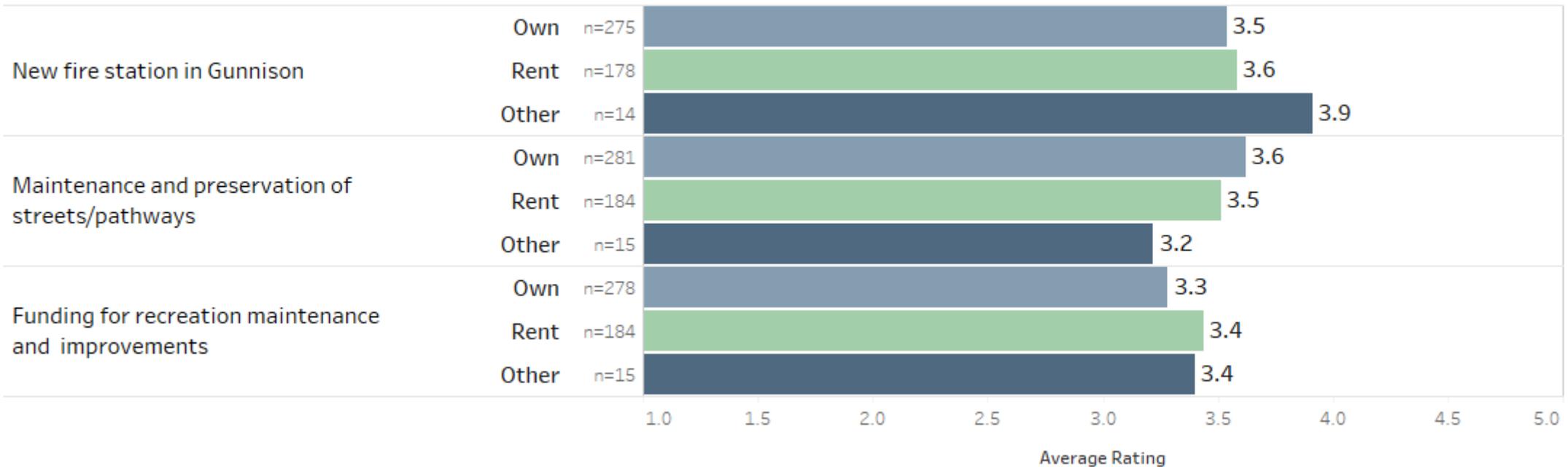
# Prioritization of Ballot Initiatives

## Average Rating by Own vs. Rent

- Some differences are noticed by home ownership status. Those who own their home are slightly more likely to support streets/pathways, but less likely for recreation. However, the differences are minor.

Q 38: How would you rate the priority you would place on the following potential ballot initiatives?

By "Do you own or rent your residence?"



\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

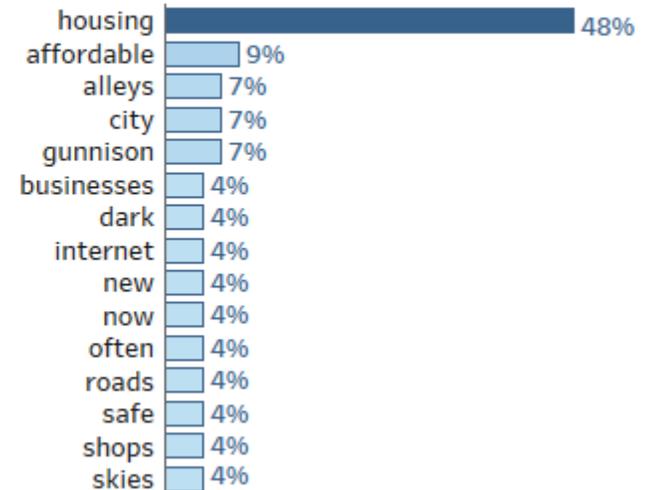


# Prioritization of Ballot Initiatives

## “Other” Responses

- For those who said “another” initiative was important. Housing was by far the most mentioned “other” initiative in the open-ended comments.

Q38: If you provided a rating for other in the previous question, please specify here: [How would you rate the priority you would place on the following potential ballot initiatives?]



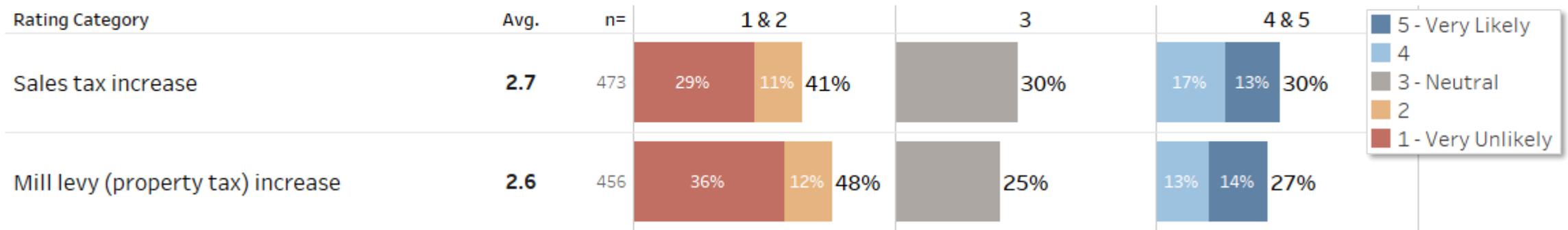
46 Total Comments

# Likelihood to Support Funding Sources

## Overall

- When asked about the funding sources proposed, responses are much more mixed.
- Overall, the sales tax increase received slightly more support (30% likely to support), but more (41%) are not likely to support.
- The mill levy increase received lower support (48% unlikely to support).

Q 39: How likely would you or your household be to support the following funding sources for the potential new ballot initiatives?



