

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

Approximate meeting time: 3 hours

TUESDAY

MARCH 23, 2021

REGULAR SESSION

5:30 P.M.

Due to the international outbreak of novel coronavirus (COVID-19), the City of Gunnison is holding Gunnison City Council in person and online. The public may attend Public Hearings and Regular and Special Sessions remotely. The City is holding remote meetings to follow social distancing and event guidelines. Click [Gunnison City Council Regular Session](#) to register and access the meeting.

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

II. Public Hearing 5:30 P.M.

Please see the e-packet for the public hearing format. The City of Gunnison asks concerned citizens to submit their comments in writing for the scheduled Public Hearing by 4:00 pm on Tuesday, March 23, 2021, to the City Clerk or attend the public hearing virtually. Written comments will be read into the record during the hearing. Public Hearings are the formal opportunity for the City Council to listen to the public regarding the issue at hand. Citizens giving input must identify themselves. Anonymous testimony will not be considered. In a quasi-judicial public hearing, the Council is acting in much the same capacity as a judge. The Council must limit its decision consideration to matters which are placed into evidence and are part of the public record at the hearing. Legislative and administrative public hearings include those that are a formal opportunity for Council to listen to the public regarding the issue at hand.

A. Public Hearing to receive input on a Major Change to PUD Application, ZA 20-2, for Lazy K

Background: A Major Change to a PUD (Planned Unit Development) and Major Subdivision has been submitted by the City of Gunnison with representation from Williford Housing and High Mountain Concepts to rezone the Lazy K property and subdivide into 31 lots with 29 residential lots approximately 4.5 acres total in size and two park and open space lots that are 10.5 acres. Two zones are proposed with this application that includes a PUD RMU (Residential Mixed Use) and PUD O (Parks and Open Space).

Staff Contact: Senior Planner Andie Ruggera

Action Requested of Council: To receive input on the merits of a Major Change to a PUD application ZA 20-2.

III. Citizen Input: (estimated time 3 minutes)

At this agenda time, non-agenda scheduled citizens may present issues of City concern

to Council on topics that are not to be considered later in the meeting. Per Colorado Open Meetings Law, no Council discussion or action will take place until a later date, unless an emergency situation is deemed to exist by the City Attorney. Each speaker has a time limit of 3 minutes to facilitate efficiency in the conduct of the meeting and to allow an equal opportunity for everyone wishing to speak.

IV. Council Action Items

A. Approval of the March 9, 2021, Regular Session meeting minutes

Background: Per City Charter, the City Clerk produces minutes of the Council actions for all regular and special session meetings. Minutes are approved or amended at the following regular session meetings and become permanent city record. If a city councilor was not present at the meeting, they must abstain in the vote and action on approval of the minutes.

Staff contact: City Clerk Erica Boucher

Action Requested of Council: A motion, second, and vote to approve the March 9, 2021, Regular Session meeting minutes.

Estimated time: 2 minutes

B. Approval of Subdivision, Final Plat, SB 20-3 and Ordinance No. 3, Series 2021, First Reading: *An Ordinance of the City Council of the City of Gunnison Approving a Major Change to an Existing Planned Unit Development for the Lazy K PUD*

Background: A Major Change to a PUD (Planned Unit Development) and Major Subdivision has been submitted by the City of Gunnison with representation from Williford Housing and High Mountain Concepts to rezone the Lazy K property and subdivide into 31 lots with 29 residential lots approximately 4.5 acres total in size and two park and open space lots that are 10.5 acres. Two zones are proposed with this application that includes a PUD RMU (Residential Mixed Use) and PUD O (Parks and Open Space).

Staff contact: Senior Planner Andie Ruggera

Actions Requested of Council: (1) Introduce, read by title only by the City Attorney, motion, second, and order to publish Ordinance No. 3, Series 2021, on first reading; and (2) A motion to approve Subdivision, Final Plat, SB 20-3 for the Lazy K Subdivision.

Estimated time: 20 minutes

C. Discussion Regarding Update to Title 12 of the Municipal Code

Background: A committee was formed to review and recommend changes to update Title 12 of the Gunnison Municipal Code. These recommendations will be presented for discussion.

Staff contact: Public Works Director David Gardner

Action Requested of Council: Discuss and provide feedback on the proposed revisions to Title 12.

Estimated time: 1 hour

D. Discussion on City's Annexation Process

Background: It is staff's opinion that the current City Annexation process, which was adopted in 2007, can be simplified, and the Colorado State Statutes provides framework to protect the City's interests and customize the application criteria based on specificity of the annexation application.

Staff contact: Community Development Director Anton Sinkewich

Actions Requested of Council: To have a discussion on the City's Annexation process and give direction to staff regarding next steps.

Estimated time: 20 minutes

E. Microsoft Exchange Incident Investigation

Background: Microsoft reported a zero-day vulnerability in the software early March. A forensic investigation will help determine if bad actors installed software that could allow future access to the City's network. If there are signs of software installed, additional forensic research and mitigation may be required.

Staff contact: IT Director Mike Lee

Actions Requested of Council: A motion to authorize the expenditure of \$13,000 to both retain services of Lewis Brisbois Bisgaard & Smith LLP and conduct a forensic investigation.

Estimated time: 10 minutes

F. Ordinance No. 4, Series 2021, First Reading: *An Ordinance of the City Council of the City Of Gunnison, Colorado, Amending Section 5.10.220 Chapter 5.10, Title 5 of the Gunnison Municipal Code*

Background: At the March 9, 2021, regular session meeting, Council directed staff to draft an ordinance to remove the prohibition on alcohol consumption in public parks within the City of Gunnison. This Ordinance allows the consumption of alcohol in all City parks, with certain limitations.

Action Requested of Council: Introduce, read by title only by the City Attorney, motion, second, and order to publish Ordinance No. 4, Series 2021, on first reading.

Staff contact: City Clerk Erica Boucher

Estimated time: 10 minutes

G. Events Discussion

Background: At the City Council's January discussion on grants, Council directed the City Manager to provide a framework for planning and allocating resources for special events. To this end, City staff met with for-profit and non-profit organizations that are involved in planning and executing events in the community. The outcome of these meetings was consensus that as a community we should consider coordinating special events and focusing dollars on events that meet the goals outlined in the attached memo and presentation.

Staff contact: City Manager Russ Forrest

Actions Requested of Council: To receive an update from staff and provide feedback related to City-sponsored events. Staff recommends that the City release \$11,336 to the Chamber for their proposed events in 2021, including 4th of July, Night of Lights, and Halloween. Staff also recommends that we meet with all special event organizers

annually (most likely in the fall before our budget is set) to discuss the previous year's events and events for the upcoming year.

Estimated time: 15 minutes

H. COVID-19 Update and Recovery

Background: COVID-19 update and discussion.

Staff contact: City Manager Russ Forrest

Action Requested of Council: Receive update on response and recovery, give feedback on community and business relief, and determine if additional appropriations should be made for COVID-19 recovery.

Estimated time: 15 minutes

V. Staff and Council Reports

Community Development Semi-Annual Report

City Attorney Report

City Clerk Schedule Update

City Manager Update

Western Colorado University Liaison Update

City Councilors with City-related meeting reports; discussion items for future Council meetings

VI. 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. Discussion 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.**

PUBLIC HEARING FORMAT

Tuesday, March 23, 2021, 5:30 P.M.

City Council Chambers, City Hall

201 West Virginia Avenue, Gunnison, Colorado

Remote Access

- I. Open Public Hearing-Mayor
Mayor will state the date, time, location, and name those in attendance - City Council, City Attorney, City Manager, City Clerk, any City staff and the applicants' names if known.
- II. State Reason for Public Hearing-Mayor
The purpose of this hearing is to receive public input on the merits of Major Change to a PUD application ZA 20-2 submitted by High Mountain Concepts and the City of Gunnison.
- III. Proof of Publication: City Clerk
- IV. City Staff Comments
- V. Applicant Comments
- VI. Public Comment
Anyone wishing to comment please step up to the microphone or raise your hand in Zoom. State your name clearly and sign the sign-up sheet for the record.
- VII. Enter any letters received from the public into the record-City Clerk
- VIII. Close Public Hearing-Mayor
If there are no further comments the public hearing will be closed.

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

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTE THAT, pursuant to Sections 6.5 and 10.3 of *the City of Gunnison, Colorado, Land Development Code*, a public hearing will be held by the City Council of the City of Gunnison, at 5:30 p.m. on the 23rd day of March, 2021 in the Council Chambers, Gunnison Municipal Building, 201 West Virginia Avenue, Gunnison, Colorado, on the merits of Major Change to a PUD application ZA 20-2 submitted by High Mountain Concepts and the City of Gunnison. The property is legally described as:

A tract of land within Blocks 115, 116, 117, 118 and 119, Town of West Gunnison and land platted within the boundaries of West Gunnison and located within the NW1/4 NW1/4 of Section 2 of Township 49 North, Range 1 West N.M.P.M.; City of Gunnison, Gunnison County, Colorado.

Also known as the Lazy K property, Gunnison, Colorado. A complete legal description can be found at the City of Gunnison Community Development Department.

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

Written comments may be submitted to the City Clerk's Office located in City Hal 201, 201 W. Virginia Avenue, Gunnison, CO; mailed to the City Clerk at PO Box 239, Gunnison, CO, 81230; or emailed to eboucher@gunnisonco.gov until 4:00 p.m. on Tuesday, March 23rd, 2021.

CITY OF GUNNISON
CITY COUNCIL

Due to the international outbreak of novel coronavirus (COVID-19), the City of Gunnison is holding City Council meetings online and with limited in-person access to Council Chambers. If you would like to attend the meeting in person, please contact the City Clerk's Office at 970-641-8080.

To attend the meeting online go to:

https://us02web.zoom.us/webinar/register/WN_M6e22vsuS2OuchQkO1r7QQ

/s/ Erica Boucher
City Clerk

Published in the
Gunnison Country Times Newspaper
Thursday, March 4, 2021.

G. Monday, June 21, 2021 Regular Meeting/
Budget Adoption@5:30pm Gunnison

District/GCEA Negotiations schedule
March 4 at 4:14-7:30 via Zoom
April 1 at 8:00-4:00 (possibly in person;
shortened if via Zoom)
April 6 at 4:14-7:30 (Plan B if April 1 is by
Zoom)
May 6 at 4:14-7:30 (possibly in person)
The fourth date TBA based on Legislature
outcome

XII. Executive Session regarding a property
matter C.R.S. 24-6-402(4)(a)
The particular matter that is to be discussed
behind closed doors is discussion of prop-
erty options near Crested Butte.

XIII. Adjournment

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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INTENT TO DISPOSE

NOTICE IS HEREBY GIVEN to the follow-
ing party that their personal items stored
at Discount Self Storage, 246 Buckley,
Crested Butte, CO will be sold or disposed
of unless claimed prior to March 18, 2021.

Unit G15 Andrew Winogradov
Date of Redemption: March 18, 2021

Gunnison Country Times
Gunnison, Colorado
Publication dates of March 4, 11, 2021

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MEETING NOTICE

The Board of Directors of the Upper
Gunnison River Water Conservancy
District will conduct a regular board meet-
ing on Monday, March 22, 2021 at 5:30 pm.
The meeting will be held by video/telephone
conferencing and is open to the public.
Please contact District staff at (970) 641-
6065 for the video/teleconferencing login
information. An agenda will be posted at the
District Office prior to the meeting.

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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NOTICE OF HEARING

City of Gunnison
**NOTICE OF PUBLIC HEARING
TO WHOM IT MAY CONCERN:**

PLEASE TAKE NOTE THAT, pursuant to
Section 6.7 of the Land Development Code
and Section 4.2.3 of the Gunnison Rising
PUD Standards of the City of Gunnison,
Colorado, a public hearing will be held at
the hour of 7:15 PM on Wednesday, the
24th day of March, 2021, in the City Council
Chambers, Gunnison Municipal Build-
ing, 201 West Virginia Avenue, Gunnison,
Colorado on the merits of an Exception from
Design Standards Application, EX 21-1,
submitted by Simco Ventures, LLC., for ex-
ception from the percentage of building that
must occupy the street frontage, the first
floor ceiling height, 30 percent transparency
on side and rear elevations, and tree and
shrub requirements within the PUD Maker
Zone District.

The real property for which the waivers are
sought is legally described as follows:

Lot 1 of the proposed Government Campus
Subdivision, situated in Section 5 and 6,
Township 49 North, Range 1 East, New
Mexico Principal Meridian, City and County
of Gunnison, Colorado.

AT WHICH TIME AND PLACE you may at-
tend and give testimony, if you so desire.

Due to the international outbreak of
novel coronavirus (COVID-19), the City of
Gunnison is holding Gunnison Planning
and Zoning Commission online. The public
may attend Public Hearings and Regular
and Special Sessions remotely. The City
is holding remote meeting to follow social
distancing and event guidelines. To attend
the meeting go to:
[https://us02web.zoom.us/j/89987946611?
pwd=K3I5QnlhNEVwVVhZTG9rRWJLUzlvZz09](https://us02web.zoom.us/j/89987946611?pwd=K3I5QnlhNEVwVVhZTG9rRWJLUzlvZz09)

CITY OF GUNNISON
PLANNING AND ZONING COMMISSION
/s/Andie Ruggera, Senior Planner

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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NOTICE OF HEARING

**NOTICE OF PUBLIC HEARINGS CON-
CERNING ADOPTION OF APPENDIX Q:
TINY HOUSES OF THE INTERNATIONAL
RESIDENTIAL CODE, 2018 EDITION;
SECTION N1102.4.1.2: AIR LEAKAGE
TESTING OF THE INTERNATIONAL RESI-
DENTIAL CODE, 2015 EDITION; AND A
BUILDING CONTRACTOR LICENSING
PROGRAM**

HEARING DATE, TIME AND LOCATION:
The Gunnison County Board of Commis-
sioners will conduct a public hearing on
TUESDAY, APRIL 6, 2021 at 8:50am in the
Board of County Commissioners Meeting
Room at the Gunnison County Courthouse,
200 E. Virginia Avenue, to hear public
comment concerning the adoption of Ap-
pendix Q: Tiny Houses of the International
Residential Code, 2018 edition; Section
N1102.4.1.2: Air Leakage Testing of the
International Residential Code, 2015 edi-
tion; and a Building Contractor Licensing
Program. More information is available at
the Gunnison County Community Develop-
ment Department, 221 N. Wisconsin St.,
Ste. D., Gunnison and also online at [http://
www.gunnisoncounty.org/144/Community-
Development](http://www.gunnisoncounty.org/144/Community-Development)

PUBLIC PARTICIPATION: The public is
invited to submit oral or written comments at
the hearing, or to submit written comments
by email to planning@gunnisoncounty.org
and boccc@gunnisoncounty.org or by letter
to the Gunnison County Board of Commis-
sioners, 200 E. Virginia, Gunnison, CO,
81230, or to the Community Development
Department, 221 N. Wisconsin St., Ste. D.,
Gunnison, CO 81230.
Additional information may be obtained by
calling the Gunnison County Community
Development Department, (970) 641-0360,
planning@gunnisoncounty.org.

ADA ACCOMMODATIONS: Anyone need-
ing special accommodations as determined
by the American Disabilities Act may contact
the Gunnison County Administration Of-
fice, (970) 641-0248 prior to the day of the
meeting.

/s/ Crystal Lambert, Gunnison County Build-
ing and Environmental Health Official

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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NOTICE OF HEARING

**NOTICE OF LAND USE CHANGE PERMIT
APPROVALS
CREATING A VESTED RIGHT
GUNNISON COUNTY, COLORADO**

PLEASE TAKE NOTICE that Gunnison
County has approved the following Land
Use Change permits with site-specific
development plans(s) within unincorpor-
ated Gunnison County, which creates a
three-year vested property right pursuant

to Colorado Revised Statutes, Article 68 of
Title 24 C.R.S., as amended.

A vested property right gives the follow-
ing applicant(s) the right to undertake the
development subject to the condition(s) of
approval of the site-specific development
plan(s).

LUC-19-00018 Jackson Shaw/Taylor River
Ranch, LLC aka Wilder on the Taylor ap-
proved to construct seven driveways to
future building sites on vacant subdivision,
35-acre lots including 21,22,29,30,32,33,35
in the Wilder on the Taylor Phase 3 Subdivi-
sion. Phase 3 legally described as being
situated in Sections 28,29, & 33, T15S,
R84W, 6th P.M. & Section 8, T51N, R2E,
N.M.P.M., Gunnison Co.

LUC-20-00060 Antelope Creek Storage
LLC approved to expand use of outside
storage under the existing Antelope Creek
Storage LLC, up to one acre or less.
Legally described as T50N, R1W, N.M.P.M.
Section 34: A tract of land situated in the
NE1/4SE1/4 of said section. AKA 1353
County Road 17; Antelope Creek Area,
Gunnison, Co.

/s/ Beth Baker
Community Development Services Manager
Gunnison County Community Development
Department

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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NOTICE TO CREDITORS

NOTICE TO CREDITORS

**Estate of Richard Charles Almgren,
Deceased
Case Number 2021PR30006**

All persons having claims against the above
named estate are required to present them
to the personal representative or to the
District Court of Gunnison County, Colorado
on or before June 17, 2021, or the claims
may be forever barred.

Jean S. Almgren
PO Box 659
Gunnison, Colorado, 81230

Gunnison Country Times
Gunnison, Colorado
Publication dates of February 25, March 4,
11, 2021

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PUBLIC HEARING

**CITY OF GUNNISON CITY COUNCIL
NOTICE OF PUBLIC HEARING
TO WHOM IT MAY CONCERN:**

PLEASE TAKE NOTE THAT, pursuant
to Sections 6.5 and 10.3 of the City of
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City Council of the City of Gunnison, at
5:30 p.m. on the 23rd day of March, 2021
in the Council Chambers, Gunnison Mu-
nicipal Building, 201 West Virginia Avenue,
Gunnison, Colorado, on the merits of Major
Change to a PUD application ZA 20-2
submitted by High Mountain Concepts and
the City of Gunnison. The property is legally
described as:

A tract of land within Blocks 115, 116, 117,
118 and 119, Town of West Gunnison and
land platted within the boundaries of West
Gunnison and located within the NW1/4
NW1/4 of Section 2 of Township 49 North,
Range 1 West N.M.P.M.; City of Gunnison,
Gunnison County, Colorado.

Also known as the Lazy K property,
Gunnison, Colorado. A complete legal
description can be found at the City of
Gunnison Community Development Depart-
ment.

AT WHICH TIME AND PLACE you may at-
tend and give testimony, if you so desire.

Written comments may be submitted to
the City Clerks Office located in City Hal
201, 201 W. Virginia Avenue, Gunnison,
CO; mailed to the City Clerk at PO Box
239, Gunnison, CO, 81230; or emailed to
eboucher@gunnisonco.gov until 4:00 p.m.
on Tuesday, March 23rd, 2021.

CITY OF GUNNISON
CITY COUNCIL

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novel coronavirus (COVID-19), the City of
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Council Chambers. If you would like to at-
tend the meeting in person, please contact
the City Clerks Office at 970-641-8080.

To attend the meeting online go to:
[https://us02web.zoom.us/join/register/
WN_M6e22vsuS2OuchQkO1r7QQ](https://us02web.zoom.us/join/register/WN_M6e22vsuS2OuchQkO1r7QQ)

/s/ Erica Boucher
City Clerk

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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REQUEST FOR BIDS

**THE GUNNISON VALLEY RURAL TRANS-
PORTATION AUTHORITY** is seeking
quotes for exterior painting of a metal and
wood building located at 905 W. Evans in
Gunnison. Job includes preparation of sur-
faces (including pressure wash to remove
dust and surface contamination) and ap-
plication by spray or by brush (two coats of
acrylic metal paint). Job to be completed by
fall of 2021. Interested parties can inquire
about further details by contacting Leia
Morrison at LeiaM@gunnisonvalleyrta.org.
Quotes are requested by March 19th.

Gunnison Country Times
Gunnison, Colorado
Publication dates of March 4, 11, 2021

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VESTED RIGHTS

**NOTICE OF LAND USE CHANGE PERMIT
APPROVALS
CREATING A VESTED RIGHT
GUNNISON COUNTY, COLORADO**

PLEASE TAKE NOTICE that Gunnison
County has approved the following Land
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development plans(s) within unincorpor-
ated Gunnison County, which creates a
three-year vested property right pursuant
to Colorado Revised Statutes, Article 68 of
Title 24 C.R.S., as amended.

A vested property right gives the follow-
ing applicant(s) the right to undertake the
development subject to the condition(s) of
approval of the site-specific development
plan(s).
LUC-21-00004 Cypress Foothills LP ap-
proved for a building envelope adjustment
: Property legally described as Lot 10,
Aperture, According to the plat Filed August
1, 2017 as reception number 648057in
the real property records of the County of
Gunnison, State of Colorado.

/s/ Beth Baker
Community Development Services Manager
Gunnison County Community Development
Department

Gunnison Country Times
Gunnison, Colorado
Publication date of March 4, 2021

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WEATHER

- The next regular meeting of the UGRWCD Board is scheduled for March 22, 2021.
- Blue Mesa Reservoir is currently at 48% of capacity, Taylor Park Reservoir is at 60% of capacity.
- Taylor Park Releases - 83.2 cfs
- Upper Gunnison Snowpack - 83 percent of average for this date
- To learn more about watershed management in the Upper Gunnison Basin, please visit our website at www.ugrwc.org.

LAST WEEK

Date	February 24	February 25	February 26	February 27	February 28	March 1	March 2
Gunnison	Hi	38°	34°	36°	29°	28°	36°
	Lo	2°	1°	-1°	4°	-3°	-3°
	Snow	0"	0"	0"	0"	0"	0"
Crested Butte	Hi	39°	34°	29°	27°	19°	24°
	Lo	-9°	-3°	-4°	-4°	-19°	-15°
	Snow	0"	0"	0"	0.04"	0"	0"

Results are for the week ending February 23, 2021.
NA - Not Available M - Missing

BROUGHT TO YOU BY

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Protecting Your Water Since 1959
970.641.6065



WEEKEND FORECAST

Friday		Day: Sunny, with a high near 42. Night: Mostly clear, with a low around 9.
Saturday		Day: Mostly sunny, with a high near 43. Night: Partly cloudy, with a low around 13.
Sunday		Day: Mostly sunny, with a high near 42. Night: Mostly clear, with a low around 12.

Have a
idea

Let us know



The Gunnison Country Times is always looking for the stories that impact the lives of Valley's residents. We are always accepting submissions for articles, photos and story ideas. Just drop us a line!

Call us at 641-1414 or email the editor at editor@gunnisontimes.com

REAL NEWS
LOCAL PAPER

GUNNISON COUNTRY
TIMES

218 N. Wisconsin Street
Gunnison, CO 81230
970-641-1414
www.gunnisontimes.com



To: Gunnison City Council
From: Andie Ruggera, Senior Planner
Date: March 23, 2021
Subject: Lazy K Major Change to a PUD, ZA 20-2 and Major Subdivision SB 20-3

A Major Change to a PUD (Planned Unit Development) and Major Subdivision has been submitted by the City of Gunnison with representation from Willa Williford, Williford Housing and High Mountain Concepts to rezone the Lazy K property and subdivide into 31 lots with 29 residential lots approximately 4.5 acres total in size and two park and open space lots that are 10.5 acres. Two zones are proposed with this application that includes a PUD RMU (Residential Mixed Use) and PUD O (Parks and Open Space).

A Major Change to a PUD follows the process of a text amendment and may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data. The major change must comply with the PUD Purposes, PUD Standards and the Review Standards for Map Amendments.

The Planned Unit Development *LDC* Section 10.3 D through F. specifies that a Major Change to a PUD application be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission recommends to City Council and Council considers the recommendation of the Commission at a public hearing. The Commission reviewed the Major Change to a PUD application for the Lazy K property at the public hearing on January 13, 2021 and voted to recommend approval to City Council.

The City's *Land Development Code (LDC)* Section 12.3 defines the types of subdivision within the City. This request is classified as a Major Subdivision, which is an application proposing more than eight lots or units, or which subdivides a parent parcel of four acres or greater. Major subdivisions are subject to a four step process:

1. review of sketch plan by Planning Commission at a public hearing;
2. review of the preliminary plat by Planning Commission at a public hearing;
3. review and recommendation of the final plat by Planning Commission (with no public hearing); and
4. action on the final plat by City Council (with no public hearing).

The Commission held a public hearing on March 11, 2020 and unanimously approved the sketch plan application. The Planning and Zoning Commission held a public hearing on December 9,

2020 for the PUD Zoning Amendment and the Preliminary Plat Application. The hearing was continued to January 13, 2021 and the Commission approved the Preliminary Plat and recommended the PUD Zoning Amendment. At the regular meeting of March 10, 2021, the Planning and Zoning Commission voted to recommend approval of the Final Plat to City Council.

Attached you will find the draft Ordinance for the Major Change Zoning, the Lazy K PUD Standards, Staff report and recommendation to the Planning and Zoning Commission, Final Plat, and Civil Drawings. Additional packet material submitted for the December 9, 2020 Commission meeting can be found [HERE](#) with the presentation and additional documents [HERE](#) and the packet submittal for the January 13th Commission meeting can be found [HERE](#).

Action Requested of Council – A motion to approve the Major Change to a PUD Application, ZA 20-2 including the Lazy K PUD Standards through first reading of Ordinance No. 3, Series 2021 and a motion to approve Subdivision, Final Plat, SB 20-3 for the Lazy K Subdivision.

**ORDINANCE NO. 3
SERIES 2021**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT FOR THE LAZY K PUD

WHEREAS, Section 10.7 H. 1. (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 10.3 (Procedures) of the *City of Gunnison Land Development Code*, and

WHEREAS, the City of Gunnison and High Mountain Concepts, now known as Lazy K Development, LLC, has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to an existing PUD and Map Amendment to the Official Zoning Map; and

WHEREAS, the legal description of the proposed PUD is contained in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, Section 10.7 C. of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zoning amendment. Approval may only occur if the application meets the majority of the PUD Purposes (Section 10.7 A.), all PUD Standards (10.7 E.) and all Review Standards for Map Amendments (Section 10.6); and

WHEREAS, the Lazy K PUD application is based from extensive public outreach that occurred for the Lazy K property that included numerous focus groups, site tours, meetings with city leadership, staff, community youth, seniors, surrounding stakeholders and the general public; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to Section 6.7 (Provisions of Public Notice) of the *Land Development Code*, on January 13, 2021; and

WHEREAS, on January 13, 2021, the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments and recommended approval of the PUD Major Change application, with the Lazy K PUD Standards, to the City Council, based on findings of fact and conditions established through the proceedings record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD that opened on March 24, 2021; and

WHEREAS, based upon the application seeking a Major Change to an existing PUD and Map Amendment of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. The record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Comprehensive Plan*.
- B. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
- C. Extensive public outreach occurred for the Lazy K property that included numerous focus groups, site tours, meetings with city leadership, staff, community youth, seniors, surrounding stakeholders and the general public that informed the development of the *West Gunnison Park Master Plan* that identifies three parcels for affordable housing.
- D. In 2019 a public process was held to seek qualified developers for a work/affordable housing project on the Lazy K property and after multiple public meetings, City Council moved forward with the High Mountain Concepts proposal.

- E. The Major Change to a PUD is to change from the PUD C (Commercial) to PUD RMU (Residential Mixed Use) and PUD O (Park and Open Space) and is being processed concurrently with a Major Subdivision.
- F. The PUD RMU zones allow for 65 residential units and the PUD O zone allows for park uses according the *West Gunnison Park Master Plan*.
- G. Based on the Findings cited above and the Conditions below, the approval of this Major Change is not a detriment to the community's health, safety and welfare.

WHEREAS, based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the Major Change to the PUD on the property herein described 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:

Section 1. The Major Change to the PUD application is approved.

Section 2. The *Lazy K PUD Development Standards* dated March 24, 2021, are approved.

Section 3. The Map Amendment is approved with Lots 1-13 and 15-30 zoned PUD RMU and Lots 14 and 31 zoned PUD O.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of March, 2021, on first reading, and introduced, read, and adopted on second and final reading this _____ day of April, 2021.

Mayor

(SEAL)

ATTEST:

City Clerk

EXHIBIT A

Planned Unit Development Description:

A tract of land within Blocks 115, 116, 117, 118 and 119, Town of WEST GUNNISON, according to the AMENDED Plat recorded September 1, 1881 as Reception No. 17078; within the contiguous alleys and streets adjacent to said Blocks; and land platted within the boundaries of WEST GUNNISON and located within the NW1/4 NW1/4 of Section 2 of Township 49 North, Range 1 West, N.M.P.M.; City of Gunnison, Gunnison County, Colorado, said tract being more particularly described as follows:

BEGINNING at a point which is the southwest corner of Lot 8 of said Block 117: thence the following courses around said tract:

1. North 117.50 feet along the west boundary of said Block 117 to a point on the centerline of the east-west alley of said Block 117;
2. East 135.00 feet along said centerline to a point on the centerline of the north-south alley of said Block 117;
3. North 202.50 feet along said centerline and its northerly extension to a point on a line lying 20.00 feet northerly of and parallel to the south boundary of Tomichi Avenue;
4. East 740.00 feet along said line to a point on the northerly extension of the centerline of the north-south alley of said Block 115;
5. South 370.00 feet along said centerline and its southerly extension to a point on the centerline of New York Avenue;
6. West along said centerline of said New York Avenue to the intersection of the centerline of 4th Street extended, said point being the northwest corner of that parcel of land of as described in document recorded May 6, 2001 at Reception No. 511272 as Parcel 1.
7. South 380.00 feet along said centerline and its southerly extension to a point on the line lying 30.00 feet southerly of and parallel to the north boundary of Gunnison Avenue;
8. Thence West 330.00 feet to a point on the southerly extension of the west boundary of said Block 118;
9. North 30 feet along said extension to the southwest corner of said Block 118;
10. West 799.58 feet along the westerly extension of the North Boundary of Gunnison Avenue to a point on the Southerly extension of the East Boundary of the Partch/Zugelder Property, (as described in Book 359 at Page 45 of the records of Gunnison County);
11. North 300.00 feet along said extension and said boundary to a point on the south boundary of New York Avenue;
12. East 29.58 feet along said boundary;
13. North 50.00 feet to a point on the centerline of New York Avenue;
14. East 750.00 feet along said centerline to a point on the southerly extension of the west boundary of said Block 117;
15. North 50.00 feet along said extension to the southwest corner of said Block 117, said corner also being the Point of Beginning of the herein described tract.

EXCEPTING THEREFROM the vacated North-South alley within Block 119, Amended Plat of West Gunnison, extended northerly to the centerline of New York Avenue, and extended southerly to the south line of the northerly thirty feet of Gunnison Avenue,

FURTHER EXCEPTING THEREFROM 30 feet each side of the centerline of the platted right of way for 3rd Street, Amended Plat of West Gunnison, and all other streets and alleys not vacated by the Ordinance No. 7, Series 1981 recorded in Book 565 at page 738.

Lazy K

PUD Development Standards
March 23, 2020



PUD Development Standards

- I. Purpose and Intent.** The purpose of the PUD RMU (Residential Mixed Use) zone district will be to facilitate the development of a unique public/private partnership to provide affordable homes that will be protected as a community asset in perpetuity using a deed restriction. The PUD RMU will also provide market rate homes to serve and benefit the whole community.

The purpose of the PUD Park and Open Space district is provide the western portion of the City of Gunnison park and recreation opportunities. It is located in the center of residential areas and the Senior Care Center adjacent to the north. Park plans have been developed within the *West Gunnison Park and Site Concept Master Plan*.

II. Applicability of PUD Development Standards

- A. Land Development Code Conformance.** All development standards set forth in the *City of Gunnison Land Development Code*, as presently adopted and as it may be amended in the future, shall apply to the Lazy K PUD, except for the following standard categories as set forth herein.

- 1. Use Standards.** Each proposed district contains a specific list of permitted uses. Only those stated uses shall be allowed within each PUD district.
- 2. Dimensional Standards.** This PUD includes specific standards for minimum lot size, minimum setback requirements and maximum dwelling units per lot.
- 3. Landscape and Fencing Standards.** This PUD includes specific landscape standards to be applied to the Lazy K PUD. The PUD allows fences on private property with specific restrictions on height and material.
- 4. Deed Restrictions.** Certain lots and residential units within the PUD RMU are subject to deed restrictions for attainable and affordable housing for the workforce and working families within the County of Gunnison according to the City of Gunnison Master Deed Restriction dated _____, 2021.
- 5. Park Improvements.** The *West Gunnison Park and Site Concept Plan* shall be used to direct land use decisions for the PUD Parks and Open Space district.

- B. Conflicts.** If there is any conflict between the provisions of this *Lazy K PUD Development Standards* and the provisions of the *City of Land Development Code*, or any other ordinances, resolutions or regulation of the City of Gunnison, the more restrictive provisions shall prevail and govern the development.

- C. General Development Standards.** All development standards set forth in the *City of Gunnison Land Development Code*, and as it may be amended in the future, shall apply to the Lazy K PUD except for the following standards that specifically regulate this Planned Unit Development:

- 1. Building Permit Requirements.** No building or other structure shall be constructed, erected or maintained on any lot, nor shall any addition thereto or alteration or change thereto be made until complete plans and specifications have been submitted to the Gunnison Building Department and by it, approved in writing, as evidenced by issuance of applicable City building permit.
- 2. Deed Restricted Housing.** Development of the Deed Restricted housing shall comply with the *Contract to Buy, Sell and Develop Deed Restricted Housing*, executed on _____.

3. Nature’s Envelope and Site Landscaping. The only location where ornamental vegetation planting shall be permitted is in the PUD RMU and a designated transition envelope that shall extend no more than 15 feet from the site improvement lots. The transition envelope will provide a gradational change from the residential lots and the natural landscape (Nature’s Envelope) of the PUD Park and Open Space. Alteration to the existing landscape will be permitted only within the designated residential lots and transition envelope.

D. Specific PUD District Standards. Two PUD districts are established by these standards: 1) the PUD-Residential Mixed Use (PUD RMU); and, 2) the PUD Parks and Open Space district (PUD O). The following standards and criteria are specific to each of the established PUD districts.

1. PUD RMU. The PUD RMU district uses shall be contained on Lots 1 through 13 and Lots 15 through 30 as platted through the Lazy K Subdivision and designated on the PUD Zoning Map. The following are specific development standards:

a. Primary and Accessory Uses. Uses shall be limited to residential uses on all lots.

b. Dimensional Standards. Each lot is subject to the following standards:

Lot Number	Zone	Deed Restricted	Sq Ft or Acreage	Max Units	Min Front Setback	Min Side Setback	Min Rear Setback
1	PUD RMU	Yes	5287.57	1	10	5	5
2	PUD RMU	Yes	5491.78	1	10	5	5
3	PUD RMU	Yes	4356	1	10	5	5
4	PUD RMU	Yes	3382.10	1	10	5	5
5	PUD RMU	Yes	10780	5	10	5	5
6	PUD RMU	No	5474.01	1	10	5	5
7	PUD RMU	No	4500	1	10	5	5
8	PUD RMU	Yes	5128.15	1	10	5	5
9	PUD RMU	Yes	6230.3	1	10	5	5
10	PUD RMU	Yes	4846.37	1	10	5	5
11	PUD RMU	Yes	4673.09	1	10	5	5
12	PUD RMU	Yes	6322.35	1	10	5	5
13	PUD RMU	No	4974.62	1	10	5	5
14	PUD O	N/A		0	N/A	N/A	N/A
15	PUD RMU	Yes	28688.51	12	15	10	10
15A	PUD RMU	N/A	2865.87	0	N/A	N/A	N/A
16	PUD RMU	Yes	21630.19	6	15	10	10
17A	PUD RMU	No	5779.40	2	15	5	5
17B	PUD RMU	Yes	9320.56	4	15	5	5
18	PUD RMU	No	6500	2	10	5	5
19	PUD RMU	Yes	3865.87	2	10	5	5

20	PUD RMU	Yes	4000	2	10	5	5
21	PUD RMU	Yes	4000	2	10	5	5
22	PUD RMU	Yes	4000	2	10	5	5
23	PUD RMU	No	3600	0	N/A	N/A	N/A
24	PUD RMU	No	3600	2	10	5	5
25	PUD RMU	No	3600	2	10	5	5
26	PUD RMU	No	3600	2	10	5	5
27	PUD RMU	No	3600	2	10	5	5
29	PUD RMU	No	3600	2	10	5	5
30	PUD RMU	No	3600	2	10	5	5
31	PUD O	N/A		0	N/A	N/A	N/A

c. Fences

i. Height. A fence or wall within any lot in the PUD RMU district shall not exceed three feet in height. A fence or landscaping is required for screening of trash receptacles of two cubic yards in volume or larger which may be of the sufficient height to create the visual barrier.

ii. Fence Material. Fences or walls may be constructed of wood, stone, brick, decorative concrete block, wrought iron (or products created to resemble these materials), a combination of any of these materials, or other materials approved by the Community Development Director or designee. Prohibited materials include plywood, particle board, barbed wire, chain-link and similar materials.

d. Landscaping Criteria. Landscaping requirements are hereby established for site area landscaping within the PUD RMU district to incorporate the natural landscape and transition into the PUD Parks and Open Space district. Site area landscaping shall be in conformance with the following criteria:

MINIMUM PLANTING CRITERIA		
Landscaping Planting	Trees and Shrubs	Ground Cover
Single Family Sites	1 tree and 2 shrubs per site	Up to 70 percent of ground cover may be xeriscape planting
Duplex Sites	2 trees and 4 shrubs per duplex building site	Up to 70 percent of the ground cover may be xeriscape
Townhome Lots	3 trees and 6 shrubs per townhome building	Up to 70 percent of the ground cover may be xeriscape
Transition Envelope	No minimum requirement	Up to 50 percent of the ground cover may be xeriscape plantings
Natural / Park Area	All landscape alterations are subject to review and approval by the Community Development Director or designee.	

2. PUD O. The PUD Park and Open Space district consists of Lots 14 and 31 and is owned by the City of Gunnison for the purpose of public park space. Uses and improvements within this district will be planned in accordance with the *West Gunnison Park and Site Concept Plan* or as modified by the City Council for uses that are associated with public parks.

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TO: Planning and Zoning Commission
From: Andie Ruggera, Senior Planner
Date: February 24, 2021
RE: Zoning Amendment ZA 20-2 and Major Subdivision SB 20-3, Lazy K

CODE REQUIREMENTS

Zoning Amendment – Major Change to a PUD

The *Land Development Code (LDC)*, Section 10.7.H.1. (Major Changes) states “changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.” A public hearing is required and all major changes to the PUD must be recorded with the Gunnison County Clerk and Recorder.

The Planned Unit Development *LDC* Section 10.3 D through F. specifies that a Major Change to a PUD application be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission recommends to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

The Commission reviewed the Major Change to a PUD application for the Lazy K property at the public hearing on January 13, 2021 and voted to recommend approval to City Council. The City Council will review and take possible action on the Major Change zoning application at the same time of review of the Final Plat.

Major Subdivision

The City’s *Land Development Code (LDC)* Section 12.3 defines the types of subdivision within the City. This request is classified as a Major Subdivision, which is an application proposing more than eight lots or units, or which subdivides a parent parcel of four acres or greater. Major subdivisions are subject to a four step process:

1. review of sketch plan by Planning Commission at a public hearing;
2. review of the preliminary plat by Planning Commission at a public hearing;
3. review and recommendation of the final plat by Planning Commission (with no public hearing); and
4. action on the final plat by City Council (with no public hearing).

The Commission held a public hearing on March 11, 2020 and unanimously approved the sketch plan application. The Planning and Zoning Commission held a public hearing on December 9, 2020 for the PUD Zoning Amendment and the Preliminary Plat Application.

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The hearing was continued to January 13, 2021 and the Commission approved the Preliminary Plat and recommended the PUD Zoning Amendment.

This regular meeting of February 24, 2021 is for the Final Plat. The Planning and Zoning Commission may take action to recommend to City Council, approval with conditions, remand the application for additional information, or deny the application.

APPLICATION

The applicant is the City of Gunnison with representation from Willa Williford, Williford Housing and High Mountain Concepts to subdivide a parcel into 31 lots with 29 residential lots approximately 4.5 acres total in size and two park and open space lots that are 10.5 acres. Two zones are proposed with this application that includes a PUD RMU (Residential Mixed Use) and PUD O (Parks and Open Space). The legal description of the A tract of land within Blocks 115, 116, 117, 118 and 119, Town of West Gunnison and land platted within the boundaries of West Gunnison and located within the NW1/4 NW1/4 of Section 2 of Township 49 North, Range 1 West N.M.P.M.; City of Gunnison, Gunnison County, Colorado.

The applicant has complied with application requirements for a Zoning Amendment and Preliminary Plan in accordance with Sections 10.7 and 12.6 of the *LDC*. Public notice was mailed, published, and posted in accordance with Section 6.7 of the *LDC*.

Please see the application narrative attached as well as new application material to include the following:

Lazy K Civil Drawings, dated February 18, 2021
Lazy K Draft Subdivision Plat, dated February 10, 2021
Lazy K Draft Site Plan, dated February 19, 2021

The full application packet material submitted for the December 9, 2020 meeting can be found [HERE](#) with the presentation and additional documents [HERE](#) and the packet submittal for the January 13th meeting can be found [HERE](#).

DEPARTMENTAL COMMENTS

Building Official: No issue at this time.

Fire Marshal: No issue at this time.

Parks and Recreation Director: No issue at this time.

Finance Director: No issue at this time.

Police Chief: No issue at this time.

The Community Development Staff and the Public Works Department has been working closely with the High Mountain Concepts, Willa Williford, and Design Workshop team to review all application materials and agreements regarding the Lazy K project and materials are being updated throughout this process in response to those comments.

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SUBDIVISION REVIEW STANDARDS

The *LDC* Section 12.8 contains eight specific standards that are used by the Planning and Zoning Commission and City Council to consider for all subdivision applications. Based on the *LDC* Section 6.8, **an application that fails to comply with any applicable review standard shall be denied.**

A. **Master Plan.** The proposed subdivision shall carry out the purpose and spirit of the Master Plan and conform to all of the Plan’s applicable intent statements, specific directions and recommended actions. It shall be designed to be compatible with surrounding land uses, to protect neighbors from undesirable noise, glare and shadows and shall not cause adverse effects on their privacy, solar access and views. The following excerpts from the Master Plan are applicable to this subdivision.

No Conflict.

Chapter 5, Land Use and Growth, Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive. Edges of the community remain clearly defined. New developments will demonstrate high-quality urban design while protecting the rural landscapes surrounding the City. Sprawl will be avoided through effective infill and compact growth.

Chapter 7, Economics, Goal: A diversified local economy will support the economic and employment needs of residents and account for social character, land use patterns and global economic and global energy concerns.

“This proposal for Lazy K Housing responds directly to goals and strategies identified in the *West Gunnison Park Master Plan* and the City of Gunnison *Comprehensive Plan Update*, including:

West Gunnison Park Master Plan

- Preferred approach to housing locations and density;
- Integration of pedestrian connections; and
- Respect for natural landscape, riparian coordinators, and mature trees.

The City of Gunnison *Comprehensive Plan Update* identifies housing as a foundational element to support numerous other community goals, including economic prosperity, downtown vibrancy, sustainability, transportation, and community character. This proposal directly aligns with the *Comprehensive Plan Housing aspirations*, and most specifically contributes to Goal #3.

Goal 3

By 2025, the City will have 250 attractive and efficient new homes occupied by people who make up all aspects of the community.

The Lazy K housing proposal contributes to this goal by increasing the diversity of housing inventory, including small homes and attached dwellings and investing in renovating existing structures that are no-longer habitable. The proposal will serve a

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wide range of incomes (from below 80% AMI through market rate), family sizes (from one through three bedroom homes), and life phases (from first time homebuyers, families with children utilizing the childcare center, through empty nesters and seniors seeking to live in proximity to Gunnison Valley Health Senior Center).”

B. Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the use.

No Conflict. The overall zone district for the three housing development sites is PUD RMU. Specific dimensional standards are proposed in regard to minimum lot size, front setbacks and density allowances to accommodate the unique environmental features of the site and to allow the reuse of the existing structures.

C. Improvements. The proposed subdivision shall be provided with improvements which comply with Section 4 and 5.

No Conflict. The City has the capacity to service this site. Some utilities are present to the existing buildings and new lines will be placed to service new structures in the east development. Utilities will access off existing mains and be a looped system in the central development. Proposed streets will meet the requirement of private driveways and will only serve the Lazy K property. No through connections are proposed other than maintaining the existing 3rd Street right-of-way.

1. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

No Conflict: The design team explored through connectivity on 5th Street at length, as this was originally a project priority. However, creating a street that would conform to City standards and overcome the grade change to connect on the south end of the street proved to not be feasible. The preferred design solution is a street-like driveway with a turnaround, and a pedestrian connection to the south.

The proposed streets are private driveways with pavement dimensions that meet the requirements of the LDC based on the number of dwelling units. The streets are not proposed as through connections to existing City streets and only serve units within the project.

2. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision. As a condition of obtaining water service, any water rights which run with the property shall be dedicated to the City.

No Conflict. See comments above.

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3. **Landscaping.** Landscaping, buffering and screening as required by Section 4.6 shall be achievable given the underlying lot widths and rights-of-way dimensions.

No Conflict: The site design is intending to maintain the natural landscaping and retain as many mature trees as possible. Landscaping is required for the housing lots and includes a transition zone from the housing lots to the natural landscaping of the park and open space.

4. **Phases.** If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities, and streets that are necessary for creating and sustaining a stable environment.

No Conflict. Each development area will contain the required parking spaces, landscape, utilities and private drives. The park area will be developed with parking and park amenities.

- D. **Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the areas. Natural features and native vegetation shall be preserved whenever possible.

No Conflict. With the abundant mature trees and natural park setting, the priority is to maintain features and vegetation to the maximum extent possible.

- E. **Floodplains.** Tracts of land or portions thereof lying within the one hundred year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

Possible Conflict. Portions of the property are within the floodplain (see floodplain map); and three lots are partially located within the 100-year floodplain. The City completed a Letter of Map Revision with FEMA in 2019 to confirm the elevation at one of the existing cabins. A map revision will need to be completed on the three lot sites with FEMA.

- F. **Future Streets.** When a tract is subdivided into lot(s) or parcel(s) which are intended for future re-subdivision, such lot(s) or parcel(s) shall be so arranged so as to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.

No Conflict. The proposal does not include parcels for re-subdivision that would require future street openings.

- G. **Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be so located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

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No Conflict. Residents of the new development will have exceptional access to the recreation opportunities of the West Gunnison Neighborhood Park. Existing surrounding neighborhoods will also have better access to the park.

H. Lots and Blocks

1. Pattern. The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than 300' nor more than 1,200' in length.

No Conflict. The proposal includes modified lot sizes, street frontage and setbacks to accommodate the use of the existing structures and the unique natural features of the site. Access in to the development only serves the dwelling units on the site. There is no through street connection.

2. Frontage. Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

No Conflict. All lots will be accessed from the street-like access drive. Access to individual lots will not be off Tomichi Avenue, which is a Collector Street. The south development housing will be accessed off Gunnison Avenue which is a Local Street and will have a shared driveways for every two lots.

3. Right Angles. Side lot lines shall be approximately at right angle or radial to street lines.

No Conflict. Lot lines are appropriately angled.

4. Double Frontage Lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of the topography or orientation. A planting and screening easement of at least 10" shall be provided along the portion of the lot which abuts such a Collector or Arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

Not Applicable.

5 T Intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

No Conflict. A townhouse structure at the south end of the private drive within the first phase does face into oncoming traffic at the "T" intersection. Traffic volume on the street will be very limited as no leg of the T is a through street. A space between the structure and the street will contain landscape area

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to screen the residential unit from the street and provide space for snow stack in winter.

6. Solar Energy. For the purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

No Conflict. The detached single family lots are single story and situated in a manner that should not block solar access of adjacent homes measured at winter solstice.

ACTION

During the Planning and Zoning Commission meeting of February 24, 2021 Commissioner _____ moved, Commissioner _____ seconded and the Planning and Zoning Commission voted to recommend APPROVAL to City Council, Major Subdivision, Final Plat, SB 20-3 for the Lazy K property with the following findings of fact and conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that extensive public outreach occurred for the Lazy K property that included numerous focus groups, site tours, meetings with city leadership, staff, community youth, seniors, surrounding stakeholders and the general public that informed the development of the *West Gunnison Park Master Plan*. The Commission further finds the master plan identifies park area and three parcels for affordable housing.
3. The Planning and Zoning Commission finds that in 2019 a public process was held to seek qualified developers for a work/affordable housing project on the Lazy K property and after multiple public meetings, City Council moved forward with the High Mountain Concepts proposal.
4. The Planning and Zoning Commission finds that this application for a Major Subdivision to subdivide a parcel that is approximately 15.3 acres. The Commission further finds that approximately 4.6 acres would be subdivided for housing and the remaining 10.7 acres will remain park and open space.
5. The Planning and Zoning Commission finds that an application for a Major Change to a PUD from the current zoning PUD C to PUD RMU and PUD O is being processed concurrently with this Major Subdivision.

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6. The Planning and Zoning Commission finds that the proposed Subdivision and PUD zone designation for the Lazy K parcel will facilitate the coordinated development of park improvements, utilities, streets, bike and pedestrian connections, housing renovations, and new community housing as identified in the *West Gunnison Park Master Plan* and the *Comprehensive Plan*.
7. The Planning and Zoning Commission finds that the City has worked with Design Workshop to finalize plans for the first phase of the park improvements to be developed according the *West Gunnison Park Master Plan*.
8. The *Comprehensive Plan* Update identifies housing as a foundational element to support numerous other community goals, including economic prosperity, downtown vibrancy, sustainability, transportation, and community character. The Planning and Zoning Commission finds that this proposal directly aligns with the Comprehensive Plan Housing aspirations, and most specifically contributes to Goal #3 - *By 2025, the City will have 250 attractive and efficient new homes occupied by people who make up all aspects of the community*.
9. The Planning and Zoning Commission finds that the subdivision would create 31 lots varying in size with the smallest approximately 3,300 square feet for residential and the largest parcels open space and parks.
10. The Planning and Zoning Commission finds that all residential lots and the park improvements are required to be served by utilities and proper utility line sizes, and that appropriate easements for utilities and access will be finalized prior to Final Subdivision approval.
11. The Planning and Zoning Commission finds that High Mountain Concepts and City of Gunnison have entered a Memorandum of Understanding to provide for sale residential units of which 44 are affordable/work force units and deed restricted.
12. The Planning and Zoning Commission finds that private driveways are proposed to provide access to the residential units that meet the requirements of the *Land Development Code* and will be owned and maintained by the City of Gunnison.
13. The Planning and Zoning Commission find that portions of the site are within the 100-year floodplain and the site contains ponds and wetland areas. The Commission further finds that mitigation measures have been initiated to address the environmental concerns.
14. The Planning and Zoning Commission finds that the review standards for Subdivisions have been or will be met based on the following Condition:

STAFF REPORT AND RECOMMENDATION
LAZY K - FINAL PLAT
HIGH MOUNTAIN CONCEPTS AND CITY OF GUNNISON

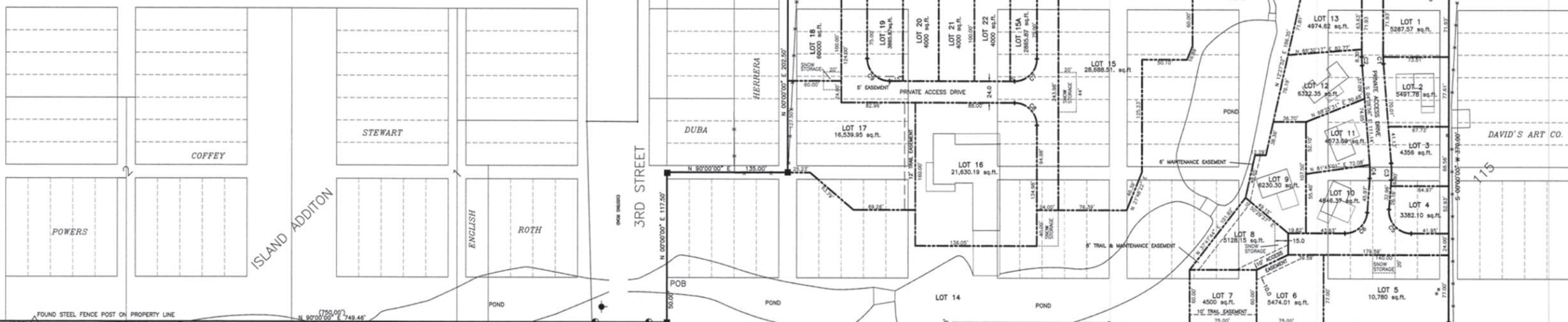
Conditions

1. The Final Plat application to City Council shall comply with all provisions of the City's *Land Development Code*.

TOMICHI AVENUE

FOUND W.C. 9.0' EAST

N 90°00'00" E 740.00'



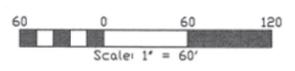
NEW YORK AVENUE

GUNNISON AVENUE

5TH STREET

THORNTON WAY

GUERRIERI ADDITON



CURVE TABLE

NUMBER	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	7.82	100.00	N 02°14'28" W	7.82
C2	9.70	124.00	N 02°14'28" W	9.70
C3	18.78	124.00	N 00°08'40" W	18.78
C4	15.14	100.00	N 00°08'40" W	15.13
C5	41.10	25.00	S 42°54'12" E	36.63
C6	37.44	25.00	S 47°05'48" W	34.04
C7	39.27	25.00	S 45°00'00" W	35.36
C8	39.27	25.00	S 45°00'00" E	35.36
C9	39.27	25.00	S 45°00'00" E	35.36

LEGEND

- Found rebar with plastic cap stamped "LS 22570"
- Found rebar with plastic cap stamped "LS 33647"
- Found rebar with plastic cap stamped "LS 34979"
- Found rebar with aluminum cap stamped "LS 1776"
- Found rebar with plastic cap stamped "LS 12766"
- △ Found rebar with no cap
- ⊗ Found "X" chiseled in boulder
- Utility pedestal
- Overhead utility lines
- Fence

NOTES:

1. Property was located by field measurements from city monument at the intersection of Main Street with Tomichi Avenue. Basis of bearings is NORTH between said monument and a similar monument at the intersection of Main Street with Denver Avenue.
2. Lot corners were established using information on the Amended Plat of West Gunnison, supplemented by information on City of Gunnison plat prepared by Fisher Engineering (1960).
3. Record distances per the property description are shown in parentheses where they differ from measured or calculated distances.

LAZY K SUBDIVISION
 WITHIN THE CITY OF GUNNISON &
 THE NW1/4 SECTION 2, T49N, R1W, NMPM
 GUNNISON COUNTY, COLORADO

PEARSON SURVEYING
 P.O. BOX 652
 GUNNISON, CO 81230
 970-641-2910
 PROJECT # 20-1-14

DATE : 10/19/20
 LATEST REVISION DATE : 2/10/21

SHEET 2 OF 2

I:\projects\2020-2021\2020-369-Lazy Housing\01-Civil\01-Civil\01-Admin\01-Admin.dwg Plotter: 2/18/2021 4:48 PM By: Jenna Soboczo

Linetypes		Legend		Symbols		Abbreviations	
EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION		
---T---OH---	---T---OH---	OVERHEAD TELEPHONE LINE	⊙	⊙	DECIDUOUS TREE	AT	DEGREE
---T---T---	---T---T---	UNDERGROUND TELEPHONE LINE	⊙	⊙	CONIFEROUS TREE	DIA	DIAMETER
---G---G---	---G---G---	LOW PRESSURE GAS LINE	⊙	⊙	MONUMENT MARKER	#	NUMBER
---G---HP---	---G---HP---	HIGH PRESSURE GAS LINE	⊙	⊙	CONTROL POINT	ABC	AGGREGATE BASE COURSE
---TV---OH---	---TV---OH---	OVERHEAD CABLE TELEVISION LINE	⊙	⊙	TELEPHONE PEDESTAL	ADA	AMERICANS W/ DISABILITIES ACT
---E---E---	---E---E---	PRIMARY UNDERGROUND ELECTRICAL LINE	⊙	⊙	CABLE PEDESTAL	AP	ANGLE POINT
---E---OH---	---E---OH---	OVERHEAD ELECTRICAL LINE	⊙	⊙	ELECTRIC TRANSFORMER	AS	ASPHALT
---12"DR---	---12"DR---	STORM DRAIN LINE & SIZE	⊙	⊙	ELECTRIC PEDESTAL	ASPH	ASPHALT
---8"W---8"W---	---8"W---8"W---	WATER LINE & SIZE	⊙	⊙	ELECTRIC VAULT	BM	BENCHMARK
---WS---WS---	---WS---WS---	WATER SERVICE LINE	⊙	⊙	ELECTRIC SERVICE T-POST	BOW	BACK OF SIDEWALK
---	---	LARGE DIAMETER DOMESTIC OR FIRE SERVICE	⊙	⊙	ELECTRIC METER	BP	BEGIN PROJECT, BEGINNING POINT
---	---	SANITARY SEWER LINE & SIZE	⊙	⊙	SECONDARY ELECTRIC BOX	BVCE	BEGINNING VERTICAL CURVE ELEVATION
---	---	SANITARY SEWER SERVICE LINE	⊙	⊙	3 PHASE JUNCTION BOX	EVCS	BEGINNING VERTICAL CURVE STATION
---	---	FIBER OPTIC LINE	⊙	⊙	SINGLE PHASE JUNCTION BOX	BW	BOTTOM OF WALL
---	---	IRRIGATION LINE	⊙	⊙	HEATING/AIR CONDITIONING UNIT	C	CURB
---	---	DRAINAGE SWALE FLOWLINE	⊙	⊙	GAS MARKER	CC	CURB CUT
---	---	BARBED-WIRE FENCE LINE	⊙	⊙	GAS METER	CDOT	COLORADO DEPARTMENT OF TRANSPORTATION
---	---	COMBINATION FENCE	⊙	⊙	GAS VALVE	CF	CUBIC FEET
---	---	CHAIN LINK FENCE	⊙	⊙	GAS WELL	CG	CURB AND GUTTER
---	---	PLASTIC FENCE	⊙	⊙	MANHOLES-TELE/DRAINAGE/SEWER/WATER/ELEC PER PLAN REFERENCE	CIP	CAST IN PLACE
---	---	SILT FENCE	⊙	⊙	CURB INLET	CL	CENTERLINE
---	---	CULVERT, SIZE & FES	⊙	⊙	CLEAN-OUT	CMP	CORRUGATED METAL PIPE
---	---	EDGE OF PAVEMENT	⊙	⊙	WATER VALVE	CMU	CONCRETE MASONRY UNIT
---	---	EDGE OF WATER	⊙	⊙	FIRE HYDRANT	CO	CLEANOUT
---	---	CENTERLINE	⊙	⊙	WATER SHUT-OFF VALVE	CONC	CONCRETE
---	---	GUARDRAIL	⊙	⊙	WATER METER	CONT	CONTINUOUS
---	---	ROCK WALL	⊙	⊙	WATER SPIGOT	COR	CORNER
---	---	CONTOURS	⊙	⊙	WELL	CRB	CONCRETE REACTION BLOCK
---	---	RIGHT-OF-WAY	⊙	⊙	IRRIGATION VALVE	CY	CUBIC YARD
---	---	VEGETATION	⊙	⊙	IRRIGATION CONTROL VALVE	D	DEEP
---	---	LIMITS OF DISTURBED AREA	⊙	⊙	IRRIGATION MANHOLE	DIA	DIAMETER
---	---	RAILROAD TRACKS	⊙	⊙	IRRIGATION SPRINKLER HEAD	DIP	DUCTILE IRON PIPE
---	---	TOP OF CUT	⊙	⊙	UTILITY POLE	DR	DRAIN
---	---	TOP OF FILL	⊙	⊙	GUY WIRE	DW	DRIVEWAY
---	---	EASEMENT	⊙	⊙	STREET LIGHT POLE	E	EASTING
---	---	BUILDING ENVELOPE	⊙	⊙	MAILBOX	EG	EXISTING GRADE
---	---	DEMOLITION	⊙	⊙	BOLLARD	EL	ELEVATION

EXISTING	PROPOSED	DESCRIPTION
Asph.	Asph.	ASPHALT MILLING
Conc.	Conc.	CONCRETE SURFACING
Grav.	Grav.	GRAVEL SURFACING
		BUILDING/GARAGE FOOTPRINT
		SNOW STORAGE

* THE TERM "ENGINEER" AS USED IN THESE NOTES SHALL BE THE ENGINEER OF RECORD SHOWN ON THE PLANS OR HIS DESIGNATED REPRESENTATIVE.



Lazy K Housing Project
 City of Gunnison
 Project Milestone: Review Set For Subdivision App

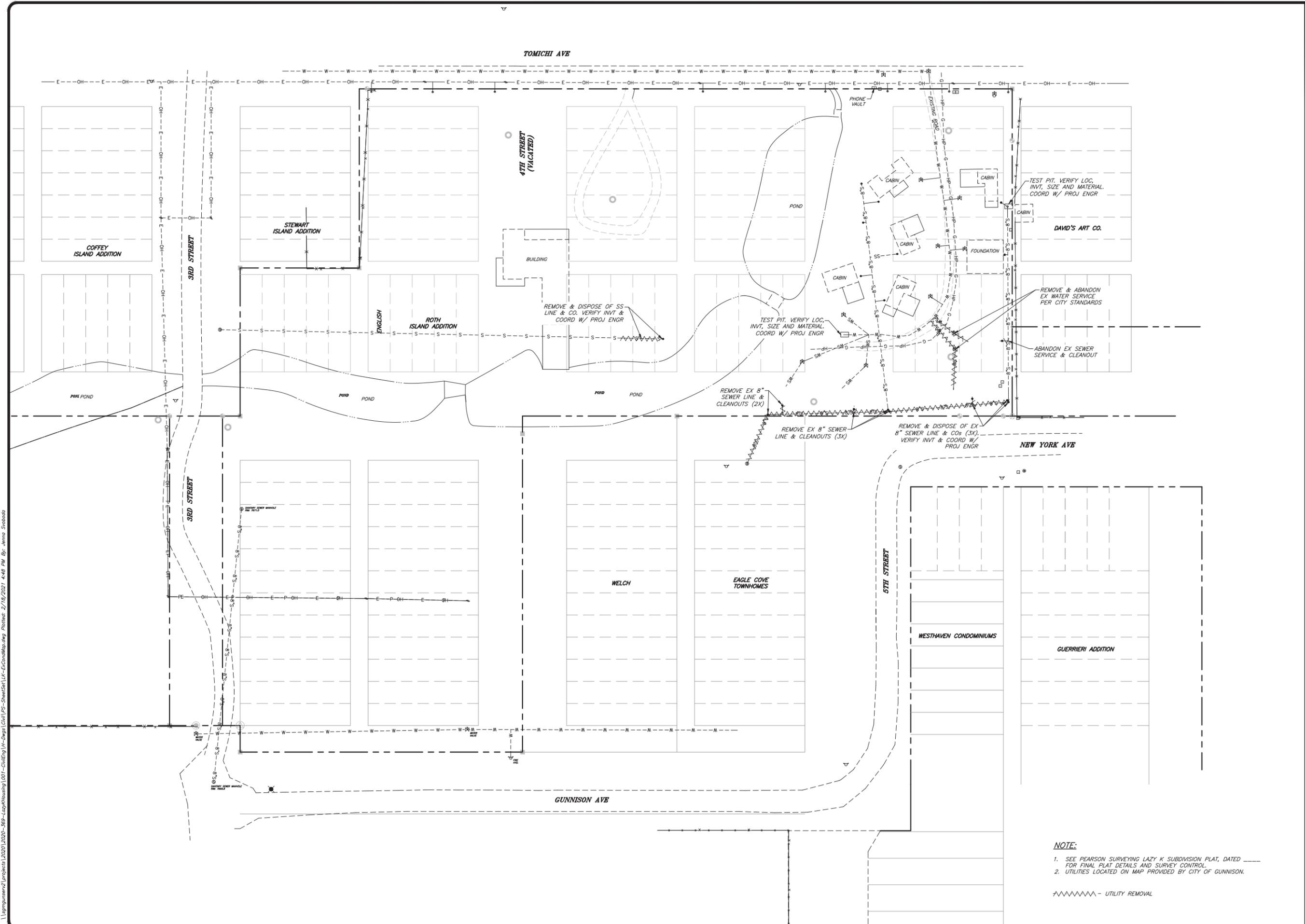
#	Revision	Date	By
1			

Job No.	2020-369.001
Drawn by:	SK
Date:	02.18.2021
QC:	PE: JBI/JS
File:	LK-Admin

Abbreviations & Legend

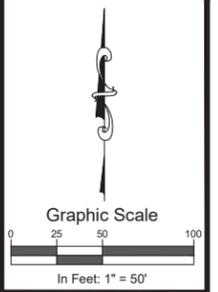
Dwg No. C2
Of: C11

I:\projects\2020-369-LazyK\Housing\001-Civil\Eng\H-Dwg\PS-SheetSet\UK-ExCondMap.dwg Plotter: 2/18/2021 4:48 PM By: Janna Svoboda



NOTE:
 1. SEE PEARSON SURVEYING LAZY K SUBDIVISION PLAT, DATED _____ FOR FINAL PLAT DETAILS AND SURVEY CONTROL.
 2. UTILITIES LOCATED ON MAP PROVIDED BY CITY OF GUNNISON.

~~~~~ - UTILITY REMOVAL



**SGM**  
 103 W. Tomichi Ave., Suite A  
 Gunnison, CO 81230  
 970.641.5355 www.sgm-inc.com

**Lazy K Housing Project**  
 City of Gunnison

| # | Revision | Date | By |
|---|----------|------|----|
| 1 |          |      |    |
| 2 |          |      |    |
| 3 |          |      |    |
| 4 |          |      |    |
| 5 |          |      |    |
| 6 |          |      |    |
| 7 |          |      |    |

Job No. 2020-369.001  
 Drawn by: SK  
 Date: 02.18.2021  
 QC: - PE: JB/JS  
 File: LK-ExCondMap  
 Title:

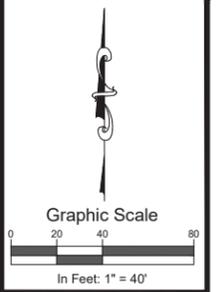
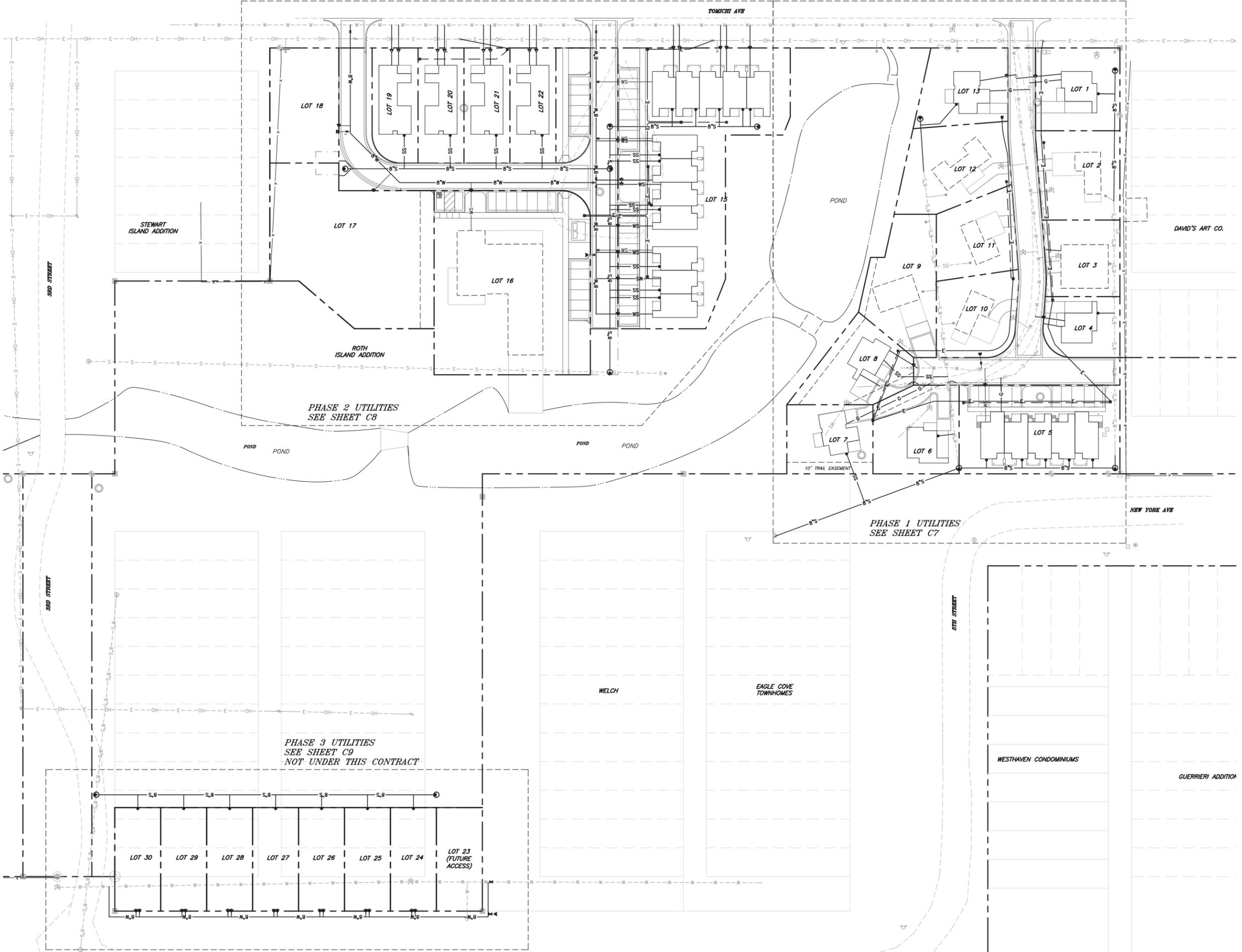
Existing Conditions & Demolition Map

Dwg No. **C4**  
 Of: C11

Project Milestone: Review Set For Subdivision App



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**SGM**  
103 W. Tomichi Ave., Suite A  
Gunnison, CO 81230  
970.641.5355 www.sgm-inc.com

**Lazy K Housing Project**  
City of Gunnison

| # | Revision | Date | By: |
|---|----------|------|-----|
| 1 |          |      |     |
| 2 |          |      |     |
| 3 |          |      |     |
| 4 |          |      |     |
| 5 |          |      |     |
| 6 |          |      |     |
| 7 |          |      |     |

Job No. 2020-369.001  
Drawn by: SK  
Date: 02.18.2021  
QC: - PE: JB/JS  
File: LK-UtilityIndex  
Title:

Utility Index

Dwg No. **C6**  
Of: C11

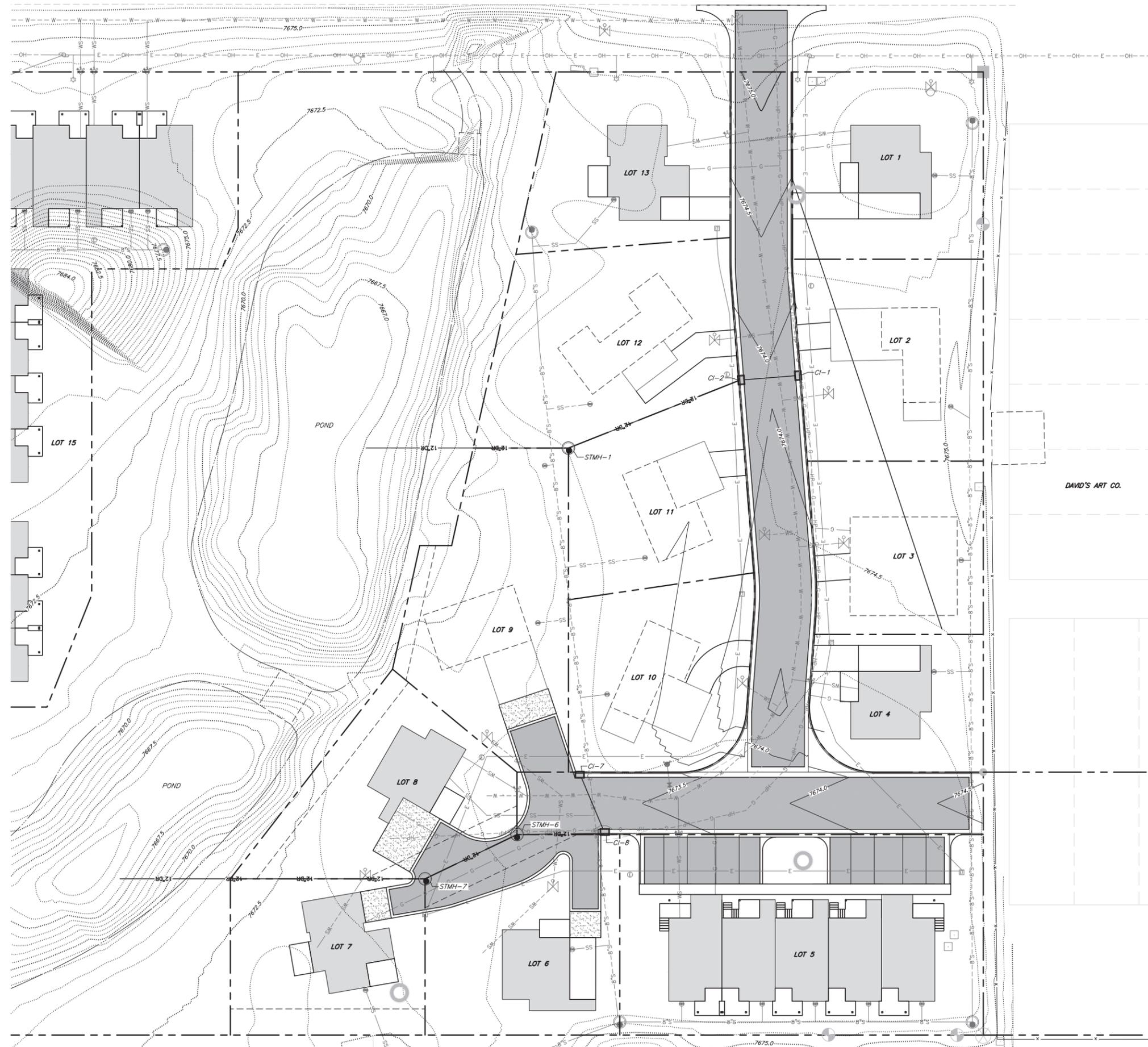
Project Milestone: Review Set For Subdivision App





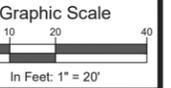


TOMICHI AVE



**DRAINAGE NOTES:**

1. EXCESS STORMWATER RUNOFF FROM THE CABINS WILL SURFACE FLOW EITHER DIRECTLY INTO THE EXISTING PONDS OR SHALL BE DIRECTED INTO THE STREET THROUGH CURB CUTS, SWALES OR OTHER APPROPRIATE MEANS. THE STORMWATER WILL THEN BE HARD PIPED INTO THE EXISTING PONDS.
2. STORMWATER PIPE SHALL BE ADS HIGH DENSITY DUAL WALL HDPE OR EQUAL.
3. FINAL SIZING OF STORMWATER INFRASTRUCTURE SHALL BE DETERMINED BASED UPON THE IMPERVIOUS AREA FOR PHASE 1 AND SHALL SAFELY PASS THE 100 YEAR STORM.



**SGM**  
 103 W. Tomichi Ave., Suite A  
 Gunnison, CO 81230  
 970.641.5355 www.sgm-inc.com

**Lazy K Housing Project**  
 City of Gunnison

| # | Revision | Date | By |
|---|----------|------|----|
| 1 |          |      |    |
| 2 |          |      |    |
| 3 |          |      |    |
| 4 |          |      |    |
| 5 |          |      |    |
| 6 |          |      |    |
| 7 |          |      |    |

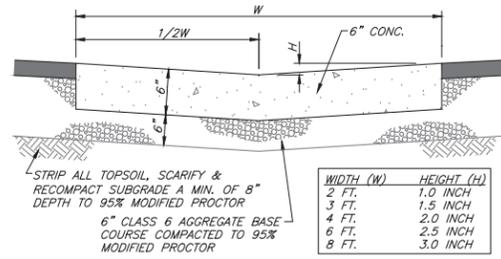
Job No. 2020-369.001  
 Drawn by: SK  
 Date: 02.18.2021  
 QC: PE: JB/JS  
 File: LK-Grading&Drainage  
 Title:

Phase 1 Grading & Drainage

Dwg No. **C10**  
 Of: C11

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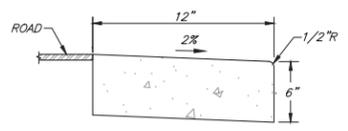




| WIDTH (W) | HEIGHT (H) |
|-----------|------------|
| 2 FT.     | 1.0 INCH   |
| 3 FT.     | 1.5 INCH   |
| 4 FT.     | 2.0 INCH   |
| 6 FT.     | 2.5 INCH   |
| 8 FT.     | 3.0 INCH   |

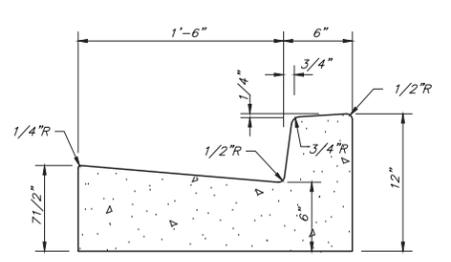
- NOTES:
1. ALL CONCRETE MIX AND PLACEMENT PER CITY OF GUNNISON CONSTRUCTION STANDARDS.
  2. DOWEL BAR AT VP CONNECTION WITH FORM RELEASE OIL PER CITY OF GUNNISON CONSTRUCTION STANDARDS AT VP AND STREET APRON DETAIL.

**VALLEY PAN (VP) DETAIL**  
SCALE: 1" = 1'-0"



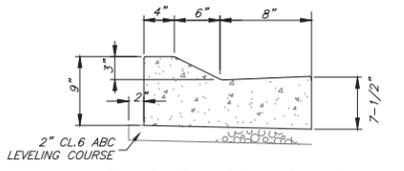
NOTE:  
EXPANSION JOINTS AT LEAST EVERY 50'

**12" FLUSH CURB (FC)**  
SCALE: NTS

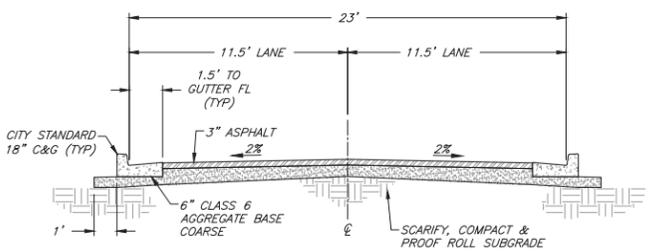


**STANDARD 18" CURB & GUTTER (CG)**  
SCALE: NTS

\* ALL CONCRETE MIX AND PLACEMENT PER CITY OF GUNNISON CONSTRUCTION STANDARDS.



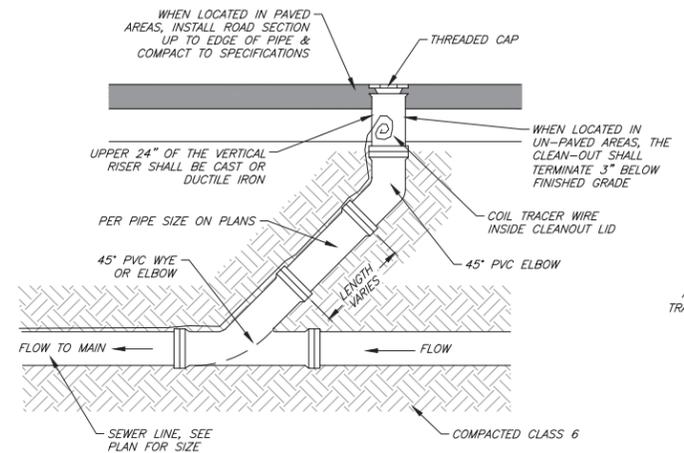
**ROLL OVER CURB & GUTTER**



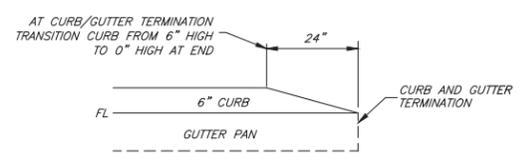
- NOTES:
1. ASPHALT SHALL BE A MINIMUM OF 1/2 INCH ABOVE THE LIP OF THE GUTTER OF A CATCH CURB AND GUTTER AND PANS.
  2. ASPHALT SHALL BE EVEN WITH THE LIP OF THE GUTTER OF A SPILL CURB AND GUTTER.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH CITY OF GUNNISON CONSTRUCTION STANDARDS.

**TYPICAL ROAD SECTION**  
SCALE: NTS

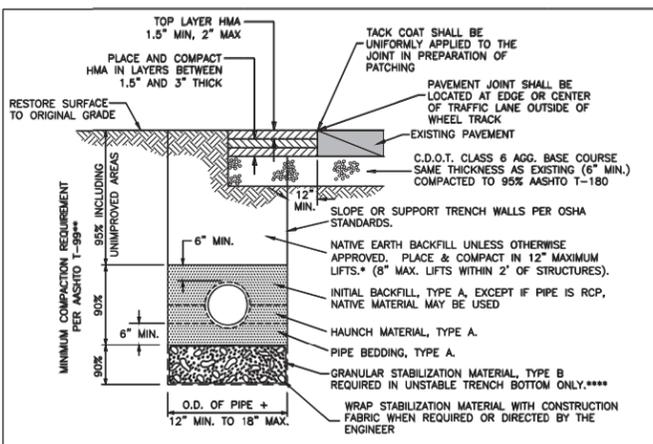
NOTE:  
LOCATE SEWER CLEANOUT AT ALL HORIZONTAL AND/OR VERTICAL CHANGES IN DIRECTION



**SEWER CLEAN-OUT DETAIL**  
SCALE: NTS



**2' CURB TAPER DETAIL**  
SCALE: NTS

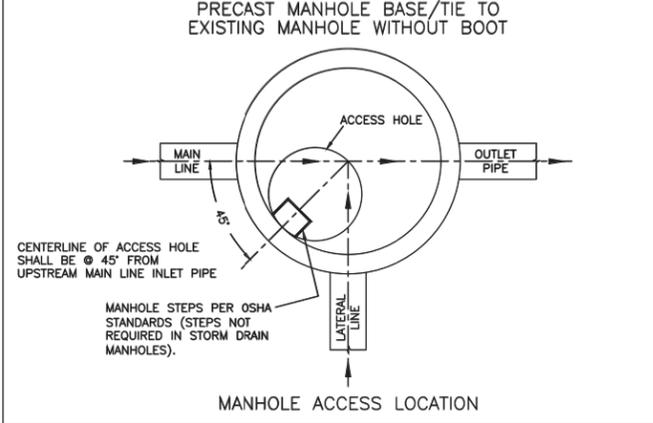
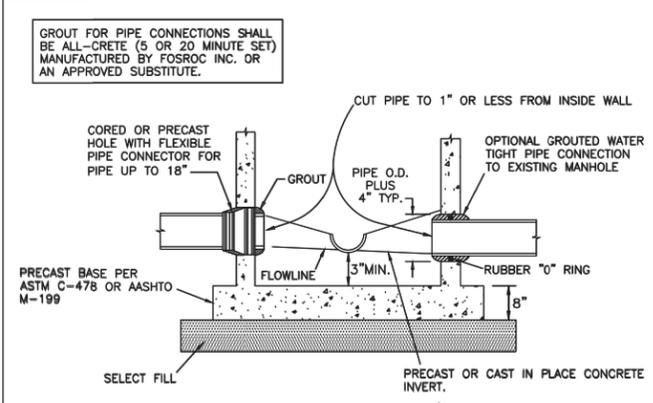


| SIEVE SIZE | PIPE BEDDING, HAUNCH & INITIAL BACKFILL MATERIAL (CRUSHED ROCK, TYPE A) | GRANULAR STABILIZATION MATERIAL (SCREENED OR CRUSHED ROCK, TYPE B) | IMPORTED BACKFILL MATERIAL (USE ONLY WHERE SPECIFIED OR DIRECTED BY THE ENGINEER) |
|------------|-------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 12 INCH    | ---                                                                     | ---                                                                | 100                                                                               |
| 2 INCH     | ---                                                                     | ---                                                                | ---                                                                               |
| 1 INCH     | 100                                                                     | ---                                                                | ---                                                                               |
| NO 4       | 20 MAX                                                                  | 15 MAX                                                             | ---                                                                               |
| NO 200     | ---                                                                     | ---                                                                | 20 MAX ***                                                                        |

- \* 24" COMPACTED BACKFILL REQUIRED OVER ALL PLASTIC PIPE PRIOR TO VEHICLE OR HEAVY EQUIPMENT LOADING.
- \*\* COMPACT PER AASHTO T-180 WHEN SPECIFIED, DIRECTED OR APPROVED BY THE ENGINEER.
- \*\*\* PLASTIC INDEX (PI) SHALL NOT BE MORE THAN 7.
- \*\*\*\* WHERE THE EXCAVATION IS FOUND TO CONSIST OF MUCK, ORGANIC MATTER OR ANY OTHER MATERIAL THAT IS DETERMINED, BY THE ENGINEER, TO BE UNSUITABLE FOR SUPPORTING AND MAINTAINING THE LINE AND GRADE OF THE PIPE, THE TRENCH SHALL BE EXCAVATED TO AN ADDITIONAL DEPTH AS AGREED UPON BY THE CONTRACTOR AND CONSTRUCTION INSPECTOR/ENGINEER, AND REPLACED WITH AN APPROVED GRANULAR STABILIZATION MATERIAL. SHOULD THE CONTRACTOR AND INSPECTOR/ENGINEER FAIL TO REACH AN AGREEMENT AS TO THE DEPTH AND/OR METHOD OF TRENCH FOUNDATION STABILIZATION, THE CITY MAY SECURE THE SERVICES OF A GEOTECHNICAL ENGINEERING TO ASSIST IN DETERMINATION OF AN APPROPRIATE METHOD FOR STABILIZATION.
- ALL BACKFILL MATERIAL SHALL BE UNIFORMLY ADJUSTED TO WITHIN 2% OF THE OPTIMUM MOISTURE CONTENT PRIOR TO PLACEMENT AND COMPACTION.

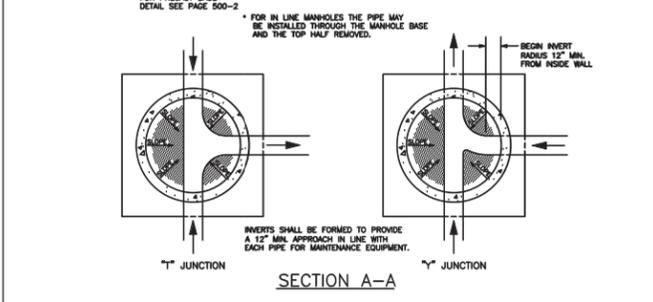
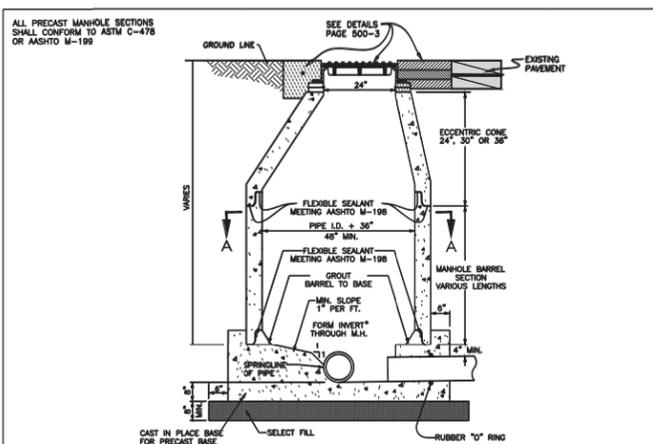
**TYPICAL TRENCH DETAIL - FLEXIBLE PIPE**

|                               |                        |                                                      |            |
|-------------------------------|------------------------|------------------------------------------------------|------------|
| CITY OF GUNNISON PUBLIC WORKS | GENERAL UTILITY DETAIL | APPROVED: <i>GT</i><br>DATE: <i>1/2022</i><br>DRAWN: | PAGE 200-2 |
|-------------------------------|------------------------|------------------------------------------------------|------------|



**PRECAST MANHOLE, BASE, PIPE CONNECTIONS AND ACCESS HOLE LOCATION**

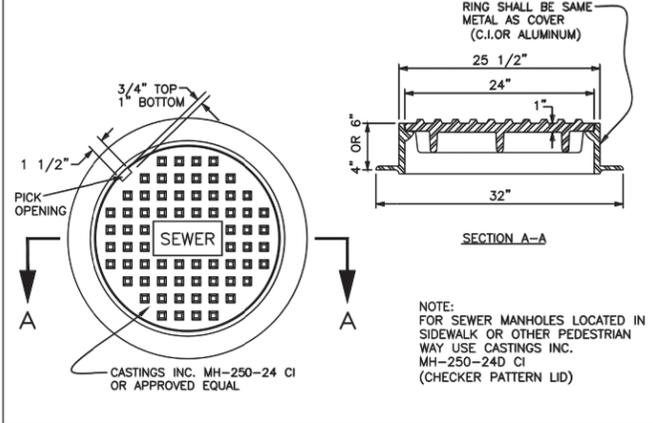
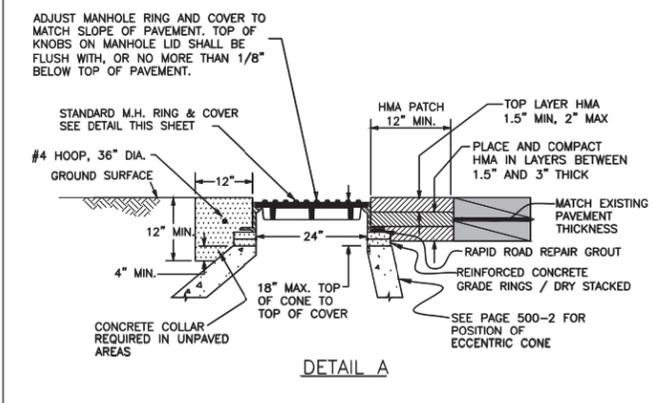
|                               |                                |                                                      |            |
|-------------------------------|--------------------------------|------------------------------------------------------|------------|
| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i><br>DATE: <i>1/2022</i><br>DRAWN: | PAGE 500-2 |
|-------------------------------|--------------------------------|------------------------------------------------------|------------|



- MANHOLE NOTES
1. MANHOLE RISER BARREL PIPE, CONES, FLAT TOPS AND GRADE RINGS SHALL BE PRECAST CONCRETE CONFORMING TO ASTM C-478 OR AASHTO M-199.
  2. ALL CEMENT USED IN MORTAR, CONCRETE BASES, GRADE RINGS, BARREL SECTIONS, CONES, AND FLAT TOPS FOR SANITARY SEWERS SHALL BE TYPE V OR MODIFIED TYPE II PORTLAND CEMENT WITH LESS THAN 5% TRICALCIUM ALUMINATE.
  3. A BITUMASTIC SEAL AND GROUT ARE REQUIRED BETWEEN CAST-IN-PLACE BASES AND PRECAST BARREL SECTIONS.
  4. MANHOLES LESS THAN 5' DEEP SHALL HAVE FLAT TOPS.

**STANDARD MANHOLE - CAST IN PLACE BASE**

|                               |                                |                                                      |            |
|-------------------------------|--------------------------------|------------------------------------------------------|------------|
| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i><br>DATE: <i>1/2022</i><br>DRAWN: | PAGE 500-1 |
|-------------------------------|--------------------------------|------------------------------------------------------|------------|

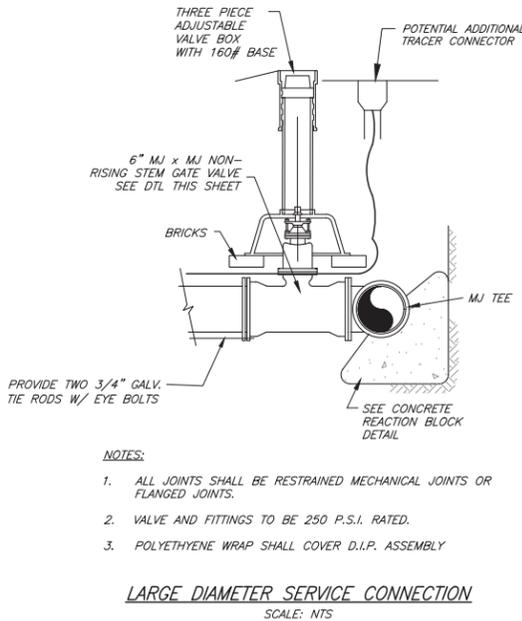
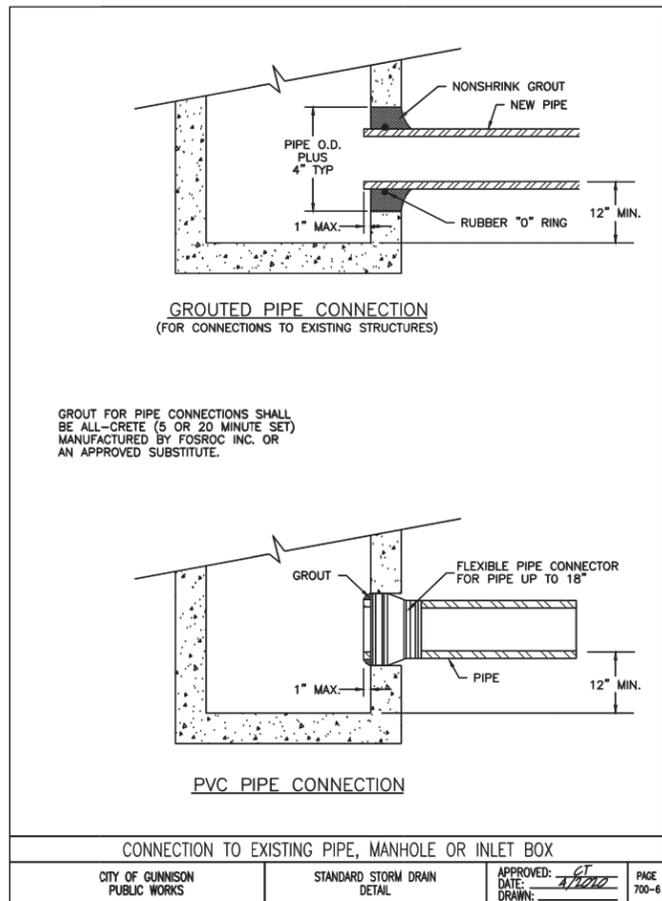
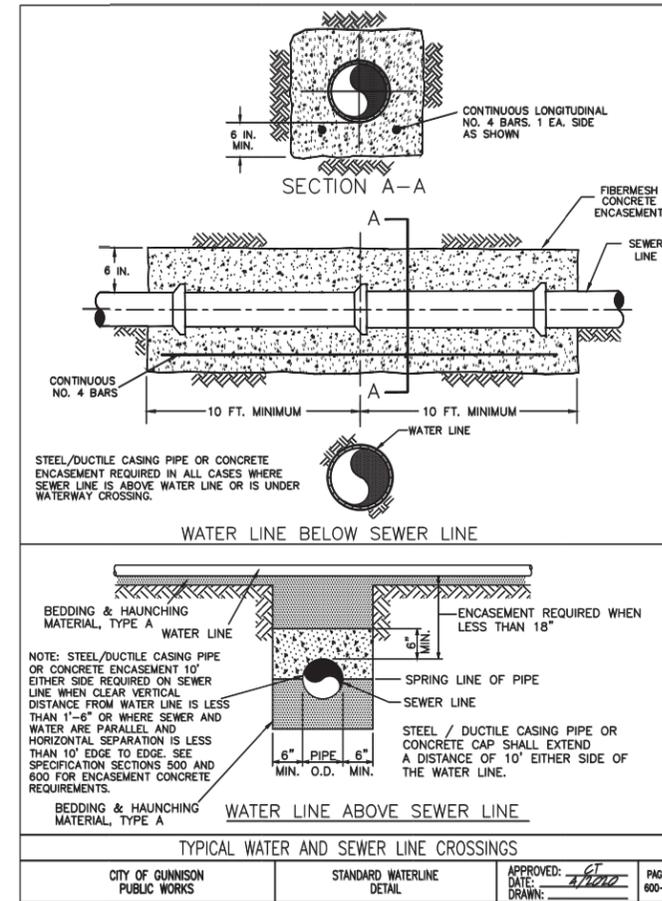
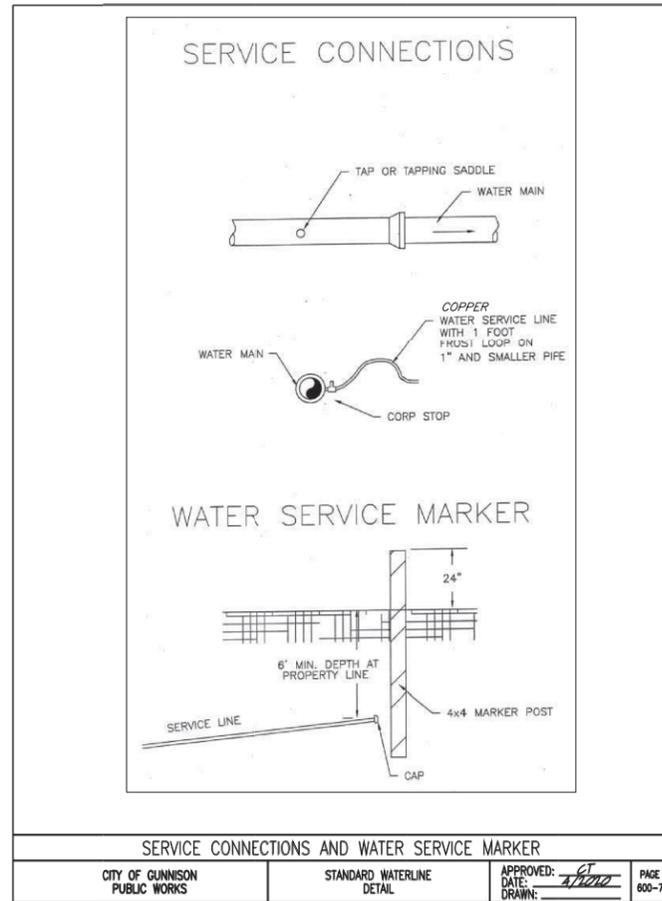
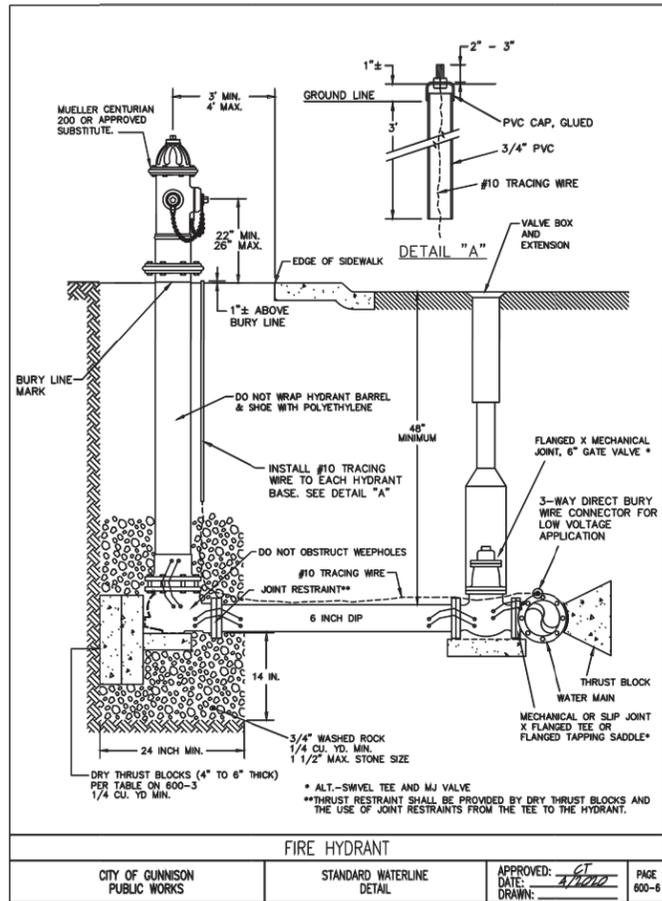


**STANDARD MANHOLE RING AND COVER**

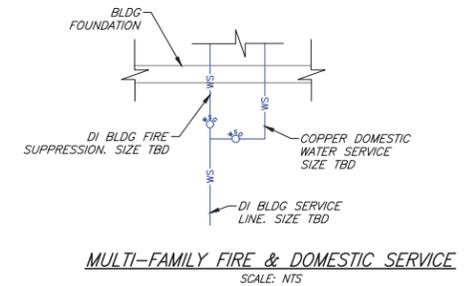
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| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i><br>DATE: <i>1/2022</i><br>DRAWN: | PAGE 500-3 |
|-------------------------------|--------------------------------|------------------------------------------------------|------------|

|           |              |
|-----------|--------------|
| Job No.   | 2020-369.001 |
| Drawn by: | SK           |
| Date:     | 02.18.2021   |
| QC:       | JB/JS        |
| File:     | LK-Admin     |
| Title:    |              |





- NOTES:**
1. ALL JOINTS SHALL BE RESTRAINED MECHANICAL JOINTS OR FLANGED JOINTS.
  2. VALVE AND FITTINGS TO BE 250 P.S.I. RATED.
  3. POLYETHYLENE WRAP SHALL COVER D.I.P. ASSEMBLY



**SGM**  
 118 West Sixth Street, Suite 200  
 Glenwood Springs, CO 81601  
 970.945.1004 www.sgm-inc.com

**Lazy K Housing Project**  
 City of Gunnison

|           |              |
|-----------|--------------|
| Job No.   | 2020-369.001 |
| Drawn by: | SK           |
| Date:     | 02.18.2021   |
| QC:       | — PE: JB/JS  |
| File:     | LK-Admin     |
| Title:    |              |

Detail Sheet

Dwg No. **C14**

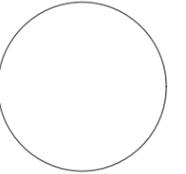
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ivD LLC  
 1910 7th Street, Third Floor  
 Boulder, Colorado 80302  
 720.301.0500  
 iv@ivdesousa.com

All contents of this document expresses design intent only. Final engineering and fabrication shall remain the responsibility of the contractor or fabricator. All ideas, designs, arrangements and plans indicated or presented by these drawings are the property of the Architect, and were created for use in connection with the specified project.

seal & signature



Lazy K subdivision plan

issue date:  
 SUBDIVISION PLAT 20210219

revisions:

project  
 Lazy K

drawing title  
 phase 1 and 2

drawing scale 1"=30'-0"

drawing number

A3a

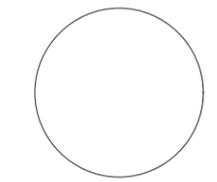




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Lazy K subdivision plan

issue date:  
 SUBDIVISION PLAT 20210219

revisions:

project  
 Lazy K

drawing title  
 phase 1 and 2  
 trees & wetland

drawing scale 1"=30'-0"

drawing number

A3e

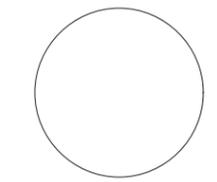




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seal & signature



Lazy K subdivision plan

issue date:  
 SUBDIVISION PLAT 20210219

revisions:  
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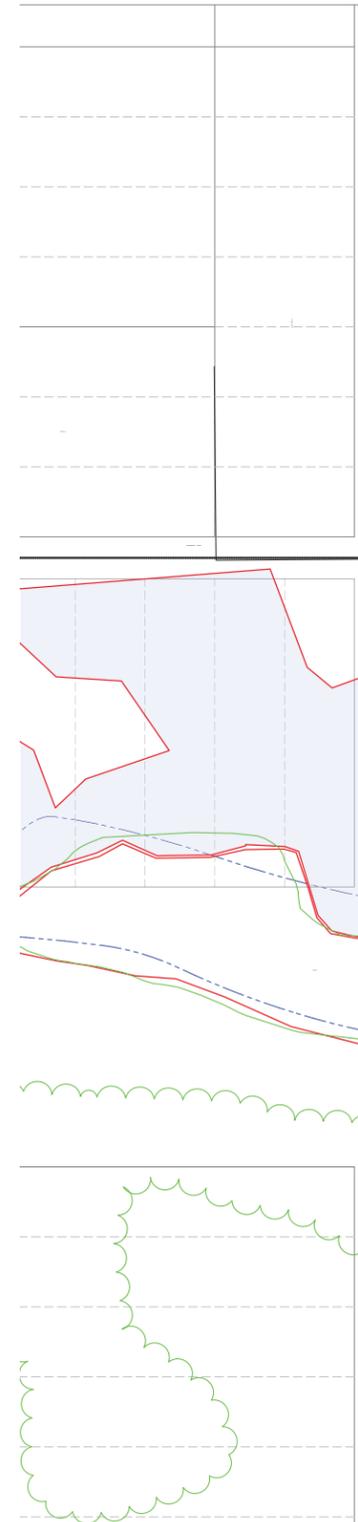
project  
 Lazy K

drawing title  
 phase 1 and 2

drawing scale 1"=30'-0"

drawing number

A<sup>3f</sup>



March 18, 2021

Gunnison City Council  
c/o City Clerk's Office  
201 W. Virginia Ave.  
P. O. Box 239  
Gunnison, CO 81230

RE: Response to notice of public hearing, March 23, 2021

This letter is to RESUBMIT our letter, copy enclosed, addressed to Andie Ruggera in response to public hearing notice from Andie Ruggera. As stated, we have contacted several people with the City of Gunnison about our concerns more than 2 years ago. We did receive a phone call, nothing in writing, stating that the city does not own any part of block 119. We know this and was verified to us by the County Assessors office. **HOWEVER**, here it is again in the description of land for public hearing!!!

So, as we said, we are resubmitting our letter of numerous concerns at this time. We also request your answers in writing or preferably a meeting set up, by you, with us, in person. Obviously, phone calls get lost and all concerns are not addressed.

Sincerely,

THE WELCH'S

Sent: Certified: #7019 0140 0000 1875 3213

ENCL: Copy of letter, 12/9/2020

cc: WestWood Cove, LLC Legal Council

December 9, 2020

Andie Ruggera  
Senior Planner  
City of Gunnison  
201 W. Virginia Ave.  
Gunnison, CO 81230

RE: Response to your letter: Notice of public hearing - 12/09/20.

To Whom It May Concern:

We have notified members of the City of Gunnison, i.e.: Russell Forrest, City Manager; Jim Miles and Diego Plata, city council members; Andie Ruggera, Planning department; Open letter to Gunnison Country Times to City Council of Gunnison; with no response from anyone!

**CONCERNS:**

- 1.) 3rd Street. Third Street never purchased by City. Easements were given in 1979 from owner for electrical, water and sewer utilities. Land of 3rd street, 60', never conveyed to city.
- 2.) Property from, what would be 2nd street, to Gunnison River is in question as to clear title.
- 3.) Listing of block 119 as city owned property discription, in your letter, can not be accurate. We own West 1/2 of blk 119, including all vacated streets and alleys in blk 119. The county assessors office told us that the City of Gunnison does not own any part of block 119. They did say that the east half (lots 13 thru 24, ONLY) was bought by Tredway Development, not the City of Gunnison. They, Tredway, can not have clear title. In fact they wrote to us in May of 2019 asking us to change the description of east half blk. 119. Really! We refused. In any case, they, Tredway, must have bought from Bombard without clear title. No part of blk 119 belongs to the city and should not be in your description in subject property.
- 4.) Drainage ponds running through the property, contaminated from hazardous materials dumped into the waterway, by the city of Gunnison, in 1996. Also, contaminated material dredged from first pond, closest to Tomichi Ave., and piled on top of ground. These piles should be soil sampled. All other four ponds should be sampled as well with dates, results reported to the community, tax payers. Since 1996 there have been no fish, ducks or any wild water fowl return to these ponds. The ponds are contaminated.

It surely would be in the City's best interest to clear up all of these concerns, 1. thru 4. After all of our many expressed concerns to city officials, someone should come to us with some answers of your claims in these issues.

We would like to reiterate here, what we have said before: "We do not believe the city should be in the development business." The city stated in 2015, when they bought the property, that they were going to build a PARK! Period! This has all changed quite substantially since then! The tax payers deserve just how their money is being spent and by rights, they should be able to vote on your proposals.

Sincerely,



---

David Welch



---

John Welch



---

Ruth Welch, previous owner and impacted citizen

**March 9, 2021**

**5:30 P.M.**

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

The City Council Regular Session was called to order at 5:32 p.m. on Tuesday, March 9, 2021, remotely and in Council Chambers located at 201 W. Virginia Avenue in Gunnison, Colorado, by Mayor Jim Gelwicks. Mayor Pro Tem Jim Miles, City Manager Russ Forrest, Councilor Diego Plata and City Clerk Erica Boucher were physically present in Council Chambers. Councilor Mallory Logan, Councilor Boe Freeburn, City Attorney Kathy Fogo, and Western Liaison Adam Engleman attended the meeting remotely. Additional City staff, Public Works Director David Gardner, City Engineer Cody Tusing, Parks and Recreation Director Dan Vollendorf, Police Chief Keith Robinson, Community Development Director Anton Sinkewich, Senior Planner Andie Ruggera, and Finance Director Ben Cowan attended the meeting remotely. Housing consultant Willa Williford and a few community members attended remotely. The press attended remotely. There was a Council quorum.

**Citizen Input.** Mayor Gelwicks called twice for citizen comments from members of the audience in Council Chambers and those attending remotely. There were none.

**Council Action Items:**

**Approval of the February 23, 2021, Regular Session meeting minutes.** Councilor Miles moved and Councilor Plata seconded the motion to approve the February 23, 2021, Regular Session meeting minutes.

Roll call, yes: Freeburn, Miles, Gelwicks, Logan, and Plata. So carried.

Roll call, no: None.

**Lazy K Housing Project Update.** City Attorney Kathy Fogo reminded Council that staff's presentation is an overview and update on the project to understand the financial connections. Senior Planner Andie Ruggera shared a visual image of the Lazy K housing project as it is currently. The current project contains 44 deed-restricted units and 21 free markets units. She reviewed the added trails and sidewalks for access to the housing development. Lot 17 has been divided into two lots. On the south side of the property, off of Gunnison Avenue, Lot 23 is an access point. The City will remove snow from the streets in the development, but the residents will be responsible for removing snow from the sidewalks. City Manager Forrest added that the City is paying for the infrastructure and utilities. The City will retain one lot for the Gunnison Valley Fund. It was noted that the City does not have the budget to address the culvert on 3<sup>rd</sup> Street at this time. It is slated for a future improvement.

The conversation transitioned to the Pro Forma specifics with housing consultant Willa Williford. She stated that there has been a change to a mix of the units to include Lot 17. The 100% AMI units were replaced with 80%AMI and 120% AMI units. Today's 80% AMI is \$172,000 to \$352,906. The intention is for these units to be at a \$50,000 discount when compared to the free market. Council will need to be updated from time to time on the current AMI and evolving infrastructure costs for the project. The next steps are to bid out the project and have the final plat go before the Planning and Zoning Commission and City Council.

The updated pro forma with High Mountain Concepts includes 6 construction phases that enable the developer to productively work around the site. The developer must complete the deed-restricted units. Dividing the project into phases will help with the risk level for all parties involved. City Attorney Fogo confirmed that just one contract is needed for both the deed-restricted and free market units. The contract should also include clarification about what part of the development is related to the grant-funded work and is being sold and purchased through the developer.

On March 10, the Planning and Zoning Commission will review the final plat. After that, the final bid packet will be finished and placed on BidNet. On March 23, the subdivision plat and final application will go before Council for possible approval. A brief discussion occurred regarding the High Mountain Concept's profit percentage. That percentage has changed throughout the development and planning process of the project. The profit percentage will likely be an estimated 9.88% based on the sale prices of the deed-restricted and free market selling prices.

The City will be working with the Gunnison Valley Regional Housing Authority to put a lottery

system into place for selling the deed-restricted homes. This is a service the GVRHA provides Gunnison through Gunnison's annual funding contribution.

Parks and Recreation Director Dan Vollendorf gave a brief update on West Gunnison Park. Overall, the park project is on track. The Department is meeting with Design Workshop regarding field verification, working on tree removal, and improvements to the river landing and playground. The Department is finalizing the construction documents for them to go out to bid. Staff asked for \$42,000 from Council's Strategic Priority Fund to pay for additional survey and wetland work. Councilor Miles moved and Councilor Freeburn seconded the motion to approve additional funds in the amount of \$42,000 from Council's Strategic Priorities Fund to initiate a permit to the Army Corps and to pay both into the wetland bank and for additional survey costs.

Roll call, yes: Miles, Gelwicks, Logan, Plata, and Freeburn. So carried.

Roll call, no: None.

**Update on Palisades Street Rehabilitation and Intersection Improvement.** Public Works Director David Gardner reviewed the need for the Palisades improvement project. The base road will be pulverized and repaved, the "Hollywood" curb will be replaced with a standard curb, and wider streets which will allow 8' for parking including the gutter pan. Also part of this work will be improvements to the Public Works parking lot drainage and adjustments to the intersection at 11<sup>th</sup> Street, Spencer, and Quartz near the new Gunnison Library location. The goal is to bring the intersection into alignment, which will improve traffic and drainage in the area. There would be room for an RTA bus spot on the northeast corner and a potential pocket park.

Public Works would like to bid this work on the same timeline as the Lazy K project. Though the projects would be separate contracts, the hope is that it would be more attractive as a larger project. Director Gardner asked Council for a short Special Session on Tuesday, April 20, to give bidders an additional week to prepare complete bids. It would be ideal to start the projects around May 1<sup>st</sup> to get the most out of the construction season. Council agreed to have a Special Session on April 20 to award the Public Works and Lazy K projects.

Public Works Director Gardner explained that a landscaping package is included in the original bid. The project also includes an Add-Alternate option for 4-foot sidewalks, which would take up the entire right-of-way. There would be no landscaping with the sidewalk option because it would be all pavement, curb, gutter, and sidewalk. The bid alternate for sidewalks was included to see what the cost of that would be.

City Engineer Cody Tusing shared the communication plan that would be included in the contract. The plan includes weekly PIO updates, door hangers, communication with the residents, and notification of a two-week schedule to keep the public up-to-date. Council asked that wheelchair-bound residents also be directly communicated with regularly. Common mailboxes (steel and wood post) will be replaced and are part of the budget, but custom mailboxes will likely be lost.

Public Works has been working to coordinate plans for the 11<sup>th</sup> Street intersection with the civil engineers working on the Gunnison Library project. The Library District has offered up to a certain amount to cover up to one-third of the bid and the City is responsible for two-thirds of the bid. That agreement goes back to the annexation of the property. The Library has raised some legal questions that the City Manager hopes will be amicably addressed, particularly if a reasonable bid is received.

**IOOF Park Construction Agreement.** Parks and Recreation Director Dan Vollendorf presented to Council. He explained that the Department put the IOOF Park construction project out to bid with a requirement that five of the 11 projects be bid. After review of local and Front Range contractors who submitted bids, the Department decided on Trident Construction, Inc. from Littleton, Colorado. The company bid on eight of the 11 projects including the required base bid projects. Trident also bid on the construction management portion of the project, which was favorable to the Department. The landscaping portion of the project will be completed by the Parks Department, with much of the expenses for the landscaping portion being purchased with funds from the CDOT parklet grant. Trident's references came back favorable. The Department still has two projects, the fire boulder and electrical service, to be included in an Add Alternate. Construction dates are scheduled for April 25 through June 25, 2021, approximately 40 days. Councilor Plata moved and Councilor Miles seconded the motion to give the City Manager the authority to enter into a contract with Trident Construction Inc. in the amount of \$258,334 for their

construction services for the IOOF Park Renovation Project from the Recreation Fund.  
Roll call, yes: Gelwicks, Logan, Plata, Freeburn, and Miles. So carried.  
Roll call, no: None.

**City Events Discussion.** City Clerk Boucher introduced the City events discussion and requested feedback from Council on alcohol consumption in City parks. She reviewed the drafted events code that the Clerk's department wrote to give clarity and guidance to when residents and guests need to fill out an online events permit for the City. Key points of the drafted code were the definition of "Event," "Extraordinary Services," and Exemptions. "Extraordinary Services" mean when City resources or services are required, such as traffic control and closing of right-of-ways. An "Event" permit is also required when there will be impacts on the site or to the surrounding area, which include visual, noise, or environmental impacts. The Event code is primarily putting current practices and processes into code. The discussion transitioned to alcohol restrictions. Currently, alcohol is not allowed in public parks or City right-of-ways. This is challenging for police enforcement at community events, such as Sundays at Six, and for small family gatherings/celebrations at rented City parks. The previous City attorney interpreted the code that if a family rented a City park, then the area was no longer "public" for that rented amount of time; therefore, the party could consume alcohol. However, renters rarely identified the rented space with fencing. The Clerk presented three options on how Council could proceed. The City could proceed with status quo and allow adults and small family gatherings to consume alcohol in parks without enforcement on the act of consumption. Enforcement could and would still occur for underage drinking, disorderly conduct, etc. with any option. The City could adopt a Private Occasion Liquor Permit Process where events held on public property by families for a graduation, wedding, etc. could get a Private Occasion Liquor Permit and follow specific guidelines to serve and consume alcohol in that area. The third option is for the Clerk's office to draft an ordinance repealing 5.10.220 of the *Gunnison Municipal Code* allowing for consumption of alcohol in public parks with certain parameters. Council discussed and suggested restrictions such as time of day and not in playgrounds. The event permit process should be as clear and easy as possible for customers to understand and comply; therefore, Council suggested lifting the prohibition of alcohol in all parks and allow no glass on the premises. Council directed staff to draft an ordinance removing the prohibition of alcohol in parks with parameters. The goal is to have the law be in line with practice and help the police department provide clear direction and enforcement.

The City Clerk also requested direction on whether or not Council would like to be a part of an appeal process. After discussion on the difficulty surrounding the timing of an appeal and the role and responsibility of staff mitigating problems, they agreed that an appeal process does not need to go before Council.

**Inclusive Communication Plan Update.** City Clerk Erica Boucher shared a draft of an inclusive communication plan. The plan is intended to create a systematic and inclusionary communication plan, in alignment with Council's Strategic Priorities, and for the City to enhance its two-way engagement with all of Gunnison's residents including but not limited to, the LatinX population and Western students. Clerk Boucher stated the 5 primary goals of the plan are:

1. To increase awareness of Council's Strategic Goals and City programs/programming through translation services and formats that are accessible to more people.
2. To increase engagement by meeting with residents in settings where they are most comfortable.

3. To encourage accessibility and reinforce the credibility of City Council and City staff by developing professional relationships with individuals who have the most access to and are highly trusted within the community's diverse populations. Through these partnerships, a communication bridge may be built with student/residential leaders so that City information can be shared and then spread among all sections of the City.

4. To provide transparency to all residents by communicating in a timeframe and through methods that are most accessible to ensure that residents are receiving the same message and accurate information in a timely fashion.

5. To partner with organizations to expand cultural events of significant importance through financial support, cross-promotion, and increased attendance.

The City of Gunnison is setting these goals as a commitment to all residents to assure they know that:

-Everyone is a valued, contributing member of the community who will receive City information and communication about its public programs and policies;

-Everyone in this community has the opportunity and right to communicate with their elected officials and city staff to work through problems and collaborate on solutions; and

-Everyone is welcomed in Gunnison and treated equitably and fairly.

Clerk Boucher also highlighted next action steps that staff will be taking to put the inclusive communication plan into action. Those highlights are meeting with diverse community leaders to build communication bridges, providing a recap of Council meeting in English and Spanish on Facebook, and assigning up to 40% of the Clerk's time to enhance all communications and outreach throughout the City. Council gave City Clerk Boucher feedback on the drafted inclusive communication plan. Staff will be requesting additional financial resources for written and oral translation services at the next Regular Session meeting. Council expressed initial support for this request. Western Liaison Adam Engleman stated that Western Student Government Association was also working on enhancing its communication to the student body through the creation of a website. The City Clerk will be working with SGA to expand City communication at Western. Council directed staff to proceed with the drafted inclusive communication plan.

Council went into recess at 7:33 p.m. and returned to the Regular Session at 7:42 p.m.

**Letter to the State of Colorado on Little Blue Canyon.** City Manager Forrest summarized the situation related to construction on West Highway 50 in Little Blue Canyon. The US Department of Transportation has been working with Colorado Department of Transportation (CDOT) on executing this project for multiple years. This project will address a stretch of highway that is dangerous for travel. In 2019, after much public engagement, it seemed the best solution was to complete the project as quickly as possible, which was a second option that was presented to the public. The project will require the highway to be closed to traffic multiple times throughout the day for a two-year period. The highway would be open during the winter months. Another option to closing the highway completely for an extended amount of time was not feasible to those who must travel the road daily for work. City staff was invited to attend a meeting on February 26, to reaffirm the construction schedule. At that meeting a third option was presented by Senator Coram that would add another year and \$8.6 million dollars to the projects and have the road open for an additional hour in the morning, at lunch, and in the evening. Work has been scheduled to begin April 1, 2021. Funding for an extra year of work would come from regional funding, not federal funds. Regional road projects would be delayed. Council still favored the approved and scheduled second option with construction starting on April 1, 2021 for the project budgeted amount. Mayor Gelwicks reviewed and clarified the minor changes he and the City Manager made to the draft.

An extra year of highway closure would have negative financial impacts on restaurants and retail shops. The City of Gunnison will be hosting two meetings on March 10. One meeting will be between Emergency Services and the Central Federal Lands Highway Lands Division. The second meeting will be between the Division and stakeholders. Both meetings will give the Division the opportunity to discuss the project and receive feedback. Another meeting will be held in Montrose on March 24.

Councilor Miles moved and Councilor Logan seconded the motion to authorize the Mayor to sign a letter to Director Lew regarding the timing of the construction project on the Little Blue Canyon with corrections.

Roll call, yes: Logan, Plata, Freeburn, Miles, and Gelwicks. So carried.

Roll call, no: None.

**Discussion on HB21-1117.** Mayor Gelwicks and City Manager Forrest provided Council with background information on HB21-1117. This bill was initiated by the Colorado Municipal League (CML) and has legislators who were willing to sponsor it. Mayor Gelwicks, as the CML policy representative for Gunnison, supported the bill. Currently, the state statute of Colorado prohibits rent control. This bill would allow for a community and municipality to have inclusionary zoning, which would allow for a municipality to insert a provision into a development stating that if a certain number of rental units are built, then a certain number of those units need to meet workforce or affordable housing costs. This would work best when a developer circulates the profit they made from one residential unit into an "affordable" residential unit. This situation does not really exist

in Gunnison at this time, but passage of this bill could be an effective tool to have in the future and could be useful in the North Valley. Discussion occurred about how inclusionary zoning has worked in other regional ski towns and how it could be applied to Gunnison or Crested Butte. The bill is currently drafted with some universal guidelines for Home Rule municipalities to use and should be flushed out in the future. For Gunnison to use the guidelines drafted in the bill, an ordinance would need to be passed. It would be applied to new buildings or existing annexations that would go through rezoning. This bill is most helpful for primarily tourism-based economies. The Mayor shared the likely schedule for the bill moving through committee over the next two to three weeks.

Council directed staff to draft a letter of support of passage of HB21-1117 for the Mayor to sign. Councilor Logan moved and Councilor Miles seconded the motion to authorize the Mayor to sign a letter in support of passage of HB21-1117.

Roll call, yes: Plata, Freeburn, Miles, Gelwicks, and Logan. So carried.

Roll call, no: None.

**COVID-19 Update and Recovery.** Staff shared that Gunnison County's current COVID-19 positivity was at 4%; however, it is important that residents and visitors continue to keep their guard up against the virus. Community vaccinations are going well. One Valley Leadership Council is working with Community Builders on long-term recovery efforts. Councilor Plata volunteered at the vaccination clinic directed towards the LatinX community on Saturday, March 6. Overall, the event was well attended and received positively. It was a good event because the LatinX were not required to fill out the online vaccine interest form or show identification.

**Firemen's Pension Board Semi-Annual Report.** Finance Director Ben Cowan presented the semi-annual Firemen's Pension Board report to Council as required by the by-laws. Director Cowan reported that there has been 6.55% growth in the investment fund since inception, and 6.5% growth is used in the actuarial studies. The Board decided to keep the pension benefits the same for the first half of 2021. Once the actuarial study is received, a change may be made. Council had no additional questions.

**Staff and Council Reports.** Staff, Council, and Western Liaison gave brief reports and committee updates.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 8:54 p.m.

---

Mayor

Attest:

---

City Clerk

**ORDINANCE NO. 3  
SERIES 2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT FOR THE LAZY K PUD**

**WHEREAS**, Section 10.7 H. 1. (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 10.3 (Procedures) of the *City of Gunnison Land Development Code*, and

**WHEREAS**, the City of Gunnison and High Mountain Concepts, now known as Lazy K Development, LLC, has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to an existing PUD and Map Amendment to the Official Zoning Map; and

**WHEREAS**, the legal description of the proposed PUD is contained in Exhibit A, attached hereto and incorporated herein; and

**WHEREAS**, Section 10.7 C. of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zoning amendment. Approval may only occur if the application meets the majority of the PUD Purposes (Section 10.7 A.), all PUD Standards (10.7 E.) and all Review Standards for Map Amendments (Section 10.6); and

**WHEREAS**, the Lazy K PUD application is based from extensive public outreach that occurred for the Lazy K property that included numerous focus groups, site tours, meetings with city leadership, staff, community youth, seniors, surrounding stakeholders and the general public; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to Section 6.7 (Provisions of Public Notice) of the *Land Development Code*, on January 13, 2021; and

**WHEREAS**, on January 13, 2021, the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments and recommended approval of the PUD Major Change application, with the Lazy K PUD Standards, to the City Council, based on findings of fact and conditions established through the proceedings record; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD that opened on March 24, 2021; and

**WHEREAS**, based upon the application seeking a Major Change to an existing PUD and Map Amendment of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. The record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Comprehensive Plan*.
- B. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
- C. Extensive public outreach occurred for the Lazy K property that included numerous focus groups, site tours, meetings with city leadership, staff, community youth, seniors, surrounding stakeholders and the general public that informed the development of the *West Gunnison Park Master Plan* that identifies three parcels for affordable housing.
- D. In 2019 a public process was held to seek qualified developers for a work/affordable housing project on the Lazy K property and after multiple public meetings, City Council moved forward with the High Mountain Concepts proposal.

- E. The Major Change to a PUD is to change from the PUD C (Commercial) to PUD RMU (Residential Mixed Use) and PUD O (Park and Open Space) and is being processed concurrently with a Major Subdivision.
- F. The PUD RMU zones allow for 65 residential units and the PUD O zone allows for park uses according the *West Gunnison Park Master Plan*.
- G. Based on the Findings cited above and the Conditions below, the approval of this Major Change is not a detriment to the community's health, safety and welfare.

**WHEREAS**, based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the Major Change to the PUD on the property herein described 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:**

Section 1. The Major Change to the PUD application is approved.

Section 2. The *Lazy K PUD Development Standards* dated March 24, 2021, are approved.

Section 3. The Map Amendment is approved with Lots 1-13 and 15-30 zoned PUD RMU and Lots 14 and 31 zoned PUD O.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this \_\_\_\_\_ day of March, 2021, on first reading, and introduced, read, and adopted on second and final reading this \_\_\_\_\_ day of April, 2021.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

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

## EXHIBIT A

### Planned Unit Development Description:

A tract of land within Blocks 115, 116, 117, 118 and 119, Town of WEST GUNNISON, according to the AMENDED Plat recorded September 1, 1881 as Reception No. 17078; within the contiguous alleys and streets adjacent to said Blocks; and land platted within the boundaries of WEST GUNNISON and located within the NW1/4 NW1/4 of Section 2 of Township 49 North, Range 1 West, N.M.P.M.; City of Gunnison, Gunnison County, Colorado, said tract being more particularly described as follows:

BEGINNING at a point which is the southwest corner of Lot 8 of said Block 117: thence the following courses around said tract:

1. North 117.50 feet along the west boundary of said Block 117 to a point on the centerline of the east-west alley of said Block 117;
2. East 135.00 feet along said centerline to a point on the centerline of the north-south alley of said Block 117;
3. North 202.50 feet along said centerline and its northerly extension to a point on a line lying 20.00 feet northerly of and parallel to the south boundary of Tomichi Avenue;
4. East 740.00 feet along said line to a point on the northerly extension of the centerline of the north-south alley of said Block 115;
5. South 370.00 feet along said centerline and its southerly extension to a point on the centerline of New York Avenue;
6. West along said centerline of said New York Avenue to the intersection of the centerline of 4th Street extended, said point being the northwest corner of that parcel of land of as described in document recorded May 6, 2001 at Reception No. 511272 as Parcel 1.
7. South 380.00 feet along said centerline and its southerly extension to a point on the line lying 30.00 feet southerly of and parallel to the north boundary of Gunnison Avenue;
8. Thence West 330.00 feet to a point on the southerly extension of the west boundary of said Block 118;
9. North 30 feet along said extension to the southwest corner of said Block 118;
10. West 799.58 feet along the westerly extension of the North Boundary of Gunnison Avenue to a point on the Southerly extension of the East Boundary of the Partch/Zugelder Property, ( as described in Book 359 at Page 45 of the records of Gunnison County);
11. North 300.00 feet along said extension and said boundary to a point on the south boundary of New York Avenue;
12. East 29.58 feet along said boundary;
13. North 50.00 feet to a point on the centerline of New York Avenue;
14. East 750.00 feet along said centerline to a point on the southerly extension of the west boundary of said Block 117;
15. North 50.00 feet along said extension to the southwest corner of said Block 117, said corner also being the Point of Beginning of the herein described tract.

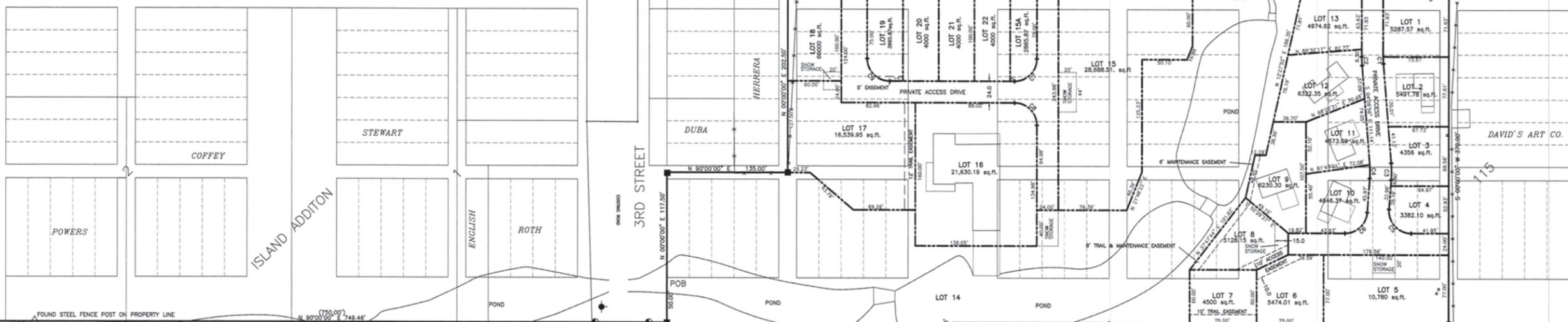
EXCEPTING THEREFROM the vacated North-South alley within Block 119, Amended Plat of West Gunnison, extended northerly to the centerline of New York Avenue, and extended southerly to the south line of the northerly thirty feet of Gunnison Avenue,

FURTHER EXCEPTING THEREFROM 30 feet each side of the centerline of the platted right of way for 3rd Street, Amended Plat of West Gunnison, and all other streets and alleys not vacated by the Ordinance No. 7, Series 1981 recorded in Book 565 at page 738.

TOMICHI AVENUE

FOUND W.C. 9.0' EAST

N 90°00'00" E 740.00'



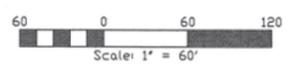
NEW YORK AVENUE

GUNNISON AVENUE

5TH STREET

THORNTON WAY

GUERRIERI ADDITON



CURVE TABLE

| NUMBER | ARC LENGTH | RADIUS | CHORD DIRECTION | CHORD LENGTH |
|--------|------------|--------|-----------------|--------------|
| C1     | 7.82       | 100.00 | N 02°14'28" W   | 7.82         |
| C2     | 9.70       | 124.00 | N 02°14'28" W   | 9.70         |
| C3     | 18.78      | 124.00 | N 00°08'40" W   | 18.78        |
| C4     | 15.14      | 100.00 | N 00°08'40" W   | 15.13        |
| C5     | 41.10      | 25.00  | S 42°54'12" E   | 36.63        |
| C6     | 37.44      | 25.00  | S 47°05'48" W   | 34.04        |
| C7     | 39.27      | 25.00  | S 45°00'00" W   | 35.36        |
| C8     | 39.27      | 25.00  | S 45°00'00" E   | 35.36        |
| C9     | 39.27      | 25.00  | S 45°00'00" E   | 35.36        |

LEGEND

- Found rebar with plastic cap stamped "LS 22570"
- Found rebar with plastic cap stamped "LS 33647"
- Found rebar with plastic cap stamped "LS 34979"
- Found rebar with aluminum cap stamped "LS 1776"
- Found rebar with plastic cap stamped "LS 12766"
- △ Found rebar with no cap
- ⊗ Found "X" chiseled in boulder
- Utility pedestal
- Overhead utility lines
- Fence

NOTES:

1. Property was located by field measurements from city monument at the intersection of Main Street with Tomichi Avenue. Basis of bearings is NORTH between said monument and a similar monument at the intersection of Main Street with Denver Avenue.
2. Lot corners were established using information on the Amended Plat of West Gunnison, supplemented by information on City of Gunnison plat prepared by Fisher Engineering (1960).
3. Record distances per the property description are shown in parentheses where they differ from measured or calculated distances.

**LAZY K SUBDIVISION**  
 WITHIN THE CITY OF GUNNISON &  
 THE NW1/4 SECTION 2, T49N, R1W, NMPM  
 GUNNISON COUNTY, COLORADO

PEARSON SURVEYING  
 P.O. BOX 652  
 GUNNISON, CO 81230  
 970-641-2910  
 PROJECT # 20-1-14

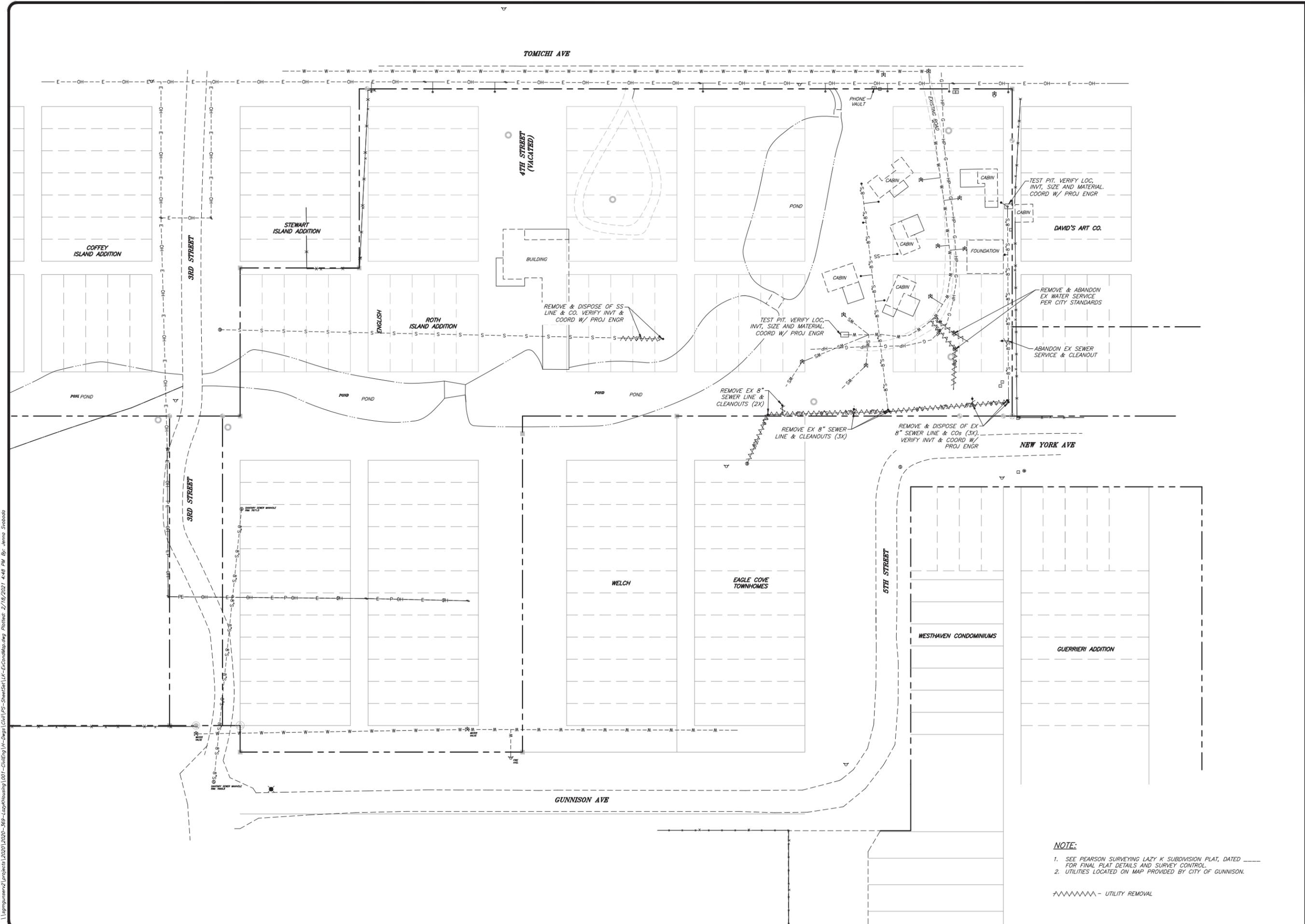
DATE : 10/19/20  
 LATEST REVISION DATE : 2/10/21





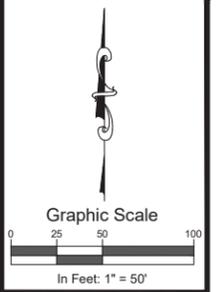


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**NOTE:**  
 1. SEE PEARSON SURVEYING LAZY K SUBDIVISION PLAT, DATED \_\_\_\_\_ FOR FINAL PLAT DETAILS AND SURVEY CONTROL.  
 2. UTILITIES LOCATED ON MAP PROVIDED BY CITY OF GUNNISON.