\*Categories are sorted in descending order by the average rating

\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

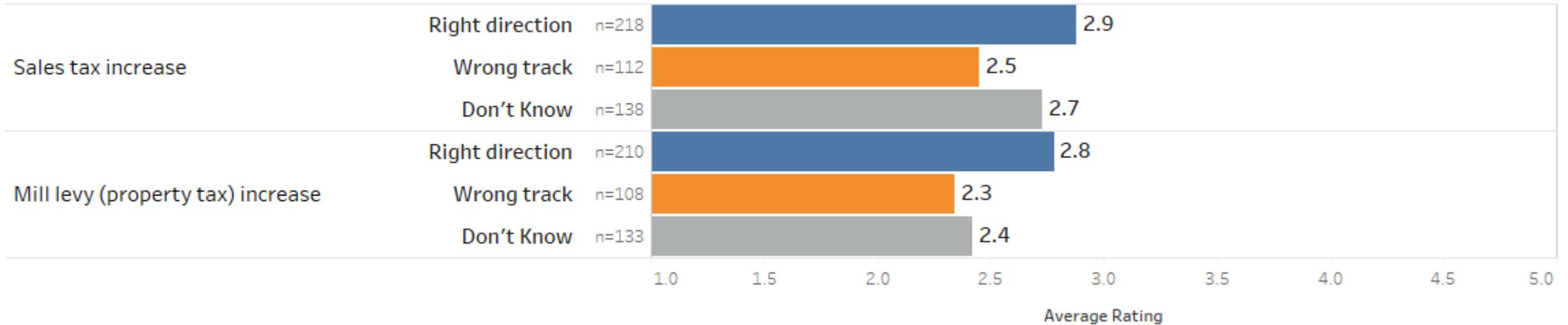
# Likelihood to Support Funding Sources

## Average Rating by Direction

- A similar pattern is observed among funding source support by respondents' perception of Gunnison's direction.
- Those who see Gunnison on the "right direction" are much more likely to support either funding source.

Q 39: How likely would you or your household be to support the following funding sources for the potential new ballot initiatives?

By "Would you say that things in the city are going in the right direction, or have they gotten off on the wrong track?"



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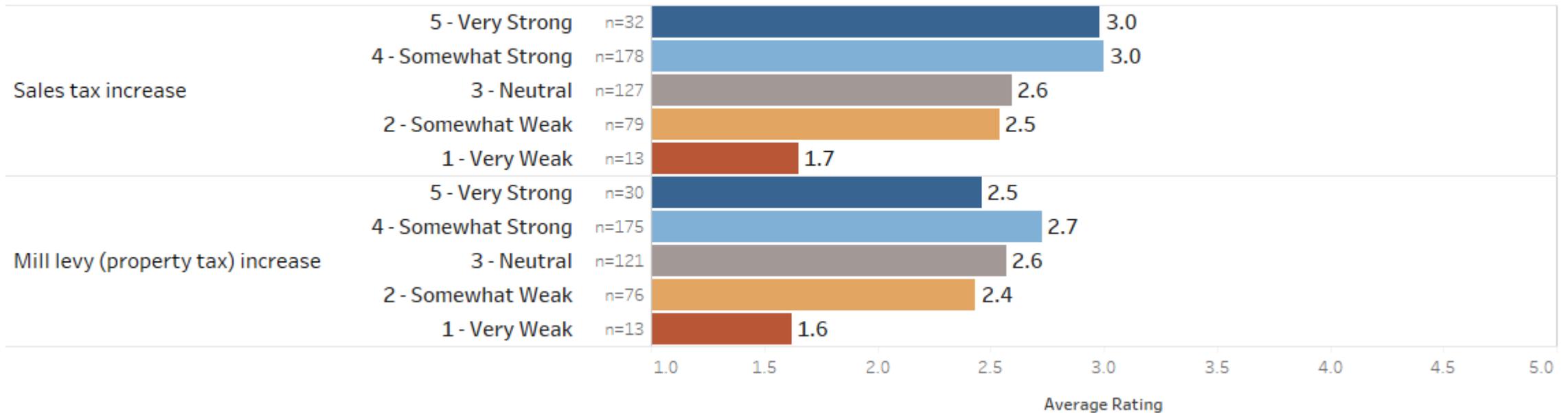
# Likelihood to Support Funding Sources

## Average Rating by Description of Economy

- As the perception of strength of Gunnison's economy increases, as does support for either the sales tax or property tax.

Q 39: How likely would you or your household be to support the following funding sources for the potential new ballot initiatives?

By "How would you describe the overall economy in the City of Gunnison at this time?"



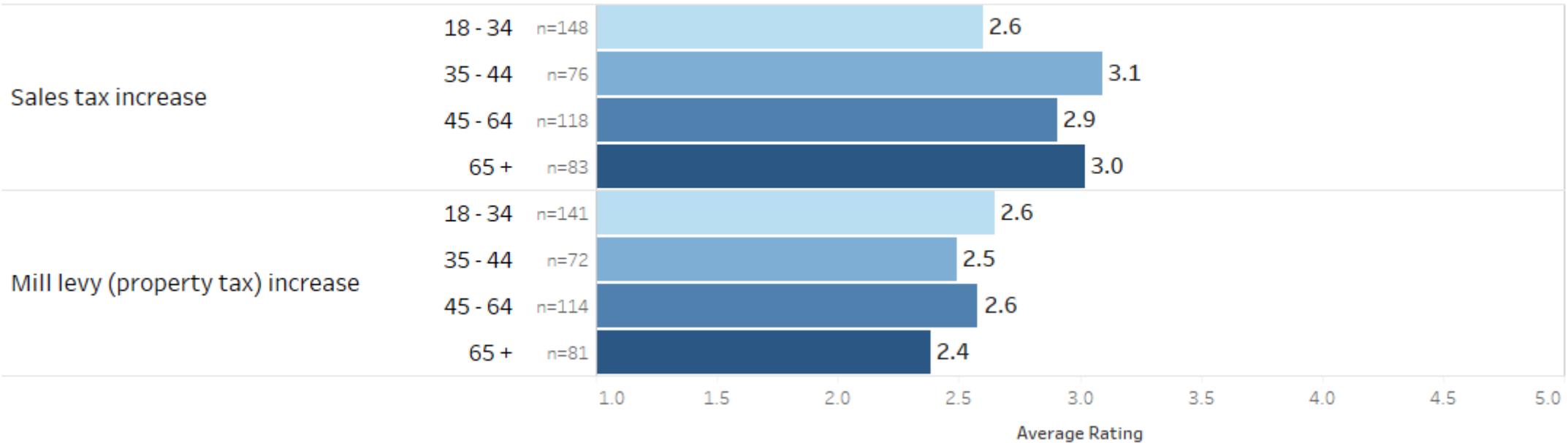
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# Likelihood to Support Funding Sources

## Average Rating by Age

- By age, those younger are less likely to support a sales tax increase. Surprisingly, age is not as large of a factor for supporting a property tax increase.