~~~~~ - UTILITY REMOVAL



SGM
 103 W. Tomichi Ave., Suite A
 Gunnison, CO 81230
 970.641.5355 www.sgm-inc.com

Lazy K Housing Project
 City of Gunnison

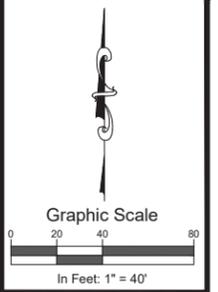
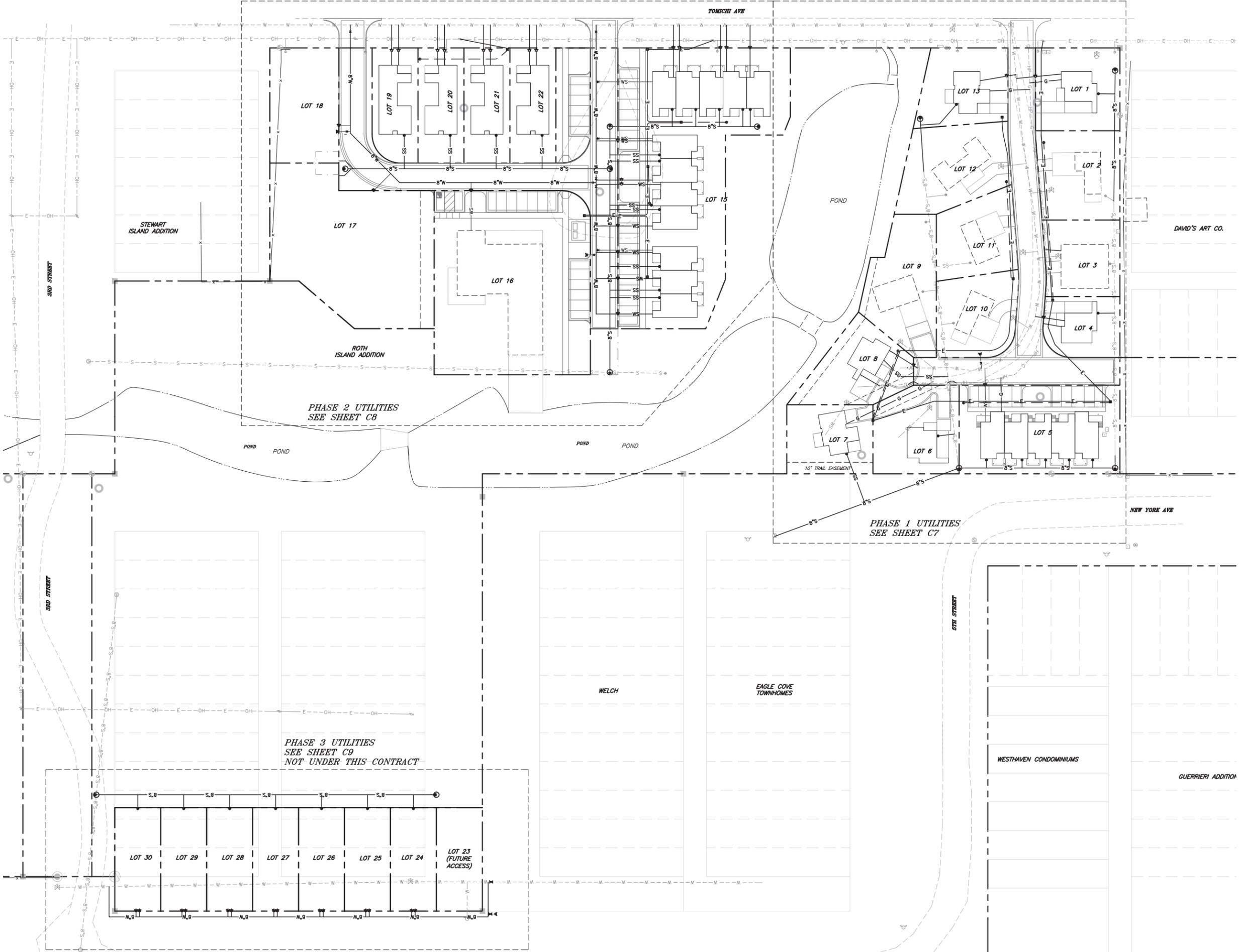
| # | Revision | Date | By |
|---|----------|------|----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

Job No. 2020-369.001
 Drawn by: SK
 Date: 02.18.2021
 QC: - PE: JB/JS
 File: LK-ExCondMap
 Title:

Project Milestone: Review Set For Subdivision App

Existing Conditions & Demolition Map
 Dwg No. **C4**
 Of: C11

I:\projects\2020-2021\2020-369-Lazy Housing\01-Civil\Eng\H-Dwg\1-PS-SheetSet\LK-UtilityIndex.dwg Plotter: 2/19/2021 4:49 PM By: Janna Svoboda



SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
970.641.5355 www.sgm-inc.com

Lazy K Housing Project
City of Gunnison

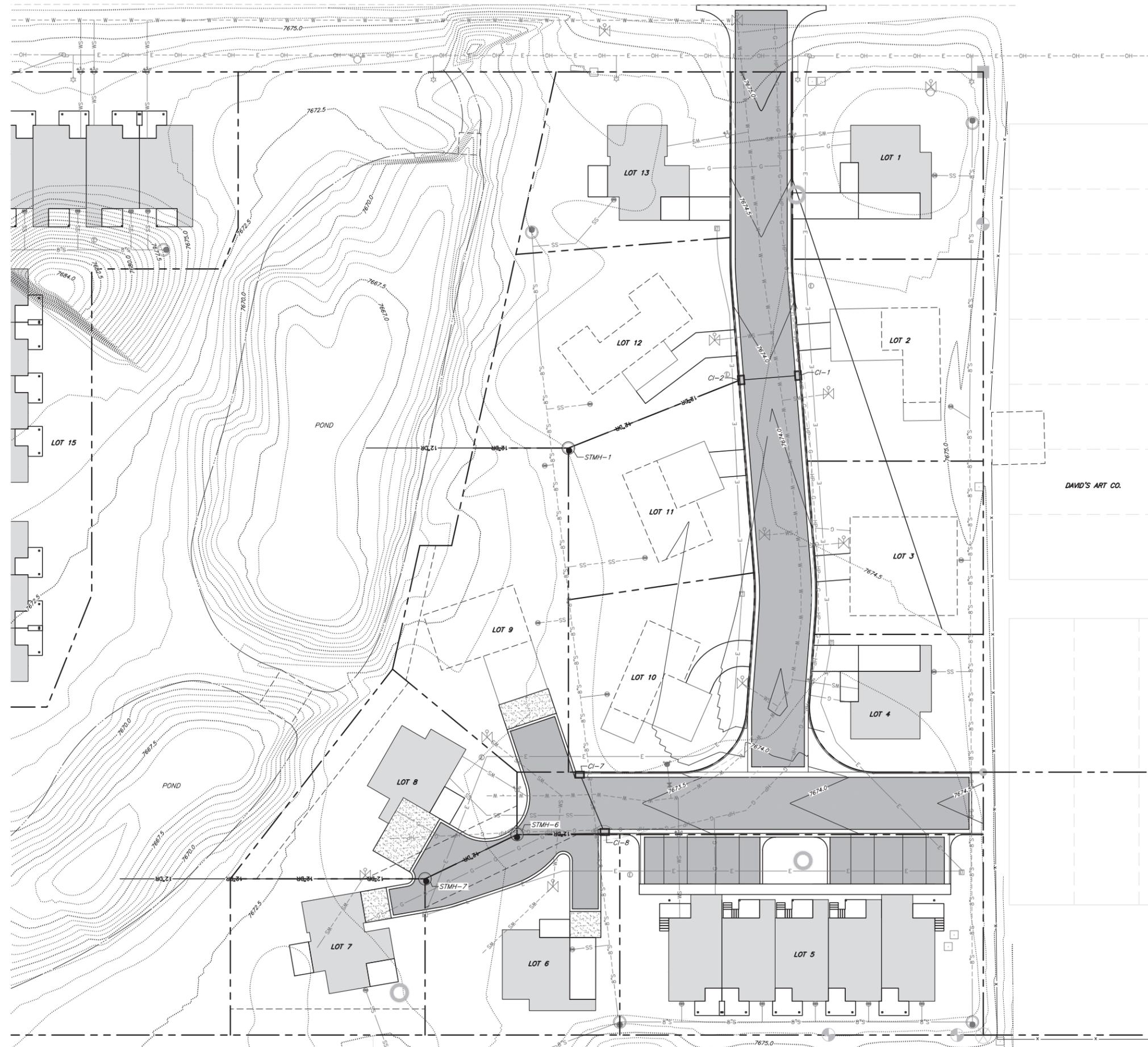
| # | Revision | Date | By: |
|---|----------|------|-----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

Project Milestone: Review Set For Subdivision App
Job No. 2020-369.001
Drawn by: SK
Date: 02.18.2021
QC: PE: JB/JS
File: LK-UtilityIndex
Title:

Utility Index

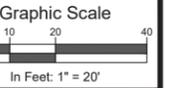
Dwg No. **C6**
Of: C11

TOMICHI AVE



DRAINAGE NOTES:

1. EXCESS STORMWATER RUNOFF FROM THE CABINS WILL SURFACE FLOW EITHER DIRECTLY INTO THE EXISTING PONDS OR SHALL BE DIRECTED INTO THE STREET THROUGH CURB CUTS, SWALES OR OTHER APPROPRIATE MEANS. THE STORMWATER WILL THEN BE HARD PIPED INTO THE EXISTING PONDS.
2. STORMWATER PIPE SHALL BE ADS HIGH DENSITY DUAL WALL HDPE OR EQUAL.
3. FINAL SIZING OF STORMWATER INFRASTRUCTURE SHALL BE DETERMINED BASED UPON THE IMPERVIOUS AREA FOR PHASE 1 AND SHALL SAFELY PASS THE 100 YEAR STORM.



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 Gunnison, CO 81230
 970.641.5355 www.sgm-inc.com

Lazy K Housing Project
 City of Gunnison

| # | Revision | Date | By |
|---|----------|------|----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

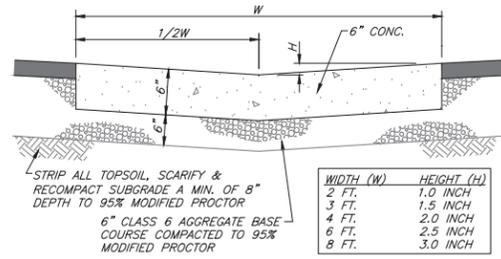
Job No. 2020-369.001
 Drawn by: SK
 Date: 02.18.2021
 QC: PE: JB/JS
 File: LK-Grading&Drainage
 Title:

Phase 1 Grading & Drainage

Dwg No. **C10**

Of: C11

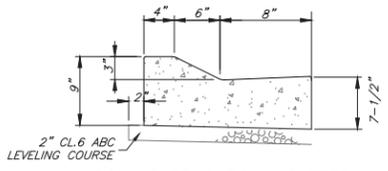
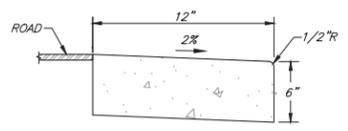
I:\sgm\user\2\projects\2020-369-LazyK\Housing\01-Civil\Eng\H-Dwg\1-PS-SheetSet\1-LK-Grading&Drainage.dwg PlotDate: 2/18/2021 4:49 PM By: James Swaboda



| WIDTH (W) | HEIGHT (H) |
|-----------|------------|
| 2 FT. | 1.0 INCH |
| 3 FT. | 1.5 INCH |
| 4 FT. | 2.0 INCH |
| 6 FT. | 2.5 INCH |
| 8 FT. | 3.0 INCH |

- NOTES:
1. ALL CONCRETE MIX AND PLACEMENT PER CITY OF GUNNISON CONSTRUCTION STANDARDS.
 2. DOWEL BAR AT VP CONNECTION WITH FORM RELEASE OIL PER CITY OF GUNNISON CONSTRUCTION STANDARDS AT VP AND STREET APRON DETAIL.

VALLEY PAN (VP) DETAIL
SCALE: 1" = 1'-0"



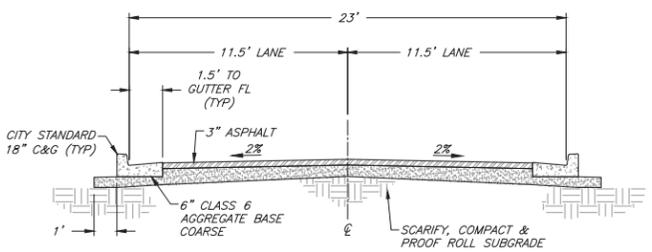
STANDARD 18" CURB & GUTTER (CG)
SCALE: NTS

* ALL CONCRETE MIX AND PLACEMENT PER CITY OF GUNNISON CONSTRUCTION STANDARDS.

ROLL OVER CURB & GUTTER

NOTE:
EXPANSION JOINTS AT LEAST EVERY 50'

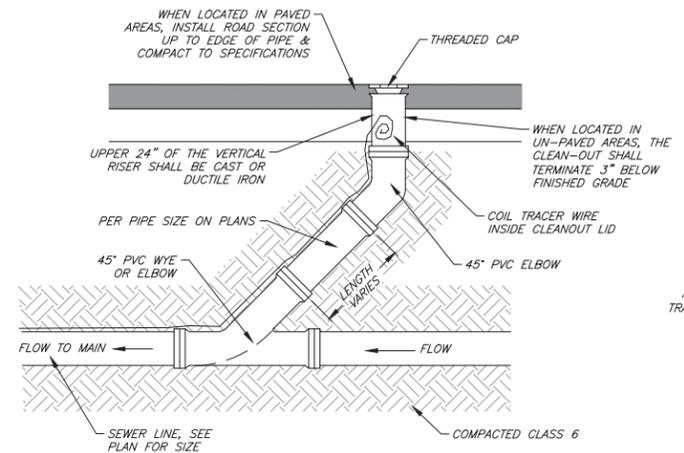
12" FLUSH CURB (FC)
SCALE: NTS



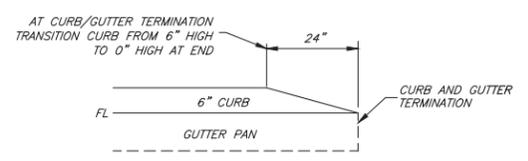
- NOTES:
1. ASPHALT SHALL BE A MINIMUM OF 1/2 INCH ABOVE THE LIP OF THE GUTTER OF A CATCH CURB AND GUTTER AND PANS.
 2. ASPHALT SHALL BE EVEN WITH THE LIP OF THE GUTTER OF A SPILL CURB AND GUTTER.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH CITY OF GUNNISON CONSTRUCTION STANDARDS.

TYPICAL ROAD SECTION
SCALE: NTS

NOTE:
LOCATE SEWER CLEANOUT AT ALL HORIZONTAL AND/OR VERTICAL CHANGES IN DIRECTION

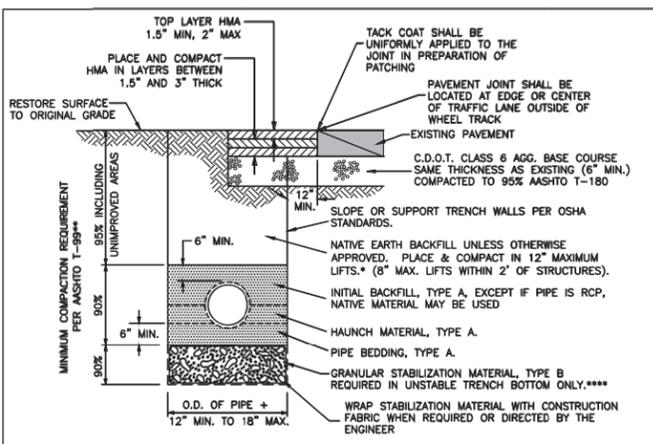


SEWER CLEAN-OUT DETAIL
SCALE: NTS



2' CURB TAPER DETAIL
SCALE: NTS

* ALL CONCRETE MIX AND PLACEMENT PER CITY OF GUNNISON CONSTRUCTION STANDARDS.

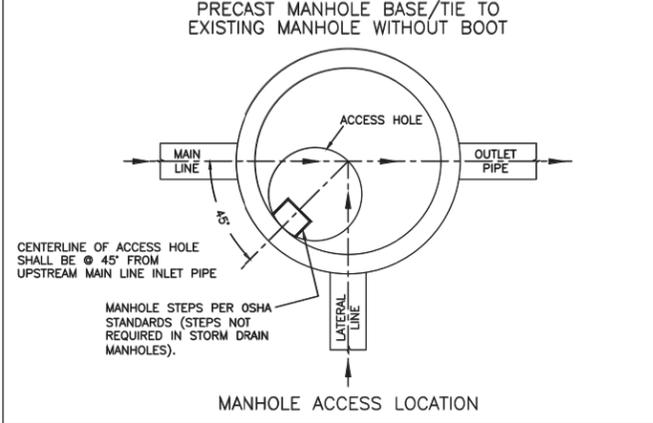
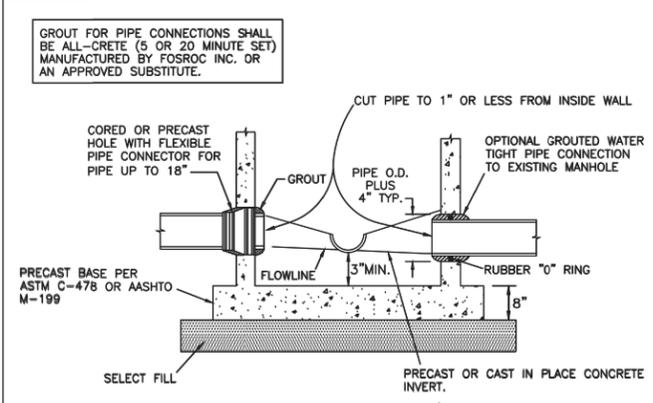


| SIEVE SIZE | MAXIMUM PERCENT BY WEIGHT PASSING SQUARE MESH SIEVES | | |
|------------|---|--|---|
| | PIPE BEDDING, HAUNCH & INITIAL BACKFILL MATERIAL (CRUSHED ROCK, TYPE A) | GRANULAR STABILIZATION MATERIAL (SCREENED OR CRUSHED ROCK, TYPE B) | IMPORTED BACKFILL MATERIAL (USE ONLY WHERE SPECIFIED OR DIRECTED BY THE ENGINEER) |
| 12 INCH | --- | --- | 100 |
| 2 INCH | --- | 100 | --- |
| 1 INCH | 100 | --- | --- |
| NO 4 | 20 MAX | 15 MAX | --- |
| NO 200 | --- | --- | 20 MAX *** |

- * 24" COMPACTED BACKFILL REQUIRED OVER ALL PLASTIC PIPE PRIOR TO VEHICLE OR HEAVY EQUIPMENT LOADING.
- ** COMPACT PER AASHTO T-180 WHEN SPECIFIED, DIRECTED OR APPROVED BY THE ENGINEER.
- *** PLASTIC INDEX (PI) SHALL NOT BE MORE THAN 7.
- **** WHERE THE EXCAVATION IS FOUND TO CONSIST OF MUCK, ORGANIC MATTER OR ANY OTHER MATERIAL THAT IS DETERMINED, BY THE ENGINEER, TO BE UNSUITABLE FOR SUPPORTING AND MAINTAINING THE LINE AND GRADE OF THE PIPE, THE TRENCH SHALL BE EXCAVATED TO AN ADDITIONAL DEPTH AS AGREED UPON BY THE CONTRACTOR AND CONSTRUCTION INSPECTOR/ENGINEER, AND REPLACED WITH AN APPROVED GRANULAR STABILIZATION MATERIAL. SHOULD THE CONTRACTOR AND INSPECTOR/ENGINEER FAIL TO REACH AN AGREEMENT AS TO THE DEPTH AND/OR METHOD OF TRENCH FOUNDATION STABILIZATION, THE CITY MAY SECURE THE SERVICES OF A GEOTECHNICAL ENGINEERING TO ASSIST IN DETERMINATION OF AN APPROPRIATE METHOD FOR STABILIZATION.
- ALL BACKFILL MATERIAL SHALL BE UNIFORMLY ADJUSTED TO WITHIN 2% OF THE OPTIMUM MOISTURE CONTENT PRIOR TO PLACEMENT AND COMPACTION.

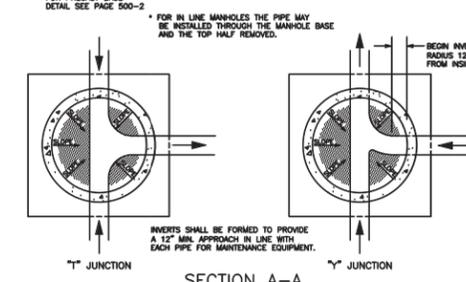
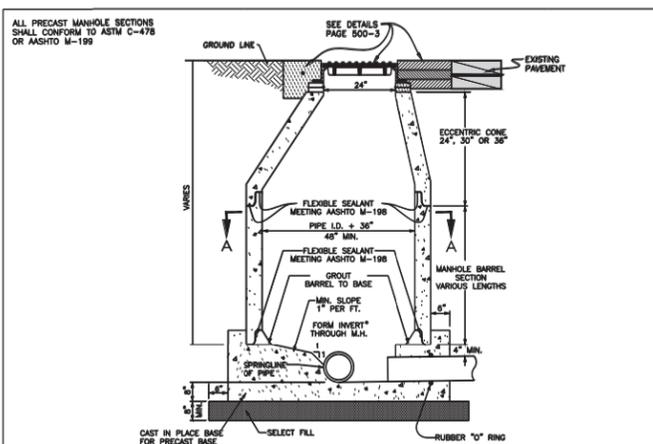
TYPICAL TRENCH DETAIL - FLEXIBLE PIPE

| | | | |
|-------------------------------|------------------------|---|------------|
| CITY OF GUNNISON PUBLIC WORKS | GENERAL UTILITY DETAIL | APPROVED: <i>GT</i>
DATE: <i>1/10/22</i>
DRAWN: | PAGE 200-2 |
|-------------------------------|------------------------|---|------------|



PRECAST MANHOLE, BASE, PIPE CONNECTIONS AND ACCESS HOLE LOCATION

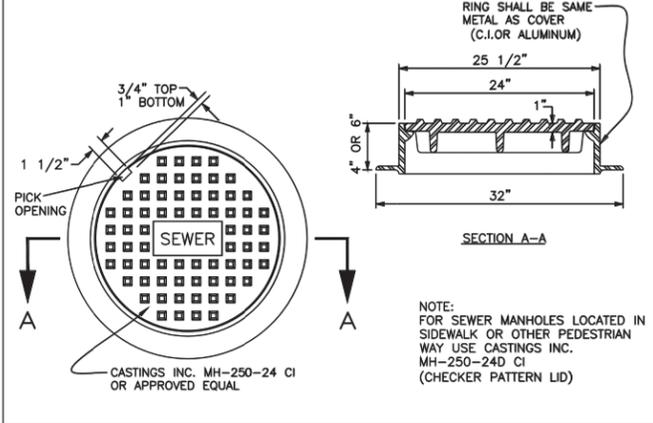
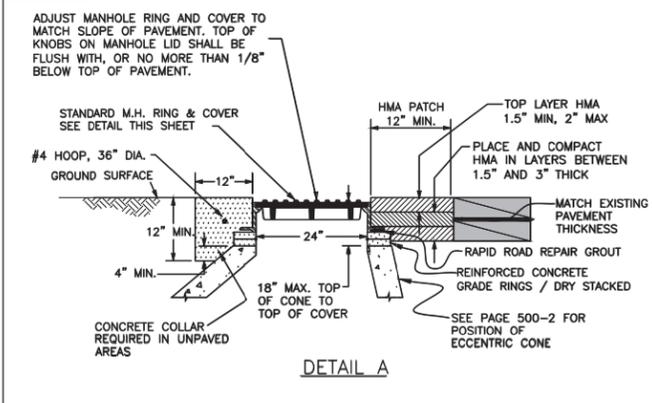
| | | | |
|-------------------------------|--------------------------------|---|------------|
| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i>
DATE: <i>1/10/22</i>
DRAWN: | PAGE 500-2 |
|-------------------------------|--------------------------------|---|------------|



- MANHOLE NOTES
1. MANHOLE RISER BARREL PIPE, CONES, FLAT TOPS AND GRADE RINGS SHALL BE PRECAST CONCRETE CONFORMING TO ASTM C-478 OR AASHTO M-199.
 2. ALL CEMENT USED IN MORTAR, CONCRETE BASES, GRADE RINGS, BARREL SECTIONS, CONES, AND FLAT TOPS FOR SANITARY SEWERS SHALL BE TYPE V OR MODIFIED TYPE II PORTLAND CEMENT WITH LESS THAN 5% TRICALCIUM ALUMINATE.
 3. A BITUMASTIC SEAL AND GROUT ARE REQUIRED BETWEEN CAST-IN-PLACE BASES AND PRECAST BARREL SECTIONS.
 4. MANHOLES LESS THAN 5' DEEP SHALL HAVE FLAT TOPS.

STANDARD MANHOLE - CAST IN PLACE BASE

| | | | |
|-------------------------------|--------------------------------|---|------------|
| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i>
DATE: <i>1/10/22</i>
DRAWN: | PAGE 500-1 |
|-------------------------------|--------------------------------|---|------------|



STANDARD MANHOLE RING AND COVER

| | | | |
|-------------------------------|--------------------------------|---|------------|
| CITY OF GUNNISON PUBLIC WORKS | STANDARD SANITARY SEWER DETAIL | APPROVED: <i>GT</i>
DATE: <i>1/10/22</i>
DRAWN: | PAGE 500-3 |
|-------------------------------|--------------------------------|---|------------|

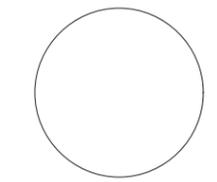
| | |
|-----------|--------------|
| Job No. | 2020-369.001 |
| Drawn by: | SK |
| Date: | 02.18.2021 |
| QC: | JB/JS |
| File: | LK-Admin |
| Title: | |



ivD LLC
 1910 7th Street, Third Floor
 Boulder, Colorado 80302
 720.301.0500
 iv@ivdesousa.com

All contents of this document expresses design intent only. Final engineering and fabrication shall remain the responsibility of the contractor or fabricator. All ideas, designs, arrangements and plans indicated or presented by these drawings are the property of the Architect, and were created for use in connection with the specified project.

seal & signature



Lazy K subdivision plan

issue date:
 SUBDIVISION PLAT 20210219

revisions:

project
 Lazy K

drawing title
 phase 1 and 2

drawing scale 1"=30'-0"

drawing number

A3a

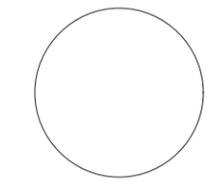




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Lazy K subdivision plan

issue date:
 SUBDIVISION PLAT 20210219

revisions:

project
 Lazy K

drawing title
 phase 1 and 2
 trees & wetland

drawing scale 1"=30'-0"

drawing number

A^{3e}

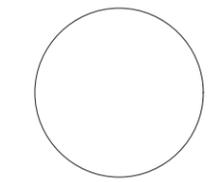




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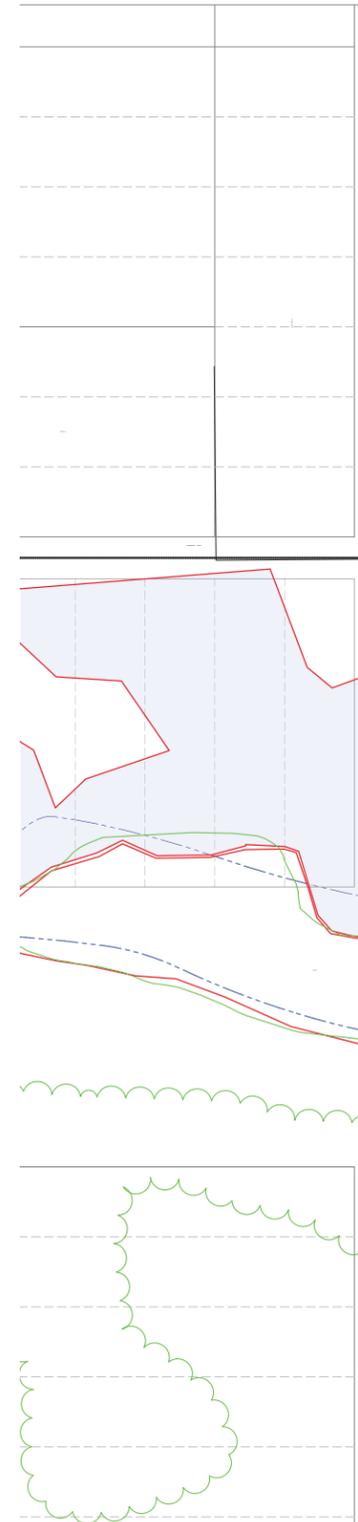
project
 Lazy K

drawing title
 phase 1 and 2

drawing scale 1"=30'-0"

drawing number

A^{3f}





Memorandum

To: City Council
From: David Gardner
Date: 3/19/2021
Re: Title 12 Utility System Code Revision Update Presentation

Purpose:

Due to some interpretation issues with existing code sections and other inconsistencies with how the City operates and maintains utility infrastructure, staff is recommending revision of Title 12 – Utilities. Our goal with this revision is to provide a more easily navigated utility code, clear direction regarding maintenance responsibilities for utility service lines, and consistency with the recently adopted Construction Standards and the Land Development Code. The proposed revisions are also consistent with operational changes that have been implemented since the last code update. We have addressed sections of the code that were outdated and no longer met modern industry standards. These included an industrial pre-treatment section recommended by EPA to regulate toxic discharges to our wastewater collection system, and addressed responsibilities for the abandonment of utilities.

As mentioned, the City had recently revised and adopted new Construction Standards for Utilities and Street Systems. These updated standards create uniform guidelines for developments such as Gunnison Rising. Rather than duplicate, the new construction standards are referenced throughout Title 12 to serve as a uniform and consistent guideline for new construction.

Likewise, Chapter 12.60 – Garbage Collection and Recycling System will incorporate recent changes approved by Council as well as other recommended changes.

The following sections are impacted:

- 12.01 Administration
- 12.02 Definitions
- 12.03 Abandonment of Utilities
- 12.10 Sewer System
- 12.20 Waterworks System
- 12.30 Electric System
- 12.50 Utility Reimbursement Policy
- 12.60 Garbage Collection and Recycling System
- 12.70 Backflow Prevention Standards,
- 12.80 Industrial Pre-Treatment Program
- 12.40 Utility Rates, Rules and Regulations

Staff will present a PowerPoint presentation outlining key changes to these Codes.

Background:

A planning meeting with staff and our engineering consultant, J-U-B Engineers, was held on June 30, 2020 to discuss what needed change, a review of achievable goals and to refine a detailed plan to accomplish success. In order to diversify the process with staff, key community stakeholders were asked to volunteer time. It was understood this process would be time consuming and tedious. Based on responses, an advisory committee was formed made up of staff from the public works and community development departments, council, a land developer, contractor, real estate broker and a representative from the Chamber of Commerce. On August 27, 2020, this Advisory Committee met to kick off the project.

Over the course of nearly a year, the advisory committee has met to review existing code issues and provided comment on the above referenced code titles. This committee held an additional five meetings to discuss topics and concerns with the existing code and to review proposed revisions to mitigate/improve specific sections. A comment cure table has been prepared by the consultant to track Advisory Committee comments and revisions to the code based on these discussions. For reference, the table is attached.

After five meetings with the City staff and Advisory Committee, staff amended the scope to include reorganization of the Title 12 format to add Chapter 12.01 – Administration, 12.02 - Definitions, 12.03 - Abandonment of Utilities, and Chapter 12.80 Industrial Pre-Treatment Program. All chapters were revised to reflect relocation of administration and definition content. Based on comment from the advisory committee, a first draft of the code revision was prepared by J-U-B for review. The committee reviewed and provided comment back for consideration. City Staff then met twice more to review the final draft. Review and comment were also received from the City's legal counsel.

Likewise, a similar process was followed to implement change to codes that regulate Refuse and Recycle operations. Although some changes were previously submitted and approved by Council, such as overfill fees and elimination of the 38-gallon trash canister, those changes plus a host of other revisions have been made. Again, these changes are made to reflect compatibility with existing operations and industry standards.

Notable Revisions and Key Accomplishments

- Bear proof cans
- Designated 2 trash can size requirements
- Only allows authorized recycle bins up to seven
- Guidelines on excessive overfill and proper sorting
- Require safe placement/location of can/bins suitable for equipment & operations
- Provide bi-weekly trash pickup for low volume users

- Follow county guidelines on types of recyclables allowed
- Limits service in some high density area
- Establishes guidelines for commercial refuse accounts
- Updates code to reflect current rules and regulations
- Confusing tap fee is replaced by utility investment fee based on meter sizes (See Attachment A)
- Creates fixed fee for city construction taps to water/sewer main lines (See Attachment A)
- Reduces ADU Utility Investment Fee to 75% or 0.75 EQU calculation (Industry Standard)
- Graphically illustrates water and sewer connection scenarios via Construction Standards
- Provides clear direction regarding responsibility for permitting and inspection
- Provides clear definition of responsibility for utility services
- Provides clear guidance to developers/contractors for access or use of City owned utilities
- Reorganizes a chapter index and provides separate chapters for Administration and Definitions
- Removes rates/fees and references to separate document for resolution in lieu of codification
- Provides guidelines on the abandonment of utilities
- Includes an industrial pre-treatment regulation regarding toxic discharges to the system
- Establishes clearer guidelines on required oil and grease traps

Typical examples of revisions include clarification of code sections to provide clear distinction of ownership and maintenance responsibilities for sewer service lines Chapter 12.10.010 D, 5. Prior to this revision, the City was responsible for ownership and maintenance of private sewer service line from the sewer main to the building it served. This is not consistent with standard of practice in the industry. The code now provides clear direction that the sewer service line is the responsibility of the property owner for the length of the service line from the building to the connection with the City sewer main. The City is responsible for the actual physical connection to the sewer main.

Another example is additional clarification of what is required for extension of a water or sewer main. Previously, water or sewer mains could be extended through areas of future phases of developing land where no platted rights of way, tract, or utility easement existed. This has been revised to allow extension of City owned and maintained water or sewer utilities only in platted rights of way, tract, or easement (Chapter 12.10.050).

Discussion:

Staff will discuss the key changes to Title 12 with Council and solicit feedback.

Next Steps:

With Council approval, future steps include:

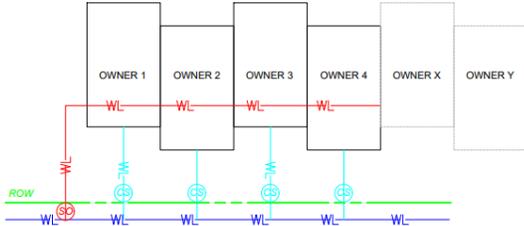
1. First reading of title 12 - Target date April 13th, 2021
2. Second reading of title 12 - Target date April 27th, 2021
3. Adoption Via resolution - Target date April 20th, 2021
 - a. Fee Table, Industrial.
 - b. Pre-Treatment Enforcement.
 - c. Update to Construction Standards.

Example of Illustrations

TO BE ADDED TO CONSTRUCTION STANDARDS

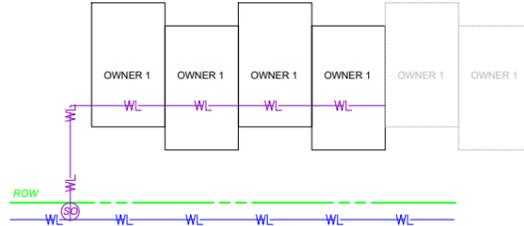
MULTI FAMILY - INDIVIDUAL OWNERSHIP

- FIRE SUPPRESSION SYSTEM REQUIRED
- HOA AGREEMENT
- UNLIMITED UNITS WITH INDIVIDUAL 3/4IN WATER SERVICE
- DUCTILE IRON PIPE (DIP) FIRE LINE
- FIRE HYDRAULICS ENGINEERING REQUIRED FOR SIZING DIP



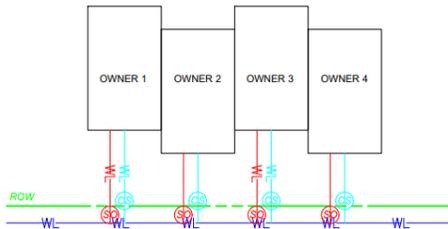
MULTI FAMILY - SINGLE OWNERSHIP

- FIRE SUPPRESSION SYSTEM
- DUCTILE IRON PIPE (DIP) WATER AND FIRE LINE
- FIRE HYDRAULICS ENGINEERING REQUIRED FOR SIZING DIP



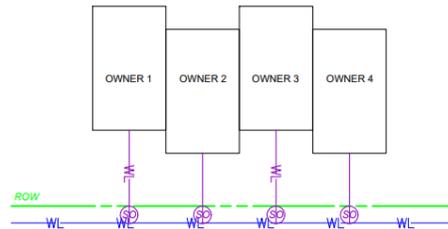
MULTI FAMILY - INDIVIDUAL OWNERSHIP (OPTION 1)

- FIRE SUPPRESSION SYSTEM REQUIRED
- NO HOA AGREEMENT
- UNLIMITED UNITS WITH INDIVIDUAL 3/4IN WATER SERVICE
- MIN 1IN FIRE LINE WITHOUT FIRE HYDRAULIC ENGINEERING



MULTI FAMILY - INDIVIDUAL OWNERSHIP (OPTION 2)

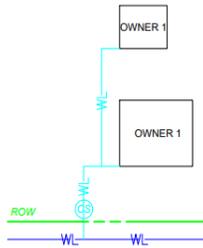
- FIRE SUPPRESSION SYSTEM REQUIRED
- NO HOA AGREEMENT
- UNLIMITED UNITS WITH INDIVIDUAL COMBO WATER/FIRE SERVICE
- MIN 1IN COPPER WITHOUT FIRE HYDRAULIC ENGINEERING



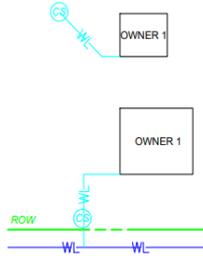
Example of Illustrations

TO BE ADDED TO CONSTRUCTION STANDARDS

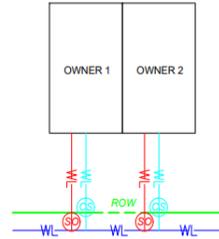
ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 1
3/4IN COPPER



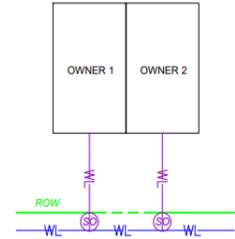
ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 2: NEW CONNECTION WITH 3/4IN COPPER



DUPLEX
NO HOA AGREEMENT - OPTION 1
INDIVIDUAL WATER & FIRE LINES
MIN 1IN COPPER FOR FIRE
WITHOUT HYDRAULIC DESIGN

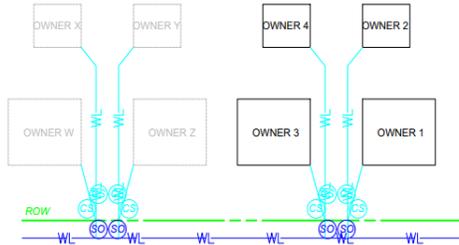


DUPLEX
NO HOA AGREEMENT - OPTION 2
COMBINATION WATER/FIRE EACH UNIT
MIN 1IN COPPER WITHOUT
HYDRAULIC DESIGN



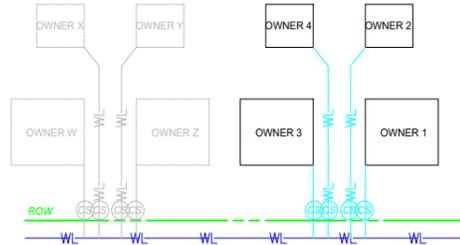
MULTI UNIT - INDIVIDUAL OWNERSHIP

- NO FIRE SUPPRESSION
- SINGLE SHARED LOT - WITH HOA
- 3/4IN SERVICES, SINGLE TAP FOR 2 UNITS (MAX 3,000SF COMBINED)



MULTI UNIT - INDIVIDUAL OWNERSHIP

- NO FIRE SUPPRESSION
- INDIVIDUAL LOTS - WITH HOA OR EASEMENT
- 3/4IN SERVICES, SINGLE TAP FOR 2 UNITS (MAX 3,000SF COMBINED)



City of Gunnison Title 12 Code update



Title 12 Codes Advisory Committee

| <u>Name</u> | <u>Organization</u> | <u>Title</u> |
|-----------------|---------------------------------|----------------------------|
| David Gardner | Public Works | Public Works Director |
| Mike Rogers | Public Works | Water/Waste Superintendent |
| Cody Tusing | Public Works | City Engineer |
| Jason Kibler | Public Works | Street Superintendent |
| Anton Sinkewich | Community Development | Director |
| Andie Ruggera | Community Development | Senior Planner |
| Eric Jansen | Community Development | Building Official |
| Shannon Singer | Finance | Accountant |
| Jordyn Dorrance | Finance | Billing Clerk |
| Ben Cowen | Finance | Finance Director |
| Travis Scheefer | Planning & Zoning Commission | Commissioner/Architect |
| Josh Townsend | Clarke Agency | Broker/Owner Realtor |
| Diego Plata | City Council | Councilor |
| AJ Cattles | Big C Builders | Developer/Construction |
| Ron Welborn | Gunnison Rising/General Manager | Developer/Construction |
| Lisa Bachman | J-U-B Engineers | Planner |
| Bret Guillory | J-U-B Engineers | Senior Project Manager |

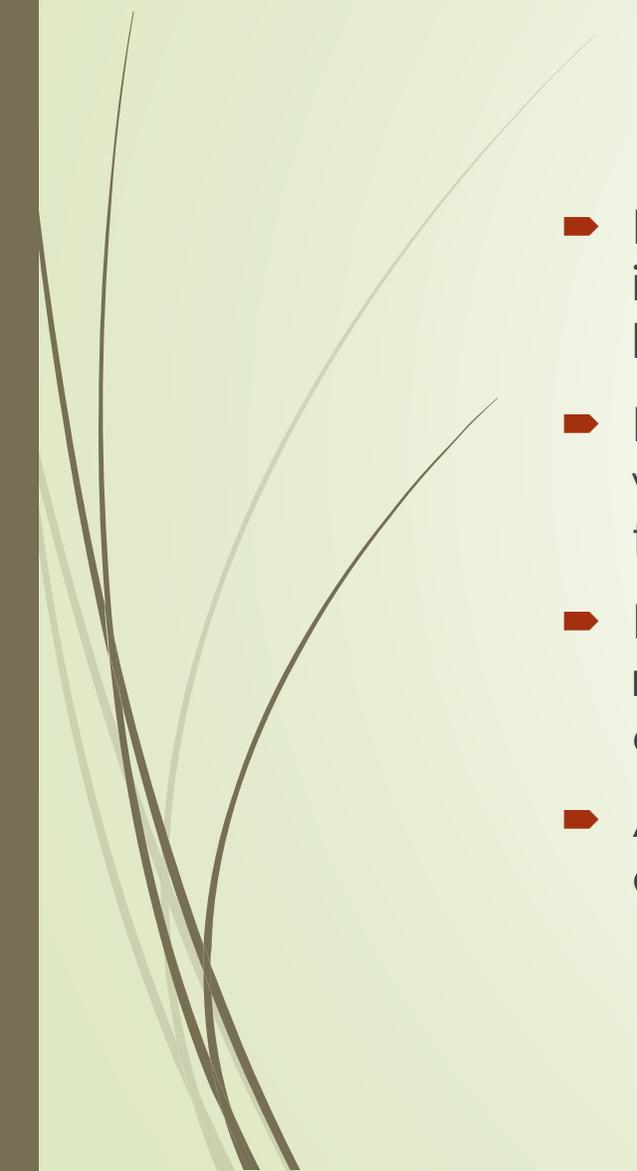


The Advisory Committee Approach

- ▶ The advisory committee primarily reviewed and provided comment on City Code for utilities Title 12 - Chapters; 12.10 Sewer System, 12.20 Waterworks System
- ▶ The Committee held numerous meetings to discuss topics and concerns with the existing code and review proposed revisions to mitigate/improve specific sections
- ▶ A comment cure table has been prepared to track Advisory Committee comment and revision to the code based on comments and discussion
- ▶ See Cure Table in Council's MEMO attachments



Key Accomplishments



- ▶ Proposed Code revisions were developed using a collaborative process involving City Staff, a Council representative, and representatives of local; land development/construction industry/real-estate businesses.
- ▶ Provides clear definition and guidance regarding property owner / City, water and sewer service line maintenance responsibility, and responsibility for access to water meter.
- ▶ Removal of current year water/sewer fees and rates from Code with reference to 'City of Gunnison Fee Table' adopted separately from the City code.
- ▶ Addition of Chapter 12.80 Industrial Pre-Treatment Program to support enforcement of industrial discharges to the sanitary sewer system.



Key Accomplishments

- ▶ Reformatting of the entire Title.
- ▶ Addition of Chapter 12.01 Administration, Chapter 12.02 Definitions and Chapter 12.03 Abandonment of Utilities.
- ▶ Clarification of what is allowable discharge to the sanitary sewer system.
- ▶ Include reference to City of Gunnison Construction Standards setting current industry standards for construction, testing, and acceptance of water and sanitary sewer systems.
- ▶ Clarification of who is responsible for construction of new water/sewer distribution or collection systems.
- ▶ Clear direction regarding legal designation of land within which water and sanitary sewer systems are to be located, Rights of Way/Tract/Easement.
- ▶ Put definitions all in a single chapter.



Accessory Dwelling Units Utility Investment Fees

- ▶ **Fee, Utility Investment** – a one-time fee charged to pay for: capacity in the sewer collection and treatment systems, installation and replacement of 12-inch diameter and larger wastewater collection system infrastructure, or capacity in the water distribution system and water treatment facilities.
- ▶ **Equivalent Residential Unit (EQU)** – the unit of measurement determined by the average monthly water use per single-family residence, or 280 gallons per day)
- ▶ Without collecting these fees other citizens and developers are subsidizing the utility investment fees.
- ▶ For reference, an ADU is an Accessory Dwelling Unit.
- ▶ Staff proposes reducing the ADU utility investment fees for water & Sewer based on a .75 EQU's calculation. (Industry Standard)
- ▶ Staff proposes discussion charging a fixed **Construction Fee** for City Staff to make the physical tap on main water and sewer lines based on average construction costs. This is separate from Utility investment fee.



New Industrial Pre-Treatment Program Chapter

- ▶ Guidelines on industrial waste.
- ▶ Oil and grease trap guidelines.
- ▶ Specify limits on Total Suspended solids (TSS), a CDPHE required NPDES permit parameter.
- ▶ Specify limits on Biological Oxygen Demand (BOD), a CDPHE required NPDES permit parameter.
- ▶ Specify limits on Total Dissolved Solids (TDS), a CDPHE required NPDES permit parameter.
- ▶ Testing requirements for industrial customers.
- ▶ Chapter recommended by EPA.

Water and Sewer Line Clarifications

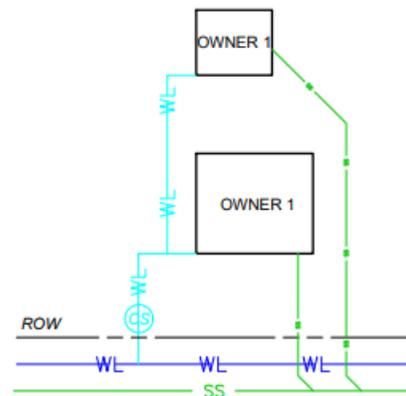
Water

- City responsible from water main to nearest curb stop or point of isolation.

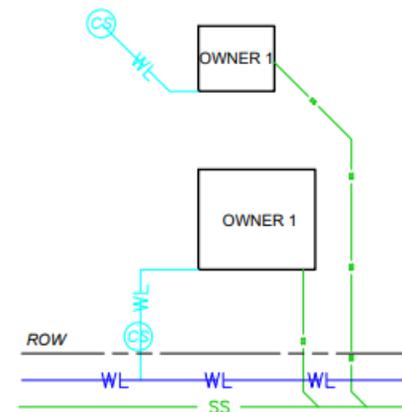
Sewer

- Homeowner responsible for repair, maintenance, and replacement of privately owned sewer service line from home to City main line.

ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 1
3/4IN COPPER



ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 2: NEW CONNECTION WITH 3/4IN COPPER





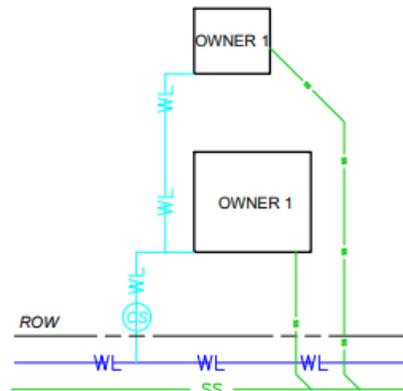
Abandonment of Utilities in the right of way

- ▶ “Any person or entity given permission to use City ROW for installation of any facilities (cable lines, utility lines, utility cabinets, etc), within the ROW in connection with such permission, which facilities are later abandoned, may, at the discretion of the City, be required to remove the abandoned facilities within a reasonable period of time as determined by the City and to restore all property affected by such abandonment and removal to its prior condition. All work shall be completed in accordance with applicable City codes and regulations. Alternatively, the City may, for no cost, assume ownership of any or all of such abandoned facilities, and the entity shall cooperate with the City in executing any documents necessary to facilitate such ownership. A line shall be deemed abandoned if the entity ceases to provide service to or through the line, or ceases to provide service within the City, and such line is not transferred to another entity providing service within the City.”

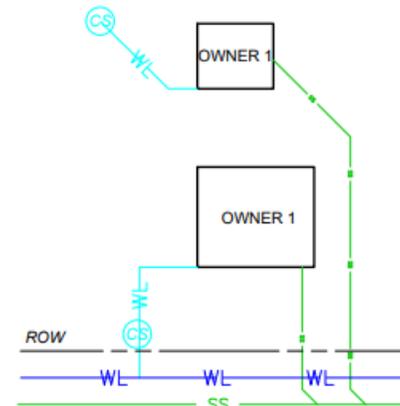
Update Construction Standards Via Resolution

- Update the construction standards to show diagrams on how to run new water and sewer services.

ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 1
3/4IN COPPER



ADU SINGLE LOT NO INDIVIDUAL SALE
OPTION 2: NEW CONNECTION WITH 3/4IN COPPER





Adopt Industrial Enforcement Document Via Resolution

- ▶ Ensuring that violators return to compliance as quickly as possible.
- ▶ Preventing violations that may cause Pass Through or Interference.
- ▶ Deterring future noncompliance.
- ▶ Recovering expenses incurred by the City due to noncompliance.



Fee Table Update Via Resolution

- Move utility investment fees from Code to Fee Table
 - Fixed rate for City construction cost for water and sewer taps.
 - Moved TSS, TDS and BOD surcharge from Code to Fee Table.
 - Moved Net metering charges to Fee Table.
 - Moved Refuse overflow charges to Fee Table.
 - Moves Electric fees from code to Fee Table.
- 

Refuse & Recycle Steering Committee

| <u>Name</u> | <u>Organization</u> | <u>Title</u> |
|-------------------|-----------------------|------------------|
| David Gardner | Public Works | Director |
| Lisa Starkebaum | Public Works | Engineer Tech. |
| Doug Spann | Neighborhood Services | Officer |
| Jason Kibler | Public Works | Street Super |
| Andie Ruggera | Community Development | Senior Planner |
| Ben Cowan | Finance | Finance Director |
| Shannon Singer | Finance | Accountant |
| Brandon Diamond | CPW | Officer |
| Chris Parmeter | CPW | Officer |
| Ben Cowen | Finance | Finance Director |
| Celeste Helminski | Chamber | Director |



Updates to Solid Waste Operations to be included in Title 12

- Bear Proof Container option.
- Discontinued use of 35-38 gal container.
- Two container size options/ “Yellow Lid” option.
- Overfill Requirements. Additional charges put in place.
- Authority to require container locations.
- Updating of commercial refuse policy.
- Updating of Prohibited Acts (12.60.130)
- Updated Recycle guidelines.
- Remove fee amounts from code to fee table.
- City Council sets rates vs. City Manager (old code).

Bear Proof Option



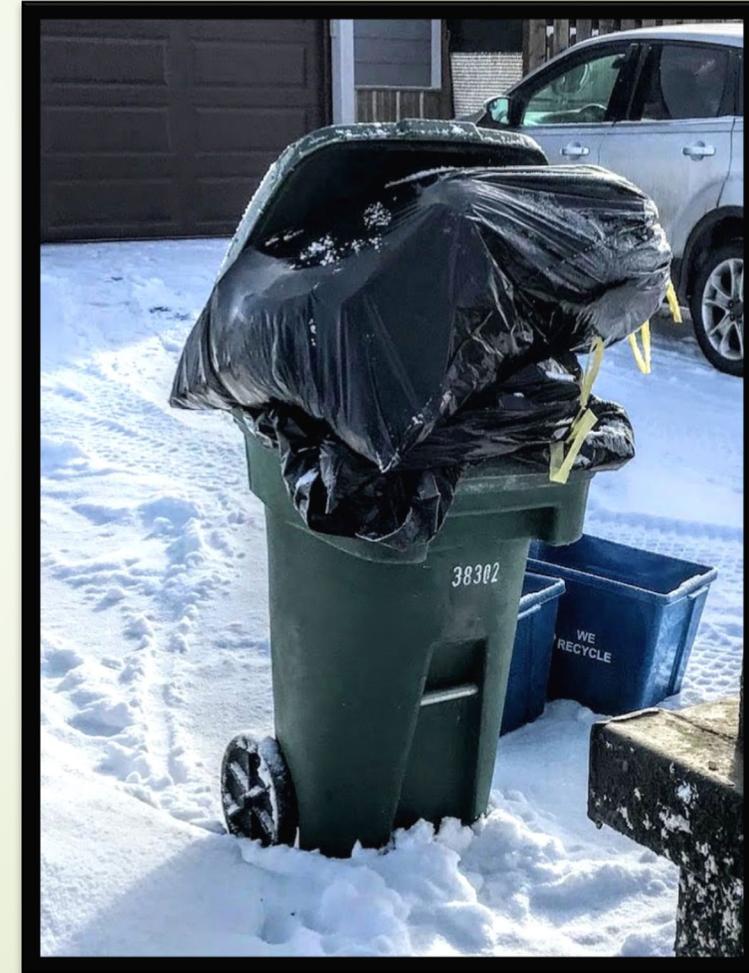
- Residents now have the option to purchase their own Bear Proof trash container.
- Must be approved by Public works.



Problems With 38 Gallon Cans



- Discontinued 38 Gal. cans.
- Easily overfilled resulting in fees.
- Unstable/ tip over easily.
- Not compatible with our trash truck.
- Previously authorized via Council.



Specified Residential Can Sizes

Small residential can
(68 Gallon)

Large residential can
(98 Gallon)



HOLDS
UP TO 5 TALL
KITCHEN BAGS



HOLDS
UP TO 7 TALL
KITCHEN BAGS



OR

OR



POOL EQUIPMENT



ANIMAL FEED



LAWN & GARDEN



LEAVES



POTTING SOIL



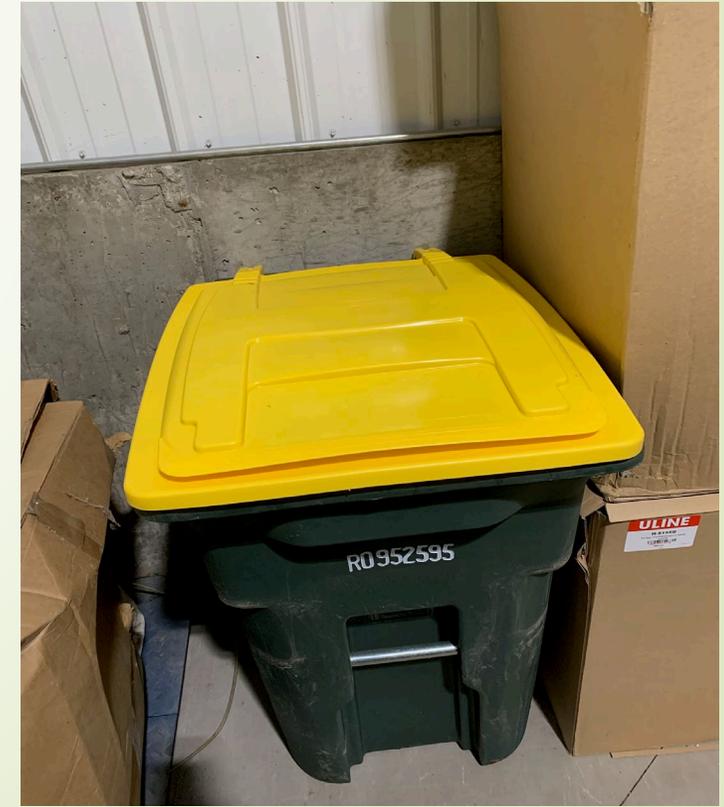
BRICKS

Size Options to Include Bi-Weekly Service

- ▶ The City now offers two size options of a 68 gal. and a 98 gal.
- ▶ The City does offer an every other week pick-up for the extremely low volume user. This is the “Yellow Lid” program.
- ▶ Offers the low volume user a discount on refuse bill.
- ▶ Customer must commit for at least one year.

OLD CODE

The city's system of garbage and trash collection and disposal for residential users shall consist of weekly pickup and disposal of all garbage and trash properly deposited into the system in accordance with the regulations adopted pursuant to this chapter. Each residential user of the system, in consideration of the charge made therefor by the city, shall be entitled to deposit up to three 35-gallon containers, or the equivalent thereof, per week. (Code 1997 § 12-6-6).





Overflow issues

- Time consuming
- Costly (adds to Landfill costs that charge by ton)
- Safety Issues with falling objects
- Exposes employees to personal contact with garbage
- Attracts animals
- Unsanitary & Unsightly

Establish Overfill Fees

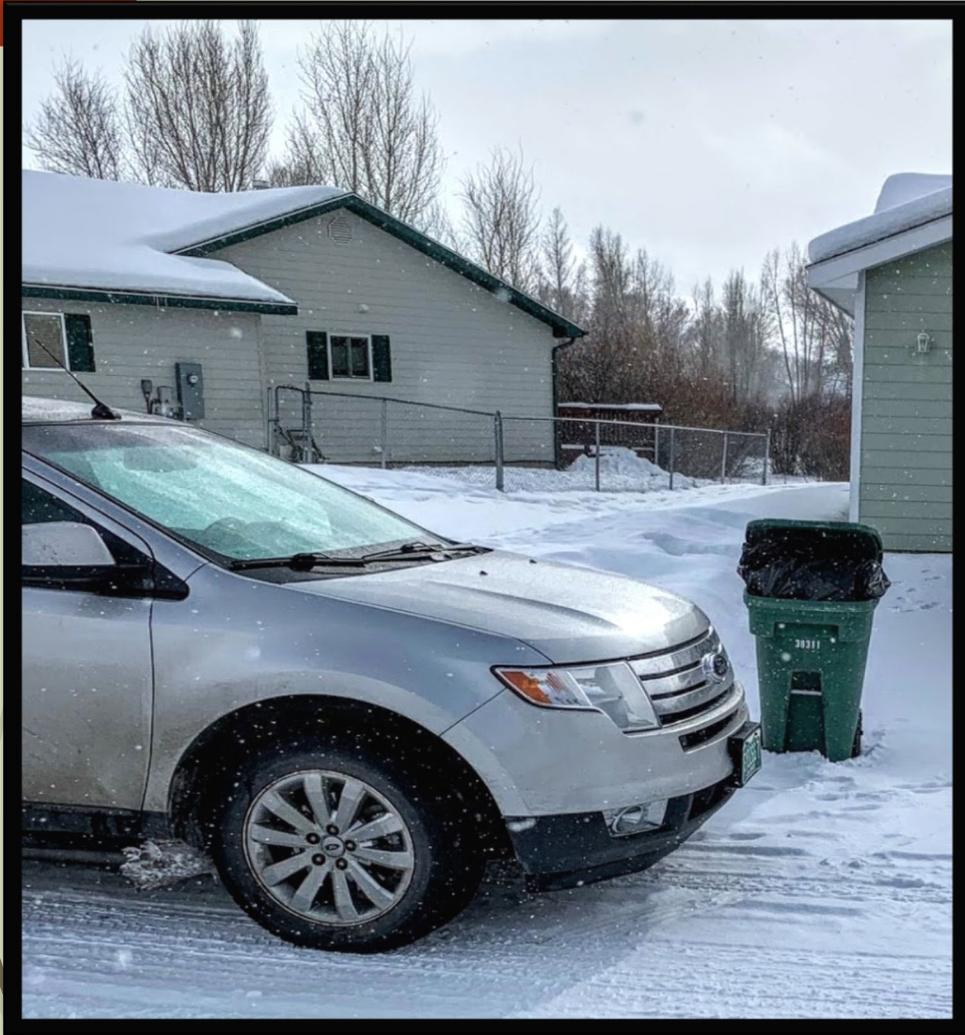


Fees established for overfilling

- Residential Container \$16.00
 - Dumpsters \$ 42.00



Incorrect Location/Placement



Unable to access with trash truck

New Location Requirements

- Title 12 will give the city authority to dictate the location of trash receptacles due to safety and equipment concerns
- Public safety
- Route efficiency
- Infrastructure protection





Commercial Refuse Use

- Approximately 70 commercial accounts
- **Old Code:** Commercial users may, but are not required to, use the city service. Garbage shall be deposited in 35 gal containers. Must have an individual contract entered into by City Manager and individual commercial user. The monthly fee from the city shall be assessed in accordance with the contract.
- **New Code:** Commercial user may request municipal services if approved by PW Director. Monthly fee shall be residential dumpster rate plus commercial service fee set forth in established fee table. Fee will be subject to change from time to time. May be subject to overfill fees set forth in approved rate schedule.



Title 12 Changes to the Recycling Program

- The City to follow County recyclable guidelines.
- The City will establish sorting guidelines.
- Excessive amounts of recyclables not allowed.
- Option to reduce services in high density areas.
- Guidance on where bins are to be located.
- Increased allowable bins from 3 to 7.

Title 12 Promotes Proper Recycling Methods

Incorrectly Sorted
(With food contamination)



Improperly Placed and Stored.



Acceptable Recyclables



RECYCLING GUIDELINES



The City of Gunnison has implemented some changes to the recycling program. Only recyclables in City provided bins will be picked up. Please note, this includes cardboard. Each residence can be provided up to 7 bins. If you are in need of more bins, please contact Public Works at PublicWorks@gunnisonco.gov or 641-8020.



7 BINS FOR SEVEN RECYCLING CATEGORIES

Newspaper/Whitepaper/Magazines

Place in separate bin. Shredded paper needs bagged. **No books**

Aluminum CANS Only

Pie pans, aluminum foil etc. are **NOT** recyclable

Tin Cans Only

Canned good cans only. Put in separate bin. **NO lids**

Corrugated Cardboard ONLY

Put in a separate bin. Please flatten boxes. **NO WAX** coated cardboard

#1 & #2 Plastics Only

Plastics with a 1 or 2 on the bottom only. Other numbers are not accepted. Put in a separate bin, rinse out. **NO plastic bags** or yogurt containers

CLEAR Glass Bottles and Jars Only

NO tinted glass. Put in separate bin. Remove all caps, corks and lids. Rinse jars out. i.e. Glass Coke bottles are considered green glass

Brown/Green Glass Bottles Only

Put in separate bin.
NO Other COLORS. Glass with a slight green tint (coke bottles) should be sorted with green glass.
Remove all caps, corks and lids

If you have an excessive amount of recyclables, you may take them to the Gunnison County Recycling Center located at 195 Basin Park Drive. You may drop off all recyclables, Monday through Sunday, 24 hours per day.



Increases Number of Bins

- **Old Code:** Each property owner or occupant within the definition of residential shall be provided with three (3) bins for use in depositing recyclables. No sorting requirements. No mention of commercial recyclables.
- **New Code:** Property owner or occupant within the definition of residential may receive up to seven (7) city approved bins. Provides for sorting guidelines and costs absorbed in residential garbage rates. Restricts the program in high density residential neighborhoods. Still residential only.

Commercial Recycling Accounts

- High volume issues
- Site challenges (usually loaded/unloaded manually)

Current code does not address commercial recycling programs, specifies Residential only





Added Language to the Prohibited Acts Section

- New updated language
- Prohibits additional hazardous materials not listed (oils, paint, spirits, asbestos, acids, etc.)
- Prohibit trash piled in Right-of-Way



Next Steps



- ▶ Resolution to repeal and replace Title 12.
- ▶ Resolution to adjust fee table.
- ▶ Resolution to implement Industrial Pre treatment enforcement document.
- ▶ Resolution to amend Construction Standards.

Questions or Comments?



Sewer System 12.10

| Comment | Discussion | Consensus |
|---|--|--|
| <p>12.05 Contractor’s certification does one exist?</p> | <p>Develop a certification program with the building department or pre-qualify through Public Works.</p> <p>Don’t currently have a certification program. Now that we are getting out of private service line installation, it is something to consider. The goal is to have some kind of pre-approval from public works or building department. Used to have a contractor’s certification in place. City had a test, catch was if it is personal residence, the homeowner qualifies as the contractor. Don’t want homeowners’ tapping into system. Grade issues, etc. Contractor certification only pertained to work done in the street/public property, then oversight faded over time.</p> | <p>Leave section in there and implement out of public works office. Leave language the way it is, submit application, provide credentials, PW needs to approve. Tapping machine, show has the means and methods. Test & show – it is a public works supply, have to protect it. Contractors can do taps as long as they are qualified. Bret will provide pre-qual docs for the city to review. SBG to provide example. (done and forwarded to David, Cody and Mike)</p> <p>Modeled after the contractor certification process formerly used at Grand Junction (hope to use again when more fully staffed) Bret to add in the days ahead. This is separate from the code revisions and is not included with this revision.</p> |
| <p>12.10.010 D Accessory Dwelling Unit – multiple comments
 1. max/min living space
 2. fee</p> | <p>1. Define min/max living space (reference 3.3 of LDC).
 2. Fee established in Section 12.40</p> <p>Should be 720 square feet. There has been confusion about charging for tap fees. Keep definition but change to 720 square feet. 75% fee for affordable housing for water and sewer? Recommendation would be to do a sliding scale based on square footage for fees. Not so much about physical tap, it’s more about capacity. Need a definition that creates a DWELLING UNIT – kitchen, bathroom and living space (LDC). Building code – not super clear about the kitchen. Let’s verbalize on a Yes/no questionnaire in finance to make determination if it is a dwelling unit. Travis – seen in other places, do fixture counts (water, sinks, toilets,) ¾” tap – covers so many fixtures, possible fair way to assess tap fees. Call it tap fee, code says something different. Simplify fees and definitions?</p> | <p>Provide clearer definition of EQU/R, and 720 square feet max, 300 square feet minimum, attached or detached.</p> <p>Define EQU, create definitions, simplify fees and definitions. Added 9/9</p> <p>Clarification of tap fee (physical connection) versus capital improvement fee (buy in to the system). Make one definition (Utility Investment Fee). Mike will determine what the average cost is for the tap fee and it can be added/rolled into the Capital Investment Fee. Create table showing the Cap Inv fee, what it covers, etc. This will help when county properties hook up. Pull that part out in the fee resolution.</p> <p>Based on comments, the DU section was modified. Eric Jansen added some more features to the definition, in the first draft.
 Need to define connection and development fee and utility investment fee, per David Gardner.
 Lisa Bachman will check for consistence with the LDC (including definitions).
 Bret to replace “backbone infrastructure” with actual pipe sizes or provide definition Needs to be section H of the LDC
 Change to quote correct section of the LDC.</p> |
| <p>12.10.010 D 1. Assessment District – Particular Improvements stricken for Improvement.</p> | <p>Improvement district may provide multiple improvements. Ie., sidewalk & sewer.</p> | |
| <p>12.10 .010 D. 5. Building /sewer service line – multiple comments.
 1. add utility easement statement and add to City/sewer service line service or main in easement.
 2. defines ownership of line from building to sewer main, include types of ownership</p> | <p>1. Decision relies on definition of who is responsible for the ownership and maintenance of building sewer service, and extent of responsibility. Industry standard is property owner responsible from building to connection to the physical ‘tap’ on the main line sewer. City is responsible for the ‘tap’.</p> <p>Roots, rocks, toys, or plumber creates issues, negligence, creates expenses for city to fix. Maintain from city water main to nearest point of isolation; from that point to owners’ house is their responsibility, whether it is in an easement or right of way.</p> | <p>Change wording to define private property owners’ limits of responsibility from building to city sewer service line. Property owners’ responsibility should be from the main to the service line. Privately owned service lateral, city’s main collection line. “from the building to the sewer main”. done</p> <p>Building sewer service line extends from structure to the sewer main line to the connection at the main line can be located on private property, utility easement or ROW. Done</p> |

| | | |
|--|---|---|
| | Most places take it to the main. Property owners' responsibility should be from the main to the service line. | Agreement on changes to this section. |
| 12.10.010 D 5. Business or commercial buildings | Add this definition

Land use table lists different uses. It's in here for rate reference purposes. | Leave definition in. done
Per David Gardner, does this apply to apartment buildings (3 or 4 or more is considered commercial for accounting)? Need to make definition consistent (not specified in LDC) and that would be useful across the code. Andie will research and coordinate with David.
Rate table should reflect fee for ADUs (tap and use?) Mike Rogers will develop a calculation and table. Bret to provide examples from other communities. done. |
| 12.10.010 D 6. Capital Improvement Fee. | Define as 'Tap' fee, or 'Plant Investment Fee'
Discussion re: what is this \$ used for? Plant expansion and larger collection system lines, all related to capacity in the treatment or collection system. | Already covered. " Utility Investment Fee ". Done
Done |
| 12.10.010 D 8 City / sewer service line - This definition is affected by the definition of Building / sewer service line. | Decision needed. Does the City own and maintain any component of the sewer service line? | Already discussed. No such thing. City only owns main collection lines. Done
Done |
| 12.10.010 D "Sewer Tap" definition | Add definition | Use highlighted definition. Done
Done |
| 12.10.010 D "Commercial water and /or sewer customer" | Add definition. This is defined in 12.40.010 E | Ok
Done |
| 12.10.010 D 13 Homeowner, Owner Occupant clarification, Comment to strike purpose of structure. | Add definition to include occupant.
Discussion re: purpose of structure. | Good with additional clarification on definition of homeowner. Make note that we do have a dwelling unit definition. Served by city sewer system instead of services.
Done
Done |
| 12.10.010 D 22 Sewer Main definition Suggested strike reference to City owned service line. | Decision based on previous discussion re: ownership of sewer service.

Privately owned manholes & 8" sewer lines, need to make note city does not maintain those in some instances. Sometimes sewer mains are private. | Reiterates city does not maintain service line. Consistent with other changes. Strike reference to size. Done
Done |
| 12.10.010 D 23 Slug Definition Comment re: notification and approval of discharge by PW prior to discharge. | Discussion: is this where notification should be identified. Section 12.10.030? include permit for discharge based on approval from City. | "Approved discharge of any slug flows..." then define approved.
Any approved discharge of wastewater. Take out reference to time or numbers. That can be part of the approval process. Done
Done |
| 12.10.010 D 27 Tap Fee Suggestion to strike "Tap Fee" and replace with "Service line Construction Fee" | Discussion re: who makes physical tap on mainline sewer? Is this cost covered in the previously discussed Tap Fee or Plant Investment Fee 12.10 D 6. | Leave it and reference. Utility investment fee in one column, service line in another, will be addressed via resolution. County gets charged only part of the fee so it will need to be split out in resolution. Done
Done |
| 12.10.010 D 30 Suggested add Back Water Valve definition / requirement. | Discussion re: is this where need is discussed? Or definition of what the valve is and use?