Q 39: How likely would you or your household be to support the following funding sources for the potential new ballot initiatives?



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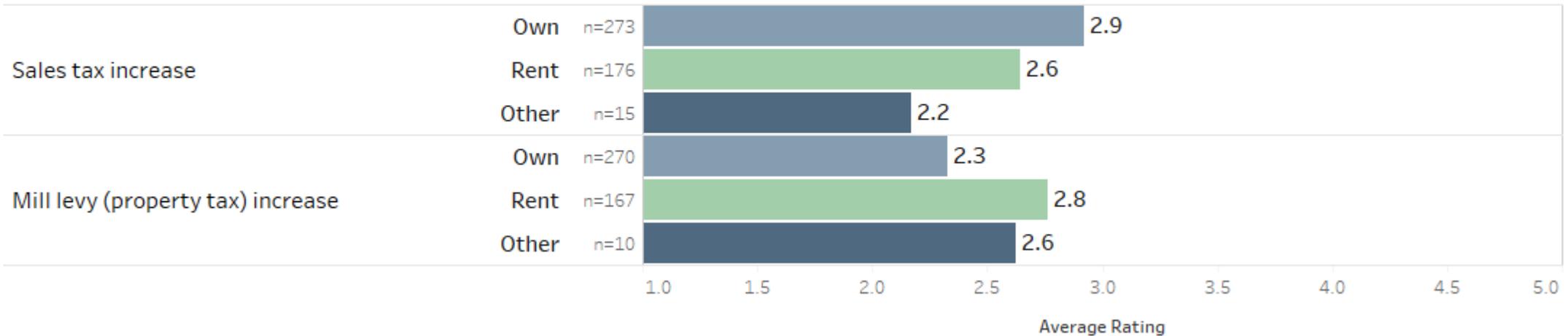
# Likelihood to Support Funding Sources

## Average Rating by Own vs. Rent

- By homeownership, those who own are more likely to support a sales tax increase but are much less likely to support a property tax increase. Renters have the opposite pattern where the sales tax received lower likelihood to support.

Q 39: How likely would you or your household be to support the following funding sources for the potential new ballot initiatives?

By "Do you own or rent your residence?"



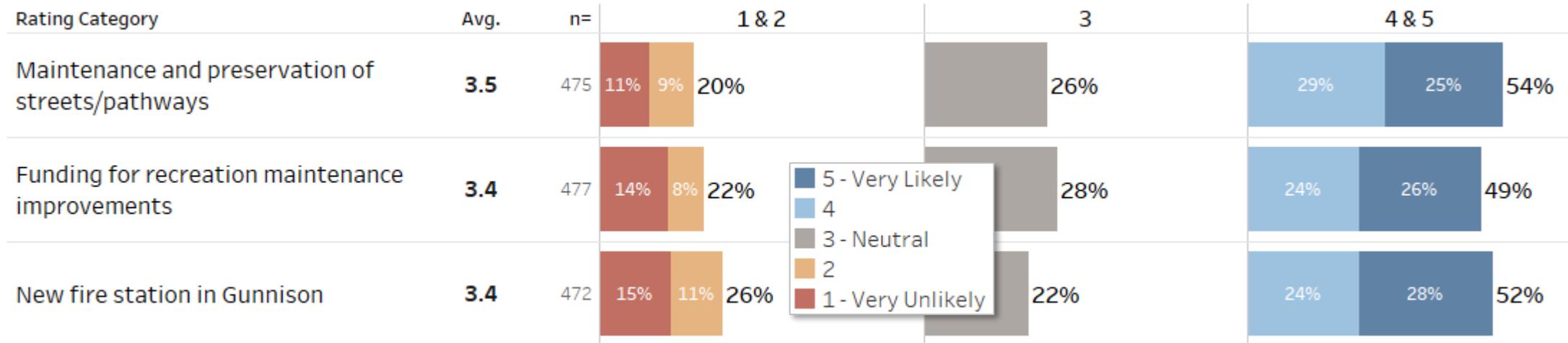
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# Likelihood to Support Ballot Initiatives

## Overall

- Finally, respondents were asked how likely they would be to support the ballot initiatives. All initiatives received just over 50% support; however, a large segment of the community is still neutral about their likelihood to support the initiatives.

Q 40: How likely would you or your household be to support the following ballot initiatives?



\*Categories are sorted in descending order by the average rating

\*City of Gunnison Residents Only PRELIMINARY RESULTS - Subject to Change | Source: RRC Associates

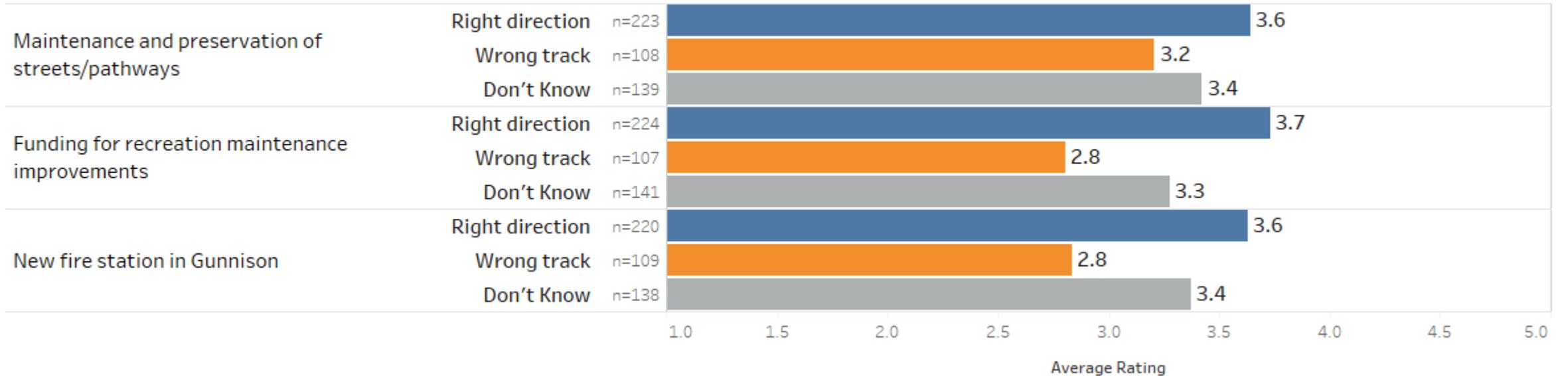
# Likelihood to Support Ballot Initiatives

## Average Rating by Direction

- Similar to funding sources, those who think Gunnison is on the “right direction” are more likely to support every initiative.
- Streets/pathways has more support overall from those who may see Gunnison on the “wrong track.”

Q 40: How likely would you or your household be to support the following ballot initiatives?

By “Would you say that things in the city are going in the right direction, or have they gotten off on the wrong track?”



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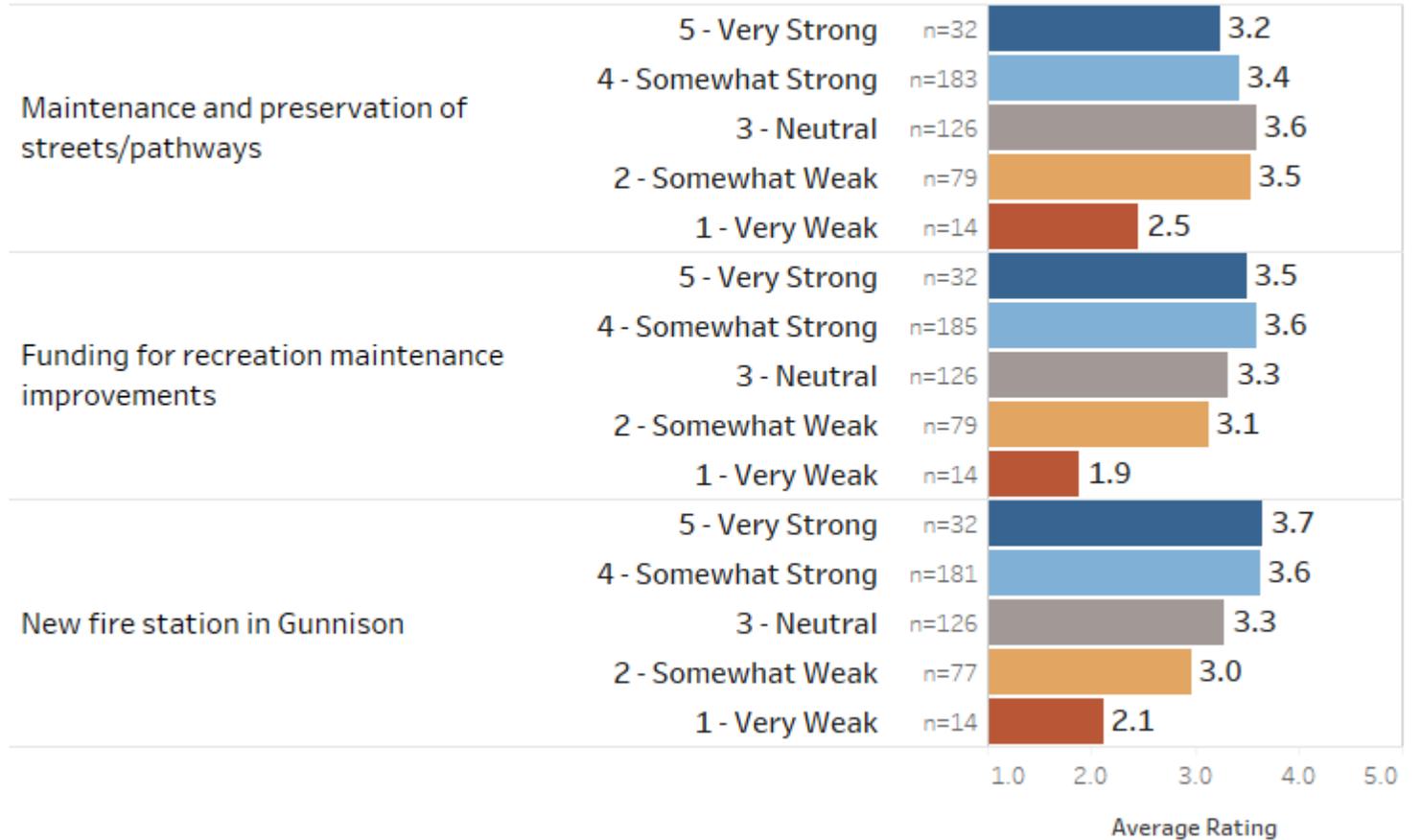
# Likelihood to Support Ballot Initiatives

## Average Rating by Description of the Economy

- Support for recreation and the fire station correlate well with the perception of Gunnison’s economy.
- Support for streets/pathways has a slightly different pattern. The economy is not nearly as large of a driver for support on this initiative.

Q 40: How likely would you or your household be to support the following ballot initiatives?

By “How would you describe the overall economy in the City of Gunnison at this time?”



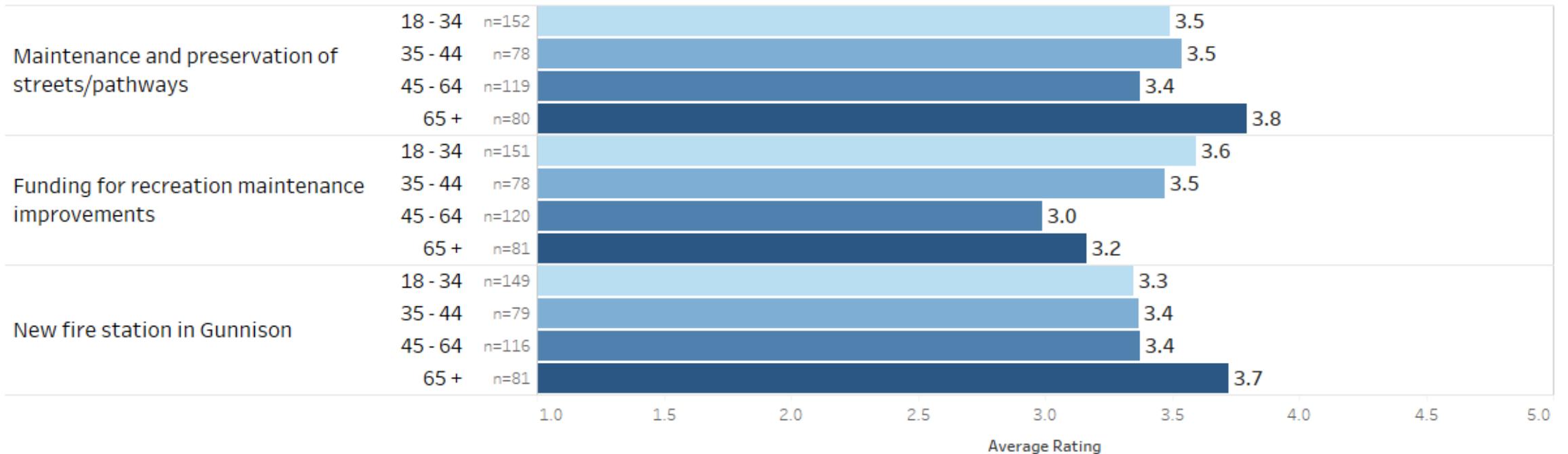
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# Likelihood to Support Ballot Initiatives