Typically is the responsibility of the owner. There are issues where collection line could be surged. Don't have SSOs where it backs up into basement. Check | Leave as shown. Uncapitalize Drain. One directional service line check valve. Sewer lateral instead of building drain. Sewer service check valve and sewer...? Done

Bret to add definition for infiltration and in-flow. Other concerns related to sump pump discharge are covered elsewhere (in definition of wastewater). |

| | | |
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| | valve can be up to individual owners whether to install. Pump not allowed swimming pool? Should be something on I and I in the code somewhere. | |
| 12.10.010 D 31 further clarification of 'easement' | Discuss | "All of portion of" done
Done |
| 12.10.010 D 32 Strike Property Line definition | Discuss | Strike property line definition Done
Done |
| 12.10.020 A 1
1. Change plumbing code reference from 'Uniform' to 'International'
2. requirement for connection within 400 feet. | 1. reference to Gunnison construction standards?
2. discussion re: explanation of requirement if within 400 feet. | Update as indicated. Done
Done |
| 12.10.020 A 2
Question do we still allow this? | Discussion | It is referencing the wrong section, need to reference the correct section.
Done |
| 12.10.020 A 3
Question re: is this reference current? | Discussion ISDS is now referred to as OWTS 'onsite wastewater treatment system' by CDPHE. | OWTS now. Allowable to have septic systems in service area if it is 400' from property line, not the structure itself. Done
David asked that OWTS acronym be added to the definition for clarity. |
| 12.10.020 A 5
Shared building service lines | Discussion | Needs to reflect what has been adopted. CDPHE. Check reference – has changed since 1995 – 2016? City will send it to Bret. Changed based on Gunnison County OWTS language and amendment dates.
Done |
| 12.10.030 A 1
Question re: Permit issuing arm for City | Discussion re: permit and fee
Clarify all fees shall be paid, ROW permit, etc. before building permit can be issued. | Clarify all permits and fees required, take out connection reference. Utility investment fee and ROW permit. Use of ROW you need a permit, doesn't have to do with connection fees.

All work in ROW requires a ROW permit.

Start w/new proposed write up and re-work. Re-worded to indicate work in ROW, Connection, Utility Investment, fees and appropriate permit.

David requested that the City Engineer be added and replace Community Development director with Building Official. Group agreed that better to use "duly authorized agent of the city" from the City's Public Works Director? |
| 12.10.030 A 2
1. Time period for honoring tap fee with non-use of tap.
2. include 'tap' for clarification of fee schedule on last sentence. | 1. Discussion. Other local utilities allow one year of none use prior to abandonment of tap. Indefinite if monthly service fees are being paid.
2. discussion | Include an abandoned tap definition.

Define trigger mechanism for needing to abandon something and manner – might be placed elsewhere in code. Done

Leave "with up to one year" to ensure that city does not need to track indefinitely. |
| 12.10.030 A 3
Clarification of 'cost' components. | Discussion. Tap fee and service line fee. Is City responsible for installation of a portion of the service line? Construction standards indicate city only responsible for installation of physical tap on 'existing' sewer mains. If this is a new installation the contractor is responsible for all.

Tap fee – utility investment. Additional construction costs have to be paid to cover the costs. Sometimes there's a utility reimbursement/development reimbursement agreement in place. Make reference to policy of who does | Utility investment fee associated with city's wastewater treatment and collection systems. The two cost components to connect to the system – utility investment fee and other necessary fees and permits to accomplish the work.
Reworded to provide clarification of fees/permits

Mike to add an all-encompassing fee. Bret to add definition for connection fee to reference table from Mike. Note service line connection fee definition. |

| | | |
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| | what, how it's engineered? Limit description to the permit, street cut and utility investment fee. The two cost components to connect to the system – utility investment fee and other necessary fees and permits to accomplish the work. Make reference to the adopted fee schedule. | |
| 12.10.040 A 2
Capitalize PWD | Discussion | Ok done
Done |
| 12.10.040 A 3
1. Capitalize PWD
2. As built dwgs required? | 1. discussion
2. SB18-167? | Ok done
Done |
| 12.10.040 A 4
1. add asphalt replacement
2. capitalize PWD
3. requirement for authorized agents installing service lines.
4. discussion re: previously discussed service line responsibility. | 1. discussion
2. discussion
3. discussion
4. discussion City will need to put program together for contractor to construct a tap on behalf of the city | 1.Ok
2.Get rid of “and” in front of backfill.
3. proposed changes ok
4. proposed changes ok
done
David suggests addition to allow discretion on authorizing contractors qualified to do the work. Bret to add “unless expressly provided in writing by a duly authorized City representative”. |
| 12.10.040 B
1. Reference to plumbing code
2. reference to City Standards for construction in ROW or City Easement | 1. discussion
2. discussion
C1d: Keep the depth language in there as proposed edits show. | 1. Proposed changes ok with reference to plumbing code. done
2. Do pull the specifics out as shown in strike out, keep it general and reference construction standards.
Done
Done |
| 12.10.040 C 1 a-f
Construction standards repeated or referenced? | Discussion
Change from Community Development to City Engineer or authorized City Employee. Everything but a single family dwelling unit, no changes. | a-finstalled in accordance with construction standards, any deviations shall request a waiver. done
Done |
| 12.10.040 C 1 h
use of existing service lines | Discussion
You can only have so many units hooked up to a 4” line. Service lines should not be shared between two separate dwellings (teddy bear flushing example). | Ok with changes.
done
Mike and David discussed that it would be good to specify that a shared service line must be a minimum 6” in size (for a multiple dwelling unit project), reviewed and approved by the City Public Works department., AND a set of engineering drawings may be required. |
| 12.10.040 C 1 i – depth of service line and flood impact. | Discussion | Check valve – ok with proposed changes. Done
Discussion on whether to add reference to basement. Agreed it is sufficient as written. |
| 12.10.040 C 1 j – inflow discussion | Discussion | Ok with proposed changes. done Done |
| 12.10.040 C 1 k – strike paragraph | Discussion | Ok with striking – already covered in construction standards. done Done |
| 12.10.040 C 1 l - revision to notification party | Discussion | Throughout code, if it references inspection-related actions, delete Community Development...change to “Public Works Department or duly authorized representative.” done Done |
| 12.10.040 C 2 a – e:
Grease, oil, sand interceptors, services | Discussion – this will be addressed in the Industrial Pre-Treatment (IPT) section of the code to be added. | Ok with proposed changes. 12.80 reference industrial pre-treatment requirements.
d. not going to be the case anymore – it can all go away/delete.
e. Reference construction standards for inspections.
f. property owner shall bear all responsibility for repair and maintenance of the building sewer/service line. Italicize when definition is referred to/see definition.
Done will be included in new section 12.80 IPT |

| | | |
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| | | Bret to fix reference to use “Public Works Department or duly authorized representative” consistently throughout document |
| 12.10.040 C 2 D
Costs for sewer service line | - Construction standards require that service line be installed by owner.
- Associated cost, testing, street cut permit, install born by owner. | Ok with proposed changes. done Done |
| 12.10.040 C 2 E 1
Service line testing | Discussion - refer to construction standards re: test method and requirements. | Ok with proposed changes. done
Done |
| 12.10.040 C 2 F
1. Responsibility for structural issues.
2. property owner responsibility
3. investigation of I&I within service | 1. Discussion - discussed previously re: ownership of service line.
2. Discussion – previously discussed, responsible for service line fully from building to sewer main.
3. Discussion

Specify two years in response to Ron’s comment, unless otherwise specified in development agreement – just refer to permit that covers the timeframe? | Ok with proposed changes.

...any applicable permit and/or development improvement agreement. Note - permit forms need to be updated. Done

David suggests to add to 3 rd paragraph add the words: “roots, rocks, rags or any other foreign debris.” Also, consider adding that property owners must accept responsibility for damage to the main caused by them (due to their maintenance efforts?) |
| 12.10.050 B
Length of sewer main line extension associated with development. | Discussion – other municipalities require extension across full frontage of parcel being served. | General - move definitions to first part of each section.

Right-of-way or easement. Impetus is mains would normally be located within ROW. Included additional definition for extension of sewer.
Discussion regarding application of this provision for specific future developments; an exhibit will be provided.

“Tract” added ahead of “easement” - done. |
| 12.10.050 C 1
Design of sewer main extensions. | Discussion
Typically cost of design and construction for sewer extension supporting development is paid for by the developer, with review and approval of design, and permitting by the City. | Delete original, replace with new proposed pink version. Add “and/or easements”.
“...platted or accepted”. done
Add Tract here as well. |
| 12.10.050 C 2
Approval from City Engineer vs City Public Works Director | Discussion | Ok with proposed change. Done
Done |
| 12.10.050 D
Materials requirements for sewer main installation | Discussion
Reference construction standards | Strike specifics, reference construction standards. Done

Done |
| 12.10.050 D
Required inspections
- Community Development responsible?
- Public Works responsible? | Discussion
Reference construction standards for testing. | General - Refer to main line language David sent.

Already covered previously. Take out time limit out of 24 hours, replace with “scheduled”. Discussed need to have a specific minimum time identified, 48 hours.

Done |
| 12.10.050 E Testing methods | Reference construction standards | Add a compliance check list/rather than notification. (Mike/Eric to develop accordingly) |
| 12.10.050 F
Deletion of improvement district to share costs | Discussion – possible reimbursement agreement with sunset. | Ok with striking text as proposed. Check 10.10 and make sure not redundant. Or if needs to stay with modifications.

Done |

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| 12.10.050 G
1. Capitalize PWD
2. Dedication of Utility | 1. Discussion
2. Dedication or Acceptance as constructed? | Clean up/wordsmith , used initial acceptance date as the transfer of ownership and maintenance responsibilities to the City, with clarification that the developers warranty period starts at initial acceptance.
Add Public Works review stipulation. Done |
| 12.10.070 A & D
1. Capitalize PWD
2. Credentials question | 1. Discussion
2. Confirmation of credentials | Ok, wordsmith done
Add city policy for city identification cards (does not require change to this section) |
| 12.10.070 B & C
Capitalize PWD | Discussion | Ok
Done |

Waterworks System 12.20

| | | |
|---|--|--|
| 12.20.010 D
1. Accessory Dwelling Fee Reference Residential Use Standards Section H of Land Development Code
2. ADU size | 1. Discussion
2. previously discussed with sewer system – all in agreement for water as well? | Done |
| 12.20.010 D
Add ASTM to definitions | Discussion | Done |
| 12.20.010 D 1
Add rental units to this definition | Discussion | Done |
| 12.20.010 D
Add ‘Back Flow’ to definitions | Discussion | Mike would like to reference related policy (Backflow Prevention Standards); if not here somewhere more applicable.??? |
| 12.20.010 D 2
‘Capital Improvement’ Fee to ‘Tap’ Fee | Discussion | Utility investment fee
Done |
| 12.20.010 D
Add ‘Commercial Water and/or Sewer Customer’ | Discussion, this is found in 12.40.010 E | Mike revising. Discussion of how appropriate it is to have rates in code. |
| 12.20.010 D
Add ‘Cross Connection’ to definitions | Discussion | Done |
| 12.20.010 D 6
Amend definition of ‘Dwelling Unit’ | Discussion | Done |
| 12.20.010 D 8
Strike ‘Housekeeping facilities’ from definitions | Discussion | Done |
| 12.20.010 D
Add ‘Operation and Maintenance’ to definitions | Discussion | Done |

| | | |
|---|--------------------------------|--|
| 12.20.010 D
Add 'Property Line' to definitions | discussion | Done |
| 12.20.010 D 12
Strike 'Tap fee' include 'Service Line'
Construction costs | Discussion | Done |
| 12.20.010 D
Add 'Tap Fee' to definitions | Discussion | NOTE: connection fee definition consistent with Sewer section? |
| 12.20.010 D
Add 'Utility Easement' to definitions | Discussion | Done |
| 12.20.010 D 15
Change in definition of responsibility
for 'Water service line/building'. | Discussion | Modified to address ROW, Easement, private property. |
| 12.20.020 A 1
Include descriptor of 'utility' for
easement | Description | Done |
| 12.20.020 A 4
Comment on 'capital investment fees'
not being required for ADU | Discussion | Done |
| 12.20.030 A 2
Add statement on appropriate
abandonment of existing service no
longer in use. | Discussion | Done |
| 12.20.030 A 3
Strike reference to 'Tap fee' insert
'construction costs' in its place. | Discussion | Done |
| 12.20.030 B
Replace needs with need | Discussion | Done |
| 12.20.030 B
Need for last paragraph | Discussion | NOTE: Reference Fee schedule in lieu of citing specific (\$10) fee |
| 12.20.040 A 1
Addition of clarification for 'isolation
curb valve' | Discussion | Revisit to clarify wording. Done |
| 12.20.040 A 3
1. change of license plumber
statement
2. change of gender specific reference
to non-gender specific reference (for
entire document) | 1. Discussion
2. Discussion | Done |

| | | |
|---|--|--|
| 12.20.040 B
1. reference to international plumbing code
2. reference City Construction Standards | 1. Discussion
2. Discussion | NOTE: Delete and replace with section consistent with Sewer section; reference city construction standards. Done |
| 12.20.040 C 1
Change in specification for service line materials | Discussion, reference construction standards? | Done – referencing construction standards |
| 12.20.040 C 3
Addition of reference to multiple curb stop valves | Discussion | Done |
| 12.20.040 D
Strike ‘Tap fees’ and replace with ‘Construction costs’ | Discussion | Utility investment fee (includes connection fee)? Make consistent with Sewer section.
Delete “by the City” Done |
| 12.20.040 E 2
Capitalize Community Development Department and add inspector. | Discussion | Clean up schedule language. Replace Comm Devt Department (both instances) and use “duly authorized representative”
Done |
| 12.20.040 E 3
Define appropriate inspector | Discussion | Done (see above) |
| 12.20.040 F
1. Change in limits of responsibility for City side of the water service.
2. comment that this needs to be consistent with sewer service ownership and maintenance responsibility. | 1. Discussion
2. Discussion, note this is not consistent with industry standards. | Add reference to warranty period.
Strike last sentence (since city does not install)
Done |
| 12.20.040 G
Comment on responsibility of cost to abandon service connection | Discussion | Check section references. Modify to add provision for permanent abandonment. Language for deems/determines? |
| 12.20.050 B Water main extension limits | Discussion | Modifications here regarding tract/confirm language consistent with sewer section.
Done |
| 12.20.050 C 1
Proposed change in responsibility for engineering design of water main extension | Discussion | NOTE: Discussion about fee payments for undeveloped lots. Consider revisions here.
Utility Investment Fee (add to definitions) and modify accordingly in the sewer sections. Done |

| | | |
|--|--|---|
| 12.20.050 C 2
1. Proposed change in approvals
2. comment re: access to unimproved platted areas | Discussion | Done |
| 12.20.050 D
Proposed reference to construction standards | Discussion | Done |
| 12.20.050 D Inspection 2, 3
1. addition of authorized inspector
2. reference to consistency between water and sewer testing. | 1. discussion
2. these require different test methods/procedures. | Pressure test language added?
Replace reference to Community Development with “by a duly authorized city representative”. Done |
| 12.20.050 D
Last proposed sentence to reference City construction standards | Discussion | Done |
| 12.20.050 F
City participating in cost of upsized water line infrastructure | Discussion | Done |
| 12.20.060 A
1. additional authorized personnel
2. inclusion of water meter access, remedy, and billing | 1. Discussion
2. Discussion | Delete “read o matic” leave reference to “remote reading device”
Delete last paragraph (redundant)

DONE |
| 12.20.060 B
Inclusion of additional water meter requirements | Discussion | Delete 2 nd , 3 rd and 4 th paragraphs
DONE |
| 12.20.060 C
1. Comment to water meter installation in standards
2. grounding strap requirements
3. new meter installation requirements | 1. Discussion
2. Discussion
3. Discussion | DONE |
| 12.20.060 D
Reference construction standards | Discussion | DONE |
| 12.20.060 E
Insert requirement for cold month absentee owner | Discussion | DONE |
| 12.20.060 G Failure of Water Meter
Insert new last sentence
BRET: Add reference to change related to Access and meter & smart | Discussion | DONE |

Gunnison, CO – Code Revisions
 Advisory Committee Meeting 1&2 – August 27, 2020 & September 1, 2020
 Advisory Committee Meeting 3 – September 30, 2020
 Advisory Committee Meeting 4 & 5– October 7, 2020 and October 19, 2020

| | | |
|--|-----------------|--|
| meter fee?/Note as DONE and correct formatting of this table | | |
| 12.20.070 A
Add water meter failure fee | Discussion | DONE |
| 12.20.080 A
Include backflow prevention as inspection practice | Discussion | Make consistent with other sections regarding inspection
DONE |
| 12.20.080 C Entry of Areas within easement
David G. comment about maintaining access in these areas. Discussion regarding fence (or other permanent structures) obstructions access
BRET: Add reference/Note as DONE and correct formatting of this table | Discussion | DONE |
| 12.70 Backflow Prevention Standards | Need to address | Cody provided DONE |
| | | |
| | | |

Attachment A

| DEPARTMENT/DESCRIPTION | UNIT | CURRENT | PROPOSED | % |
|---|-------------------|---------------|---------------|---------|
| Water | | | | |
| Water Rates: | | | | |
| Base Meter Charge (based on water meter size): | | | | |
| 5/8" Meter | Per month | \$ 15.00 | \$ 15.00 | 0.00% |
| 3/4" Meter | Per month | \$ 15.00 | \$ 15.00 | 0.00% |
| 1" Meter | Per month | \$ 15.00 | \$ 15.00 | 0.00% |
| 1½" Meter | Per month | \$ 22.00 | \$ 22.00 | 0.00% |
| 2" Meter | Per month | \$ 25.00 | \$ 25.00 | 0.00% |
| 3" Meter | Per month | \$ 67.00 | \$ 67.00 | 0.00% |
| 4" Meter | Per month | \$ 90.00 | \$ 90.00 | 0.00% |
| Usage Charges | | | | |
| First 5,000 gallons/month | Per 1,000 gallons | \$ 1.920 | \$ 1.920 | 0.00% |
| Over 10,000 gallons/month | Per 1,000 gallons | \$ 2.283 | \$ 2.283 | 0.00% |
| Water Meter Penalty Fee | Per month | \$ 40.00 | \$ 40.00 | 0.00% |
| Water Meter Reading Fee | Per month | \$ 40.00 | \$ 40.00 | 0.00% |
| Water Utility Investment Fees (based on water meter size) | | | | |
| ¾" ADU at 0.75 EQU | Each | \$ 2,500.00 | \$ 1,750.00 | -30.00% |
| ¾" at one EQU | Each | \$ 2,500.00 | \$ 2,500.00 | 0.00% |
| 1" | Each | \$ 4,500.00 | \$ 4,500.00 | 0.00% |
| 1 ½" | Each | \$ 10,000.00 | \$ 10,000.00 | 0.00% |
| 2" | Each | \$ 17,500.00 | \$ 17,500.00 | 0.00% |
| 3" | Each | \$ 35,000.00 | \$ 35,000.00 | 0.00% |
| 4" | Each | \$ 60,000.00 | \$ 60,000.00 | 0.00% |
| 6" | Each | \$ 120,000.00 | \$ 120,000.00 | 0.00% |
| Water Utility Construction Fees | | | | |
| ¾" ADU at 0.75 EQU | Each | \$ - | \$ - | 0.00% |
| ¾" at one EQU | Each | \$ 1,500.00 | \$ 1,500.00 | 0.00% |
| 1" | Each | \$ 1,500.00 | \$ 1,500.00 | 0.00% |
| 1 ½" | Each | \$ 1,500.00 | \$ 1,500.00 | 0.00% |
| 2" | Each | \$ 1,500.00 | \$ 1,500.00 | 0.00% |
| 3" | Each | \$ 2,000.00 | \$ 2,000.00 | 0.00% |
| 4" | Each | \$ 2,000.00 | \$ 2,000.00 | 0.00% |

| | | | | |
|---|--|---------------|---------------|---------|
| 6" | Each | \$ 2,000.00 | \$ 2,000.00 | 0.00% |
| Sewer | | | | |
| Sewer Rates | | | | |
| Residential: | | | | |
| Service and Usage Charge | Each month | \$ 44.14 | \$ 44.14 | 0.00% |
| Commercial: | | | | |
| Service Charge | Each month | \$ 21.19 | \$ 21.19 | 0.00% |
| Usage Charge | Per gallon of water used as determined by water meter | \$ 0.00445 | \$ 0.00445 | 0.00% |
| Septic Tank and Portable Toilet Waste | Per load | \$ 44.45 | \$ 44.45 | 0.00% |
| | Plus per gallon | \$ 0.25252 | \$ 0.25252 | 0.00% |
| Gunnison County Sewer Districts: | | | | |
| Dos Rios | Per gallon | \$ 0.00404 | \$ 0.00404 | 0.00% |
| North Valley | Per gallon | \$ 0.00427 | \$ 0.00427 | 0.00% |
| Tomichi Village | Per gallon | \$ 0.00427 | \$ 0.00427 | 0.00% |
| Sewer Utility Investment Fees (based on water meter size) | | | | |
| ¾" ADU at 0.75 EQU | Each (includes \$3,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 5,000.00 | \$ 3,500.00 | -30.00% |
| ¾" at one EQU | Each (includes \$3,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 5,000.00 | \$ 5,000.00 | 0.00% |
| 1" | Each (includes \$5,400 Gunnison County Sewer Dist. Capacity Charge) | \$ 9,000.00 | \$ 9,000.00 | 0.00% |
| 1 ½" | Each (includes \$12,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 20,000.00 | \$ 20,000.00 | 0.00% |
| 2" | Each (includes \$21,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 35,000.00 | \$ 35,000.00 | 0.00% |
| 3" | Each (includes \$42,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 70,000.00 | \$ 70,000.00 | 0.00% |
| 4" | Each (includes \$72,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 120,000.00 | \$ 120,000.00 | 0.00% |

| | | | | |
|---|---|---------------|---------------|-------|
| 6" | Each (includes \$144,000 Gunnison County Sewer Dist. Capacity Charge) | \$ 240,000.00 | \$ 240,000.00 | 0.00% |
| Sewer Utility Construction Fees | | | | |
| ¾" ADU at 0.75 EQU | Each | \$ - | \$ - | 0.00% |
| ¾" at one EQU | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 1" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 1 ½" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 2" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 3" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 4" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| 6" | Each | \$ 1,000.00 | \$ 1,000.00 | 0.00% |
| Extra Strength Treatment Surcharge | | | | |
| Biochemical Oxygen Demand (BOD) | Per pound (in excess of 250 mg/L) | \$ 0.8230 | \$ 0.8230 | 0.00% |
| Total Suspended Solids (TSS) | Per pound (in excess of 250 mg/L) | \$ 0.4073 | \$ 0.4073 | 0.00% |

Title 12
UTILITIES

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Chapter 12.01

ADMINISTRATION

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12.01.010 **Applicability**

This Title shall be officially known and cited as the City of Gunnison Utilities code. Utilities include:

- A. Sewer collection facilities, including all public main lines, appurtenances, required lift stations, and forced mains designed and constructed by the developer and approved by the city.
- B. Storm drainage facilities, including public main lines, appurtenances, and reservoirs designed and constructed by the developer and approved by the city.
- C. Potable water for irrigation purposes which are designed and constructed by the developer and approved by the city.
- D. Water distribution facilities, including all public main lines, appurtenances, and required pump stations designed and constructed by the developer and approved by the city.
- E. Electric distribution facilities, including distribution lines, conduit, poles, switches, fuses, transformers, and related equipment designed by the developer and approved and constructed by the city.
- F. Irrigation system improvements, including all open ditches, culverts, sumps, pumping stations, or pressurized mains used to convey non-potable irrigation water
- G. Curb and gutter improvements consisting of all concrete work facing drivable public street surfaces as designed and constructed by the developer and approved by the city.
- H. Street improvements, including structural fill, road base, and finish surface such as asphalt, concrete, or other all-weather surface, which are designed and constructed by the developer and approved by the city.

12.01.020 **Regulatory Framework**

A. **Relevant Laws and Codes**

All powers authorized by Federal and State law or statute for the regulation of utilities apply, including the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq. (hereinafter referred to as the Act), in addition to the provisions of this Title. All utility service lines within the city service area shall be installed in accordance with the International Plumbing Code and/or the International Building Code, current edition, and amendments thereto which have been adopted by the State of Colorado and any additional requirements of this chapter, as appropriate.

B. **References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, code, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, code, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

C. Rates and Fees

All rates or fees relative to this Title are contained in the City of Gunnison Fee Table, as may be amended. Further provisions related to Utility Service Rules and Reimbursement may be found in Chapters 40 and 50 of this Title.

D. Conflicting Regulations

1. Conflict with State or Federal Regulations. If the provisions of this Title are inconsistent with those of the state or federal government, this Title shall control, unless preempted.
2. Conflict with Other City Regulations. If the provisions of this Title are inconsistent with one another, or if they conflict with provisions found in other adopted codes or regulations of the City, the more specific provision will prevail.
3. Conflict with Private Easements, Agreements, Covenants or Restrictions. This Title is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction, or other private legal relationship. However, private covenants are considered subordinate to this Title. The City is responsible for enforcing this Title; it does not enforce private agreements, easements, covenants, or restrictions except those specifically required for the administration and enforcement of this Title.

12.01.030 Word Usage and Construction of Language

A. Delegation of Authority

Whenever a provision appears regarding the head of a department, such as the Public Works Director, or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

B. Public Officials and Agencies

The term City, and all public officials, bodies, and agencies to which references are made refer to the City of Gunnison, unless otherwise expressly provided. The Public Works Director shall be hereinafter referred to as Director.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

D. Computation of Time

Unless the terms of a specific provision of this Title state otherwise (e.g. some provisions specify working days), the time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or a legal holiday observed by the City, that day shall be excluded.

E. Technical and Nontechnical Terms

Words and phrases shall be construed meaning according to the common and approved usage of the language. However, technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. Word Usage

For the purpose of this Title certain words shall be interpreted as follows:

1. The word “person” includes a firm, association, corporation, trust, and company as well as an individual.
2. The word “structure” shall include the word “building.”
3. The word “lot” shall include the words “plot,” “parcel” or “tract.”
4. The words “may” and “should” are advisory and the words “shall” and “will” are always mandatory.

5. Words not specifically defined in this Title shall take their common dictionary meaning, except as modified by use as terms of art in engineering.

G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “and” indicates that all connected items apply, conditions apply, provisions apply, or events apply.
2. “or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

H. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

12.01.040 Contractor Qualifications

The Public Works Director may review and approve individuals and contractors seeking to complete work on City owned and maintained utilities. The purpose of this review and approval is to ensure that qualified individuals or contractors are completing work on infrastructure that serves the public. No work is allowed until such approval occurs.

12.01.050 Violations and Enforcement

A. Enforcement by Director

The Director shall have the authority to enforce this Title. Under the powers of this Section, the Director shall have the authority to enter onto property within the City limits to inspect or to investigate compliance or suspected violations of this Title.

1. Premises Occupied. If the building or premises upon which the suspected violation is located is occupied, the Director shall present proper identification and request access. If access is denied, the Director may obtain a search warrant from a court of competent jurisdiction.
2. Premises Unoccupied. If the building or premises upon which the suspected violation is located is unoccupied, the Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

B. Powers and Authority of Inspectors

1. Entry of Properties. City employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the relevant utility in accordance with the provisions of this chapter.
2. Obtain Information. The Director is authorized to obtain information concerning the relevant utility, including examining wiring, appliances, or other equipment relating to the department service, to ascertain loads, make necessary tests, and to replace or remove the department’s own equipment; as well as industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. Limitations. While performing the necessary work on private properties, city inspectors shall observe all applicable safety rules.
4. Entry of Areas Within an Easement. City employees bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds either a duly negotiated easement or a prescriptive easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the utility lying within said easement.

C. Violations and Penalties

1. Calculation. Each day that a violation exists shall constitute a separate offense.

2. Waterworks System. Stipulations for violations of Chapter 20 of this Title include:
 - a. The city reserves the right to turn off water for violations of this chapter if no other means can be found, satisfactory to the city, to correct the violation.
 - b. If water for a premise has been turned off for a violation of this chapter or for nonpayment, a reconnection charge shall be paid prior to turn-on.
3. Electric System. The city reserves the right to turn off electricity for violations of Chapter 30 of this Title, if no other means can be found, satisfactory to the city, to correct the violation.
4. Garbage. Any person, firm, or corporation found guilty of a violation of any of the prohibited acts set forth in Chapter 60 shall be assessed penalties in accordance with Title 4 of the GMC.
5. Industrial Pretreatment. The City may also assess charges against the User for any fines or legal expenses associated with violations of the City's CDPS Permit that resulted from the discharge of pollutants from a User.

12.01.060 Severability

If any Court of competent jurisdiction rules any provision of this Title invalid, that ruling shall not affect any provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Title to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Title provisions to any property, building, other structure, or use not specifically included in the judgment.

Chapter 12.02

DEFINITIONS

Sections:

- 12.02.010 Acronyms and Abbreviations**
- 12.02.020 General Terms Defined**

12.02.010 Acronyms and Abbreviations

- ABPA – American Backflow Prevention Association
- ASME – American Society of Mechanical Engineers
- ASSE – American Society of Sanitary Engineering
- ASTM – American Society for Testing and Materials
- BMP – Best Management Practices
- BOD₅ – Biochemical Oxygen Demand
- CIU – Categorical Industrial User
- COD – Chemical Oxygen Demand
- CDPS – Colorado Discharge Permit System
- DIA – Development Improvements Agreement
- EPA – Environmental Protection Agency
- EQU – Equivalent Residential Unit
- GMC – Gunnison Municipal Code
- LDC – Land Development Code
- NEC – National Electric Code
- OWTS – Onsite Wastewater Treatment System
- pH – A measure of the acidity or alkalinity of a solution, expressed in Standard Units
- POTW – Publicly Owned Treatment Works
- SIC – Standard Industrial Classification
- SU – Standard Units
- TSS – Total Suspended Solids
- WQS – Water Quality Standards
- WWTP – Wastewater Treatment Plant

12.02.020 General Terms Defined

Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

Accessory Dwelling Unit – a dwelling unit as an accessory use to an otherwise allowed single-family dwelling unit that is the principal use on a lot or parcel, may be attached-to or detached-from the principal dwelling. Minimum size shall be 300 square feet and maximum size shall be 720 square feet. See Section 3.3 paragraph H of the Land Development Code.

Active date – the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

Air gap – a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard ASME A112.1.2.

Ashes – all byproducts left of something after it has been burned, wood waste burned in devices commonly called “teepee burners” or “silos,” and other such burners commonly used in the wood products industry, and other high-temperature materials.

Assessment district (local improvements) – a legally formed district having definite boundaries and formed to finance the construction of a particular improvement or improvements.

Backflow – the undesirable reversal of flow of water or mixtures of water and other liquids gases or other substances into the city’s water distribution system from any source or sources other than its intended supply.

Backflow contamination event – backflow into the city’s water system from an uncontrolled cross-connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

Backflow prevention assembly – any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event; provided, that the mechanical assembly is appropriate for the identified contaminant at the cross-connection and is an in-line field-testable assembly.

Backflow prevention method – any method and/or nontestable device installed at a water service line or at a plumbing fixture to prevent backflow contamination.

Behind meter – all electrical wiring and facilities, not including the meter base, toward the premises side.

Best Management Practices (BMPs) – schedules of activities, prohibitions of practices, maintenance procedures, and other acceptable utility design, construction, monitoring and inspection practices.

Biochemical Oxygen Demand (BOD₅) – in accordance with sanitary sewer operations, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (five days at twenty degrees centigrade) expressed in terms of weight and concentration (mg/L).

Break in service – period of time when utility service is discontinued and there is no person accepting responsibility for payment of services.

Building drain – that part of the lowest horizontal piping of a drainage system that receives the discharge from other sanitary sewer drainage pipes inside the walls of the building and conveys it to the building sewer service line.

Building sewer service line – the sewer service line extension which the property owner owns and maintains from the building drain to the physical tap at the public sewer main. Building sewer service line may be located within private property, easement, or public rights of way.

Business or commercial building – any building housing one or more spaces or rooms or rental units from which a mercantile pursuit, transaction, industry, occupation, trade or commerce is conducted for the primary purpose of financial gain add number of units per commercial water and sewer customer.

Capital improvements – new facilities, expansion or extensions of utilities which are not considered general maintenance, repair, or operations.

Certified cross-connection control technician – a person who possesses a valid backflow prevention assembly tester certification from either the ASSE or the ABPA.

Chemical Oxygen Demand (COD) – the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures and expressed in terms of weight and concentration (mg/L).

City's water supply system – the city's water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premises plumbing systems.

Colorado Discharge Permit System (CDPS) – the State of Colorado program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to Section 25-8-101 et seq., CRS, 1973 as amended and 402 of the Clean Water Act (33 U.S.C. §1342).

Composite sample – representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the City where time-proportional samples are believed representative of the discharge.

Connection – access to a public street, alley, electrical service, irrigation system improvements, or a physical connection via tap to public potable water or sewer service.

Connection permit – written authorization to connect to the sewer main or expand the number of fixtures that will drain into the city sewer system.

Construction costs – actual costs borne by the developer of master planning, right-of-way acquisition, engineering and design, labor, materials, and all other documented amounts paid for the actual installation of a utility, as well as administrative costs not to exceed five percent of all costs as detailed in a sworn affidavit from the developer.

Construction costs of distribution facilities – the combined costs of all facilities necessary to the distribution extension or reinforcement, including satisfactory right-of-way.

Construction payment – the amount advanced by an applicant to the city to pay all construction costs in excess of free construction allowance.

Containment – the installation of a backflow prevention assembly or a backflow prevention method at any connection to the city's water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross-connection into the city's water system is prevented.

Containment by isolation – the installation of backflow prevention assemblies or backflow prevention methods at all cross-connections identified within a customer's water system such that backflow from a cross-connection into the public water system is prevented.

Contractor – individual or business that is qualified and has been authorized to complete work within City rights of way or on City owned and maintained infrastructure.

Controlled – having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

Cooling Water, Contact – water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.

Cooling Water, Non contact – water used for cooling purposes, which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.

Cross-connection – any connection that could allow any water, fluid, or gas, such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer’s water system into a public water system’s distribution system or any other part of the city’s water system through backflow.

Customer, Contract – a person taking delivery of electricity at primary voltage or a person using 3,000,000 gallons of water per year, or commercial refuse customer or sanitation district.

Customer, Contract Light – a person using electricity in connection with dusk-to-dawn lighting service with controlled security lights per contract with the city.

Customer, Commercial Electric – a person using electricity in connection with the operation of business establishments for all purposes, including stores, offices, motels, restaurants, and industrial concerns, but not including buildings, structures, trailers or mobile or modular homes, which are used for residential purposes only.

Customer, Commercial Refuse – a person whose tract or parcel of land with improvement thereon, other than “residential refuse customers” as defined herein, within the city.

Customer, Commercial Water and/or Sewer – a person receiving potable water from which a mercantile pursuit, transaction, industry, occupation, trade, or commerce is conducted for the primary purpose of financial gain. The term includes professional, real estate, insurance offices and when a single water meter serves a dwelling consisting of three or more dwelling units.

Customer, Electric – the person or organization responsible for the electric utility account for the premises and includes authorized employees or agents of the customer.

Customer, Residential Electric – a person whose residential dwelling unit is individually metered by unit to measure the amount of electricity used for domestic purposes.

Customer, Residential Refuse – a person whose tract or parcel of land within the city is improved with at least one, but not more than eight, residential dwelling units. Each unit will be considered as a customer.

Customer, Residential Water and/or Sewer – a person whose residential dwelling unit is individually metered by unit to measure the volume of potable water used for domestic purposes.

Daily Maximum Discharge Limit – the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in a Wastewater Discharge Permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.

Default of Payment or Delinquent – bills for any utility charges remaining unpaid 30 days or more from the date of billing are considered “in default of payment” and “delinquent.”

Developer – a person, persons, partnership, corporation, or other legal entity requesting extension of a city utility.

Developer, Initial – a person constructing or contracting for construction of an extension of utilities to provide service to a particular development.

Developer, Subsequent – a person seeking to connect to the city’s utilities after completion of a utility extension by a developer.

Direct discharge – the discharge of treated, partially treated, or untreated wastewater directly to the waters of the State.

Distribution extension – distribution facilities including primary and secondary distribution lines, transformers, service lines, and all appurtenant facilities excepting meters and meter installation facilities necessary to supply service to additional customers.

Distribution line – primary distribution lines, transformers, and all appurtenant facilities, excluding service lines, meters, and meter installation facilities.

Distribution reinforcement – increase in size of existing facilities necessitated by applicant’s estimated electric requirements.

Domestic or Sanitary Wastes – liquid, solid, and semi-solid wastes from the noncommercial preparation, cooking, and handling of food and/or containing only human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial facilities, and institutions. Grease trap wastes are specifically excluded from this definition.

Domestic Septage – the liquid or solid material removed from a septic tank, cesspool, or portable toilet or similar system that holds only domestic sewage. Domestic septage does not include liquid or solid material removed from any system that receives either commercial wastewater or industrial wastewater. It does not include grease removed from a restaurant or commercial grease trap.

Dwelling – a room or combination of rooms containing living, sleeping, cooking, eating and bathroom facilities, sufficient for occupancy by one or more persons on a permanent basis.

Dwelling, single family – a dwelling which is occupied by a single family and is supplied by a separate service line; or a single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

Energy charge – the rate multiplied by the kilowatts per hour (Kwh) consumed.

Energy diversion – the act of “bypassing,” “tampering,” or “unauthorized metering,” as those terms are defined in Section 40-7.5-101, C.R.S.

Equivalent Residential Unit (EQU) – the unit of measurement determined by the average monthly water use per single-family residence, or 280 gallons per day)

Fee, Capital Improvement – a one-time fee charged to pay for the installation and replacement of the water or sewer system infrastructure.

Fee, Connection – a fee charged by the city for materials and labor to complete the physical tap on the city’s water/sewer distribution/collection main for the building water/sewer service line connection. This fee is separate from the Utility Investment Fee.

Fee, Utility Investment – a one-time fee charged to pay for: capacity in the sewer collection and treatment systems, installation and replacement of 12-inch diameter and larger wastewater collection system infrastructure, or capacity in the water distribution system and water treatment facilities.

Fee, Commercial Service – a fee set forth in the fee table that is based on a market adjustment and operational costs to provide commercial refuse and trash services.

Floatable oil – oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Free construction allowance – that portion of necessary construction made by public works at its expense.

Front side of meter – all electrical wiring and facilities, including the meter base and meter, toward the service side.

Garbage – all discarded food, animal and vegetable matter, slop, and materials from dwellings, rooming houses, motels, hotels, clubs, restaurants, boarding houses, eating places, shops, and places of business.

Grab Sample – an individual sample that is collected from a waste stream without regard to the flow and over a period of time not to exceed fifteen (15) minutes.

Hazardous Waste – any waste containing substances or characteristics listed as such pursuant to 40 CFR Part 261.

Hauled Wastes – any waste transported to the POTW by truck or rail. Hauled waste may include domestic septage, chemical toilet waste, grease and sand trap waste, and non-hazardous commercial and industrial waste.

Immediately accessible – access to something that does not require moving objects other than the access cover and where removal of the access cover does not require tools to open.

Indirect Discharge – discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, including holding tank waste discharge to the POTW.

Industrial Wastes – the liquid, solid, and semi-solid wastes from industrial manufacturing processes, trade, or business and does not include domestic or sanitary wastes unless specifically regulated by applicable standards.

Infiltration and Inflow – any ground water or surface water entering the sanitary sewer collection system from, but not limited to, the following: sump pump discharge, faulty plumbing, surface drainage, roof drainage, pipe joint or pipe failure.

Instantaneous Limit – the maximum concentration of a pollutant allowed to be discharged at any time.

Interference – a discharge which, alone or in conjunction with a discharge from other sources:

1. Inhibits or disrupts the WWTP treatment processes, operations, or sludge processes, use, or disposal;
2. Causes a violation of any requirement of the WWTP's CDPS permit or
3. Prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Licensed plumber – a plumber as defined in and licensed pursuant to the Colorado Revised Statutes.

Local Limit – specific discharge limits or BMPs developed and enforced by the City upon Industrial Users to implement the General and Specific Prohibitions and the Wastewater Discharge Limitation listed in Chapter 12.8. Local limits are Pretreatment Standards and are listed in Chapter 12.8 of this Article.

Multifamily – a single residential connection to the city’s water distribution system from which three or more separate dwelling units are supplied water.

National Electric Code (NEC) – regulations as adopted by the State Electrical Board pursuant to Section 12-23-104, C.R.S.)

Natural outlet – any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Net metering – for billing purposes, the net consumption as measured at the City’s service meter.

New Source – as defined in 40 CFR Section 403.3(m) and is hereby incorporated by reference.

Normal Domestic Strength Wastewater – wastewater that when analyzed by methods approved under 40 CFR Part 136 and contains no more than 250 mg/L of suspended solids (TSS) and 250 mg/L of BOD5

Monthly service charge – a monthly fee charged to each customer regardless of the monthly volume or energy charge.

Onsite Wastewater Treatment System (OWTS) – a means of treating residential wastewater)

Opened for public use (street or alley) – a street or alley legally platted or accepted by the city as a street or alley and which is being used by the general public as such.

Operation and maintenance – all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

Owner, Homeowner or Occupant – a person occupying and/or owning a residential dwelling, unit, building, facility or real property which is served by City Utility service (water, sewer, electric etc.)

Pass Through – a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement or the City’s CDPS permit or of the receiving water’s WQS regardless of whether the WQS is part of the City’s permit, including an increase in the magnitude or duration violation.

pH – a measure of the acidity or alkalinity of a solution, expressed in Standard Units (SU), and is the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. pH measurements must be taken with a calibrated meter either in-situ or within 15-minutes of sample collection. Colorimetric methods, including pH paper, are not acceptable.

Photovoltaic or wind pilot program – the City’s program to accommodate the installation of photovoltaic or wind generation equipment on the city’s electric distribution system for the purpose of providing residential and commercial electric customers an option to own said equipment which is tied to the City’s electric grid.

Point of service – the point of connection between the facilities of the serving utility and the premises served.

Pollutant – any dredged spoil, solids, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD5, COD, toxicity, or odor) discharged into or with water. .

Pretreatment – the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Requirements – any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User, and shall include conditions of a wastewater discharge permit.

Pretreatment Standard – any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act, which applies to Users. This term includes prohibited discharge prohibitions established pursuant to 40 CFR §403.5 and Chapter 12.8 of this Article. In cases of differing standards or regulations, the more stringent shall apply.

Process wastewater – any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Publicly Owned Treatment Works (POTW) – a treatment works as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned, in this instance, by the City. This includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. For the purposes of this Article, POTW shall also include any sewers that convey wastewaters to the POTW from Indirect Dischargers outside the City who are, by contract or agreement with the City, users of the City's POTW.

Rate – the amount charged per unit of commodity or service.

Recyclable material – all materials accepted for recycling by the Gunnison County recycling program.

Receiving Water Quality Standards – requirements for the POTW's treatment plant effluent established by applicable State or Federal statutes or regulations for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted, from time to time.

Recreational Vehicle Waste – any sewage from gray and sewer holding tanks such as recreational vehicles, 5th wheel and travel trailer campers, and slide in pickup campers.

Refund of construction payment – the amount of construction payment returned to the applicant or the applicant's assignees by the city.

Representative sample – a sample from a waste stream that is as nearly identical as possible in composition to that in the larger volume of wastewater being discharged from the facility on a normal operating day.

Rubble – large brush, wood, cardboard boxes or parts thereof, large and/or heavy yard trimmings, discarded posts, crates, motor vehicle tires, scrap metal, bedsprings, water heaters, refrigerators, stoves, discarded furniture, and all other household goods or items, and discarded building materials; provided, that rubble shall not include demolition materials resulting from the destruction or remodeling of a building or a major part of any building.

Service charge – a fee to be paid to the city in the amount of \$100.00 per connection, to be deducted from reimbursements from subsequent developers, which represents the reasonable costs incurred by the city in administering the reimbursement procedure set forth herein.

Service connection – a sewer line intended for discharging wastewater into the City's POTW and commencing at a structure or facility and terminating at a sewer main.

Service line – the secondary overhead or underground electric circuit and associated facilities located between the distribution line and customer point of service. A service line provides service for a customer's exclusive use.

Service upgrade – an increase in the wire capacity in amperage.

Sewage – see Wastewater

Sewer district – a legal entity formed in accordance with Colorado Revised Statutes having as one of its purposes the collection, transportation, or treatment of wastewater.

Sewer main or collection system – that portion of the City's POTW used for the collection and transportation of wastewater to treatment facilities and which has been installed for the express purpose of allowing service connections to be made thereto.

Sewer, Private – the building sewer/service line from the connection to the City main and any building drains upstream of it.

Sewer, Sanitary – a sewer which carries domestic and/or non-domestic wastewater or sewage and to which storm, surface, and ground waters are not intentionally admitted, including the pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms public sewer, sewer system, POTW sewer, and sewer.

Sewer Service Check Valve – a valve to prevent back flow of sewage where the elevation of open building drain plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a sewer service check valve installed in the building drain/building sewer service line.

Sewer Tap – the physical connection of the Building/Sewer service line into the Sewer Main.

Significant Non-Compliance (SNC) – any user is in significant noncompliance if its violation meets one or more of the criteria as defined at 40 CFR §403.8(f)(2)(vii).

Slug – any discharge of wastewater of which, in concentration of any given constituent or in quantity of flow, exceeds more than typical residential or commercial discharge previously reviewed and approved by the City.

Slug Load or slug discharge – any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violates the City's regulations, local limits, or permit conditions.

Special event – any activity, commercial, civic or otherwise, which obtains a city special events permit or which has a duration of no more than seven days.

Standard Industrial Classification (SIC) – classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.

Storm drain – a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

Storm sewer – publicly owned facilities by which storm water is collected or conveyed, including but not limited to any roads, with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

Storm water – any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.

Suspended solids – total particulate matter that either floats on the surface of, or is suspended in, water, wastewater, or other liquids, and that is removable by laboratory filtering.

Sewer Service Check Valve – a valve to prevent back flow of sewage where the elevation of open building drain plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a sewer service check valve installed in the building drain/building sewer service line.

Temporary service charges – the amount the applicant, prior to connection, pays to the city not subject to refund, for the city's estimated costs of installing and removing the meter less the salvage value of materials used. City utility facilities placed at other than the permanent location shall be considered as temporary service.

Total Suspended Solids (TSS) – the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and that is removable by laboratory filtering. .

Toxic pollutant – any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act (33 U.S.C. §1317(a)) or as otherwise listed at 40 CFR Part 122, Appendix D.

Trash – all debris, waste, brush, leaves, grass, weeds, waste paper, boxes, glass, cans, offal, cuttings from trees, lawns, and gardens, and other refuse and waste materials other than garbage or rubble.

Uncontrolled – not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross-connection.

User – any person who uses or is connected to one or more utilities of the city.

User, Residential – all tracts or parcels of land within the city improved with at least one, but not more than eight, residential dwelling units.

User, Categorical Industrial – an Industrial User subject to a Categorical Pretreatment Standard that appears in 40 CFR chapter I, subchapter N, Parts 405-471.

User, Industrial – a source of Indirect Discharge, or any other industrial or commercial facility or business that has a sewer connection to the POTW whether or not the user discharges non-domestic wastewater. .

User, Non-Significant Industrial – any User which does not meet the definition of a Significant Industrial User, but is otherwise required by the City through permit, order or notice to comply with specific provisions of these Rules and is so notified by the City.

User, Significant Industrial – an industry subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N, except those defined as non-significant categorical industrial users, and that:

1. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
3. Is designated by the Director on the basis that the industry has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

Utility Easement – an acquired legal right for the specific use, whether public or private, of land owned by others which may include all or a portion of real property.

Volume charge – the rate multiplied by the volume of water consumed.

Wastewater – liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, together with any ground water, surface water, and storm water that may unintentionally be present, which are contributed to the POTW.

Wastewater facilities – the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent and sludge.

Wastewater, normal domestic – wastewater that has a biochemical oxygen demand (BOD) concentration of not more than 300 mg/l and a suspended solids (SS) concentration of not more than 300 mg/l. Normal domestic wastewater is considered to have a concentration which may generally range from approximately 125 to 300 mg/l of both BOD and SS.

Wastewater Treatment Plant (WWTP) – that portion of the POTW which is designed to provide treatment of municipal sewage

Water distribution main – that dedicated portion of the waterworks system which transmits and distributes water of the city from treatment facilities (wells) and storage facilities to the users, excluding service lines. Water distribution mains are a minimum of six inches in diameter.

Water quality standards – provisions of state, territorial, authorized tribal or federal law approved by EPA that describe the desired condition of a water body and the means by which that condition will be protected or achieved.

Water service line, building – that portion of the waterworks located on the building side of the curb stop, which may be located in rights of way, easement or private property, connecting the user's building or premises to the Water service line/city includes all piping to the user's building(s).

Water service line, city – that portion of the waterworks which is located within the public street right-of-way, utility easement, or access dedicated to and accepted by the city, from physical tap on the water main to the curb

stop to which one or more water service lines/buildings are connected, which connects to a water distribution main.

Waterworks – any and all rights and property of the city concerning water and water supply facilities. Any and all devices, facilities, structures, equipment or works owned or used by the city for the purpose of collection, storage, transmission, treatment, regulation or distribution of potable water, including land, wells, distribution mains, pumping facilities, metering devices and their appurtenances.

Wedge – a clamp connection between service line to service point.

Chapter 12.03

ABANDONMENT OF UTILITIES

Any person or entity given permission to use City ROW for installation of any facilities (cable lines, utility lines, utility cabinets, etc), within the ROW in connection with such permission, which facilities are later abandoned, may, at the discretion of the City, be required to remove the abandoned facilities within a reasonable period of time as determined by the City and to restore all property affected by such abandonment and removal to its prior condition. All work shall be completed in accordance with applicable City codes and regulations. Alternatively, the City may, for no cost, assume ownership of any or all of such abandoned facilities, and the entity shall cooperate with the City in executing any documents necessary to facilitate such ownership. A line shall be deemed abandoned if the entity ceases to provide service to or through the line, or ceases to provide service within the City, and such line is not transferred to another entity providing service within the City.

Chapter 12.10

SEWER SYSTEM

Sections:

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| 12.10.010 | Sewer System Division |
| 12.10.020 | Connection Requirements |
| 12.10.030 | Permits and Costs |
| 12.10.040 | Building Sewer/Service Line Installation |
| 12.10.050 | Sewer Main Extensions |
| 12.10.060 | Wastewater Service Charges |

12.10.010 Sewer System Division

A. Sewer System Division – Responsibility

The sewer system division shall be responsible for all components of the city sewer system used for collection and treatment of the sanitary waste.

B. Sewer System Management

The Director, under the direction and control of the city manager, shall be responsible for the operation and maintenance of the sewer system. The director shall be responsible for the enforcement of the city sewer system regulations, complying with state and federal rules concerning sewage disposal, and shall be accountable for materials used in the maintenance or extension of the sewer system.

C. Rules and Regulations

The director shall recommend such rules, ordinances, or regulations for adoption to the city manager as may be required to protect the system and to ensure safe and efficient operation of the system.

12.10.020 Connection Requirements

A. Connection Required

1. Connection to Sewer Main. The owner of any building required to have a sanitary sewer by the International Plumbing Code, current edition, as adopted by the state of Colorado, situated within the city and abutting any public street, alley, right-of-way, tract, or utility easement dedicated to and accepted by the city in which there is now located a sewer main, is hereby required, at owner's expense, to connect such building to the sewer main by means of a building/sewer service line in accordance with this chapter. The size and location of such a building/sewer service line shall meet the requirements of the City Engineer. New buildings or lots requiring sanitary sewer disposal devices shall be required to extend a sewer main meeting the size and location requirements of the City Engineer to serve the property in accordance with GMC 12.10.050, Sewer main extensions, if a sewer main does not abut the property in question, but is located within 400 feet of any property line of the lot or parcel of land upon which the building is to be located, unless a waiver is granted by the city council pursuant to the provisions set forth herein. For the purpose of this section, the term "property line" shall include the City of Gunnison boundary if the boundary transects a single parcel of property.
2. Connection to OWTS. A building required to have a sanitary sewer by the International Building Code, current edition, as adopted by the state of Colorado, may connect to an OWTS in lieu of connection to a sewer main, provided all of the following conditions are met:
 - a. The OWTS shall have a flow capacity not to exceed 450 gallons per day.