## Average Rating by Age

- Again, older demographics have the most support for the streets/pathways initiative and fire station. Those under 44 are more likely to support funding for recreation.

Q 40: How likely would you or your household be to support the following ballot initiatives?



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# Conclusions

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- The economy is seen as somewhat strong in Gunnison with only 20% perceiving the City as on the “wrong track” for the future.
- Most respondents generally support the topics of the ballot initiatives; however, the funding sources garner much less support.
- Respondents who see Gunnison’s current economy as strong are more likely to support new ballot initiatives with the exception of streets/pathways.
- A large percentage of respondents are still neutral or undecided on ballot initiatives and funding sources.



# Staff Observations

## General:

- Sales tax is more acceptable than a property tax regardless of the topic.
- Good starting point for all three topics.

## Recreation Tax

- With the Rec Tax, if it is a separate issue we can start the ballot question by saying **without raising taxes**. This ballot language could also focus on the addition of Phase 3, seniors, and trails. Each on these topics has its own populations of support, which together could result in passage.
- Legal opinion is that the removal of a sunset would need to be a separate question from a ballot question that increases taxes.
- Recommend putting the Rec Tax on for 2022.

## Fire District and Roads:

- Could do separately or as a package. Recommend that the City's contribution come from sales tax.
- These two initiatives could be packaged together under the key words of "Infrastructure and Public Safety."
- Tax increase of 1% would be adequate for both needs. 28% is needed for a \$10 million contribution to the Fire Station and .72% is needed to generate \$1.5 million for roads and paths.
- Paths/sidewalks seem to be popular.
- Staff would recommend a follow up poll after some education/information is available but before the September deadline for ballot language. Cost would range from \$4000-\$5000 for to test 2 ballot proposals (Infrastructure/Roads & Safety/Fire House together and then separate ballot initiatives for Roads and Fire.
- Need to clarify debt issuance since Fire District has not borrowed money.
- Recommend educational campaign begin on the need for these topics immediately.



# Thank You

RRCAssociates.com  
303-449-6558

RRC Associates  
4770 Baseline Road, Suite 360  
Boulder, CO 80303





To: City Council  
From: City Clerk Erica Boucher  
Date: June 8, 2021  
Subject: City of Gunnison: Public Consumption of Alcoholic Beverages in Parks

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**Purpose:** The purpose of this memo is to present Council with three possible options to address public consumption of alcohol in City Parks. After receiving feedback from the March 23, 2021, Regular Session meeting, Council directed the Clerk's Office to re-examine options for public consumption of alcohol in City parks. Staff acknowledges that this is a challenging issue for Council because the final, accepted procedures will be impactful to the community at-large and community stakeholders approach the issue differently. This topic will be viewed in multiple ways depending on individual perspectives, life experiences, and overall perception of the community's values. It is staff's intention is to provide Council with different scenarios that could work and accompany each with the associated possible positive and negative impacts.

**Option 1: Amend City Code 5.10.220 to Allow Public Consumption of Alcoholic Beverages in City Parks at Private Events with a permit and restrictions**

Currently, when groups consume alcohol at private gathering like retirement parties, graduation parties, birthdays, or reunions or when the public brings alcohol to summer concerts or adult athletic events in City Parks, those in attendance consuming alcohol commit a misdemeanor pursuant to MC 5.10.022. As the law stands today, this situation results in a challenging enforcement issue for the PD. The current practice of non-enforcement absent poor behavior resulting in police contact is a carry-over from a previous Council and City Attorney, who interpreted the law as such: if a private group reserved a park, they are taking temporary ownership of the space; therefore, they are allowed to possess and consume their own alcohol during their park reservation. This interpretation is not supported by the current City Attorney. The lack of official process for permitting alcohol at events results in challenging enforcement scenarios for the Police Department and their ability to equally enforce the law. Therefore, Option 1 provides a formal permit process for private events.

To address this issue Council could, according to CRS 44-3-901 (1)(i)(VII), direct staff to create an ordinance allowing the private event organizers to possess and consume the alcoholic beverages they bring into a reserved park through a permit system, also requiring that all state law and local codes are followed.

A permit process would authorize the possession and consumption (\*not sale) of alcoholic beverages at private events held on public property such as City parks. Other home-rule

municipalities, such as Montrose, Wheat Ridge, and Denver, allow this type of public consumption through a permit process. To obtain this permit, an applicant/event organizer would apply through the Clerk's Office for a permit to provide and serve alcohol to their legal-age guests for consumption). To receive this permit, the applicant must follow the requirements listed below:

1. Applicant is at least 21 years of age and has read and understands the laws, regulations and rules related to the provision of alcohol.
2. Applicant is responsible for the conduct of all guests.
3. Applicant shall not sell liquor or tickets to the event, collect a donation, or charge a fee for anything that includes alcoholic beverages. If any of these occur, a Special Event Liquor Permit is required.
4. Alcohol must be kept in the immediate vicinity of the reserved area.
5. Reservation of the park area and/or pavilion is required.
6. No glass bottles or containers are allowed. Kegs of any size are not permitted.
7. Underage persons shall be not served nor are permitted to consume alcoholic beverages.
8. The applicant and participants agree to indemnify and hold harmless the city, its employees and agents for all liability claims arising out of the event.
9. Police and City officials have the discretion and responsibility to enforce state laws and local codes and have the authority to close down an event at which alcohol violations are witnessed.
10. The applicant must ensure proper clean-up of the area.
11. Alcohol possession and consumption is prohibited in any children's playground area where wood chips are on the ground, including a 10-foot perimeter from all playgrounds, and recreational playing surfaces, including basketball, tennis/pickleball courts, ballfields including dug-outs, and multi-sport fields. Alcohol consumption is prohibited at Cranor Ski Hill, the dog park, skate park, on the trails, and all other transportation right-of-ways.
12. Alcohol will not be permitted for possession or consumption in any park when the park is closed, or between the hours of 12:00 midnight and 5:00 a.m. MST.
13. Public consumption of an alcoholic beverage in a non-permitted area is a misdemeanor.
14. Liquor liability insurance will be required of the event organizer.

**The benefits of this option are:**

1. City staff, especially the Police Department, could quickly assess which private events are permitted and allowed to have alcohol through the permit issued by the Clerk's Department. Having this information will enhance the PD's ability to enforce the law equally, using clear guidelines.
2. Possession and consumption of alcohol is not allowed in the parks at any time, except when a permit is issued.
3. Because the ordinance would allow consumption in the parks with a permit, the permit holder would not have to establish and provide their own barriers, post

- signs, which is currently the responsibility of the event holders. 3. A permit follows the state's Special Events Liquor Permit process.
4. Based on a conversation, the City Clerk had with the director of Juvenile Services and member of the Health Coalition of the Gunnison Valley, this option is a reasonable compromise. The Health Coalition of the Gunnison Valley consists of leaders from the Center of Mental Health, GVH, Partners, Mentors, Project Hope, parents, and those in recovery. From their perspective, it offers the public an avenue to possess and consume alcohol at an event with clear parameters. Additionally, a permit requirement allows alcohol consumption in the park when the park is open and underscores the message that a permit approval is required for events with alcohol.
  5. No cost would be required to obtain a permit.
  6. This option provides the public with the expectation that permit holders are responsible for monitoring alcohol consumption, with the event organizer being ultimately responsible.

**The negatives of this option are:**

1. There will be a financial investment by the City to replace or add information signs throughout many of the parks. Estimated cost \$600.
2. Confusion will likely exist for residents or guests to know what requirements must be met to bring and consume their own alcohol into the park.
3. Liquor liability insurance will be required of all event holders and must be submitted to the City prior to the event. Cost for such insurance ranges from \$50 – \$500.
4. Time and resources from the Clerk's Office are required to establish the permit process and then issue the permit prior to the event.

This process does not provide an avenue for attendees at public concerts to legally possess and consume alcohol

It may not be prudent for an event organizer to assume liability (but that's their choice) of hosting an event where they are not in control in the service or consumption of alcohol

**Option 2: Amend MC 5.10.022 to Allow the Public Consumption of Alcoholic Beverages in City Parks with no permit, but with restrictions**

This option would require an ordinance to be adopted amending the City Code. It provides the most flexibility for possession and consumption. Staff recommends that some restrictions are put into place under this option. They are listed below. There are multiple towns and cities who have passed similar ordinances and based on the Clerk's Department research, those municipalities have not experienced or reported major issues or increases in crime.

1. Kegs and glass containers are prohibited.
2. Alcohol possession and consumption is prohibited in any children's playground area where wood chips are on the ground, including a 10-foot perimeter from all playgrounds, and recreational playing surfaces including basketball, tennis/pickleball courts, ball fields including dugouts, and multi-sport fields. Alcohol consumption is

prohibited at Cranor Ski Hill, the dog park, Skate Park, trails, and all other transportation right-of-ways.

3. Alcohol shall not be possessed or consumed in any park when the park is closed, or between the hours of 12:00 midnight and 5:00 a.m. MST.
4. Any alcohol that is sold directly or indirectly is prohibited unless a State of Colorado Special Events Liquor License is applied for and obtained.

**The benefits of this option are:**

1. This option would allow for possession and public consumption at small and/or private events as well as allow for the possession and consumption of alcoholic beverages for larger, public events and adult athletic games and tournaments, if a SELP is not required.
2. Consumption is not tied to “events,” which reduces the concern of certain community groups that too many “events” are tied to alcohol. In other words, it is a personal choice, not an event issue.
3. Consumption responsibility falls to the individual and not the event organizer.
4. Possession and consumption are not tied specifically to events. Alcohol could be consumed when the parks are open provided state law and local codes are followed.
5. Reduces confusion around what events to which people can bring their own alcohol.
6. Provides the police with clarity regarding drinking in the parks. The police would continue to enforce for noise, disorderly conduct, overconsumption, underage drinking, intoxicated driving, etc. and maintain their responsibility to enforce state law and local codes.
7. Hosts of public or private gatherings would not be required to obtain liquor liability insurance, but it would be in their best interest to do so.
8. Allows for Rec and Leisure softball participants to possess and consume alcohol within the field complex.
9. Allows for participants of public community concerts to possess and consume alcohol.
10. The Special Events Liquor Permit process would be in place for events when non-profit organizations are selling alcohol or charging for the event for a fundraiser.

**The negatives of this option:**

1. Based on the conversation the City Clerk had with the director Juvenile Services and member of the Health Coalition of the Gunnison Valley, this option may send the message that drinking is the norm in the community. They believe that this option does not reduce risk factors in the community but increases them by offering additional places for the public to consume alcohol, which could result in an increase of drinking or other negative consequences, such as domestic violence.
2. There will be a financial cost for replacing signs.
3. Consumption would be allowed in the parks any time they were open.

**Option 3: No change to ordinance: Continue to prohibit alcohol consumption in City Parks, with enforcement stipulated by state law and city codes.**

Currently, the Gunnison Municipal Code [5.10.220](#) prohibits the consumption of alcoholic beverages in or upon any public park of the City of Gunnison, or any public highway, street, or alley within the city of Gunnison unless a special event liquor permit has been issued pursuant to Colorado Revised Statutes Title 44-5-102. Under that Colorado statute, a special event liquor permit may *only* be issued to nonprofit organizations or political candidates – not to private groups or individuals.