- b. The parcel of land upon which the OWTS is to be constructed is not less than two acres in size and is not located within an existing subdivision as defined in Gunnison LDC, or was not created by a prior subdivision of land.
 - c. The nearest sewer main is located more than 400 feet from any property line of the parcel of land on which the OWTS is to be constructed. This requirement may be waived by the city council upon a finding that the connection to the sewer main is not feasible for economic or physical reasons.
 - d. There shall be no more than one OWTS on any parcel of land.
 - e. All OWTS shall comply with the requirements of the “Gunnison County On-Site Wastewater Treatment System Regulations” and have a valid permit issued therefor by the county of Gunnison.
 3. Adoption of OWTS Regulations by Reference.
 - a. Adoption. The “Gunnison County On-Site Wastewater Treatment System Regulations,” except for Section 16, OWTS Special Districts; adopted on June 19, 2018, by the board of county commissioners of Gunnison County, Colorado, as the Gunnison County board of health, whose address is 200 East Virginia Avenue, Gunnison, Colorado 81230, are hereby adopted by reference.
 - b. Conflicts and Changes. If any provision of the “Gunnison County On-Site Wastewater Treatment System Regulations” conflicts with the provisions of this chapter, then the terms of this chapter shall be deemed to be controlling. Wherever the term “Environmental Health Board” appears in the “Gunnison County On-Site Wastewater Treatment System Regulations,” the city council shall be substituted therefor.
 - c. Enforcement. The city shall have concurrent enforcement authority with the county of Gunnison to enforce the provisions of the “Gunnison County On-Site Wastewater Treatment System Regulations” within the corporate limits of the city of Gunnison.
 4. Connection Required When Sewer Main Available. Within one year after written notification by the city that a sewer main is available within 400 feet from any property line of the parcel of land served by an OWTS, cesspool, privy vault, or other device, such device shall be abandoned and filled, and the owner or user thereof shall connect to the sewer main in accordance with this chapter. This requirement may be waived by the city council upon a finding that the existing device is not a threat to public health or water quality, and that connection to the sewer main is not feasible for economic or physical reasons.
 5. Interconnection Prohibited – Separate Building/Sewer Service Lines. Building/sewer service lines shall not be interconnected in any manner which would allow the service of separate buildings or parcels of property which are in separate ownership or which may be sold or conveyed separately. All separate buildings or parcels of land that may be sold or conveyed separately, except individual air spaces located in a single building, are required to have a separate building/sewer service line. In cases where more than one building or parcel of land in separate ownership has been connected to a single building/sewer service line prior to the adoption of the ordinance codified in this chapter, the same may continue to be utilized until a sewer main is constructed adjacent to the property. After such sewer main is constructed and upon written notice by the city to the owner, such building or parcels of land shall be connected to the sewer main by an individual building/sewer service line within one year. One or more building/sewer service lines may be connected to a Building/sewer service line that is of adequate size and capacity to convey the wastewater generated by all the buildings and uses connected thereto.
 6. Portable Sanitary Toilets. Portable sanitary toilets are permitted within the city only in connection with special events or on a construction site for which a valid building permit has been issued. All portable sanitary toilets shall be regularly serviced and cleaned as often as necessary to prevent unsanitary conditions or odors.

7. Other Devices Prohibited. No cesspool, septic tank, privy vault, or other device for sanitary sewage disposal, except as expressly permitted herein, shall be excavated or constructed within the corporate limits of the city.

B. Penalties

Any person convicted of a violation of any provision of this chapter or the provisions of the “Gunnison County On-Site Wastewater Treatment System Regulations” shall be fined in the sum of not more than \$1,000 or imprisoned for not more than 90 days, or both such fine and imprisonment, in accordance with Title 4 of the GMC.

12.10.030 Permits and Costs

A. Work in Right of Way Permit Required

1. A permit is required to uncover, make any connections with or opening into, use, alter, or disturb any portion of the city’s wastewater facilities. The permit is valid for 30 days from the date of issuance. The owner or owner’s agent shall pay the required fees and acquire appropriate permit(s) prior to commencement of work. The owner or the owner’s agent shall make application in the form of a Work in the Right of Way Permit furnished by the city in order to gain service to the city’s wastewater facilities. The permit application shall be supplemented by any plans, specifications or other information as required by the duly authorized agent of the City. All applicable fees shall be paid prior to the issuance of a permit.
2. A Work in the Right of Way permit shall be secured before any person or contractor may make a connection to the city’s wastewater facilities or expand the size of an existing building/sewer service line. Work shall be performed by the City or by a contractor pre-qualified by the Public Works Director to complete work on City sewer infrastructure. Buildings destroyed and razed or rebuilt or expanded shall be given credit for up to 3 years for the EQU’s associated with the building/sewer service line that previously served the structure. Any increase in the quantity of flow or size of the building/sewer service line shall be subject to the current Utility Investment fee and fees associated with work in the right of way in effect on the day the increased building/sewer service line is installed, less the applicable credit. . A credit is only applicable when the old building/sewer service line is appropriately abandoned and/or replaced. A separate Utility Investment Fee and Work in the Right of Way permit shall be required for each physical connection to the city’s wastewater facilities and/or increases in size of the building/sewer service line. The cost of a connection will be determined on the basis of the size of the building/sewer service line as outlined in the sewer system Utility Investment Fee schedule. Abandonment of an existing tap shall be completed at the physical connection to the main in accordance with the City of Gunnison Construction Standards.
3. There are two fee components associated with the use of the city’s wastewater Collection and Treatment System. Those fees are (a) the Utility Investment Fee; and (b) the Connection Fee included with the work in the Right of Way permit. Both are required prior to issuance of a Right of Way permit required for work within any City right of way or easement.

B. Connection Permit, Issuance, and Requirements

1. A connection permit will not be issued nor will fees therefor be accepted until: (1) a need exists; or (2) a building permit and/or state plumbing permit has been issued.
2. The physical installation of the building sewer/service line and/or building drain fixtures for new and existing structures shall be completed within 180 days of acquiring the connection permit.
3. The physical connection to the sewer main for new construction must be completed within 180 days of acquiring the connection permit.
4. One extension of the preceding time limits may be granted by the public works department for undue and unforeseen delays caused by circumstances beyond the control of the permittee.
5. If the permittee fails to complete the physical connections within the prescribed time limit, the connection permit shall become null and void, permit fees refunded less administration fees as defined

in the City of Gunnison Fee Table, and a reapplication for a permit will be necessary. Fees charged for the new connection permit will be determined using the line size cost. Building Sewer/Service Line Installation

12.10.040 Building Sewer/Service Line Installation

A. General

New building sewer/service lines shall not serve properties that are not owned by the permittee.

1. Subdivisions or sales of land that will create situations where a building sewer/service line could serve properties under different ownerships shall require the installation of separate building sewer/service lines to serve the new parcels. Abandoned service lines must be disconnected.
2. All abandoned lines shall be capped in a manner approved by the Public Works Department so as to eliminate the possibility of ground water infiltration.
3. Location of the Building/Sewer Service Lines. Size of and location of building/sewer service lines shall be approved by the Public Works Department and as-built location of the building/sewer service line shall be furnished to the Department after connection. No building/sewer service line which is located underneath a building in separate ownership or any improvements located on property in separate ownership shall be approved.
4. Sewer Tap installation shall be performed by authorized agents of the city unless expressly authorized in writing by the Director. A person holding a current certification from the department of public works or a licensed contractor under supervision of a master plumber and licensed by the state shall install the building/service line. Persons installing the building/service line are also responsible for excavation, bedding, compactions, backfill, and organizing appropriate inspection by a duly authorized representative from the Building Department or Public Works Department

B. Building Sewer/Service Line Specifications

1. Specifications.
 - a. All building sewer service line materials and construction shall be in accordance with the City of Gunnison Construction Standards.
 - b. Depth of building sewer/service lines shall be sufficient to prevent freezing and constructed to prevent damage to pipes from imposed loads. The owner of any sewer/service line that does not meet sufficient depth requirements or is located in heavy traffic areas may be required to install additional insulation to prevent freezing. Installation of the insulation proposed by the owner to mitigate freezing will be inspected by an authorized City representative prior to backfilling.
 - c. A separate and independent building sewer service line shall be provided for every building/dwelling unit/EQU except where one building stands at the rear of another on an interior lot or cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer/service line. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
 - d. Existing building sewer/service lines which are no longer serving an active sewer service connection may be used in connection with new buildings only when they are found, on examination and approval from the Public Works Department, to meet all requirements of this chapter and the City of Gunnison Construction Standards. Multiple buildings/units may not share a 4-inch building sewer service line. Shared service lines must be a minimum of 6-inch diameter or as approved by the City Public Works Department. Engineering design and drawings may be required as determined by the Public Works Department.
 - e. Whenever possible, the building sewer/service lines shall be brought to the building at an elevation below the basement/foundation floor. Owner shall install a check valve where the flood rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream

manhole. In all buildings in which any building drain is too low to permit gravity flow to the sewer main, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer/service line.

- f. No person shall make connection of roof downspouts, foundation drains, areaway drains, crawl space sump pumps or other sources of surface water, storm water, or ground water to a building sewer/service line which in turn is connected directly or indirectly to a sewer main.
- g. The applicant for the building sewer connection permit shall notify the Public Works Department when the building sewer is ready for inspection and connection to the public sewer. The testing shall be made under the supervision of the Public Works Department or duly authorized representative.

C. Inspection – Tests

The permittee shall make arrangements for inspection of the building sewer/service line, giving ample time (minimum of 48 hours) for the Public Works Department inspector to schedule same. The following inspections must be accomplished:

1. Bedding of the pipe, compaction and backfill shall be in accordance with the City of Gunnison Construction Standards.
2. Test of the building sewer/service line shall be completed in accordance with the City of Gunnison Construction Standards. The leakage test shall be conducted by the plumber in the presence of the Public Works Department or duly authorized City representative and any leakage of the building sewer/service line shall be corrected by the owner.

D. Maintenance Responsibility Property Owner

Property owner of the building/sewer service line shall bear all responsibility for: repair, replacement, maintenance, cleaning, intrusion, infiltration, structural integrity, of the service line, and mitigation of trench settlement within City rights of way or easement from the building to the physical tap on the City sewer main.

The owner shall warranty work associated with current or future permits for the period of time identified in the approved permit or for a minimum of two years from the time the City initially accepts the installation for work within public rights of way or easement.

If the city determines through observation television of the sewer mains or other appropriate methods that a building sewer/service line is permitting infiltration of ground water, roots, rocks, rags, or any other foreign debris, elements into the city's sewer mains or wastewater facilities the public works department may notify the owner of the line in writing and require that the line be repaired or replaced or other measures taken, at the owner's expense, in order to alleviate the problem. Remedial action must take place within a reasonable time as determined by the Director. Any known or unknown damage to the sewer main line or other city infrastructure as a result of owner maintenance of the service line shall be repaired by the owner at no cost to the City.

E. Maintenance Responsibility of the City

The City is responsible for the physical service tap connection to the sewer main and problems that occur within the city's sewer mains and wastewater collection system infrastructure. The city is not responsible for maintaining, repairing, or replacing building/service line laterals within the system. Service lines are generally intended to connect a private or commercial building to the city's wastewater collection system infrastructure and are considered to be a private service connection, not maintained by the City.

The property owner shall bear all responsibility for ongoing maintenance and general upkeep of the service line and excavation from the tap on the sewer main to their building.

12.10.050 Sewer Main Extensions

A. General Applicability

These sewer main extension regulations apply to those portions of the city that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the city which has not been platted prior to enactment of this chapter shall comply with the requirements stated in the subdivision regulations.

B. Length and Location of Extended Mains

1. All new sewer main extensions within existing rights of way or easement shall extend the full length of the property to be developed and continue to the next adjoining property.
2. For properties that develop in a phased plan, the internal sewer system shall be completed with the approved phasing and shall extend to adjacent properties within platted roadway alignments.
3. Sewer mains shall be located in a public right-of-way, tract or easement. The sewer alignment location must be approved by the Director.

C. Engineering and Design

1. The permittee or developer shall provide the engineering and design work completed by a professional engineer licensed and in good standing in the state of Colorado, at its cost, for extensions of sewer mains that will be located in developed rights of way, tract and/or easement that have been previously platted and accepted.
2. In those instances where the streets, alleys, or rights-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to city regulations and construction standards. All plans shall require approval of the City Engineer.

D. Excavation and Installation of City Sewer Mains

1. The developer shall be responsible for installation of the main in accordance with the City of Gunnison Construction Standards and shall secure all permits and inspections as required by this chapter.
2. Before any work is commenced or permits awarded, approval of the Director must be secured.
3. Upon completion of the sanitary sewer improvements, prior to dedicating the line to the city, the developer shall furnish as-built plans stamped by a professional engineer licensed by the state of Colorado to the public works department. The plans shall show materials, location, elevations and profiles of all components of the new sewer improvements, including GIS coordinates of all the major components of the new sewer system. Sewer components include but are not limited to; manhole or wet well invert(s) and rim, sewer service line invert at the sewer main and at right of way line where service enters the lot, cleanout invert and cap, valves, pump station floor, and any other notable components of the improvements.
4. The developer's engineer must provide a statement that any modification and /or change to the plans and specifications have been approved by the City Engineer as depicted on the final as-built drawings certified as true and correct by the professional engineer on record to be submitted prior to initial acceptance of the improvements.
5. Inspections are required as provided below:
 - a. All contracted excavations for main line extension shall be installed and inspected to meet city specifications. Work shall not be covered until approved by the Director.
 - b. Inspections shall be required before and during the bedding of the sewer main. The developer must notify the inspector a minimum of 48 hours prior to backfill placement.
 - c. A leakage test, with a City representative present, must be conducted after the sewer main trench is backfilled.

E. Testing

1. All components of the sewer main extension shall be tested in accordance with procedures outlined in the City of Gunnison Construction Standards and shall be witnessed by a duly authorized City representative.
2. Upon the completion of a successful test, the Director shall provide written notification of successful testing to the contractor.

F. Cost, Responsibility Of

Costs of materials for sewer main extensions including pipe, manholes, labor, and testing shall be borne by the developer. Local improvements can be initiated by either the city or by petition of land owners and are addressed in Chapter 10.10 GMC.

G. Acceptance of Mains to the City

1. Upon completion of the extended main to the satisfaction of the Public Works Department the developer for which the sewer main was extended shall convey said sewer main to the city, relinquishing all ownership rights. Transfer of operation and maintenance of the sewer infrastructure will be completed upon initial acceptance of the improvements. The developer shall be responsible to warrant the work for a time period in accordance with the Development Improvement Agreement. Warranty period shall commence upon issuance of the notice of initial acceptance from the City Community Development Department.
2. Upon acceptance by and conveyance to the city, the developer shall warrant the materials, excavation, backfill and workmanship of the conveyed facilities for a period of one year from date of acceptance. Upon the expiration of the warranty period, the city shall assume all responsibilities of ownership and maintenance of the main. Until the main is conveyed, the responsibility and maintenance shall be borne by the developer. No building sewer connections shall be made to the sewer main until the ownership of the main has been conveyed to the city.

H. Extension of Sewer Mains Outside the City Limits

Extension of sewer mains to areas outside the corporate limits of the city shall require city council approval.

12.10.060 Wastewater Service Charges

A. Wastewater User Charge

The user charge shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and other related sewer system costs which the city may determine by ordinance to be paid by the user charge. User charges are outlined in the sewer system fee schedule.

B. Review of Wastewater User Charge System

The city will review the user charge system periodically and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes.

Chapter 12.20

WATERWORKS SYSTEM

Sections:

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| 12.20.050 | Water Main Extensions |
| 12.20.060 | Water Meters |
| 12.20.070 | Water Service Charges |

12.20.010 Waterworks Division

A. Waterworks Division Responsibility

The waterworks division shall be responsible for the water supply serving the city.

B. Waterworks Management

The Director, under the direction and control of the city manager, shall be responsible for the operation and maintenance of the waterworks and shall have charge of all matters concerning the water supply, enforcement of waterworks regulations, accountability for materials and the manner in which the same are used or disposed of.

C. Rules and Regulations

The director shall recommend such rules, ordinances or regulations for adoption to the city manager as may be required to ensure safe and efficient operation of the water supply system, for a water supply sufficient to satisfy the public needs, and for water quality, by protecting the water supply from polluting or unsanitary substances and conditions.

12.20.020 Connection Requirements

A. Connection Required

1. **Connection to Water Distribution Main.** The owner of any house or other building utilized for business or residence purposes which requires water-using devices situated within the city and abutting any public street, alley, right-of-way, or utility easement in which there is now located a water distribution main of the city is required, at owner's expense, to connect such building by means of service lines to the distribution main in accordance with this chapter. The size and location of such a building/water service line shall meet the requirements of the City Engineer. New buildings or lots requiring water-using devices shall be required to extend the main meeting the size and location requirements of the City Engineer to serve property in accordance with GMC 12.20.050. If a water main does not abut the property in question, but is located within 400 feet of any property line of the lot or parcel of land upon which the building is to be located, unless a waiver is granted by the city council pursuant to the provisions set forth herein. For the purposes of this section, the term "property line" shall include the City of Gunnison boundary if the boundary transects a single parcel of property.
2. **Connection to Individual Well.** A building or lot requiring water-using devices may connect to an individual water well in lieu of connection to a water distribution main provided all of the following conditions are met:

- a. The parcel of land upon which the well is to be constructed is not less than two acres in size and is not located within an existing subdivision as defined in Gunnison LDC, or was not created by a prior subdivision of land.
 - b. The nearest water distribution main is located more than 400 feet from any property line of the parcel of land on which the individual water well is to be constructed. This requirement may be waived by the city council upon a finding that the connection to the water distribution main is not feasible for economic or physical reasons.
 - c. There shall be no more than one individual water well on any parcel of land.
 - d. A valid permit for the construction and use of such well shall have been issued by the Colorado Division of Water Resources.
 - e. There shall not be a connection, directly or indirectly, between a well system and the City water system.
3. **Connection Required When Water Distribution Main Available.** Within one year after written notification by the city that a water distribution main is available within 400 feet from any property line of the parcel of land served by an individual water well, the owner or user thereof shall connect the building utilizing said well to the water distribution main in accordance with this chapter. This requirement may be waived by the city council upon a finding that connection to the water distribution main is not feasible for economic or physical reasons.
 4. **Interconnection Prohibited – Separate Service Line.** Service lines shall not be connected in any manner to serve buildings or parcels of land which are not part of the site being developed, and which are not owned by the permittee. Separate buildings or accessory dwelling units on existing platted lots are required to have an individual service connection if lots can be sold separately under current zoning. In cases where service lines have been constructed from a single tap on a distribution main to parcels of land under different ownership prior to enactment of this chapter, and where a shutoff has been installed so water may be turned off to each parcel under separate ownership, and where a meter has been installed to measure the use of each parcel, these extensions shall be permitted until a distribution main is laid in a street, alley, or public right-of-way abutting these parcels of land. Within one year of notification by the city that a distribution main is available in the street, alley, or right-of-way abutting the property, any improvements thereon shall be connected thereto as required in this section.

12.20.030 Permits and Costs

A. Work in Right of Way Permit Required

1. A permit is required to uncover, make any connections with or opening into, use, alter, or disturb any portion of the city's water facilities. The permit is valid for 30 days from the date of issuance. The owner or owner's agent shall pay the required fees and acquire appropriate permit(s) prior to commencement of work. The owner or the owner's agent shall make application in the form of a Work in the Right of Way Permit furnished by the city in order to gain service to the city's water facilities. The permit application shall be supplemented by any plans, specifications or other information as required by the Community Development Department. All applicable fees shall be paid prior to the issuance of a permit.
2. A Work in the Right of Way permit shall be secured before any person or contractor may make a connection to the city's water facilities or expand the size of an existing building/water service line. Work shall be performed by the City or by a contractor pre-qualified by the Public Works Director to complete work on City water infrastructure. Buildings destroyed and razed or rebuilt or expanded shall be given credit for up to 3 years for the tap size associated with the building/water service line that previously served the structure. Any increase in the quantity of flow or size of the building/water service line shall be subject to the current Utility Investment fee and fees associated with work in the right of way in effect on the day the increased building/water service line is installed, less the applicable credit. A credit is only applicable when the old building/water service line is appropriately

abandoned and/or replaced. A separate Utility Investment Fee and Work in the Right of Way permit shall be required for each physical connection to the city's water facilities and/or increases in size of the building/water service tap. The cost of a connection will be determined on the basis of the size of the building/water service line as outlined in the water system Utility Investment Fee schedule. Abandonment of an existing tap shall be completed at the physical connection to the main in accordance with the City of Gunnison Construction Standards.

3. There are two fee components associated with the use of the city's Water System. Those fees are (a) the Utility Investment Fee; and (b) the Connection fee included with the work in the Right of Way permit. Both are required prior to issuance of a Right of Way permit required for work within any City right of way or easement.

B. Connection Permit – Issuance – Requirements

1. A connection permit will not be issued nor will fees therefor be accepted until: (1) a need exists; or (2) a building permit and/or state plumbing permit has been issued.
2. The physical installation and connection of the service line and/or water-using devices for existing and new structures shall be completed within 180 days of acquiring the connection permit.
3. One extension of the preceding time limits may be granted by the community development department for undue and unforeseen delays caused by circumstances beyond the control of the permittee.
4. If the permittee fails to complete the physical connections within the prescribed time limit, the connection permit shall become null and void, permit fees refunded less administration fees as defined in the City of Gunnison Fee Table, and a reapplication for a permit will be necessary. Prior to issuance of a connection permit, all fees shall be paid.

12.20.040 Building Water Service Line Installation

A. General

New water service lines/buildings shall not serve properties that are not owned by the permittee.

1. Subdivisions or sales of land that will create situations where a water service line/building could serve properties under different ownerships shall require the installation of a separate water service line/city and water service line/building to serve each of the new parcels. Original abandoned water service line/building must be disconnected. Each water service lines/building requires its own isolation curb valve.
2. Size and location of service line connections to the water distribution main must be approved by the public works department, and as-built locations of water service lines shall be furnished to the department after connection. No water service line/building which is located underneath a building in separate ownership or any improvements located on property in separate ownership shall be approved.
3. City/water service line installation within the city right-of-way, including excavation, bedding, compaction, and backfill, shall be done by authorized agents of the city. A licensed plumber in the state of Colorado shall install water service line/buildings, including meter installation on private property, except that a homeowner may do the installation of a water service line/building on private property on which is placed a single dwelling unit of which that person is a resident. Unauthorized persons doing water service line/building installation shall be deemed in violation of this chapter.

B. Water Service Line Specifications

1. All service line materials and construction shall be in accordance with the City of Gunnison Construction Standards.
2. All service lines meeting the size requirements of the City Engineer shall be connected to a curb stop located at the property line and such stop shall be protected by an adjustable iron box or cylinder which shall be adjusted to be level with the adjacent ground surface.

3. In the instance of multiple valves on a service line, the curb stop valve closest to the city water main will act as the city's curb stop and may not be at property line. All instances with ductal iron pipe service lines the valve closest to the city water main that is supplying the service line will act as the city curb stop and may not be at property line.
4. Service lines for commercial buildings shall be designed by a professional engineer licensed and in good standing in the state of Colorado.

C. Costs

Construction costs for water service line installation within the city right-of-way, including material, labor, hardware, equipment use, and surface replacement (due to excavation) shall be paid by the permittee.

D. Inspection – Tests

The permittee shall make arrangements for inspections of the service line, giving a minimum of 48 hours for the inspector to schedule same. The following inspections must be accomplished:

1. Service line, curb stop, and adjustable cylinder (before backfill).
2. Inspection of the service line piping from the curb stop to the exterior wall of the building in a manner approved by a duly authorized city representative. The service line shall be tested for leaks in the presence of the duly authorized City representative (prior to backfill).
3. Bedding, compaction, and backfill (during backfill).

E. Maintenance Responsibility

1. The city shall be responsible for any problems beyond the warranty period with the service line from the city water main to the curb stop.
2. Service lines are generally intended to connect a private or commercial building to the City's water main and are considered to be a private service connection from the curb stop to the building, not maintained by the City. The property owner shall bear all responsibility for ongoing maintenance and general upkeep of the service line and excavation from the curb stop to their building.

F. Abandonment of Service Lines

The public works department shall determine the means for abandonment of a service line. If the City deems that a water service is no longer necessary or is to be permanently abandoned, the cost to formally abandon the line shall be borne by the owner.

12.20.050 Water Main Extensions

A. General – Applicability

These water main regulations apply to those portions of the city that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the city which has not been platted prior to enactment of this chapter shall comply with the requirements stated in the subdivision regulations.

B. Length and Location of Extended Mains

1. All new water main extensions shall extend the full length of the property being served or developed and continue to the next adjoining property.
2. For properties that develop in a phased plan, the internal water system shall be completed with the approved phasing and shall extend to adjacent properties within platted roadway alignments.
3. Water mains shall be located in a public right-of-way, tract and /or easement and the location shall be approved by the Director.

C. Engineering and Design

1. The permittee or developer shall provide the engineering and design work completed by a professional engineer licensed and in good standing in the state of Colorado, at its cost, for extensions of water

mains that will be located in developed rights of way, tracts and/or easements that have been previously platted and accepted.

2. In those instances where the streets, alleys, or rights-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to city regulations and construction standards. All plans shall require approval of the City Engineer.

D. Excavation and Installation of City Water Mains

1. The developer shall be responsible for installation of the main in accordance with the City of Gunnison Construction Standards and shall secure all permits and inspections as required by this chapter.
2. Before any work is commenced or permits awarded, approval of the Director must be secured.
3. Upon completion of the water line improvements, and prior to dedicating the line to the city, the developer shall furnish as-built plans stamped by a professional engineer licensed by the state of Colorado to the public works department. The plans shall show materials, location, elevations and profiles of all components of the new water improvements, including GIS coordinates of all the major components of the new water system. Water components include but are not limited to; valves, fire hydrants, bends, tees, corporation stop, curb stop, service line at right of way line where service enters the lot, well pump station floor, and any other notable components of the improvements.
4. The developer's engineer must provide a statement that any modification and /or change to the plans and specifications have been approved by the City Engineer as depicted on the final as-built drawings certified as true and correct by the professional engineer on record to be submitted prior to initial acceptance of the improvements.
5. Inspections are required as provided below:
 - a. All contracted excavations for main line extension shall be installed and inspected to meet city specifications. Work shall not be covered until approved by the Director.
 - b. Inspections shall be required before and during the bedding of the water main. The developer must notify the duly authorized city representative for inspection a minimum of 48 hours prior to backfill placement.
 - c. A pressure test, with a duly authorized city representative present, must be conducted after the water main trench is backfilled.

E. Testing and Disinfection of Mains

Testing and disinfection of water mains and service connections shall be accomplished in accordance with the City of Gunnison Construction Standards.

F. Costs – Responsibility Of

1. Costs of materials for water main extensions including pipe, manholes, labor and testing shall be borne by the developer. In cases where main lines will benefit multiple land owners or properties, the use of assessment districts (local improvements) is encouraged in order that the costs can be shared by all of those who benefit from the new infrastructure. Local improvements can be initiated by either the city or by petition of land owners and are addressed in Chapter 10.10 GMC.
2. If the city requires a main to be installed which is larger than six inches and which is larger than required to serve or provide fire protection to a subdivision, if in the best interest of the city, the city shall bear the difference in cost of the hardware.

G. Dedication of Mains to City

1. Upon completion of the extended main to the satisfaction of the public works department, the developer for which the water main was extended shall convey said water main to the city, relinquishing all ownership rights. This dedication will be prepared by the developer and approved by the city attorney.

2. Upon acceptance by and conveyance to the city, the developer shall warrant the materials and workmanship of the conveyed facilities for a period of one year from date of acceptance. Upon the expiration of the warranty period, the city shall assume all responsibilities of ownership and maintenance of the main. Until the main is conveyed, the responsibility and maintenance shall be borne by the developer.
3. No water shall be turned on to the user's premises except for testing purposes until ownership of the main has been conveyed to the city.

H. Extension of Mains Outside City Limits

Extension of water distribution mains to areas outside the corporate limits of the city shall require city council approval.

12.20.060 Water Meters

A. General

1. Each city water user shall install a water meter in compliance with the requirements of this chapter.
2. The location, size and type of every meter shall be approved by the public works department or duly authorized City employee and shall be located within three feet of an access opening which measures at least 22 inches by 24 inches in area. This opening must provide direct and immediate access to the water meter. Water meters shall be located so as to provide a clear area one foot above the meter, nine inches below and three feet in front of the meter to provide space for removal or changing of the meter. Water meters must be kept immediately accessible to city personnel for reading and maintenance and access shall be kept clear from obstructions.
3. Meters relocated for remodeling must adhere to the rules for installation of new meters as directed by this chapter.
4. If the water meter is not equipped with a remote reading device for normal monthly meter reading, any access means shall be kept clear of snow, ice, and debris. If the city determines that the meter access is obstructed, the city may request by mail that the user remedy the problem within 48 hours after receipt of the letter or the user's water bill shall be estimated.

B. Size and Maintenance of Water Meters

1. The city shall purchase, retain title to, maintain, and furnish to the user a five-eighths-inch-by-three-fourths-inch water meter for any installation required by the city.
2. Any required water meter larger than five-eighths inch by three-fourths inch shall be purchased through the city by the user. Only the cost of the new meter, minus the cost of a five-eighths-inch-by-three-fourths-inch meter shall be borne by the user.
3. The city shall maintain the larger meters and will retain ownership of same.
4. Water meters may be removed at any time for service and repair at the discretion of the public works department.

C. Water Meter Installation

Water meter installations shall be conducted in accordance with the City of Gunnison Construction Standards. Valves installed in the water service line on both sides of the water meter within three feet of the water meter shall be at the expense of the water user.

D. Pit Meters

1. Pit meters shall be allowed only when it has been determined by the director that an inside installation is or would be impractical.
2. When pit meters are allowed, they shall be located as near the property line as practical and be kept free from any obstructions.
3. The pit and meter shall be installed in accordance with the City Construction Standards for pit meters.

E. Protection Against Freezing

1. Individual dwelling unit water systems shall be capable of having the water shut off and drained independently of other dwelling units' systems, if a multiunit configuration.
2. Any water user who has an individually metered service shall notify the city at least five working days prior to vacating the premises during the colder months and make arrangements for the city to remove the water meter and turn the water off at the curb valve. When the user intends to reoccupy the premises, he or she should make arrangements with the city to have the water meter reinstalled, giving the city a minimum of 48 hours to schedule same.
3. It is the responsibility of the user to prevent the meter from freezing by adequate protection. If the water user fails to have the water meter removed prior to vacating the premises, the user shall be liable for any damage to the meter caused by freezing.
4. The city assumes no liability for pipes, meters, or other appurtenances on private property.

F. Safety

Water meter locations, entrances, and accesses to water meters shall be such as to provide safe entrance for city personnel to the meter for removal, repair, or monthly readings.

G. Failure of Water Meter

If a water meter shall fail to register in any month, the user shall be charged according to the average quantity of water used in a similar period when the meter was in order. The preceding also applies to meters inaccessible due to failure to meet safety requirements of subsection (E) of this section. If access is not reasonably made available to the City for maintenance or replacement, the water meter failure fee shall be applicable. *Should the owner fail to allow the City access for installation of a smart meter an additional monthly fee shall be charged for manual reading of the meter.*

12.20.070 Water Service Charges

A. User Charge

The user charge shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, of other related waterworks system costs which the city may determine by ordinance to be paid by the user charge. User charges are outlined in the City of Gunnison Fee Table.

B. Review of User Charge System

The city will review the user charge system periodically and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes.

C. Charges for Pipe Thawing and Turning on Water

1. If it becomes necessary to have the service line between the distribution main and the curb stop thawed, the city will provide this service at no cost to the customer.
2. The city will not thaw pipes on private property.
3. It shall be unlawful for anyone other than authorized city personnel to turn off or turn on water to a premises at the curb stop unless the person doing so is expressly authorized by the Director to do so.

D. Emergency Water Provisions

Whenever there is a shortage of water, and in the opinion of the city council an emergency exists, the council shall have the power to regulate watering hours or ration water use by resolution. Such resolution shall be published at least one time in a newspaper of general circulation in the city, and such power shall continue until such time as the council voids the resolution. Water usage contrary to the emergency regulations may warrant water shutoff by the city.

Chapter 12.30

ELECTRIC SYSTEM

Sections:

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12.30.010 Electric Division

A. Electric Division Responsibility

The electric division shall be responsible for the electric supply system serving the city and designated areas outside of the city limits as certified by the public utilities commission.

B. Electric Management

The Director under the direction and control of the city manager, shall be responsible for the operation and maintenance of the electric system and shall have charge of all matters concerning the electric system, enforcement of electric regulations, accountability for materials and the manner in which the same are used or disposed of.

C. Rules and Regulations

The director shall recommend such rules, ordinances or regulations for adoption to the city manager as may be required to ensure safe and efficient operation of the electric supply system, for an electric supply sufficient to satisfy the public needs, and a reliable electric distribution system.

12.30.020 Connection Requirements

A. Connection Required

1. The owner of any house or other building occupied for business or residence purposes, situated within the city and abutting any public street, alley, or right-of-way in which there is now located an electric distribution line of the city and desiring electric service is hereby required at owner's expense to connect such building by means of a service line directly with the distribution system, in accordance with this chapter and the NEC. New buildings or lots requiring electric-using devices shall require the extension of a distribution line to serve the property in accordance with GMC 12.30.050 if a distribution line, legally dedicated to the city, does not abut the property in question. All connections to the city's electrical distribution system shall be inspected by the State Electrical Inspector.
2. Service lines shall not be connected in any manner to serve buildings or parcels of land which are not part of the site being developed and which are not owned by the permittee. Separate buildings on existing platted lots are required to have an individual service line if lots can be sold separately under current zoning.
3. Within one year of notification by the city that a distribution line is available in the street, alley, or right-of-way abutting the property, any improvements thereon shall be connected thereto as required in this section.

B. Unlawful Acts and Damage

1. Damage.

- a. No person shall injure or damage any property, equipment, or appliance constituting or being a part of the city's electric facilities.
 - b. No person, except those authorized by the city, shall enter upon the enclosed lands upon which any portion of the city's electric facilities are constructed, or in any manner interfere with the facilities or any portion thereof.
 - c. No person, except those authorized by the city, shall make any connection to any distribution lines.
2. Energy Diversion.
- a. No person shall do or perform any act which constitutes energy diversion.
 - b. Due to its hazardous nature, discovery by the city of energy diversion shall be grounds for immediate disconnection of service, without prior notice to the customer or user at such premises. Where energy diversion has occurred and immediate disconnection is affected, the city shall give notice concurrent with the disconnection or as soon as practical thereafter and provide an opportunity for hearing. The sole purpose of the hearing will be to ascertain the facts concerning the event of energy diversion and its duration. Service may be reconnected only after the means by which energy diversion was accomplished has been corrected. The city may impose a deposit requirement sufficient to protect the city from any future acts of energy diversion.
 - c. In case of energy diversion, the city may bill the customer for estimated energy consumed but not properly registered. In its discretion, the city may also charge the customer for the costs of investigation and correction resulting from the energy diversion.

12.30.030 Permits and Costs

A connection permit shall be required before any person may make a connection to a city distribution line or for a service upgrade. The connection permit is issued by the State of Colorado Electrical Inspector in accordance with the NEC.

12.30.040 Service Line Installation and Connection

A. General

1. New electric service lines shall not serve properties that are not owned by permittee.
2. Subdivisions of land that will create situations where an electric service line could serve properties under different ownerships shall require the installation of separate service lines to serve the new parcels. Abandoned service lines must be disconnected.
3. Location of service lines and connections to the main must be approved by the public works department.
4. In performing a service line connection to the city distribution line, an electrician licensed by the state of Colorado shall be responsible for the following:
 - a. Calculate mast height necessary to comply with NEC right-of-way clearance requirements.
 - b. Leave enough service drop wire for the city electric line crew to physically make the connection to the city point of service within NEC requirements.
 - c. Perform the actual service line connection to the building in conformance with NEC requirements.
 - d. Measure and certify to the city prior to installation of the meter that minimum height requirements have been met.
 - e. The city electric line crew shall be responsible for the actual physical connection at the point of service. All installation and maintenance from the point of service to and throughout the buildings shall be the responsibility of the property owner.

5. A homeowner may perform electrical work on private property on which is placed a single dwelling unit of which sole residency is by the owner. This provision applies to all installations behind the city's electric meter.
6. Electrical work from the front side of the meter to the transformer and distribution line must be performed by a licensed electrician.

B. State of Colorado Electric Code

All service lines and service line connections to the city electric system shall be installed in accordance with the NEC and requirements of this chapter.

C. Electric Service Line Installation Within the City Right-of-Way

1. Electric service line installation within the city right-of-way, including the connection of service lines to the transformer and distribution line and any electric for underground electric lines, excavation, bedding, compaction, and backfill, shall be done by authorized agents of the city.
2. Specifications.
 - a. All electric service lines shall be of the type required by the NEC.
 - b. All underground service lines shall be laid at a depth of not less than that required by the NEC.
 - c. Backfill and compaction of underground lines shall be in accordance with city specifications.

D. Costs

Electric service line installation by the city within the city right-of-way, including material, labor, hardware, equipment use, and land surface replacement (due to excavation) shall be paid by the permittee. This payment is a part of the fees paid at the time of building permit issuance.

E. Inspections

The permittee shall make arrangements for inspections of the service line with the State of Colorado Electrical Inspector, giving a minimum of 24 hours for the inspector to schedule same. Inspections are required for temporary service and throughout the construction process to final inspection.

F. Maintenance Responsibility

The property owner shall be responsible for the service line within the public right-of-way and on private property. However, any maintenance within the city right-of-way shall be performed by city personnel at the property owner's expense.

G. Abandonment of Service Lines

1. The public works department shall determine the means for abandonment of a service line.
2. The property owner shall bear all responsibility for maintenance of the service line and excavation on private property.

12.30.050 Electric Distribution Line Extensions and Reinforcements

A. General – Applicability

These electric distribution line regulations apply to those portions of the city system that have been legally subdivided and platted prior to the effective date of these regulations. Any portion of the city and designated areas outside of the city limits which has not been platted prior to enactment of this chapter shall comply with the requirements stated in the subdivision regulations.

B. Length and Location of Extended Distribution Lines

1. All new electric extensions shall extend the full length of the property being served or developed.
2. Electric distribution lines shall be located in a public right-of-way, whenever possible, and all locations must be approved by the public works department.

3. In cases where the line will traverse private property, a utility easement for installation, access and maintenance must be approved by the public works department and accepted by the city. Easements must be accepted by the city prior to construction.

C. Engineering and Design

1. The city shall provide the engineering and design work at no cost to the developer for extensions of electric lines that will be located in developed city streets or alleys that have been previously platted, accepted, and opened for use as a public right-of-way.
2. In those instances where the streets, alleys or rights-of-way have not been opened for public use (in platted areas), the developer shall furnish engineering data and plans conforming to city regulations and specifications. The design and engineering work shall be done by a professional engineer licensed by the state of Colorado and these engineering and design costs shall be borne by the developer. All plans shall require approval of the director.

D. Excavation and Installation of City Electric Distribution Lines

1. The city shall be responsible for installation of any distribution line.
2. All overhead electric distribution lines installed in the city electric system shall be aluminum core steel, reinforced wire.
3. All underground electrical distribution lines in the city system shall be 220 mills EPR, with full concentric neutral and fully jacketed cable. Sizing for all distribution lines shall be determined by the public works department.

E. Distribution Line Costs – Responsibility Of

1. Costs of materials, labor, hardware, equipment use and land surface replacement (due to excavation) for distribution line extensions shall be borne by the developer. In cases where main lines will benefit multiple land owners, or properties, the use of assessment districts (local improvements) is encouraged in order that the costs can be shared by all of those who benefit from the new infrastructure. Local improvements can be initiated by either the city or by petition of land owners and are addressed in Chapter 10.10 GMC.
2. If the city requires a distribution line to be installed which is larger than that required to serve the subdivision, the city shall bear the difference in cost of the hardware.

F. Dedication of Distribution Lines to City

1. Upon completion of the line to the satisfaction of the director, the developer/user for which the distribution line was extended shall convey said line to the city, relinquishing all ownership rights. This will be a legal agreement prepared by the developer's attorney and must meet with the approval of the city attorney.
2. Upon acceptance by the director, and after the ownership of the extended distribution line is conveyed to the city, the city shall assume all responsibilities of ownership and maintenance of the line.
3. No electricity shall be turned on to the user's premises until ownership of the distribution line has been conveyed to the city, except for testing.

G. Extension of Distribution Lines Outside City Limits

Extension of distribution lines to areas outside the corporate limits of the city shall be in conformance with public utility commission requirements.

12.30.060 Electric Meters

A. General

1. Each city electric user shall utilize an electric meter in compliance with the requirements of this chapter. Meters and meter bases are furnished by the city; however, the property owner is required to have a licensed electrician install the meter base and outside disconnect. Following this installation and

prior to the city's installation of the meter, the State Electrical Inspector must inspect and issue approval to proceed.

2. Location of every meter shall be approved by the public works department. Electric meters must be kept immediately accessible to city personnel for reading and maintenance and access shall be kept clear from obstructions. If the city determines that the meter access is obstructed, the city may request by mail that the user remedy the problem within 48 hours after receipt of the letter or the user's electric bill shall be estimated.
3. New location of meters for remodeling must adhere to the rules for installation of new meters as directed by this chapter.

B. Size and Maintenance of Electric Meters

1. The city shall purchase, retain title to, maintain, and furnish to the user an appropriate meter for any installation required by the city.
2. Electric meters may be removed at any time for service and repair at the discretion of the public works department.

C. Electric Meter Installation

The property owner shall install the meter base and outside disconnect at a location approved by the public works department. The installation must meet with the approval of the State Electrical Inspector prior to the installation of the meter by the city.

D. Safety

Electric meter locations, entrances, and access to electric meters shall be such as to provide safe entrance for city personnel to the meter for removal, repair, maintenance, or monthly readings.

E. Failure of Electric Meter

If an electric meter shall fail to register in any month, the user shall be charged according to the average electricity used in a similar period when the meter was in order. The preceding also applies to meters inaccessible due to failure to meet the safety requirements of subsection (D) of this section.

F. Electric Meter Testing

The city reserves the right to make tests and inspections as required on its meters to ensure a high standard of accuracy. A meter will be considered accurate if it tests within two percent, plus or minus. A customer may request that a test of the meter be made. In the event the meter is found to register within two percent, plus or minus, the customer will be required to pay a test fee. If the meter is found to exceed the two percent limit, plus or minus, prior bills may be adjusted for the prior six-month period or until the date of the previous test if the meter was tested less than six months previously. No charge will be made for the test of a meter which exceeds the two percent standard.

Chapter 12.40

UTILITY SERVICE RATES, RULES AND REGULATIONS

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| 12.40.020 | Rate Tables |
| 12.40.030 | Rules and Regulations |
| 12.40.040 | Net Metering Program |
| 12.40.050 | Large Generation Systems |

12.40.010 Definitions

In addition to those definitions found in Section 12.02 of this Title, the following shall apply to this chapter:

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

Payment Due Date – utility charges become due and payable 10 days from the date of billing.

12.40.020 Rate Tables

Utility rates and fees are adopted by resolution. Utility rates and fees are defined in the City of Gunnison Fee Table.

12.40.030 Rules and Regulations

A. Electric Service Construction Allowances

Payments by applicants for costs of extending electric lines will be subject to the following rules and regulations:

1. Overhead or underground electric line extensions for secondary or primary service where the use of the service is to be permanent and where a continuous return to the city of sufficient revenue to support the necessary investment is assured will receive a construction allowance. The construction allowance will be equivalent in cost to the gross embedded investment per customer and the city will install, at its expense, necessary overhead or underground electric distribution extension facilities equal to this construction allowance.
2. Applicants required to pay the city for electric line extensions in accordance with GMC 12.30.040 and 12.30.050 shall pay in advance all estimated construction costs for the electric distribution facilities necessary to serve the applicant in excess of the construction allowance.
3. Construction allowance by customer rate class are specified in the City of Gunnison Fee Table.
4. Said construction payment shall be refundable in part or its entirety during a five-year period immediately following installation. At the end of said five-year period, any remaining construction payment becomes nonrefundable.
5. Calculation and Payment of Refunds. When an additional permanent service customer connects directly to an electric distribution extension upon which there is unrefunded construction payment

remaining, the city will recalculate the extension costs by: (a) identifying those costs associated with specifically extending the system to the additional permanent service; and (b) recalculating the common costs and apportioning those costs equally between customers.

6. Unrefunded construction payments paid in excess of this recalculated cost will be refunded after factoring in the construction allowance per customer. In no case shall refunds be made which exceed in total the amount of construction payment made by any customer. In no event shall any customer who has terminated service be eligible for any refund after such termination.

B. Application for Monthly Service

1. Each customer requesting utility service shall sign a standard application for service. The customer shall supply information requested by the city including but not limited to information related to the manner in which the utility will be utilized.
2. By signing the application, the customer agrees to be bound by the ordinances which form a contract of service.
3. Failure of the city to enforce or insist upon strict compliance with any ordinance shall not constitute a waiver.

C. Deposit Requirements for Monthly Service

The city may require any customer to give an approved guarantee that their bill for service will be paid promptly, by providing a letter of credit from a utility company who has provided services to the customer within the past six months, reflecting the customer has not had any delinquencies within the previous 12-month period. In lieu of such a guarantee, the city may require any customer to make a cash deposit sufficient to secure the payment of an estimated billing not to exceed a 90-day billing, but if a deposit is required it may never be less than \$100.00. The cash deposit will be returned to the customer when the service is ordered discontinued and all charges for services are paid in full. The city will apply the amount of the refundable deposit to any charges for services outstanding at the time of the discontinued service. Any deposit remaining will be refunded to the customer as quickly as practicable.

D. Default of Payment for Monthly Service

When a customer is in default of payment and delinquent, the city may discontinue its utility service to such delinquent customer. The service of any customer shall not be discontinued except upon written notice of at least 10 days, advising the customer of such fact, or in an extreme emergency that threatens the health, safety, and welfare of the citizens of the city of Gunnison.

E. Termination of Monthly Service

1. The city shall not discontinue the service of any customer for violation of any rule of the city and/or for nonpayment of any sum due for utility service except upon written notice mailed by first class mail or delivered at least 10 days in advance of the proposed termination date, advising the customer of what particular rule has been violated for which service will be discontinued, and/or the amount due and the date by which the same shall be paid.
 - a. In the event the customer previously has executed a third-party notification form indicating a third party to whom notices of discontinuance or terminations are to be sent, written notice also shall be mailed by first class mail or delivered at least 10 days in advance of the proposed termination date to said third party. The notice of discontinuance shall be conspicuous in nature and in easily understood language. The heading of the notice of discontinuance shall be in block letters. The heading shall contain, as a minimum, the following warning:

THIS IS A FINAL NOTICE OF DISCONTINUANCE OF ELECTRIC UTILITY SERVICE
AND CONTAINS IMPORTANT INFORMATION INVOLVING YOUR LEGAL RIGHTS
AND REMEDIES.

- b. The full statement shall also be written in Spanish.

- c. This rule shall not apply where a bypass is discovered on the customer's service meter, or any hazardous condition on a customer's premises, or in the case of a customer utilizing service in such manner so as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.
 2. Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for service or facilities not ordered by the present or prospective customers shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the city may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner.
 - a. Subterfuge includes, but is not restricted to, an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises.
 - b. Service shall not be discontinued or refused for failure to pay any indebtedness except as incurred for utility services rendered by the city.
 3. In situations involving permanent residents in multiunit dwellings known by the city to exist where the utility service for the entire dwelling is recorded on a single meter, the city, at least 10 days prior to the proposed termination date for the dwelling involved, shall make every reasonable effort to:
 - a. Deliver a written notice to each individual dwelling unit within the multiunit dwelling advising that a notice of discontinuance has been sent to the party responsible for payment of electric bills for the dwelling, the date upon which termination will become effective, and how the individual resident in the dwelling unit may contact the city for additional information concerning the proposed termination; or
 - b. Mail such notice by first class mail to the addressee or occupant of each unit of the multiunit dwelling, and to the extent possible, posting a copy of said notice in at least one of the common areas of the multiunit dwelling.
 4. Notice of discontinuance of service shall be mailed or delivered in accordance with subsection (F)(1) of this section. As a minimum, said notice shall advise the customer:
 - a. How to contact the city, without expense to the customer of a toll call, to resolve any dispute with respect to the amount or date due, and/or with respect to violation of any rule.
 - b. That the customer is entitled to a hearing in person before termination of service at a reasonable time and place within 10 days of the date of the notice of discontinuance before the city manager or his designee.
 - c. That the customer has the right to make an informal complaint to the city council by letter or in person.
 - d. That the customer has the right to request, in writing, a hearing before the city council.
 - e. The city council, at its discretion and upon such terms as it may prescribe, may order the city not to terminate service pending an investigation and/or hearing.
 - f. That in the event a hearing before the city council on the proposed discontinuance of service is requested by the customer, the city council, upon motion by the finance department, may order the customer to post a deposit or an additional deposit with the city in such amount as the city council deems reasonable under the circumstances, which deposit may be in addition to any deposit previously posted with the city.
 - g. That the customer may avoid termination of service by paying the current month's bill in full and entering into a reasonable installment payment plan with the city to pay the past due balance in no more than six equal monthly installments.
 - h. That in the event the customer is unable to pay for service as regularly billed by the city, or is able to pay for such service but only in reasonable installments, and there is a medical certification

delivered to the city indicating that termination of service would be especially dangerous to the health or safety of the customer or a permanent resident of the customer's household, that there will not be discontinuance of service for 60 days from the date of the medical certification with a possible 30-day extension upon delivery of a second medical certification.

5. Service shall not be disconnected:
 - a. If all current bills are paid when due and all past due amounts are being amortized by reasonable installment payments. The due date on the bill must be specifically indicated on the bill and the due date shall be no earlier than 10 days subsequent to the mailing or delivery of the bill. "Current bill" means that portion of the bill which is not 30 days past the date of billing. The minimum reasonable installment payment is that which pays a current bill in full and is at least one-sixth of any past due balance. A reasonable installment payment plan shall require that a past due balance be paid off in no more than six equal monthly installments. The city has the right, in the event there is a breach in the installment agreement, to discontinue service upon the seventh day following the mailing of a notice of termination and to require payment in full and the posting of a reasonable deposit in order for the customer to be reconnected.
 - b. A "reasonable installment" is defined as one which is at least one-sixth of the past due balance and is made no less frequently than once a month.
 - c. Between 12:00 noon on Friday and 8:00 a.m. the following Monday, or between 12:00 noon on the day prior to 8:00 a.m. on the day following any federal holiday or city-observed holiday.
 - d. During any period when termination of service would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household and such customer establishes that he is unable to pay for the service as regularly billed by the city, or he is able to pay for such service but only in reasonable installments.
 - e. Termination of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that termination of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the state makes a certification thereof in writing and said certification is received by the city.
 - f. In the event a medical certification as aforesaid is delivered or received by the city, the non-termination of service as herein prescribed shall be effective for 60 days from the date of said medical certification. One 30-day extension of nontermination of service pursuant to this subsection may be affected by delivery to or receipt by the city of a second medical certification, as aforesaid, prior to the expiration of the initial 60-day nontermination period. A residential customer may invoke the provisions of this subsection (F)(5)(d) no more than once during any period of 12 consecutive months.
 - g. Until the city has made a reasonable effort to give notice of the proposed discontinuance in person or by telephone both to the residential customer (or to a resident of the customer's household 18 years of age or over) and to any third party who is listed by the customer on a third-party notification form.
 - h. In the event a customer at any time proffers full payment of any bill by cash or bona fide certified check to a representative of the city. The provisions herein shall not preclude the city, by tariff rule and rate, from making a reasonable charge for a service call.

F. Reconnection of Monthly Service

1. The city shall impose a reconnection fee to the customer requesting reconnection in the event service has been discontinued and a break in service has occurred.
2. Fees may be charged to the customer by the city for collection of accounts in default of payment and for restoration of service to customers in default of payment.

3. When a customer is in default of payment, the city shall have the right to:
 - a. Impose a collection fee if and whenever the city shall have been required to initiate collection efforts against the customer and if in response thereto the customer shall pay the delinquent amount without the city resorting to disconnection of service. The city shall waive the payment of one such collection fee if the customer has not defaulted in payment at any time in the 12 months immediately preceding the month for which said charge is to be waived.
 - b. Impose a reconnection fee if and whenever the city initiates collection efforts against the customer and disconnects service as a consequence and has to reconnect it.
4. The reconnection and collection fees are specified on the City of Gunnison Fee Table.