**The benefits of this option are:**

1. Enforcement would be clear. If the police department sees public alcohol consumption at the event, they could shut down the gathering and/or force the removal of the alcohol.
2. No new signs would need to be purchased or displayed.
3. A non-profit organization could still hold an event in the park with alcohol provided they go through the SELP process.
4. There would be little confusion if alcohol is or is not allowed to be consumed at an event.
5. According to the Health Coalition, this option promotes protective risk factors.

**The negatives of this option are:**

1. There would be a prohibition of families or companies having alcohol at any gatherings, graduations, wedding receptions, company parties, etc. because alcohol is not permitted and there is no avenue to allow it.
2. Long-standing community events could be significantly impacted. If alcohol is present, the police would require the event organizer to have guests remove their alcohol or leave the event. The event organizer, as the host of the event, would face the consequences in addition to assessing penalties to the individuals consuming alcohol in the park. Over time, residents and guests may be less likely to attend the event; however, there could be an increase in attendees who do not wish to consume alcohol.
3. It would take a long time with consistent enforcement to make the public fully aware of this ordinance and achieve compliance. It could be logistically challenging for staff, event organizers, and those wanting to have responsible celebrations in the parks with alcohol.

**A few additional notes:**

Because insurance is an important consideration in each option, staff reached out to CIRSA for their guidance. They responded: “It is certainly CIRSA’s recommendation, to best protect the City, which anytime there is a third party using your property that you require they provide proof of liability coverage and list the City as additional insured. That being said, we recognize there are circumstances where the requirement may negate their ability to rent your facilities and so we ultimately **leave it up to the City to determine if and when you’ll waive that requirement.**”

Regarding liquor liability, the event holder should be adding this to their coverage if there is an exposure to them. We add this coverage and charge for it if any of the below scenarios are true:

1. Any money is being charged in connection with the event which includes if there is a direct charge for the alcohol, if there is a charge for the ticket (even if alcohol is free), or if there are donations being provided, etc.
2. If any event will have alcohol available (even if no charge) for 5.5 hours or more.

Regarding the attendees bringing their own alcohol, it would be recommended that attendees who are allowed to bring their own alcohol would fall into the second line item above in that liquor liability should be added if more than 5.5 hours will be used. However, if the event-holder has access to their own coverage, they should direct this question to their own carrier/broker.”

### **Questions for Council:**

1. Are there any scenarios where liquor liability could be waived for an event? Which option provides the highest level of safety and compliance for an event which is requesting alcohol consumption to celebrate personal, local, and city groups who show responsibility and interest in supporting the safety and management of events that represent Gunnison?
2. What option best reflects the values of our community in regards to substances?
3. Is there more or different messaging Council would like to see for events that are substance-free?

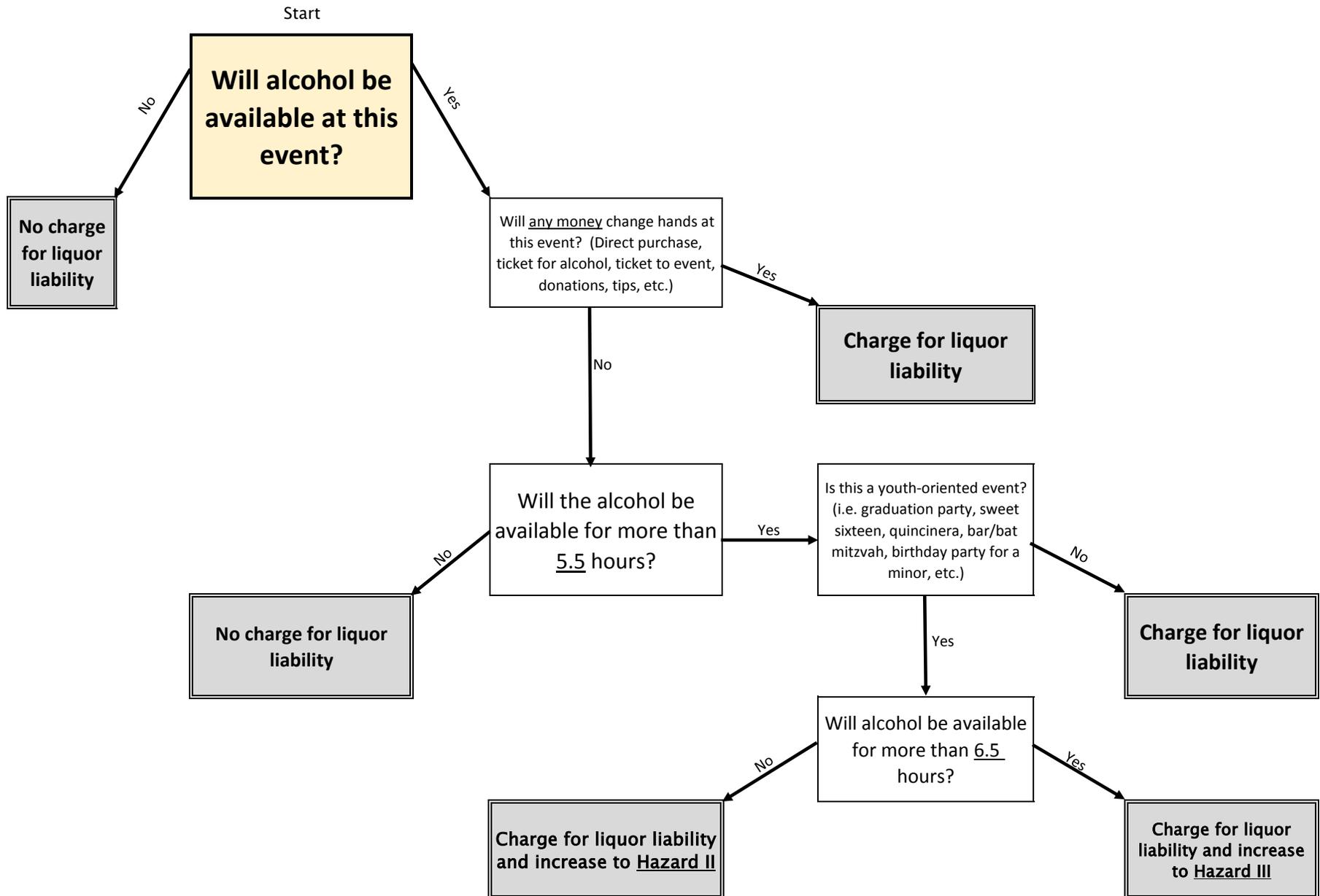
### **Appendix A: Liquor Liability Flow Chart.**

This flow chart provides a good visual for when liquor liability should be obtained.

### **Appendix B: LEB Bulletin 18-05.**

This LED Bulletin highlights the definition and differences between a public and private event

# HOW TO DETERMINE IF YOU SHOULD CHARGE FOR LIQUOR LIABILITY





## COLORADO

### Department of Revenue

Enforcement Division - Liquor & Tobacco

Physical Address:  
1881 Pierce Street  
Lakewood, CO 80214

Mailing Address:  
P.O. Box 173350  
Denver, CO 80217-3350

## **BULLETIN 18-05**

### **REFERENCE: PRIVATE ALCOHOL EVENTS - COMPLIANCE**

April 9, 2018

### **COLORADO LIQUOR ENFORCEMENT DIVISION**

This bulletin is being issued to provide guidance concerning liquor compliance issues for persons who desire to hold private events at which alcohol beverages will be served.

The Colorado Liquor, Beer and Special Event Codes, Title 12, Articles 46, 47 and 48 of the Colorado Revised Statutes, along with the Colorado Liquor Rules, 1 CCR 203-2, are designed to regulate the manufacture and sale of alcohol beverages. Colorado law broadly defines the terms “sell or sale” to mean any of the following:

To exchange, barter, or traffic in; to solicit or receive an order for except through a licensee licensed under this article or article 46 or 48 of this title; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or to possess with intent to sell; to possess or transport in contravention of this article; to traffic in for any consideration promised or obtained, directly or indirectly. (§ 12-47-103(34), C.R.S.)

Colorado law also generally prohibits the consumption of alcohol in public, except within the licensed premises of a business holding a liquor license that allows for on-premises consumption (for example, tavern, brew pub, and hotel and restaurant licenses).

It is illegal to consume malt, vinous, or spirituous liquor in any public place except on any licensed premises permitted under this article to sell such liquor by the drink for consumption thereon.... (§ 12-47-901(1)(h), C.R.S.)

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Other types of liquor licenses are only permitted to sell alcohol beverages at their licensed premises, but consumption of the alcohol beverages may only take place at locations off their licensed premises (for example, retail liquor stores and liquor-licensed drug stores). Such off-premises licensees are not permitted to sell alcohol beverages at any location other than their licensed premises.

In order to provide guidance under the Colorado Liquor, Beer and Special Events Codes, as well as the Colorado Liquor Rules, the following is a non-exhaustive list of examples of situations in which either a sale of alcohol or consumption of alcohol in a public place in violation of Colorado law would occur:

Sales of Alcohol Beverages:

1. Charging a fee in exchange for anything that includes alcohol beverages is considered selling alcohol beverages. For example, selling a coaster and providing a “free” beer with the coaster, is a sale of alcohol beverages.
2. Soliciting or accepting any money in exchange for providing alcohol beverages, even if it is called a “donation,” is considered selling alcohol beverages.
3. Soliciting or accepting anything of value in exchange for alcohol beverages, is considered a sale of alcohol beverages.
4. A third party entity (other than a liquor licensee) serving as the middle man between private parties and a liquor licensee, is considered selling alcohol beverages. For example, if an unlicensed entity buys alcohol beverages from a retail liquor licensee, and then invoices the private party for the cost of the alcohol beverages, the unlicensed entity is selling alcohol beverages—even if it doesn’t make a profit from the sale.

Public v. Private Events (with alcohol consumption)

1. If invitations for an event are made through public or some forms of social media, and the event is open to anyone to attend, it is a public, not a private, event.
2. An event the general public may attend is a public, not a private, event.

The following examples are of situations that would not be considered the unlawful sale of alcohol beverages:

1. A private party host purchases alcohol beverages for a private event from a person licensed to sell alcohol for off-premises consumption (e.g., a licensed retail liquor store, or liquor-licensed drug store), and provides it to persons attending the event, as long as those attending the event are not charged for the alcohol, and there is nothing of value exchanged. For example, an

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- entrance or “cover” charge, even if it is referred to as a “donation,” would be considered selling alcohol beverages in violation of Colorado law.
2. A private party host purchases alcohol beverages from a person licensed to sell alcohol for off-premises consumption (e.g., a retail liquor store or liquor-licensed drug store) and hires a separate, third party company to provide bartending services at the private event. Such bartending services are commonly provided by catering or bartending companies. The third party caterer or bartender may not provide the alcohol beverages to be served, and may not be compensated in conjunction with the alcohol beverages, other than charging for the labor involved in bartending and serving alcohol beverages. For example, the company may not charge a corkage fee, a service fee associated with a volume of alcohol, a room/storage fee associated with a volume of alcohol, an increased fee associated with the consumption of alcohol beverages, or a fee for delivery of the alcohol beverages. Any fee charged must be limited to a fee for providing bartending and alcohol beverage service only, which may not be tied to the volume of alcohol beverages served. Similarly, a catering/bartending company may pick up alcohol beverages its client has purchased from a retail liquor store or liquor licensed drug store, and bring it to the private event, but may not charge a fee for doing so. Nor may the catering/bartending company purchase the alcohol beverages itself, and then invoice its client for the alcohol beverages, even if does not mark up the price of the alcohol beverages.
  3. While a company holding a retail liquor store license is not permitted to sell alcohol beverages at a private event, because the licensee is only permitted to sell alcohol beverages within its licensed premises, a person owning an interest in a retail liquor store may also own an interest in a catering or bartending service company. However, care must be taken to separate the operations and transactions of the retail liquor store and the catering/bartending company, to avoid engaging in unlawful conduct. For example, a retail liquor licensee and a catering/bartending company should be separate legal entities, should not share vehicles (including delivery vehicles), and should not commingle bank accounts. The retail liquor store should not be involved in providing catering/bartending services, and the catering/bartending company may not sell alcohol beverages. A retail liquor licensee may deliver alcohol beverages to a person 21 years of age or older, pursuant to Regulation 47-426, 1 CCR 203-2, but a catering/bartending service company may not engage in ordering or delivery services.

If you have any questions about this Bulletin, please contact the LED at (303) 205-2306.