G. Budget Billing

1. Customers who do not have a pending notice of discontinuance of service may elect, at their option, to pay monthly bills for service on a budget billing plan beginning with any billing month. Any customer electing the budget billing plan will pay a monthly amount equal to one-tenth of the total of the most recent 12 months' bills. Said monthly payment shall be made for 11 successive months with the twelfth month's payment being a settlement amount equal to the difference between the total of the prior 11 months' payments and the actual billings for the 12-month period. If the settlement amount is a credit balance, the city will issue a check to the customer in the amount of the credit balance, or the customer may elect to have the credit applied to future billings.
2. If the settlement amount is a debit balance owed by the customer, the total balance will be due and payable on the due date shown on the bill for the settlement month, except that in the event the debt balance exceeds \$20.00, the customer may elect to pay the debit over a two-month period with at least one-half of the total debt balance payable in the settlement month. The customer may continue on the budget billing plan for succeeding years, in which case the settlement for each year will occur in 12-month cycles starting with the beginning month.
3. If a customer electing the budget billing plan fails to pay the budget billing obligation in any month, normal collection procedures shall be applicable for the outstanding budget billing amount. Upon termination of service of a customer on the budget billing plan, the customer is subject to removal from the plan and the entire outstanding amount of the account for actual usage shall be due and payable.

H. Lien on Premises – Owner Liable

1. All delinquent water, sewer, and refuse charges shall become a lien upon the premises to which these services are delivered from the date same becomes due and until paid. The owner of the lot or building shall be liable for payment of all these charges levied against the property for these services used or taken upon the property and, if delinquent charges are not paid within 30 days of the date of billing, the lien may be made effective by the city certifying the amount of the charges and the period covered by the charges and giving a legal description of the premises to the county treasurer, to be collected and paid over by the county treasurer in the same manner as taxes are authorized to be collected and paid over by the county treasurer. The city may add to the amount due the late payment penalty, and costs incurred by the city in attempting to collect the amount due, including attorney's fees.
2. An occupant or tenant's obligation to pay for these services under any occupancy or rental agreement shall not relieve the owner from such liability or lien when these service bills become delinquent.
3. No change of ownership or occupancy shall affect the application of this subsection and failure of any owner to learn that he purchased property against which a lien for these services exists shall in no way affect his liability for payment in full.
4. The lien under this section shall be prior to any and all other liens and encumbrances filed subsequent to the certifying of the lien to the county treasurer, but shall be subject to all general taxes and all local improvement assessments, whether levied prior or subsequent thereto.

I. Late Payment Penalties

If the payment of any electric, water, sewer and/or refuse service bill is not made within 30 days from the date of billing, there shall be charged a penalty of 10 percent for late payment; however, if the customer has not previously been in default of a payment for the preceding 12-month period, the penalty shall be waived by the director of finance.

J. Adjustments for Meter and Billing Errors.

1. When meter errors or clerical errors are discovered, amounts under billed shall be charged for a period not to exceed six months from discovery to the date the error was known to affect billing. Amounts over billed shall be refunded for a period not to exceed one year from discovery to the date the error was known to affect billing.
2. When a water leak is discovered on the customer's side of the water meter, there shall be no credit given for water usage. For commercial accounts, if the leak is confirmed by the City to have entered the ground rather than the city sewer collection system, a maximum of a three month credit may be calculated based on estimated usage during the same period in the prior year.

12.40.040 Net Metering Program

A. Applicability

The Net Metering Program is applicable to residential and commercial electrical customers who install eligible solar photovoltaic or wind turbine (PV-W) systems less than or equal to 25kW, whose electric service is supplied by the City of Gunnison. All customers taking advantage of this Program shall be located within the City of Gunnison's service territory.

B. Standards of Interconnection

All customers taking advantage of this Program shall agree to the Policy and Guidelines for Interconnection for Parallel Installation and Operation of Customer-Owned Renewable Electric Generating Facilities.

C. Metering Ownership

The City of Gunnison shall, at its sole discretion, provide, own, operate, and maintain all meters and metering equipment necessary to measure both the energy supplied by the City of Gunnison and the energy produced by the PV-W system. The City of Gunnison reserves the right to utilize measurements from its meter of the energy produced by the PV-W system for billing the unit's productions.

D. Measurement Period

The Measurement Period referred to in this section is April 1 to March 31 of the following year.

E. Grandfathering

All customers who have photovoltaic systems operating prior to September 8, 2015 whose generation exceeds their consumption from April 1, 2018 through March 31, 2019, may continue to operate under the terms of Ordinance No. 10, Series 2003. Any increase in the size (kW) of their system, replacement or upgrade of the system, or ownership changes for the property served by the system, shall require the customer to operate under the terms of this Ordinance.

F. Fees and Reimbursement

Fees referenced in this Net Metering Program shall be set according to the rate tables in GMC 12.40.020(A), and amended from time to time as determined by the City Council of the City of Gunnison. Customers shall be charged fees and receive reimbursements as follows:

1. Customers will be billed the Monthly Service Charge for each month, even in months when negative or no net electric consumption by the customer results.
2. The City of Gunnison will charge the customer an additional Net Metering Fee per month for administrative expenses and additional meter costs that are incurred over that of a typical meter.

3. Generation offsets consumption of the PV-W system at the Retail Rate. If customer consumption, taking into consideration prior month rollover credits during the Measurement Period, is greater than the PV-W system production, the customer shall pay for that electric use at the retail rate established in GMC 12.40.020(A) on a monthly billing.
4. When net metering is negative, such that the PV-W system production is greater than the customer's consumption in any month, the excess will be carried forward for the use during the subsequent month(s) during the Measurement Period.
5. In the event that such negative kilowatt-hour balance remains after the Measurement Period, the City of Gunnison will credit the customer for such negative balance at the City of Gunnison's Wholesale Rate.

12.40.050 Large Generation Systems

A. Applicability

Residential, commercial, and industrial electrical customers who install eligible solar photovoltaic or wind turbine (PV-W) systems greater than 25 kilowatts are considered Large Generation Systems and subject to the provisions of GMC 12.40.50. All customers taking advantage of this Program shall be located within the City of Gunnison's service territory. Systems over 25 kilowatts will not be net metered.

B. Standards of Interconnection

All customers installing a Large Generation System shall agree to the Policy and Guidelines for Interconnection for Parallel Installation and Operation of Customer-Owned Renewable Electric Generating Facilities.

C. Metering Ownership

The City of Gunnison shall, at its sole discretion, provide, own, operate, and maintain all meters and metering equipment necessary to measure both the energy supplied by the City of Gunnison and the energy produced by the PV-W system. The City of Gunnison reserves the right to utilize measurements from its meter of the energy produced by the PV-W system for billing the unit's productions.

D. Energy Purchase Contract

Large Generation Systems are required to enter into an Energy Purchase Contract.

E. Fees and Reimbursement

In addition to regular fees outlined in GMC 12.40.020(A), Customers shall be charged fees and receive reimbursements as follows:

1. The Large Generation System Interconnection Fee set in GMC 12.40.020(A) will be charged each month based on the size (nameplate rating) of the system.
2. Energy produced by the customer and consumed simultaneously on-site offsets retail energy purchased from the city, and therefore generation is offset at the retail rate.
3. The sum of all instantaneous excess generated energy shall be reimbursed monthly at the Avoided Cost Rate.

Chapter 12.50

UTILITY REIMBURSEMENT POLICY

Sections:

- 12.50.010** **Statement of Policy**
- 12.50.020** **RESERVED**
- 12.50.030** **Utility Extension Specifications**
- 12.50.040** **Reimbursement Agreements**

12.50.010 **Statement of Policy**

- A. The general policy of the city of Gunnison is that development shall pay its own way and that the owners of undeveloped property benefitted by installation of utilities and other public improvements shall contribute financially to the cost of such improvements upon the development of their properties. This policy is designed to achieve fairness in the division of costs of installation of utilities and other public improvements and to protect the taxpayers of the city.
- B. The city council has determined that reimbursement agreements, where agreed to by the developer and the city, are an equitable and efficient means of promoting private installation of minor public improvements, particularly for infill of areas in a utility service area that requires utility line extensions. This policy does not apply to special improvement districts or utilities and other public improvements constructed within new developments, be they new subdivisions or PUDs, as defined in Gunnison LDC.
- C. The decision whether to enter into a reimbursement agreement between the city and an developer is wholly discretionary on the part of the city and an developer, dependent upon the individual circumstances of each development. In any specific development proposal where the city deems it inappropriate to do so, the city may decline to enter into a reimbursement agreement pursuant to this policy or may vary the terms of any reimbursement agreement in a manner that the city deems appropriate to the circumstances. The adoption of this policy does not create an obligation upon the city to enter into a reimbursement agreement with any particular developer, nor require any specific terms thereof. The adoption of this policy is not to be interpreted as creating or giving rise to an expectation that a reimbursement agreement will be entered into between the city and an developer, nor once such an agreement is entered into, that any sums will be collected by the city for reimbursement to the developer except pursuant to the terms of the written reimbursement agreement.

12.50.020 **RESERVED**

12.50.030 **Utility Extension Specifications**

In order to be eligible for reimbursement as set forth herein, all utility extensions shall meet the following requirements:

- A. Utility extension will be engineered by the developer.
- B. All utility extensions shall conform to and be in accordance with the city of Gunnison construction standards.
- C. All plans for the utility extension will be approved in advance by the city.
- D. Prior to acceptance by the city, all utility extensions will be inspected and approved by the city.
- E. All utility extensions for which reimbursement is sought, upon their inspection and approval by the city, shall be dedicated by the developer to the city and shall be the sole property of the city.

12.50.040 Reimbursement Agreements

- A. An developer who extends utilities through undeveloped areas of the city to extend utility services to the developer's property, and in making such extension, provides capacity therein to serve the undeveloped property and who has paid the entire cost of such construction will be eligible for reimbursement pursuant to a reimbursement agreement as provided herein.
- B. An developer who extends utilities as set forth in subsection (A) of this section may enter into a reimbursement agreement with the city, the terms of which are fully described in such agreement, and which agreement is mutually reached between the developer and the city. The agreement shall specify, at the minimum, the following terms and conditions:
 - 1. Total reimbursable costs.
 - 2. Method of determining reimbursement obligation (formula using lineal or square footage or other method).
 - 3. Properties subject to reimbursement obligations.
 - 4. Estimated reimbursement obligations of each affected property.
 - 5. Service charge per connection is specified on the City of Gunnison Fee Table.
 - 6. Nonliability clause for failure to collect or the impossibility of collection by the city.

In the event such an agreement is entered into, the city is hereby authorized to assess a charge against each subsequent developer whose property is specially benefitted by the utility extension for the proportional cost of the utility extension at the time connection to the utility is granted.

- C. In the event a reimbursement agreement is entered into and reimbursement is collected from a subsequent developer, the city shall reimburse the developer to the extent of such collection, after deducting the service charge per connection. All construction costs of the utility extension must be fully paid by the developer before the developer shall be entitled to any reimbursement. Reimbursement of the developer is absolutely contingent upon actual collection from the subsequent developer by the city.
- D. The amount of reimbursement which the city shall assess upon subsequent developers shall be based upon the city's determination of the reasonable cost of construction, not to exceed the original actual construction costs.
- E. In order to obtain approval of a reimbursement agreement by the city, the developer shall first request such an agreement be considered during the pre-application conference or site plan review of the development, and provide to the city's community development department, within 120 days of completion of the utility extension, six copies of the following material:
 - 1. Completed bid forms from qualified contractors indicating which contractor was awarded the project, and evidence of a bidding process. All bid forms must contain the description, estimated quantity, and unit price for each utility included in the project.
 - 2. Satisfactory evidence that all costs in connection with the utility extension have been paid, as detailed in a sworn affidavit of the developer, and supported by evidence of payment.
 - 3. A map which shall include the following information:
 - a. Location of the utility extensions.
 - b. Names and addresses of the owners of each property specially benefitted by the utility extensions and the amount of those benefits.
 - c. Legal descriptions of the properties specially benefitted by the utility extensions.
 - d. Such additional information which the city's department of community development or public works may deem necessary.

- F. During the preparation of the reimbursement agreement, the books and records of the developer relating to the construction costs of the utility extensions for which the developer seeks reimbursement shall be open to the city for purposes of auditing and verifying the developer's cost.
- G. In the event the information required in subsection (E) of this section is not submitted by the developer within 120 days of the date of completion of the improvements, there shall be no reimbursement agreement. In the event the information is submitted within the time allowed, the city will review such information and prepare an appropriate reimbursement agreement to be executed between the developer and the city. The reimbursement agreement shall be recorded in the office of the Gunnison County clerk and recorder at the developer's cost. Reimbursement payments shall be made to the city by the subsequent developer for distribution to the developer, less the city's service charge. The developer shall have 90 days, from and after the date of mailing of written notification by the city to the developer sent by certified mail, return receipt requested, at the address provided to the city by the developer, in which to claim the proceeds of reimbursement payments. After such time, the city shall have no further obligation to the developer with regard to reimbursement payments referred to in the notice, and such amounts shall become the sole property of the city.
- H. An appropriate reimbursement agreement, to be executed between the developer and the city, shall be recorded in the office of the Gunnison County clerk and recorder at the developer's cost. Reimbursement payments shall be made to the city by the subsequent developer for distribution to the developer, less the city's service charge. The developer shall have 90 days, from and after the date of mailing of written notification by the city to the developer sent by certified mail, return receipt requested, at the address provided to the city by the developer, in which to claim the proceeds of reimbursement payments. After such time, the city shall have no further obligation to the developer with regard to reimbursement payments referred to in the notice, and such amounts shall become the sole property of the city.
- I. Upon request of the developer, which request shall not occur more than once every 12 months, the city shall provide an accounting of each reimbursement payment collected during the preceding 12 months, the name and address of the remitter of such reimbursement payment, the property address for which the reimbursement was paid, and the current balance of the actual reimbursable costs incurred by the developer remaining unreimbursed.
- J. The term of a reimbursement agreement shall not exceed a period of 15 years from the date of its execution and, unless earlier terminated, shall expire when all reimbursable costs, less service charges, have been reimbursed to the developer. The city shall not be liable for any portion of the uncollected balance of reimbursable costs. There shall be no collection of reimbursement payments by the city on or after the expiration of the term of the reimbursement agreement. Subsequent developers shall similarly have no obligation to make reimbursement payments after the expiration of the term of the reimbursement agreement.
- K. The right to receive reimbursement pursuant to the reimbursement agreement is personal to the developer who executes the reimbursement agreement. Any assignment of such right shall be by written assignment signed and acknowledged by the developer, its successor or assign, and physically delivered to the city.

Chapter 12.60

GARBAGE COLLECTION AND RECYCLING SYSTEM

Sections:

- 12.60.010** **RESERVED**
- 12.60.020** **Owners or occupants of premises to provide for collection and disposal of trash, garbage, ashes, and rubble.**
- 12.60.030** **System Established**
- 12.60.040** **Residential Service**
- 12.60.050** **Residential Containers**
- 12.60.060** **Residential Service to be Provided**
- 12.60.070** **Cost of Residential Service**
- 12.60.080** **Source Separated Recycling Program**
- 12.60.090** **Commercial Service**
- 12.60.100** **Commercial Service to be Provided**
- 12.60.110** **Cost of Commercial Service**
- 12.60.120** **RESERVED**
- 12.60.130** **Prohibited Acts**

- 12.60.010** **RESERVED**
- 12.60.020** **Owners or occupants of premises to provide for collection and disposal of trash, garbage, ashes, and rubble.**

- A. Every owner or occupant of premises within the city shall provide for the collection and disposal of trash, garbage, ashes, and rubble in accordance with the regulations of this chapter.
- B. Rubble shall not be allowed to accumulate upon public or private property. The regular collection service provided for herein shall not remove rubble. The owner or occupant of any building, house, structure, or land shall have these items removed and properly deposited in an approved disposal area at his own expense within seven days.
- C. Nothing herein contained shall prohibit any person from keeping building materials on the premises for a period up to 30 days before or during a period of active construction, nor shall anything herein contained be construed to prohibit any person from storing any materials used in the operation of a business which is located in a zone allowing such use to be carried on; provided, however, that such materials must at all times be stored in a neat and orderly manner so as not to constitute unsafe, unhealthful, or unsightly conditions.
- D. The city shall have the authority to choose the proper location of the trash container be it a can or dumpster.
- E. Trash service shall not be discontinued unless water and electrical services are simultaneously discontinued.

12.60.030 **System Established**

A garbage, trash, and recyclable material collection and disposal system for the city is hereby established, which shall be maintained and operated within the city and under the direction of the officials of the city.

12.60.040 **Residential Service**

All owners or occupants of premises within the city which are encompassed by the definition of residential users are hereby required to use the garbage and trash collection and disposal system established herein.

12.60.050 **Residential Containers**

- A. Garbage and trash from residential users shall be deposited in city supplied lidded containers in serviceable condition, according to the then current rate schedule. Said containers shall have a capacity of not less than 64 gallons and not greater than 98 gallons.
- B. Selection of can size shall be established on an annual basis, and shall not be changed other than change of account responsibility.
- C. Brush and cuttings from trees shall be cut in lengths not to exceed four feet in length and be securely bundled. Bundles shall not exceed a weight of 40 pounds.
- D. All refuse containers shall be placed such that a clear radius of 6 feet is maintained around the container and in a location suitable for municipal pickup.
- E. All refuse containers shall be placed for municipal collection at ground level on the premises of the owner of said container and accessible by the automated collection truck. Refuse containers shall be deemed inaccessible, as required by this Subsection, unless a path through accumulated snow has been made from the street or alley to the refuse container.
- F. All refuse, before being placed in a container, shall be:
 - 1. Drained of all free liquids; and
 - 2. Wrapped in plastic bags, paper or other similar material to prevent contamination of the container.
- G. Residential containers shall be properly placed in the right-of-way for curbside pickup no earlier than 6:00 a.m. and no later than 8:00 a.m. on the day of scheduled collection. After pickup, all residential containers must be removed from the right-of-way and secured indoors or in such a way to avoid attracting animals by 8:00 p.m. on the day of scheduled collection.
- H. Bear proof containers may be used for a refuse container. These containers are available at the property owner/tenants expense and must be approved by the Public Works Director. Please contact the Public Works Department for specifications. The city does not provide bear proof cans or dumpsters. Any locked or secured container must be unlocked by 8 a.m. on pickup day by the customer. Any container not unlocked by 8 a.m. on pickup day may be subject to an additional pick up fee.

12.60.060 Residential Service to be Provided

The city's system of garbage and trash collection and disposal for residential users shall consist of weekly pickup and disposal of all garbage and trash properly deposited into the system in accordance with the regulations adopted pursuant to this chapter. Any pickup beyond the approved container may be subject to a special pickup fee as determined by the City's fee schedule. The director reserves the right to refuse any special pickup that is not considered reasonable or would require additional labor or equipment.

12.60.070 Cost of Residential Service

- A. The property owners or occupants of premises within the city encompassed within the definition of residential users shall be assessed and pay a monthly charge for the use of the system set by the city council.
- B. Any overfilled container may be subject to an overfill fee set forth in the city's fee schedule approved by city council.

12.60.080 Source Separated Recycling Program

- A. Each property owner or occupant of premises within the city encompassed within the definition of residential user may be provided an approved container bin or bins not to exceed a number set that matches the current parameters of the recycle program for their use in depositing recyclable materials.
- B. Recyclable materials must be properly sorted to meet the current city guidelines and be set out for collection in the right-of-way for curbside pickup no earlier than 6:00 a.m. and no later than 8:00 a.m. on the day of scheduled collection. After pickup, all bins must be removed from the right-of-way and secured indoors or in such a way to avoid attracting animals by 8:00 p.m. on the day of scheduled collection.

- C. The city shall provide residential pickup of recyclable material for disposal at an approved recycle facility and any cost of such collection shall be absorbed in the established residential service rate for refuse collection. Recyclable materials must be sorted or disposed of properly and in accordance with current policies and contained in the approved bins without overfill or spillage. Containers that are overfilled, that spill to the ground, or are not sorted properly may be subject to additional fee or rejection of service.
- D. Replacement bins shall be available pursuant to such rules and regulations as may be adopted by the Public Works Director.
- E. Owner/occupant may be subject to an additional fee or rejection of service if bins are not sorted properly, are over filled, have spilled to the ground, or are not set out at proper time and day of scheduled collection. Any rejection of service does not warrant a reduction in a customer's obligation to pay for the refuse collection service set forth in Section 12.60.07 and or 12.60.08 paragraph C.
- F. Depending on the parameters of the City's recycle program, customers may receive up to seven (7) bins if in the opinion of the Public Works Director additional bins are warranted.
- G. In high density residential neighborhoods where space has been restricted by driveways, sidewalks or attached or detached buildings, it may be impractical for the city to provide multiple recycle bins for each resident in order to provide collection. In these cases and in the discretion of the Public Works Director, it may be necessary to reject recycle operations.

12.60.090 Commercial Service

- A. Owners or occupants of premises within the city encompassed within the definition of commercial users may use a city approved private service readily available or opt to use the municipal garbage and trash removal services (excluding the recycle program) and disposal system established hereby if approved to do so by the Director. If municipal services are used, garbage and trash of commercial users shall be deposited in city approved containers or in trash dumpsters to be supplied by the city according to the then current rate schedule. To use the City's trash service, commercial users shall be in compliance with all applicable rules and regulations as defined and required of a residential user.
- B. The Director reserves the right to reject service to any commercial user when deemed in the best interest of the City. The City reserves the right to relinquish commercial accounts at any time.

12.60.100 Commercial Service to be Provided

The service to be provided to commercial users shall be subject to the individual approval by the Public Works Director, based on the site compatibility with existing equipment, volume and scheduling. Costs of services shall comply with 12.60.110. .

12.60.110 Cost of Commercial Service

The owner or occupant of premises requesting commercial services from the city shall be assessed and pay a monthly charge for use of the municipal service. Rate shall be at the established residential dumpster rate plus a commercial service fee set forth in the established fee table. Commercial service fee shall be a market adjustment based on actual operational costs. The assessed monthly fee will be subject to change from time to time, if costs warrant a change. The commercial service fee shall be set forth in the fee table approved by city council. Any overfilled container may be subject to an additional fee set by the current fee schedule approved by city council.

12.60.120 RESERVED

12.60.130 Prohibited Acts

- A. Garbage or trash containers found to be in an unsanitary condition shall be tagged with a red tag by the city. Within 72 hours after a garbage or trash container has been tagged, the owner or occupant of the premises and users of the containers shall cause them to be cleaned and put in a sanitary condition. Failure to do so shall be deemed a violation of this chapter.

- B. Ashes sufficiently cooled and that do not pose a fire hazard may be disposed in the garbage container. No person shall deposit or permit or allow to be deposited any ashes or other hot materials in any trash or garbage container except as herein set forth.
- C. No person shall deposit or permit or allow to be deposited any prohibited items for disposal by the city, as defined herein.
- D. It shall be unlawful to place or permit to remain anywhere in the city any garbage or other materials subject to decay, other than leaves or grass, excepting in a container meeting the requirements of this chapter.
- E. It shall be unlawful to cause or permit to accumulate any ashes, trash, or rubble in a manner that it can be blown away by the wind within the city.
- F. It shall be unlawful for any person to place or permit another to place any garbage or trash in any container used in the city's garbage and trash collection disposal system without the permission of the person financially responsible for the services provided to such container.
- G. Prohibited items include: motor oil, lubricating oil, transmission fluid, kerosene, lamp oil, diesel fuel, brake fluid, antifreeze, auto batteries, motorcycle and snowmobile batteries, boat batteries, engine degreasers, auto body filler, paint in liquid form, epoxy, varnish, paint thinner, turpentine, mineral spirits, paint stripper with methylene chloride, fluorescent light ballasts, broken smoke detectors, railroad ties, treated fence posts, asbestos, swimming pool acid, ceramic glazes, artist oils, acrylics (unless dried), and pesticides or weed killer.
- H. It shall be unlawful to overfill, pile garbage, rubble, ash, or trash on or around the city provided container. All garbage, rubble, ash, and trash must be contained within the city provided container and the lid must be closed.
- I. It shall be unlawful to accumulate any refuse within the City right-of-way longer than the duration between scheduled pickup days.
- J. It shall be unlawful to deposit any refuse in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer or other public place or onto private property within the City.

Chapter 12.70

BACKFLOW PREVENTION STANDARDS

Sections:

| | |
|------------------|---------------------------------------|
| 12.70.010 | Purpose |
| 12.70.020 | Authority |
| 12.70.030 | Applicability |
| 12.70.040 | RESERVED |
| 12.70.050 | Requirements |
| 12.70.060 | Inspection, Testing and Repair |
| 12.70.070 | Reporting and Recordkeeping |
| 12.70.080 | Right of Entry |
| 12.70.090 | Compliance |
| 12.70.100 | Violations and Penalties |
| 12.70.110 | Conflict with Other Codes |

12.70.010 Purpose

The purpose of this chapter is to protect the city's water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

12.70.020 Authority

- A. The authority to implement this program is contained in the following statutes, legislation, regulations and acts:
 - 1. Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes
 - 2. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations
 - 3. Colorado Plumbing Code
- B. The city shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.
- C. The city shall have the authority to control all service connections within the distribution system if the connection is a cross-connection.
- D. The city may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.
- E. The city may collect fees for the administration of this program.
- F. The city shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.
- G. Except as otherwise provided herein, the city shall administer, implement and enforce the provisions of this chapter.

12.70.030 Applicability

This chapter applies to all commercial, industrial and multifamily residential service connections within the city's water system and to any persons outside the city who are, by contract or agreement with the city, users of the city's water system. This chapter does not apply to single-family residential service connections unless the city becomes aware of a cross-connection at the single-family connection.

12.70.040 RESERVED

12.70.050 Requirements

- A. Commercial, industrial, and multifamily service connections shall be subject to a survey for cross-connections. If a cross-connection has been identified, an appropriate backflow prevention assembly and/or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the city. If the assembly or method cannot be installed within 120 days, the city must take action to control or remove the cross-connection, suspend service to the cross-connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- B. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
- C. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
- D. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- E. Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.
- F. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- G. All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.
- H. Where a backflow prevention assembly or method is installed on the city's water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- I. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross-connection control technician.
- J. The city shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment, assemblies and/or methods cannot be installed.
- K. All costs for design, installation, maintenance, testing and as needed repair and replacement are borne by the customer.
- L. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will comprise the integrity of the fire sprinkler system.
- M. For new buildings, all building plans must be submitted to the city's building department and public works department and approved prior to the issuance of water service. Building plans must show:
 - 1. Water service type, size and location;
 - 2. Meter size and location;
 - 3. Backflow prevention assembly size, type and location; and
 - 4. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - a. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - b. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.

- c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
- d. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the city will not require the backflow protection. The city will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the city suspects water quality issues, the city will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

12.70.060 Inspection, Testing and Repair

- A. Backflow prevention devices or methods shall be tested by a certified cross-connection control technician upon installation and tested at least annually thereafter. The tests shall be made at the expense of the customer.
- B. Any backflow prevention devices or methods that are nontestable shall be inspected at least annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
- C. As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.
- D. Testing gauges shall be tested and calibrated for accuracy at least once annually.

12.70.070 Reporting and Recordkeeping

- A. Copies of records of test reports, repairs and retests, and replacements shall be kept by the customer for a minimum of three years.
- B. Copies of records of test reports, repairs and retests shall be submitted to the city by mail, facsimile or e-mail by the testing company or testing technician.
- C. Information on test reports shall include, but may not be limited to:
 - 1. Assembly or method type;
 - 2. Assembly or method location;
 - 3. Assembly make, model and serial number;
 - 4. Assembly size;
 - 5. Test date;
 - 6. Test results including all results that would justify a pass or fail outcome;
 - 7. Certified cross-connection control technical certification agency;
 - 8. Technician's certification expiration date;
 - 9. Test kit manufacturer, model and serial number; and
 - 10. Test kit calibration date.

12.70.080 Right of Entry

A properly credentialed representative of the city shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the city's distribution system.

12.70.090 Compliance

- A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the city shall complete one of the following actions within 120 days of its discovery:

1. Control the cross-connection;
 2. Remove the cross-connection; and
 3. Suspend service to the cross-connection.
- B. The city shall give notice in writing to any owner whose plumbing system has been found to present a risk to the city's water distribution system through an uncontrolled cross-connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply with the order.
- C. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply with the order.

12.70.100 Violations and Penalties

Any violation of the provisions of this chapter shall, upon conviction, be punishable as provided in all applicable statutes, laws, and regulations.

12.70.110 Conflict with Other Codes

If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the city or state, then the most stringent provisions of each respective code shall prevail.

Chapter 12.80

INDUSTRIAL PRE-TREATMENT PROGRAM

Sections:

| | |
|------------------|--|
| 12.80.010 | Applicability |
| 12.80.020 | Purpose and Policy |
| 12.80.030 | Objectives of These Rules |
| 12.80.040 | Recovery of Costs |
| 12.80.050 | Fats, Oil and Grease (FOG) Control and Petroleum, Oil and Sand Separator Requirements |
| 12.80.060 | Inspections |
| 12.80.070 | Authority, Enforcement and Compliance |
| 12.80.080 | Industrial Wastewater Discharge Standards |
| 12.80.090 | Surcharges for High Strength Waste |
| 12.80.100 | Specific Powers of the Director |
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| 12.80.120 | Pretreatment and Monitoring Facilities |
| 12.80.130 | Slug Discharge and Spill Control Plans |
| 12.80.140 | Wastewater Discharge Permits |
| 12.80.150 | Discharge Permit Modification |
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| 12.80.180 | Reporting Requirements |
| 12.80.190 | Administrative Enforcement Actions |
| 12.80.200 | Extra Monitoring Charge |
| 12.80.210 | Confidentiality |
| 12.80.220 | Regulation of Users from Outside Jurisdictions |

12.80.010 Applicability

This Code sets forth uniform requirements for all industrial users discharging to the POTW and enables the City to comply with all applicable State and federal laws including the Clean Water Act and the General Pretreatment Regulations (40 CFR Part 403). Any industrial user, the discharge from which directly or indirectly enters the POTW from areas within or without the boundaries of the City of Gunnison or Gunnison County, shall be bound by the code as it now exists or may hereafter be amended. This code may be enforced against any industrial user.

12.80.020 Purpose and Policy

It is necessary for the health, safety, and welfare of the residents of the City to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. This Article sets forth the uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the City of Gunnison and enables the City to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

12.80.030 Objectives of These Rules

- A. To prevent the introduction of pollutants into the POTW that would interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;

- C. To protect both POTW personnel who may be affected by wastewater or sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of reclaimed wastewater and sludge from the POTW;
- E. To provide for the equitable distribution of the cost among users of the POTW;
- F. To provide for and promote general health, safety, and welfare of the citizens residing within the City; and
- G. To enable the City to comply with its Colorado Discharge Permit System permit conditions, sludge use and disposal requirements, and any other federal or State laws to which the POTW is subject. These Regulations shall apply to persons in the City, and to persons outside the City who are, by contract or agreement with the City, users of the POTW.

12.80.040 Recovery of Costs

- A. It is the purpose of this section to provide for the recovery of costs from Users of the City's wastewater treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth as appropriate in these Regulations.
- B. The City may adopt charges and fees to reimburse the City for the costs of operating the City's Pretreatment Program. The rationale for imposing fines and fees for industrial users is described in the City's policies:
 - 1. Industrial Waste Control Enforcement Response Guide
 - 2. Fats, Oils, and Greases (FOG) Response Guide

12.80.050 Fats, Oil and Grease (FOG) Control and Petroleum, Oil and Sand Separator Requirements

The requirements established in this Section shall apply to facilities subject to the Oil and Grease Program requirements established by the City.

A. FOG Facilities

Non-domestic dischargers located within the City's service area where the following uses or activities occur, and which are subject to the City's system for control of Fats, Oil and Grease (FOG):

Non-residential properties on which occurs or facilities exist for the preparation, manufacturing, or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption or that serve food prepared off-site when dishwashing or other activities may be performed on-site that have a reasonable potential to cause FOG, BOD, TSS, or other parameter to be greater in concentration than is typical for domestic wastewater.

B. POGS Facilities

Non-domestic dischargers located within the City's service area where the following Petroleum Oil, Grease and Sand (POGS) and are further defined as: Non-residential properties on which occurs, automotive service or repair, machine shops, automotive care centers, auto body shops, car washes, or any other facility that generates sand, grit or petroleum waste that may discharge into a wastewater collection system.

C. Grease Interceptor

A unit with at least two compartments and at least 750 gallons. All brackets and other internal non-concrete supports shall be of stainless steel or otherwise treated to prevent corrosion or composed of a material not affected by corrosion. The grease interceptor shall be vented and designed to retain grease from one or more fixtures, and which shall be located remote from the fixtures being served, typically, outside the building being served and accessible at all times.

The City will use the following general sizing criteria to evaluate grease interceptor sizing:

| Grease Interceptor Sizing Table | | | | | |
|---|---------------|---|-------------------------------|---|------------------|
| Fixture Type | # of Fixtures | | Surge Flow from Fixture (gpm) | | Total Flow (gpm) |
| <u>Kitchen Area Sinks</u> | | | | | |
| Single Compartment | | x | 20 | = | |
| Double Compartment | | x | 25 | = | |
| Triple Compartment | | x | 30 | = | |
| Mop/Clean-up | | x | 20 | = | |
| <u>Dishwashers</u> | | | | | |
| Up to 30-gallon capacity | | x | 15 | = | |
| 30 to 50-gallon capacity | | x | 25 | = | |
| 50 to 100-gallon capacity | | x | 40 | = | |
| Total Surge Flow for Facility (gpm): | | | | | |
| Detention Time (min): | | | | | x 10 |
| Required Minimum Grease Interceptor Capacity (gallons)* | | | | | |
| * Minimum Approved Size is 750 gallons; standard size is 1000 gallons | | | | | |

D. Sand/Oil Separator

A unit of at least 300 gallons capacity designed to retain sand and oil from one or more fixtures and which shall be located remote from the fixtures being served, typically, outside the building being served. The City may determine whether or not a larger capacity sand/oil separator is required.

E. Car Wash Facilities

In addition to installing an adequately sized sand/oil separator, car washes shall post signage that notifies the customer that the discharge of any oil, antifreeze or other waste not specifically removed as a result of normal usage of the car wash facilities is prohibited and may be prosecuted.

Car wash facilities shall utilize detergents that do not contain nonylphenols or nonylphenol ethoxylates as a significant component (>1%) of the detergent concentrate.

F. Additives

Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives, used for the purpose of grease reduction are strictly prohibited.

G. General Control Requirements

1. A grease interceptor or sand/oil separator shall be required when, in the judgment of the City, they are necessary for the proper handling of liquid wastes which may be harmful to or cause an obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.
2. It shall be the responsibility of the User and owner of the property, business or industry or an authorized representative of the User to contact the City for obtaining a plan review. The plan review shall determine the need, method, size, and location of the interceptor or separator required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the interceptor or separator.
3. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying

such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article.

4. The design, sizing, and construction of grease interceptors and oil/sand separators shall be in accordance with the City required plumbing codes and these Regulations.
5. The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained and operated to accomplish their intended purpose of intercepting pollutants from the User's wastewater and preventing the discharge of such pollutants to the City's wastewater collection system.
6. A variance as to the requirement for a grease interceptor for existing facilities may be granted by the City for good cause. The City will evaluate all data and information supporting a request for a variance. The FOG Facility has the burden of proof on demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any requirement or effluent limit specified in these Regulations. The granting of any variance shall be at the sole discretion of the City. If a variance is granted, the FOG facility shall:
 - a. Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids;
 - b. Submit records of this cleaning to the City within fifteen (15) days of each sewer line cleaning;
 - c. Pay the costs incurred by the City for accelerated sewer line cleaning on the City's sewer line providing service to the User, costs to the City of treating the excess strength waste, and any costs for sampling and analysis. Surcharges for FOG, TSS, and BOD are described in The City of Gunnison Fee Table.
 - d. Upon change of ownership or significant changes to the building requiring a building permit at any existing facility which would be required to have an interceptor or separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor or oil/sand separator is installed.
 - e. Toilets, urinals and similar fixtures shall not waste through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
 - f. FOG Facilities. All sink fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the grease interceptor.

H. Notification to the City by the User

The User shall inform the City prior to:

1. Sale or transfer of ownership of the business;
2. Change in the trade name under which the business is operated;
3. Change in the nature of the services provided that affect the potential to discharge oil, grease, sand, grit or petroleum;
4. Remodeling the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department.

I. Required Maintenance

1. Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the FOG Facility's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A grease interceptor in service shall be serviced at a minimum of every ninety (90) days or whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the grease interceptor, whichever is sooner.

2. Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the affected property's wastewater and prevent the discharge of sand and oil to the City's wastewater collection system. A sand/oil separator in service in the City shall be serviced at a maximum interval of one-hundred and twenty (120) days.
3. The City may require more frequent cleaning. A variance from this requirement may be obtained when the User can demonstrate less frequent cleaning is sufficient. The City will not allow a cleaning frequency of less than once per twelve months.
4. Maintenance of grease interceptors shall be done in a workmanlike manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
5. In the event an interceptor or separator is not properly maintained by the user, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the facility.
6. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing to the City and shall constitute a lien against the property until paid in full.
7. Users shall:
 - a. Ensure interceptors and separators are easily accessible for inspection, cleaning, and removal of grease.
 - b. Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease and solids.
 - c. Document each pump out with a waste manifest or trip ticket which must be kept on site for at least three (3) years.
 - d. Take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

J. FOG Facilities

Biological treatment or enzyme treatment shall not be a substitute for the servicing of grease interceptors at the frequency determined by the City. Use of enzymes to degrade and/or emulsify oil and grease is prohibited.

K. Existing Facilities

Existing facilities not connected to a grease interceptor or oil/sand separator, as appropriate, and who contribute oil, grease or sand to the City's collection system will be identified through the City's inspection program. Once identified and determined by the City to need treatment, the facility shall be required to install an interceptor or separator and maintain it according to this Section. In the time before an interceptor or separator can be installed, the City will require these businesses to implement BMPs to minimize the discharge of pollutants to the sanitary sewer system as described below.

1. FOG Facilities:
 - a. Scrape food from plates into garbage cans.
 - b. Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
 - c. Pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.
 - d. Certify that training for these requirements has been provided to kitchen staff.
 - e. Other kitchen practices identified by the City and/or FOG facility which will decrease the point source discharge of oil and grease.

2. POGS Facilities:
 - a. No dumping of petroleum-based waste products into the waste collection system;
 - b. Sweeping floors and other service areas with hand brooms and dispose of all sweepings as solid waste to minimize the use of wash down water to the greatest extent practicable;
 - c. Utilizing appropriate absorbent materials to contain and cleanup any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste;
 - d. Providing certification that all employees have been trained on these practices; and
 - e. Other practices identified by the City and/or facility which will decrease the discharge of sand and oil.

L. Surcharging in Lieu of Grease Trap Installation

1. The City is sensitive to the fact that the installation of a grease interceptor at an existing facility can be expensive and, in some cases, places a heavy financial burden on the facility.
2. Modification of existing plumbing to accommodate installation of a trap may not always be possible in existing buildings.
3. When a facility is required by these regulations to install a trap the City may grant a waiver from the trap installation requirement. Facilities with grease trap waivers will be considered non-complying facilities.
4. Grease trap waivers will not be granted for new or renovation construction. Non-complying facilities shall pay the costs incurred by the City for accelerated sewer line cleaning on the City's sewer lines providing service to the User, costs to the City of treating the excess strength waste, and any other costs for sampling and analysis and administration.
5. Accelerated cleaning will be performed downstream from non-complying food preparation facilities at a minimum frequency of once per quarter.
6. Once the grease attaches to the piping system it solidifies and continues to accumulate until a blockage occurs.
7. The accelerated cleaning surcharge is based on the average cost incurred by the City as a result of cleaning 400 feet of sewer pipe at a minimum quarterly frequency. The surcharge will be adjusted to match current operating costs.
8. Users electing to pay a surcharge in lieu of installing a grease trap must comply with the requirements of Section 12.80.050 which describe BMPs for minimizing grease discharges to the sewer.
9. Additional surcharges for BOD and TSS will also apply as described in Section 12.80.090. Grease trap surcharges are based on an average grease trap size of 1,000 gallons, a three-month accumulation of BOD and TSS resulting in concentrations of 32,200 mg/L and 52,000 mg/L, respectively, and WWTP most current annual operating costs.
10. Total monthly surcharges for a non-complying facility as defined in Section 12.80.050; L, effective January 1, 2021 will be:
 - a. FOG Surcharge: refer to City of Gunnison Fee Table
 - b. BOD Surcharge: refer to City of Gunnison Fee Table
 - c. TSS Surcharge: refer to City of Gunnison Fee Table
 - d. Total Surcharge: refer to City of Gunnison Fee Table
11. Surcharges may be adjusted by the City when analytical data is available showing that a wastewater discharge is more or less concentrated than typical domestic wastewater as defined in Section 12.02.020.
12. Samples may be collected by the City at the Users request when a sampling location is accessible and representative. Analytical costs will be borne by the User.

12.80.060 Inspections

- A. The City will conduct inspections of any facility with or without notice and will consider such factors as, but not limited to, potential to discharge oil, grease, sand, grit, petroleum contaminated wastes, or constituents listed in Sections 12.8.8.
- B. If any inspection reveals non-compliance with any provision of these requirements, corrective action shall be required within five (5) days, or further enforcement action may be initiated.

However, required response times vary from immediately to within 14-calendar days depending on the seriousness of reason for non-compliance and whether or not the User has been previously notified to correct same. Specific response requirements are listed in the Response Guides listed in Section 12.8.4. Such non-compliance that may include, but is not limited to:

- 1. Poor maintenance of interceptors or separators;
- 2. Failure to timely correct previously noted areas of non-compliance;
- 3. Inability to access or open a grease interceptor or oil/sand separator; or
- 4. Inability to inspect an interceptor or separator due to overabundance of oil, grease, grit, or sand accumulation.
- 5. Inspection results will be provided in writing to the facility.

12.80.070 Authority, Enforcement and Compliance

- A. The requirements of the Industrial Waste Control Enforcement Response Guide and Fats, Oils, and Greases (FOG) Response Guide form a part of this Article. Any violation of these requirements shall be considered a discharge violation. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions contained in this Article.
- B. The City has the right to reject acceptance of any waste which may be harmful to or cause obstruction of the wastewater collection system, or which may cause or contribute to Interference or Pass Through or violate any local limits adopted by the City.
 - 1. Facility owners and lessees regulated under this section shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.
 - 2. Any extraordinary costs incurred by the City due to Interference, damage or maintenance necessary in the treatment and/or collection system shall be paid by the User to the City. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner of the User by the City, and such costs shall become part of the total charges due and owing to the City and shall constitute a lien on the User until paid in full.

12.80.080 Industrial Wastewater Discharge Standards

It shall be unlawful for any person to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm sewer within the City, or in any area under the jurisdiction of the City. No industrial wastewater shall be discharged to the City's POTW unless done so in compliance with the provisions of these Regulations and applicable City, State or Federal regulations.

A. General Prohibitions

A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions of this Section apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any federal, State, or local Pretreatment Requirements.

B. Specific Prohibitions

It shall be unlawful for any Industrial User to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the City any wastewater which contains the following:

1. Storm water drainage from ground, surface, roof drains, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the City's wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.
2. Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L) except where a food service establishment has installed an appropriate grease interceptor and is properly operating and maintaining such interceptor and implementing all BMPs. No wastewater containing total oil and grease at a concentration that would cause or contribute to Pass Through or Interference shall be discharged.
3. Explosive mixtures consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall a reading on an explosion hazard meter at the point of discharge into the wastewater system be more than ten (10%) of the lower explosive limit (L.E.L.) of the meter. Specifically prohibited are pollutants which create a fire or explosion hazard in the City's POTW, including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR §261.21.
4. Noxious material consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
5. Radioactive wastes or isotopes of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control and any applicable federal regulations that may apply. Users shall notify the Director of any such discharges.
6. Solid, Viscous or liquid wastes which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system.
7. Substances which are not amenable to treatment or prescribed reduction by the treatment process employed by the City or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the treatment works that does not meet requirements of State, federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.
8. Wastes with color not removable by the treatment process.
9. Wastewater which has an instantaneous pH value less than five (5.5) standard units.
10. Spent process chemicals, solutions or materials, filter press solids, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Director and after suitable treatment as approved by the Director has been effected.
11. Wastes from hospitals, clinics, dental offices, offices of medical doctors, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes or delivery room wastes that causes or contributes to Interference or Pass Through.
12. Wastewater which has a temperature exceeding 150°F. Specifically prohibited is heat in amounts which will inhibit biological activity in the City's wastewater treatment works resulting in Interference, but in no event, shall heat be permitted to be received in such quantities that the temperature at the

City's wastewater treatment plant exceeds 40 degrees Centigrade (40°C) or 104 degrees Fahrenheit (104°F).

13. Any pollutant including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference.
14. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.
15. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
16. Any trucked or hauled pollutants, except at discharge points designated by the City.
17. Any substance directly into a manhole or other opening in the POTW unless specifically authorized by the Director or as otherwise permitted under these Regulations.
18. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the Director to collect such wastes within the City.
19. Cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit issued by the Colorado Department of Public Health and Environment.
20. Wastes where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in these Regulations.
21. Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
22. Detergents, surfactants and other surface-active, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference.
23. Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes or asphalt manufacturers or other industrial users.
24. Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any industrial user involved in the dry-cleaning business.

C. Wastewater Discharge Limitations

1. No Significant Industrial User, industrial users that hold a Notice of Discharge Requirements from the Department of Public Health and Environment (CDPHE) pursuant to Regulation 63 or other permitted industrial users designated by the City shall discharge or cause to be discharged, wastewater that exceeds the following Local Discharge Limits:

| Pollutant | Daily Maximum Discharge Limitation ⁽¹⁾ |
|--|---|
| Arsenic | 0.044 |
| Cadmium | 0.009 |
| Chromium | 1.46 |
| Chromium (VI), filterable | 0.170 |
| Copper | 0.62 |
| Lead | 0.29 |
| Mercury | 0.0012 |
| Nickel | 0.79 |
| Silver | 0.46 |
| Selenium | 0.010 |
| Zinc | 2.86 |
| 5-Day Biochemical Oxygen Demand (BOD ₅), lbs/day | 2,457 ⁽²⁾ |

| | |
|---------------------------------------|----------------------|
| Total Suspended Solids (TSS), lbs/day | 2,407 ⁽²⁾ |
| Ammonia, lbs/day | 754 ⁽²⁾ |
| Phosphorus, lbs/day | 210 ⁽²⁾ |

- a. All limits are in mg/L unless otherwise specified and shall be analyzed as total.
 - b. This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all Significant Industrial Users and other designated and Permitted non-SIUs.
2. The following limits shall apply to wastewaters that are discharged from:
- a. Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 - b. Discharges where one or more of these pollutants are present; or
 - c. Where these pollutants are appropriate surrogates.
3. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits, as applicable:

| Pollutant ⁽¹⁾ | Daily Maximum Discharge Limit ⁽³⁾ |
|--------------------------|--|
| Benzene | 0.050 |
| BTEX ⁽²⁾ | 0.750 |

- a. All pollutants shown in the Table are total and as mg/L.
 - b. BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
 - c. These limits are based upon installation of air stripping technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”
4. Standards for Hydrogen Sulfide

| Hydrogen Sulfide | ppm |
|--------------------|--------------------|
| 10-minute Ceiling | 10 ⁽¹⁾ |
| 8-hour Ceiling | 20 ⁽²⁾ |
| Peak Concentration | 50 ⁽³⁾ |
| IDLH | 100 ⁽⁴⁾ |

- a. This limit is based upon the NIOSH Recommended Exposure Limit (REL). The City may require that an industrial user install treatment or take any other actions if hydrogen sulfide exceeds this level in any part of the City’s collection system.
- b. This limit shall not be exceeded for more than 10 minutes during any 8-hour period.
- c. This limit shall not be exceeded at any time for any length time.
- d. Any Industrial user discharging wastewater that causes this limit to be exceeded shall immediately cease all discharges. IDLH means Immediately Dangerous to Life or Health.

5. Dilution is prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
6. The Director may establish more stringent pollutant limits, additional site-specific pollutant limits, BMPs or additional Pretreatment Requirements when, in the judgment of the Director, such limitations are necessary to implement the provisions of these Regulations.

12.80.090 Surcharges for High Strength Waste

- A. The Extra Strength Treatment Surcharge allows the City to recover actual treatment costs associated with treating wastewater containing Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) in excess of normal domestic discharges. Surcharges for FOG are discussed in Section 12.80.050; L.
- B. BOD discharges in excess of 250 mg/L are surcharged at the current rate set forth in the City of Gunnison Fee Table.
- C. TSS discharges in excess of 250 mg/L are surcharged at the current rate set forth in the City of Gunnison Fee Table.
- D. BOD will be calculated based on effective COD measurements if applicable.
- E. Surcharges apply to the additional pounds discharged above and beyond the concentrations expected for domestic wastewater.

12.80.100 Specific Powers of the Director

If wastewaters from a User covered by these Regulations are discharged or proposed to be discharged into the POTW, the Director may take any of the following actions:

- A. Prohibit the discharge of such wastewater;
- B. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Regulations;
- C. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling, treating or disposing excess loads imposed on the wastewater treatment system;
- D. Take enforcement and issue fines and penalties for violations of these Regulations. The City may also assess charges against the User for any fines or legal expenses associated with violations of the City's CDPS Permit that resulted from the discharge of pollutants from a User;
- E. Require the User to apply for and obtain a permit;
- F. Require timely and factual reports from the facility responsible for such discharge; or
- G. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Regulations.

12.80.110 General Powers of the Director

- A. In addition to the authority to prevent or eliminate discharges through enforcement of Pretreatment Standards and Requirements, the Director shall have the following authority:
 1. Endangerment to Health or Welfare of the Community. The Director, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

2. Endangerment to Environment or Treatment Works. The Director, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
- B. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Regulations.

12.80.120 Pretreatment and Monitoring Facilities

- A. Pretreatment Facilities Users shall provide wastewater treatment, including flow equalization, to comply with these Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the Director.
1. Any facilities determined by the Director to be necessary for compliance or monitoring shall be provided, operated, and maintained at the User's expense.
 2. All treatment facilities shall be properly operated and maintained. Detailed plans describing such facilities and operating procedures shall be submitted to the Director.
 3. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of these Regulations. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without notice to the Director.
- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- C. Should the Director deem it necessary to fulfill the purposes of these Regulations, the owner or operator of any premises or facility discharging industrial wastewater into the collection system shall install at the Users expense suitable monitoring facilities or equipment. The monitoring facilities and equipment shall allow for the accurate observation, sampling and measurement of regulated discharges. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- D. When more than one user is able to discharge into a common service line, the Director may require installation of separate monitoring equipment for each user.
- E. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.
- F. Pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

12.80.130 Slug Discharge and Spill Control Plans

- A. Each SIU and other Users required by the Director shall provide protection from slug loads or spills of pollutants regulated under these Regulations. Facilities to prevent discharge or slug loads of pollutants shall be provided and maintained at the User's cost and expense. The Director may establish specific requirements and conditions to prevent spills or slug discharges for any User.
- B. Notice to employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to call in the event of a spill or slug discharge to the sewer system. Employers shall ensure that all employees who work in any area where a spill or slug discharge may occur or originate are advised to the emergency notification procedures. The notice shall specify that the City of Gunnison

shall be notified immediately (Monday-Friday 8 am – 4:30 pm) at (970) 641-8120. At other times, the posted notice shall indicate that the employees shall dial 911 and report the discharge.

12.80.140 Wastewater Discharge Permits

- A. All Significant Industrial Users, proposing to connect to or discharge into any part of the wastewater system, shall complete an Industrial User Discharge Information Questionnaire prior to commencing discharge to the POTW.
- B. The Industrial User Discharge Information Questionnaire may be obtained by contacting the City at 970-641-8120.
- C. Users proposing to discharge hauled wastes shall complete and file with the Director an application on the form prescribed by the Director. Such application shall be filed within thirty (30) days of receipt of the application form from the Director.
- D. The Director may issue a wastewater discharge permit containing all Pretreatment Standards and Requirements that the Director deems necessary. The conditions of wastewater discharge permits shall be enforced in accordance with these Regulations and applicable State and Federal regulations.
- E. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- F. Discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the Director's discretion or may be stated to expire on a specific date.
- G. Wastewater discharge permits are issued to a specific User for a specific operation. No permit shall be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

12.80.150 Discharge Permit Modification

The Director may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the individual wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
- G. To correct typographical or other errors in the individual wastewater discharge permit.

12.80.160 Discharge Permit Revocation

- A. A violation of the conditions of a permit or of these Regulations or of applicable State and federal regulations may be reason for revocation of such permit.
- B. Upon revocation of this permit, any wastewater discharge from the affected User shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:

1. Failure of a user to accurately disclose or report the wastewater constituents and characteristics of the discharge;
2. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
3. Refusal of access to the user's premises for the purpose of inspection or monitoring;
4. Falsification of records, reports or monitoring results relating to chemical materials
5. Tampering with monitoring equipment;
6. Violation of conditions of the permit;
7. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to pay permit and sampling fees; or
11. Failure to meet compliance schedules.

12.80.170 Special Agreements and Contracts

No statement contained in these Regulations shall be construed as prohibiting special written agreements between the City and any industrial user allowing industrial waste of unusual strength or character to be discharged to the POTW, provided the industrial user compensates the City for any additional costs of treatment where appropriate. Such agreement, however, shall not allow or cause:

- A. Any adverse effect to the POTW;
- B. A violation of the POTW CDPS permit;
- C. A violation of a General or Specific Prohibition; or
- D. A violation of State or federal law or regulation.

12.80.180 Reporting Requirements

A. Reporting for Industrial User Regulated by the State or EPA

1. All industrial users that are applying for or hold a Notice of Discharge Requirements (NDR) issued by the Colorado Department of Public Health and Environment (CDPHE) pursuant to Regulation 63, shall copy the City on the following items:
 - a. NDR application information;
 - b. The NDR issued by the CDPHE;
 - c. All reports required by the NDR; and
 - d. Any other report or documentation reported to the CDPHE as required by the NDR or Regulation 63.
2. All industrial users that are Categorical Industrial Users shall notify the City that they are located within the City and meet the definition of an Industrial User. The Industrial User shall copy the City on all reports, documents and notifications that are reported to EPA pursuant to 40 CFR Part 403 and the applicable Categorical Standard.

B. Self-monitoring Reports (SMR)

1. Any industrial user required by the City to submit self-monitoring reports shall submit such reports at a frequency required by the City but no less than once per six (6) months. In cases where the permit or other control mechanism requires compliance with BMPs, the industrial user must submit documentation required by the City necessary to determine compliance status of the industrial user. All industrial monitoring reports must be signed and certified in accordance with Section 12.8.18 (10).

2. All wastewater samples must be representative of the industrial user's discharge.
3. If an industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the methods and procedures prescribed in Section 12.8.18 (9), the results of this monitoring shall be included in the SMR.

C. Change in Discharge or Operations

Every SIU shall file a Change in Discharge or Operations notification to the City a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than 20% in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

1. Change in number of shifts, and/or hours of operation.
2. Additional processing, manufacturing or other production operations.
3. New regulated substances used which may be discharged.
4. Changes in the listed or characteristic hazardous waste for which the user has submitted or is required to submit information to the City under these regulations and 40 CFR Part 403.12 (p) as amended.

D. Slug Discharge and Spill Reporting

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident.
2. Within five (5) working days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Regulations.

E. Notification of the Discharge of Hazardous Waste

Any User shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the POTW shall be made immediately upon discovery of the discharge. Notification to the State and EPA is the responsibility of the User and shall be made as required under 40 CFR §403.12(p). The User shall copy the Director on all notifications made to the State and EPA. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Regulations, a permit issued hereunder, or any applicable federal or State law.

F. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, posted prepaid, into a mail facility serviced by the United States Postal Service, the date of the receipt of the report shall govern.

G. Records Retention

Users subject to the reporting requirements of these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample; the dates analyses were performed; Who performed the analyses; and analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of three (3)

years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

H. Admission to Property and Access to Information

Whenever it shall be necessary for the purposes of these Regulations, the Director may enter upon any User's facility, property or premises subject to these Regulations is located or conducted or where records are required to be kept for the purposes of:

1. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by industrial or other users.
Compliance monitoring and inspection shall be conducted at a frequency as determined by the Director and may be announced or unannounced;
2. Examining and copying any records required to be kept under the provisions of these Regulations or of any other local, State or federal regulation;
3. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
4. Sampling any discharge of wastewater into POTW; and/or
5. Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Regulations, could originate, be stored, or be discharged to the POTW.

The occupant of such property or premises shall render all proper assistance for such activities.

I. Analytical Requirements

1. All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other analysis required under these Regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by the EPA.
2. Records shall include for all samples:
 - a. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
 - b. The date(s) and time analyses were performed;
 - c. The name of the person performing the analyses;
 - d. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
 - e. All chain-of-custody records; and
 - f. The results of such analyses.
 - g. A signed statement from the laboratory director stating that the samples were properly handled and analyzed pursuant to 40 CFR Part 136 or other approved methodology.

J. Signatory Certification

All reports and other submittals required to be submitted to the City shall include the following statement and signatory requirements:

1. The Authorized Representative of the industrial user signing any application, questionnaire, any report or other information required to be submitted to the City must sign and attach the following certification statement with each such report or information submitted to the City:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

2. If the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in Chapter 12.02 must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

K. Requests for Information

When requested by the City, any industrial user shall submit information to the Director regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Director to meet the responsibilities under these Industrial Wastewater Control Regulations. Failure to provide information within the timeframe specified shall be a violation of these Industrial Wastewater Control Regulations.

12.80.190 Administrative Enforcement Actions

A. Notification of Violation

1. When the Director finds that a User has violated, or continues to violate, any provision of these Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon the User a written Notice of violation.
2. Within five (5) working days of receipt of the Notice of Violation a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the User to the Director.
3. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.
4. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Administrative Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of these Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specific time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Administrative Fines

1. When the Director finds that a User has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed \$1,000 per day. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
3. Users desiring to appeal such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing by the Board.
4. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the User.

D. Civil/Administrative Fine Pass Through

If an Industrial User discharges such pollutants which cause the City to violate any condition of its CDPS permit and the City is fined by the EPA or the State for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the City by the EPA and/or the State.

E. Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive of any other remedies that the City may have under the provisions of Colorado law. The Director may take any, all, or any combination of these actions against a noncompliant User.

F. Public Nuisances

A violation of any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Gunnison Municipal Code governing such nuisances.

12.80.200 Extra Monitoring Charge

- A. The Director may assess an extra monitoring charge to any User who is found to have:
 1. Discharged a waste which causes an obstruction, damage, interference or other impairment to the City POTW;
 2. Violated provisions of these Regulations and was placed in Significant Noncompliance; or
 3. Failed to comply with provisions of the User's discharge permit.
- B. The amount of this charge shall be determined by the Director and may include:
 1. Sampling and analysis costs.
 2. Time, material and equipment costs incurred as a result of inspection procedures.
 3. Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge such as time, material and equipment costs including polymer usage, preventing or correcting Interference of POTW, etc.
 4. Other associated costs as the Director may deem necessary.
- C. The affected user shall be notified in writing by the Director of the extra monitoring charges within five (5) days of determination.
- D. Such fees shall be payable by the User within thirty (30) days of being notified of the charges.

12.80.210 Confidentiality

- A. All records, reports, data or other information supplied by any person or industrial user because of any disclosure required by these Industrial Wastewater Control Regulations or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Colorado Open Records Act (C.R.S. 24-72-201, et. seq.).
- B. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the industrial user which is desired to be considered a trade secret shall have the words, "Confidential Business Information", stamped in a reasonably noticeable manner on each page containing such information. The industrial user must demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.
- C. Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the City charged with implementing and enforcing the provisions of these Industrial Wastewater Control Regulations.
- D. Effluent data from any industrial user whether obtained by self-monitoring, monitoring by the City or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

12.80.220 Regulation of Users from Outside Jurisdictions

- A. If a User is located in another municipality, county, state, or other jurisdiction contributes wastewater to the POTW, the City shall enter into an intergovernmental agreement (IGA) with the contributing jurisdiction.
- B. Prior to entering into an IGA, the City shall request the following information from the contributing jurisdiction:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - 2. An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and
 - 3. Such other information as the City may deem necessary.
- C. The IGA shall contain the following conditions:
 - 1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance or rules which specifically require that all non-domestic users shall be under the jurisdiction of this Article for the purposes of implementation and enforcement of Pretreatment Standards and Requirements;
 - 2. A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;
 - 3. A provision specifying that the City shall be delegated full responsibility for implementation and enforcement of the pretreatment program unless otherwise agreed to and specified in the IGA;
 - 4. A requirement for the contributing jurisdiction to provide the City with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users;
 - 5. Requirements for monitoring the contributing jurisdiction's discharge; and
 - 6. A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.



TO: City Council
FROM: Anton Sinkewich, Community Development Director
DATE: March 23, 2021
RE: Annexation Process Discussion

Background: *RESOLUTION NO. 15 SERIES 2007, A Resolution of the City Council of the City of Gunnison, Colorado, Adopting Annexation Policies for the City of Gunnison* was adopted in 2007. The Community Development Director and the City Attorney have recently discussed possibilities for the simplification of this process, while still protecting the interests of the City. As possible requests and petitions for future annexation of land into the City of Gunnison boundaries may vary greatly in simplicity or complexity, changes to the City's required processes could be considered in order to allow for simplification or an increase in review criteria and process where necessary and appropriate. The Colorado State Statutes (CRS) Title 31, Article 12, defines the Baseline requirements for Colorado Annexation law, based on the *Municipal Annexation Act of 1965*.

- **To illustrate for council, the diagram on the following page shows the necessary process required by CRS 31-12-104 through CRS 31-12-113**
- Also included in your packet is the 2007 resolution and associated exhibits.

It is staff's opinion that the current City Annexation process adopted in 2007 can be simplified, and the Colorado State Statutes provides a framework to protect the City's interests and customize the application criteria based on specificity of the annexation application. If Council agrees regarding simplification, staff recommends nullifying the 2007 resolution through a process recommended by the City Attorney, and via ordinance amending the Land Development Code to reference the CRS requirements and include several additional safeguards for more complex annexation proposals.

Action Requested of Council: To have a discussion on the City's Annexation process and give direction to staff regarding next steps.

The CRS documents can be read at the following links:

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-104>

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-105>

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-106>

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-107>

<https://law.justia.com/codes/colorado/2017/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-108/>

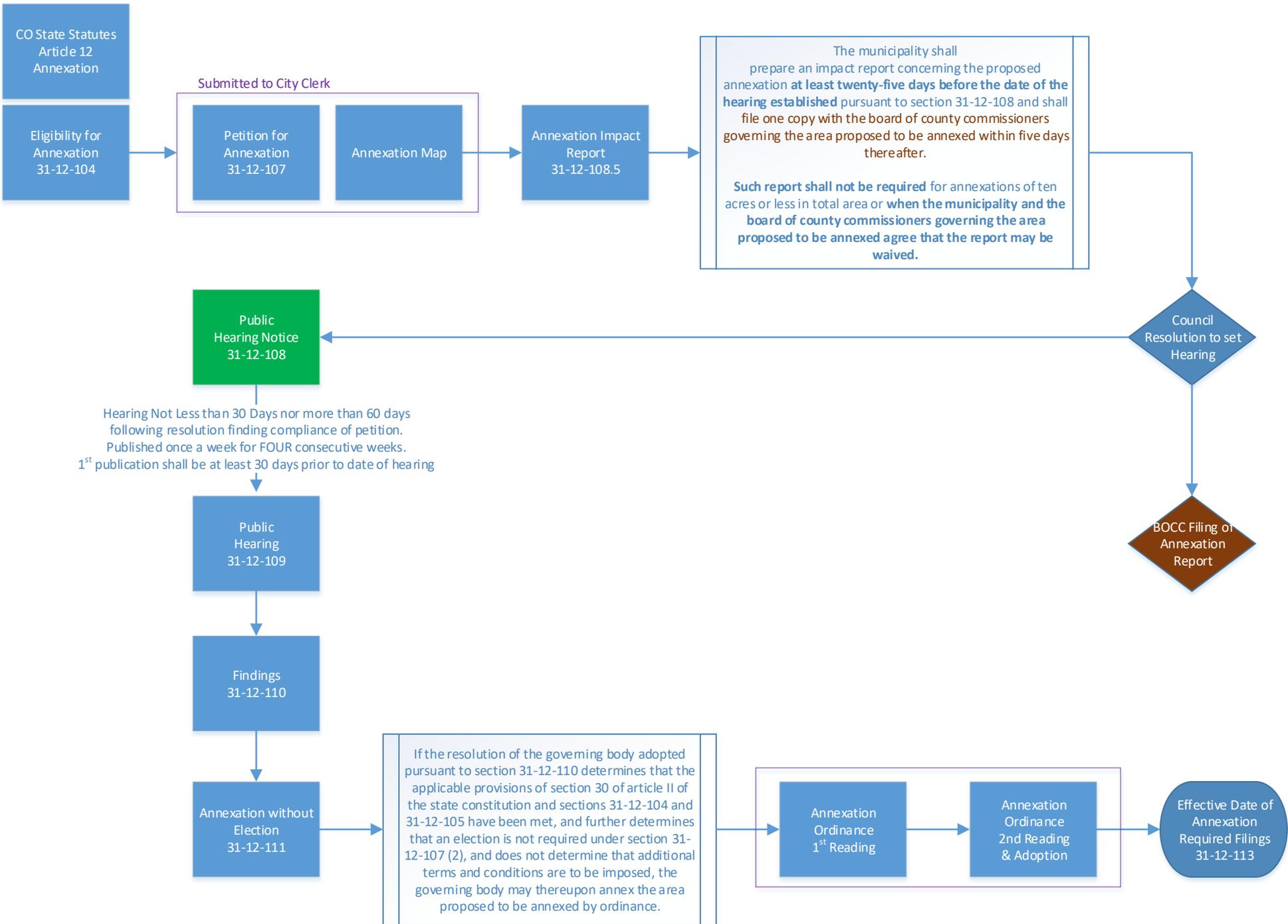
<https://law.justia.com/codes/colorado/2017/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-109/>

<https://law.justia.com/codes/colorado/2017/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-110/>

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-111>

<https://law.justia.com/codes/colorado/2016/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-112/>

<https://law.justia.com/codes/colorado/2018/title-31/annexation-consolidation-disconnection/article-12/part-1/section-31-12-113/>



**RESOLUTION NO. _____
SERIES 2007**

A RESOLUTION ADOPTING ANNEXATION POLICIES FOR THE CITY OF GUNNISON

WHEREAS, the City Council anticipates the future annexation of lands (developed or undeveloped) into the City of Gunnison boundaries; and,

WHEREAS, the City of Gunnison adopted a master plan, entitled, *City of Gunnison Master Plan* on April 25, 2007; and,

WHEREAS, the City of Gunnison adopted a code, entitled, *The City of Gunnison Land Development Code* which is used to ensure orderly and safe development within the municipal boundaries; and,

WHEREAS, the City of Gunnison adopted a *Three Mile Plan and Urban Growth Boundary, City of Gunnison, Colorado* in December 1997 which provides the means for the City and County to jointly address land use and development issues around the fringe of the City; and,

WHEREAS, the City’s annexation plan addresses the right to vote or petition on annexation of Article II of the *Colorado Constitution* and the Municipal Annexation Act of 1965 (C.R.S. §31-12-101, as amended); and,

WHEREAS, the City Council has developed an Annexation Philosophy set forth and hereto attached as Exhibit A; and,

WHEREAS, the City Council has developed Annexation Criteria statements set forth and hereto attached as Exhibit B; and,

WHEREAS, the City Council has developed an Annexation Application Process set forth and hereto attached as Exhibit C; and,

WHEREAS, the City Council has developed Annexation Application Requirements set forth and hereto attached as Exhibit D; and,

WHEREAS, these Exhibits combine to form the Annexation Policies of the City of Gunnison; and,

WHEREAS, these Annexation Policies outline annexation type, the annexation petition, the annexation agreement, and minimum submittal requirements for an annexation; and,

WHEREAS, important issues to be addressed include, but are not limited to density, zoning, access, utilities, infrastructure, open space, affordable housing, economic analysis, annexation impact report, annexation agreement, subdivision improvements agreement, vesting of development rights, and site plan; and,

WHEREAS, such Annexation Policies also enable staff, Planning and Zoning Commission, and City Council to review such applications in a more structured manner; hence, reducing the need for multiple meetings to determine the City's specific needs or wants pertaining to such annexation policies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gunnison, Colorado, hereby adopts the Annexation Policies set forth and hereto attached as Exhibits A, B, C and D.

INTRODUCED, READ AND ADOPTED by the City Council this _____ day of _____, 2007

Mayor

(SEAL)

City Clerk

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EXHIBIT A Annexation Philosophy

The City of Gunnison Annexation Policy is based on the philosophy that annexation can be beneficial when community values are supported, and specifically when:

- **the resulting development pattern is in immediate proximity to the City landspace and facilitates a concentric growth pattern;**

| Objectives |
|--|
| Central service delivery
<i>The provision of utilities, refuse, police and parks raise service levels for new area annexed.</i> |
| Utility efficiencies of scale
<i>Extension of lines in more concentrated growth areas is more economically feasible.</i> |
| Transportation connectivity
<i>Possibilities for extended street grids and major collector roadways are enhanced.</i> |
| Compatible land use
<i>Ability to review development plans for consistency with city land use needs.</i> |
| Community Character
<i>Consistent uses proposed to match the current community development approach.</i> |
| Logical growth pattern
<i>Ability to create logical expansion of current uses meeting current development standards.</i> |

- **it supports sustainable economic viability within the community;**

| Objectives |
|---|
| Protection and expansion of sales tax base
<i>Increased commercial development provides revenues for services needed by housing.</i> |
| Economies of scale for service
<i>Extension of utilities and street services is accomplished cost effectively with denser development.</i> |
| Incentives for new business/jobs
<i>Added opportunities with retail and industrial space provide for increased commerce.</i> |
| Increased development opportunity
<i>Economic prospects are enhanced with added land development potential.</i> |
| Housing inventory increased
<i>More developable ground dedicated to mixed types of housing to meet community demands.</i> |

- **it supports sustainable environmental preservation within the community; and,**

| Objectives |
|---|
| Avoidance of uncontrolled sprawl
<i>Control of area brought within municipal boundaries may help mitigate sprawl.</i> |
| Central sanitary services required
<i>Proper waste treatment is ensured when denser development occurs within city boundary.</i> |
| Water quality preserved
<i>Control of water, wastewater, and storm water protects water quality.</i> |
| Reduce impact to fringe areas
<i>Expansion of City limits allows control of area on the border of the boundary.</i> |
| Strive to protect riparian, sage grouse, and other critical habitats found within the 3-mile Area
<i>Coordinate with CDOW and land management agencies regarding habitat issues.</i> |

- **it supports a sustainable social/political framework within the community.**

Objectives

Larger voting community

Those that live within annexed area are provided opportunities to vote on city issues.

Simplifies governmental access

For those that are on the fringe there would be a consolidation of government interaction.

Increased population increases influence

As a city's population grows there are greater resources to exercise a unified political voice.

Improved services with more users sharing the capital costs

More citizens would share in paying the costs of capital investments.

Public transit possibilities

As city limits expand the need for public transit grows and becomes more viable.

Trail network potential

Undeveloped ground is easier to plan future development than areas already built.

Partnering with other entities

As available resources grow the opportunity to work with other entities grows as well.

EXHIBIT B

Annexation Criteria

In order to achieve the intent of the City's annexation philosophy directives, all annexation petition applications must demonstrate their compatibility with the Criteria statements contained herein. The Planning and Zoning Commission and City Council will use these statements to determine compatibility and develop a basis of fact for either approval or denial for all annexation petition applications. Annexation depends upon the land development plan being acceptable to the City. The City may deny an annexation petition based on the legislative prerogative of the City Council.

- *The City will evaluate proposed annexations in relation to the capacity of community services and facilities to accommodate development to the overall benefit of the City.*
 - The annexation master plan should be established in a manner to minimize the traffic impacts to City residents, businesses, and also promote reduced energy consumption.
 - The annexation of land should minimize the short and long-term costs of providing community services and facilities which benefit the annexed area.
 - Annexation of land should encourage infill development and generally ensure that land is immediately contiguous to other land in the City that is already receiving services. The City's edge should be clearly defined and leapfrog or scattered site developments are to be discouraged.
 - Additional extension of City utilities should not be made outside the city limits without formal approval by the City Council.
 - The annexation of land should be allowed only if a fiscal impact study detailing the economic impacts of the proposed development has been conducted. At a minimum, the fiscal impact study will address City, School District, Fire District and Western State College impacts.
 - Proposed annexations will be accompanied by an advisory master development plan submittal addressing land use, transportation, cultural and environmental resources, and utilities.
- *The City will give appropriate consideration to the need for open space and critical habitat areas.*
 - Proposed annexations should avoid impacts to critical wildlife habitat.
 - Proposed annexations should avoid impact to wetlands.

- Proposed annexations should preserve ground water recharge areas and avoid development in areas with high ground water.
- Proposed annexations should avoid development within designated flood plains.
- *The City will promote quality developments.*
 - Proposed annexations should allow for the logical extension of existing City streets.
 - Proposed annexation master development plans should identify architectural design parameters for residential, commercial and industrial business that define building mass, form and scale consistent with that of the existing city character, and evoke high quality street front appeal.
 - Proposed annexation master development plans should identify streetscape design parameters for residential, commercial and industrial business that promote pedestrian friendly environments with a richly landscaped character.
 - Proposed annexation should allow for the logical extension of domestic water, irrigation water, sewer and electrical infrastructure.
 - Proposed annexations should promote best management strategies for storm water drainage control.
 - Proposed annexations should promote energy conservation through architectural and urban design.
 - Proposed annexations should promote energy conservation through development of multi-modal transportation networks.
 - Proposed annexations should provide a broad mix of housing types to support the diverse income mix of citizens, and provide a proportional share of essential housing.
 - Proposed annexations should provide retail commercial uses that enhance the City's sales tax base in a quantity sufficient to fully supplement service expenditures incurred as a result of development.
 - Proposed annexations should provide adequate park and open space to ensure that the needs of the new population in the annexation area are met to the same level as currently exists throughout the city.
 - Proposed annexations should comply with policies of the City's *Master Plan* and *Three Mile Plan*.

- Proposed annexations should include an annexation agreement identifying those terms and conditions set forth by the City and agreed upon by the developer that meet the overall community needs for the consideration of annexation.

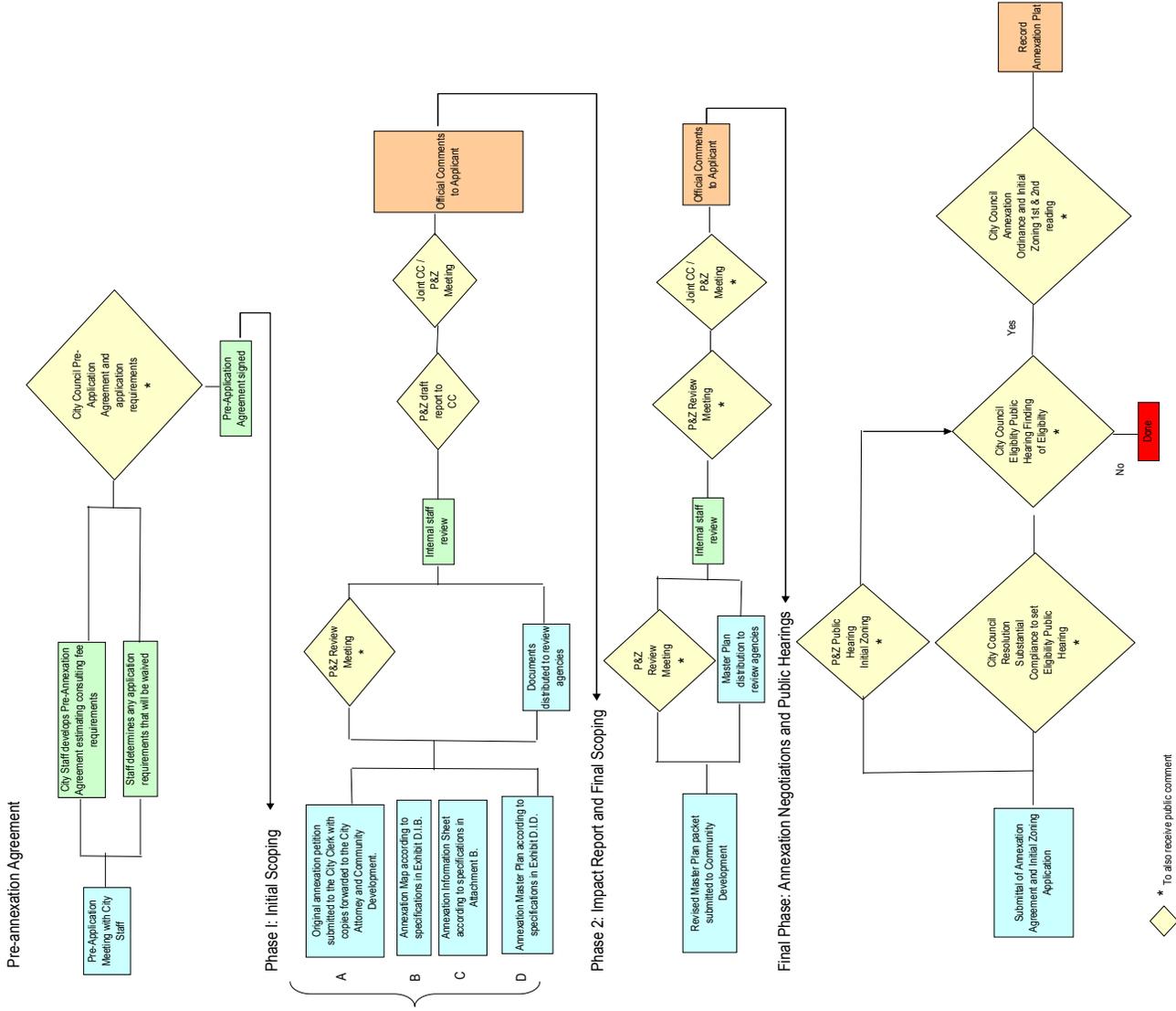
REQUIREMENTS

- Annexation of territory to the City will be in accordance with Section 30 (Right to Vote or Petition on Annexation) of Article II of the *Colorado Constitution* and the Municipal Annexation Act of 1965 (§31-12-101, et. Seq., *Colorado Revised Statutes* as amended).
- The *Gunnison Three Mile Plan and Urban Growth Boundary* (as amended) will guide the City's annexation decisions.
- The *City Charter* grants the City power to obtain water rights to support domestic and irrigation water demands that may be required for the annexed property.

PROCEDURE

The City of Gunnison annexation process is separate from the subdivision process, but the process requires a Map Amendment to establish zoning of the annexed land. Exhibit C defines the process for annexation petition submittals.

December 18, 2007



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EXHIBIT D Annexation Application Requirements

I. REQUIRED INFORMATION

It is understood that the Annexation Application Requirements may not apply to every annexation situation. Applicants must submit the following information at the Phase 1 Review stage, unless otherwise directed by the statements contained herein, or upon waivers granted by the City Council as part of the Preannexation Agreement.

- _____ A. Petition for Annexation (original and three copies). The Petition for Annexation shall be signed by the landowners of more than 50 percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys. The required format and content of the petition is set forth in *Attachment A – Petition for Annexation*. A copy of the petition shall be submitted in electronic format preferably as a PDF file. No signature on the petition is valid if dated more than 180 days prior to the date of filing the petition.

- _____ B. An Annexation Map (20 copies): The annexation map shall be prepared according to the standards in *Colorado Revised Statutes* (C.R.S.) §31-12-107 amended from time to time. The mapping data format is described in *Attachment E* and shall also comply with the following:
 - 1. All maps must bear suitable evidence of the professional qualifications of the person or firm who prepared the map. All required documents containing land survey descriptions shall be certified by a duly registered Colorado Professional Land Surveyor
 - 2. Monuments. The character, type and position of all boundary and/or aliquot monuments found or set shall be shown on the map. Reference monuments shall be set, with dimensions and descriptions shown on the map in the event that monuments cannot practically be set because of steep terrain, water, marsh or existing structures. If a monument is to be set as a result of a proposed street, road or other construction, one or more reference monuments shall be set, with dimensions and descriptions shown on the map, if the monument cannot be reestablished in its original position.
 - 3. A monument key that shows existing monuments in the form of those monuments found and those set, or a note at each monument detailing this information is acceptable.
 - 4. Section corner tie. A minimum of two (2) section corners, quarter corners or other relevant aliquot corners are required for annexation maps.

5. The dimensions of all maps shall be twenty-four (24) inches by thirty-six (36) inches, with a marginal line one inch from each edge. All drawings, affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notarial seals shall be contained within said marginal lines, except that the title shall be noted in the upper and lower right corners, outside the margin, for City filing purposes.
6. In the case of three or more sheets, a key map showing the relationship of individual sheets shall be provided on the first sheet of the set. Match lines are required on each sheet of a set. Notes shall appear only on the first sheet. A tabulation shall be included showing the perimeter distance of the proposed annexation that is contiguous with the City's corporate limits, as defined by C.R.S. §31-12-104, as amended from time to time; and, the actual perimeter boundary distance of the area sought to be annexed, and a calculation of the ratio between the contiguous boundary and the total perimeter boundary in order to establish the 1/6th contiguity requirement as defined by C.R.S. §31-12-104.
7. Each map shall be drawn in black, waterproof ink on mylar of good quality. The standards for mylar submittals are detailed on ***Attachment F***.
8. The basis of bearings used in the legal description.
9. The proposed name of the annexation.
10. A subtitle describing the origin of the proposed annexation.
11. Date of preparation.
12. Each sheet shall show title, north arrow, scale (minimum 1" = 200'), bar graph, and sheet number.
13. Show relationship to adjacent areas using fine dashed lines to include complete legal description (lot and block numbers, outlot and tract names and annexation/subdivision name or "unincorporated Gunnison County"), including land across adjacent rights-of-way.
14. Boundary of the annexation shall be designated by a one-eighth inch hatched border applied to the inside of the boundary line.
15. Line types for annexation boundaries, street right-of-way lines and existing lot lines shall be bold and solid.
16. Line types for easements shall be denoted by fine dashed lines.

17. Location and widths of all existing easements, recorded or otherwise, and proposed easements, if required to be shown on the map by the City, are to be labeled and dimensioned to sufficiently define the easement geometry, including easements to be reserved for public use. No "typical" notations shall be used. Where an easement is not defined as to width or extent by a recorded conveyance, decree or other instrument, the easement shall be depicted in a manner that gives notice of the existence thereof, together with an appropriate descriptive label which includes the words "boundary not determined." The applicant shall include the name and address of the owner of each such easement in the information required under Item 5, and such owner shall be given notice as described under Section II of this document. It shall be the duty of the applicant to meet with the owner of each such easement and to make reasonable efforts to agree upon boundaries thereof. In the event any such agreement is reached, appropriate instruments evidencing such agreement shall be recorded prior to recording of the annexation map, and the agreed upon boundaries shall be indicated on the annexation map.
18. Location and dimensions of all existing recorded rights-of-way showing the centerline of each right-of-way and the right-of-way width on each side of centerline.
19. Location and dimensions for all lines, angles and curves used to describe boundaries, rights-of-way, and easements to be reserved for public use, if required to be shown on the map by the City. Sufficient data shall be shown to readily determine the bearing and length of every boundary line and easement line. No ditto marks shall be used. Length, radius, total delta and the bearing of radial lines shall be shown. In addition, non-tangent curves shall include a chord bearing and distance.
20. All distances shall be set forth to the nearest hundredth of a foot and bearings to the nearest second.
21. All tracts and outlots shall show net acreage to the nearest square foot.
22. Street names, including prefixes and suffixes, shall be noted. Names shall be subject to the street naming policy of the City and all names shall be subject to the approval of the Fire and Police Departments.
23. Limits of floodway and flood fringe boundaries shall be shown by dashed lines and labeled.

24. The centerline and directional flow of streams and rivers shall be shown with dashed lines ending with arrows and with an appropriate descriptive label including the words "exact location not determined." The Public Works Department may require information, including but not limited to additional rights-of-way, flood plain information, etc.
25. All irrigation ditches and proposed easements and rights-of-way for irrigation ditches, if required to be shown on the map by the City. If no easements or rights-of-way exist, the plat shall show the location of any such ditch on the plat with an appropriate descriptive label including the words "exact location not determined."
26. Legal description of the parcel to be annexed inclusive of the reception number(s) and/or book and page(s) that the legal survey for the annexation is based upon. Legal descriptions must match boundary and direction as shown on the map. The area of the annexation shall be included in the legal description and dedication statement.
27. Other relevant documentation as determined by the Director. Other information may be required by the Director to make a determination as to the impacts of the proposed annexation to the City.
28. When an annexation agreement has been established for an annexation, the following note shall be provided on the map: "This annexation is subject to an annexation agreement which has been recorded in the real property records of Gunnison County."
29. Dedication form-acknowledgments. All maps, on which property is dedicated for public use, shall have a dedication statement thereon signed by all persons having any record interest in the property annexed, consenting to the preparation and recording of the map and offering for dedication all parcels of land shown on the map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in a subdivision of the property contained within the boundaries of the annexation map, including their licensees, visitors, tenants and servants. The form of all dedications, and the acknowledgments of all signatures shall be as shown on Certificate No. 1 on page 6.
30. Surveyor's certificate. The form of all surveyors certificates, together with the acknowledgment shall be as shown on Certificate No. 2 on page 7.
31. City Council's certificate to include a complete list of exceptions, as shown on Certificate No. 3 on page 8.

December 18, 2007

32. Attorney's certificate as shown on Certificate No. 4 on page 9.
33. Clerk and Recorder's certificate as shown on Certificate No. 5 on page 9.

December 18, 2007

Certificate No. 3: City Council

This map is approved by the City Council of the City of Gunnison, Gunnison County, Colorado, this _____ day of _____, _____, for filing with the Clerk and Recorder of Gunnison County and for conveyance to the City of the public dedications shown hereon, which are accepted; subject to the provision that approval in no way obligates the City of Gunnison, for the financing or constructing of improvements on land, streets or easements dedicated to the public except as specifically agreed to by the City Council.

Mayor

Witness my hand and seal of the City of Gunnison

ATTEST:

City Clerk

Certificate No. 4: Attorney

I, _____, being an attorney-at-law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and/or conveyed and shown upon this plat and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

Exceptions:

So sworn this _____ day of _____, _____

Attorney at Law

(Note: Attorney's certification shall be effective on the date of annexation map approval.)

Certificate No. 5: County Clerk and Recorder

This map was filed for record in the office of the Clerk and Recorder at _____ o'clock _____ .M., _____, _____, and is duly recorded at Reception No. _____

Clerk and Recorder
County of Gunnison
State of Colorado

By

Deputy

34. Where required by the Director, additional certificates shall be included on the map certifying the acknowledgment of the annexation through the signatures of other affected property owners.

_____ C. Completed Annexation Information Sheet (*Attachment B.*)

_____ D. Annexation Master Plan. The petitioner shall submit an annexation master plan that must include the following:

1. The applicant shall submit 20 copies of a *Master Land Use Plan (Master Plan)* providing narrative information, tabulated data and mapped spatial data illustrating the conceived project. One copy of the plan narrative and tabulated data shall be submitted to the City at the time of submittal. The plan should also be provided in electronic format in MS Word or compatible format. One copy of the mapping data shall be provided to the City at the time of submittal. Maps shall be submitted in AutoCad or ArcGIS ArcView format. At a minimum the plan will describe existing conditions, illustrate conceived land use patterns, and depict connections to the existing city street grid system and proposed highway access points, and the relationship of the proposal to the existing city land use pattern. The plan will include the sections:

- a. Introduction. The introduction is intended to set the stage for defining design philosophy and land use rational prescribed by the *Master Plan*. The introduction may summarize *Master Plan* elements or an executive summary may accompany the report.
- b. Environmental Impact Report. The required contents of the report are explained in *Attachment C*.

The Environmental Impact Report will include a compilation of natural resource data that spatially depicts those critical resource areas and conditions requiring special consideration. The analysis will include but not be limited to: a slope analysis; visual analysis; vegetation coverage impact; existing critical wildlife habitat impact; soils and geologic constraints; slope stability analysis; floodplain delineation; wetland delineation and wildfire hazard assessment. The Environmental Impact Report will demonstrate the sensitive of site design and land use in relation to the natural resources implications.

- c. Planning Parameters. This section will provide descriptive statements regarding the development intent. The parameters will set forth concepts regarding the proposed land uses in relation to the existing city fabric; it will address concepts for street and architectural design; identify the connectivity and linkage to the city road and trail network; and discuss the open space, park and trail elements of the plan.

- d. *Proposed Land Use Plan.* The *Proposed Land Use Plan (Land Use Plan)* will describe the proposed zoning designations contemplated by the petition; assign proposed unit densities to proposed land uses; define anticipated floor areas for industrial, commercial, professional and other non-residential land uses; proposed zoning districts; and identify those areas proposed for open space, trails, parks and public buildings. The *Land Use Plan* will also include a development phasing plan if the improvements are contemplated in a phased approach. The *Land Use Plan* may also serve to depict specific data requirement for the Site Plan as required by item i. noted below.
 - i. Twenty copies of a Site Plan at a scale not less than 1" = 200' of the property proposed for annexation and adjacent land within 300 feet. The Site Plan is not the annexation map. Specific Site Planning data shall include, but not be limited to the following:
 - a). existing buildings and structures, if any, including any stormwater or sewer treatment facilities;
 - b). power pole and buried cable locations;
 - c). location and dimensions of all other physical features within and adjacent to the tract to be annexed;
 - d). contours of the City datum at vertical intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is 10% or less;
 - e). location and principle dimensions of all existing streets, alleys, easements, lot lines, access points to public ways, and areas reserved for public use;
 - f). complete street names;
 - g). use of property and outline of any existing deed restrictions, including building setbacks and minimum yard dimensions;
 - h). location and extent of environmentally sensitive areas;
 - i). sidewalk location and width;
 - j). provisions for sewage disposal;
 - k). provisions for water supply;

- l). open irrigation canals and ditches;
 - m). location of all easements;
 - n). locations and dimensions for a adjacent streets, alleys, lot lines and open areas;
 - o). locations and dimensions of private and public sewers and private and public water mains;
 - p). existing stormwater drainage patterns;
 - q). location and dimensions of watercourses and direction of flow;
 - r). location and dimension of area(s) subject to inundation by stormwater; and,
 - s). location of existing fire hydrants.
- e. Utility and Infrastructure Study. The *Master Plan* will include a utility study describing the proposed means to extend water, sewer, electrical and irrigation infrastructure to serve the proposed annexation site. This study will be established by a professional engineer registered in the State of Colorado and possessing a professional experience level to address the utility needs. At a minimum the report will describe the following information:
- i. Water Infrastructure Assessment. The report will define the parameters for extending and hooking the proposed annexation development site to the city water system. At a minimum the report will define the source for potable water; demonstrate the legal and physical adequacy of the proposed domestic water source; define legal and physical adequacy of the proposed irrigation water source; and, the trunk line size and looping requirements to meet projected fire flow. It will describe the estimated demand for potable water at buildout and during the progression toward full development; identify the means and needs for water storage; identify the projected costs for on-site and off-site improvements necessary to meet domestic and fire flow demands; and, identify the treatment methods to meet safe drinking water standards.
 - ii. Domestic Wastewater Infrastructure Assessment. The utility report will include a section describing the engineering elements to transport and treat domestic effluent. At a minimum, information will include: the line size requirements for transport; the need for pumping; impacts to the existing sewer lines and their relative

capacity to service the proposed development; and, the impacts projected for the sewage treatment plant and how much demand will be placed on the plant by the proposed development.

- iii. Electrical Distribution System. The utility report will provided an assessment of the electrical demand generated by the proposed development and the capital improvements necessary to service the proposed site.
 - iv. Private Utility Service Extension. The utility report will provide information regarding anticipated delivery of private utilities to include natural gas, telephone, cable and other related services.
- f. Traffic Impact Analysis. The *Master Plan* submittal shall include a traffic impact analysis submitted by the petitioner. The traffic impact analysis shall be established by a Colorado Registered Engineer, or traffic engineer with specific expertise in transportation planning and engineering. At a minimum the traffic impact analysis shall include the following:
- i. *Land Use and Access Plan*. The *Land Use and Access Plan* will depict proposed site access intersections in relation to existing streets and highways. It will also provide traffic analysis zones (TAZ) used for the assessment and define the buildout information related to these zones as they pertain to traffic impacts.
 - ii. Area Roadway Assessment. The Area Roadway Assessment will provide information related to the impact upon the regional road system. This section will include brief descriptions of those critical roadways and intersections and their relative geometric design and limitations.
 - iii. Existing Traffic Volumes. This section will provide data regarding existing peak-hour traffic volumes for specific intersections considered to be impacted by the Proposed Development Plan. Critical intersections will be identified by the City Planning Department prior to development of the Traffic Impact Analysis. Traffic volume data will be established by traffic counts conducted by the applicant for those specific intersections.
 - iv. Trip Generation. Estimates of the traffic volumes expected to be generated by the development will be established using the national public trip generation rates found in the Institute of Transportation Engineers, *Trip Generation Handbook* (latest adopted version). Tabulated data will define average weekday,

weekday peak-hour (morning and afternoon), and the same information for weekend trip generation.

- v. Weekday and Saturday Traffic Comparison. A description of existing traffic comparison; trip generation comparison and comparison summary; directional distribution and trip assignment data; background traffic assessment; 30 year total traffic projections both on-site and regionally; projected levels of service; traffic signal progression efficiency; and CDOT permits.
 - vi. Directional Distribution and Trip Assessment. This assessment will assess several factors including the site location and proposed land uses with respect to residential, employment, and activity centers in the Gunnison area. The assessment will provide directional information for the buildout site-generated traffic volumes in a 30 year time frame.
 - vii. 30-Year Background Traffic. This report section will describe background traffic, lane geometry, traffic control and Level of Service data without consideration of the site-generated traffic volumes.
 - viii. 30-year Traffic. This section will define the projected traffic volumes for a 30 year Buildout. It will define the total traffic volumes from site-generated traffic volumes and background traffic volumes.
 - ix. Projected Levels of Service, Traffic Progression Efficiency and CDOT Permits. The consulting engineer will use contemporary traffic modeling techniques to assess various impacts for the proposed development. It will define roadway improvements required to achieve acceptable levels of service. It will identify existing and future signalized intersections and their relative level of service function for peak hour demand in a 30 year buildout.
 - x. Conclusions and Recommendations. The report will include a conclusion that identifies those elements of the road systems most impacted by the proposed development. It will also include recommendations for changes in lane geometry design, signals and other improvements needed to fulfill the development needs.
- g. Procedural Details. Both Phase 1 (Initial Scoping) and Phase 2 (Detailed Scoping) require the submittal of the *Annexation Master Plan*. If the petitioner is contemplating the immediate submittal of a subdivision application, the Sketch Plan Subdivision Application may be included with the Phase 2 submittal information. If the sketch plan

is accepted then the Phase 3 submittal may include Preliminary Subdivision Application, which will be processed concurrently with the Annexation Petition and Zoning Map Amendment. There is no guarantee of approval for the subdivision application which is submitted currently with the annexation application.

_____ E. Draft Annexation Impact Agreement. Twenty copies of a Draft Annexation Agreement will be submitted by the petitioner along with the Phase 1 *Master Plan* submittal. This agreement would set forth any proposed conditions of annexation in addition to those set forth in the Petition for Annexation. Examples of such conditions would be provisions to protect environmentally sensitive areas and requirements to dedicate rights-of-way or easements. The Annexation Agreement will propose the terms for services to be provided by the City; dedications of land for public open space and public institution facilities; and, financial or other contributions to the City, County, RE 1J School District, the Gunnison Fire Protection District or other public agency that the petitioner has reached agreement with. If the City and petitioner are contemplating execution of an agreement setting forth any conditions of annexation other than those set forth in the Annexation Petition, then such conditions must be included in the Draft Annexation Agreement. Any such annexation agreement must be in place (signed by all parties other than the City) prior to City adoption of the annexation ordinance on first reading.

_____ F. Annexation Impact Report. Preparation of the impact report is the responsibility of the City. The report will be completed during the Phase 2 review of the annexation. However, reimbursement of the cost incurred for the report development is to be established as part of the Pre-annexation Agreement. The report will include the following:

1. a map or maps of the municipality and adjacent territory to show the following:
 - a. present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - b. present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and,
 - c. the existing and proposed land use pattern in the area to be annexed;
2. a statement detailing plans for extending to, or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;

3. a statement setting forth the method under which the extension of the municipal services into the area to be annexed will be financed;
4. a statement identifying existing districts within the area to be annexed;
5. a statement addressing the effect of the annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students (*this information must be obtained from the Gunnison RE1-J School District*);
6. a statement addressing the effect of the annexation upon the Gunnison Fire Protection District. The report will disclose project revenues generated through property tax, and the resource and staffing impacts generated by development with the annexation territory;
7. a statement addressing the effect of the annexation upon the administrative staffing needs for the various City departments including, but not limited to the Clerks Department, Finance Department, Community Development Department, Communications and Dispatch, and the Police Department;
8. a statement addressing the effect of the annexation upon the staffing needs, equipment requirements and facility needs of the Gunnison Parks and Recreation Department;
9. a statement addressing the effect of the annexation upon the staffing needs, equipment requirements, and facility needs of the Gunnison Public Works Department;
10. a statement showing the relationship of projected revenues derived from the annexation and the financial obligations incurred by the City and a result of the annexation; and
11. a statement detailing the various assumptions used to develop the fiscal impact report and information regarding the economic drivers incorporated into the analysis.

_____ G. Three copies of an Ownership and Encumbrance Report from a title company and a letter from an attorney certifying that the landowner and lienholder signature blocks on the map are correct. This report must be current as of the date of filing the petition. The applicant shall provide an updated report within fifteen (15) days of the City Council public hearing on the annexation ordinance.

_____ H. Twenty (20) copies of the following: completed application form (*Attachment D.*); vicinity map (8 ½" x 11"); the annexation map; and the Site Plan folded in

eighths to approximate letter size. The copies must be collated into twenty (20) packets ready for distribution.

- _____ I. The annexation mapping data, a complete project description, and legal description must be submitted in digital form. The mapping data format is described in *Attachment E*. The mapping data is not required until the annexation map has been approved by City Council, but must be submitted before the map is recorded.
- _____ J. \$400 filing fee, plus \$25.00 per acre on gross area being annexed.
- _____ K. One (1) 11" x 17" photo reduction of the map and the site plan. A reduced paper copy is initially acceptable, but the photo reduction shall be submitted to the Community Development office no less than 22 days before the public hearing.
- _____ L. The annexation map submittal checklist completed by the applicant and containing the initials of the appropriate City representative for all items waived.
- _____ M. A Wetlands Reconnaissance Report prepared by a qualified specialist regarding the presence or absence of wetlands on the subject property. If wetlands are present on the property, the location and extent of the wetlands must be depicted in materials submitted with the *Master Plan Report – Environmental Impact Report* under Item D.1.b., above.
- _____ N. A complete application to zone the property annexed in accordance with the City of Gunnison submittal requirements for conventional or PUD zoning applications. An additional filing fee is required for the zoning portion of the application in accordance with the adopted fee schedule.
- _____ O. One (1) copy of a list of mailing addresses of all owners of record of; 1) the property proposed for annexation and 2) all real property located within 500 feet of the property to be annexed, including public rights-of-way. This information can be obtained from the County Assessor's Office. This list must also include the names and addresses of any owners of water rights in ditches that may be affected by development of the land being annexed.
- _____ P. Two (2) copies of a Phase I Environmental Report prepared by a qualified specialist examining the property for hazardous material and petroleum product contamination. The report will be prepared in accordance with the American Society for Testing Materials Standard Practice for Environmental Site Assessments: Phase 1 ESA Process (Standard E 1527-97).
- _____ Q. Two (2) copies of a report prepared by a qualified person describing in sufficient detail information that the applicant wants to have the Community

Development Department, the Planning and Zoning Commission, and the City Council consider in determining if the proposed annexation is consistent with the *City of Gunnison Master Plan*, *The Gunnison Three Mile Plan and Urban Growth Boundary*, and the *Annexation Philosophy* (Exhibit A) and *Annexation Criteria* (Exhibit B).

_____ R. A checklist completed by the applicant and containing the initials of the appropriate City representative for all items waived.

II. PREANNEXATION AGREEMENT

Prior to submitting the annexation application the City and petitioner(s) shall enter into a Preannexation Agreement (Attachment G). At the Preannexation agreement stage the applicant may request waivers to the *Annexation Application Requirements* (Exhibit D), except those items that are required by *Statute*. The Community Development Director will provide City Council with a recommendation regarding the applicant's waiver proposal. The City Council will have final determination of what is waived.

III. PUBLIC HEARING NOTICE REQUIREMENTS FOR MAJOR ACTIVITY

_____ A. Annexation Public Hearing. The notice of the publication for the determination of eligibility will be given in accordance with State law.

_____ B. Map Amendment Public Hearing. The notice of the publication for the determination of eligibility will be given in accordance with State law.

IV. RECORDING AND FILING REQUIREMENTS

After the final approval of the annexation map and ordinance, the applicant must submit to the Community Development Office two (2) signed, original mylars and containing original signatures. Mylar submittals shall conform to the provisions of ***Attachment F***.

The City Clerk must:

1. Cause the annexation map; two (2) copies of the annexation ordinance, certified; the development agreement, if applicable; any other written agreements or documents which the Director requires to be recorded; and all other necessary filings as required by CRS §31-12-113 to be recorded with the Gunnison County Clerk and Recorder.
2. Distribute sufficient copies of the map to other departments and individuals as required by law or designated by the Director.

Attachment A

PETITION FOR ANNEXATION

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition to the City Council of the City of Gunnison, Colorado, for annexation to the City of Gunnison the unincorporated territory more particularly described below, to be known as _____ (name of addition) _____, and in support of said Petition, the petitioners allege that:

(1) It is desirable and necessary that the following described territory be annexed to the City of Gunnison, Colorado;

[include complete metes and bounds legal description]

(2) Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Gunnison, Colorado;

(3) A community of interest exists between the territory proposed to be annexed and the City of Gunnison, Colorado;

(4) The territory proposed to be annexed is urban or will be urbanized in the near future;

(5) The territory proposed to be annexed is integrated or is capable of being integrated with the City of Gunnison, Colorado;

(6) The signatures on the Petition comprise the landowners of more than 50 percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and said landowners attesting to the facts and agree that the conditions herein contained will negate the necessity of any annexation election;

(7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

a. Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;

b. Comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000) for ad valorem tax purposes for the year preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners.

(8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;

[insert the appropriate language into the petition]

(9) The area proposed to be annexed comprises: (more than ten acres and an impact report as provided for in §31-12-105.5 CRS, as amended, is required), (less than ten acres and an impact report as provided for in §31-12-105.5 CRS, is not required).

[insert only the appropriate following districts within the petition]

(10) The area proposed to be annexed is located within Gunnison County, the Gunnison REIJ School District, the Gunnison Fire Protection District, the Upper Gunnison River Water Conservancy District, the Gunnison Metropolitan Recreation District, and no others;

(11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;

(12) Accompanying this Petition are four (4) prints of the annexation map containing the information required by State Statute as well as under Section B. of the City of Gunnison Annexation Requirements.

(13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

(14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the City, appear on the annexation map:

a. Water rights shall be provided at the discretion of City Council and in conformance with the City Charter.

b. Future development of this property shall be subject to payment of the capital improvements fees pursuant to the *Gunnison Municipal Code*;

c. The undersigned hereby waive any and all “vested rights” previously created pursuant to §24-68-103, CRS, as amended;

d. The undersigned and the City may enter into a Pre-Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition; and

e. Any development within the annexed territory shall comply with the *City of Gunnison Master Plan*.

December 18, 2007

(15) Petitioner represents that: (check one)

___ No part of the property to be annexed is included within any site specific development plan approved by Gunnison County, Colorado.

___ A site specific development plan has been approved by Gunnison County, Colorado, which has created a vested right.

EXECUTED this _____ day of _____, ____ (year).

(insert appropriate signature block or blocks found on following page)

Signature Block Formats

1. Corporation

Corporation name

By: _____

Title

Street address

City, State Zip

Secretary

STATE OF)
) ss
County of)

The foregoing instrument was acknowledged before me this _____ day of _____(month), _____(year), by _____, as President, and by _____, as Secretary of _____(corporation name), a _____ corporation.

WITNESS my hand and official seal.

My commission expires _____.

Notary Public

Full name
Street address
City, State, Zip

December 18, 2007

2. Partnership

Partnership name

By: _____

General Partner
Street Address
City, State Zip

STATE OF)
) ss
County of)

The foregoing instrument was acknowledged before me this _____ day of _____(month), _____(year), by _____, a general partner of _____ (name of partnership).

WITNESS my hand and official seal.

My commission expires _____.

Notary Public

December 18, 2007

3. Individual

Individual name

By: _____

Full name
Street Address
City, State Zip

STATE OF)
) ss
County of)

The foregoing instrument was acknowledged before me this _____ day of
_____ (month), _____ (year), by _____ (full
name).

WITNESS my hand and official seal.

My commission expires _____.

Notary Public

Attachment B

Annexation Information Sheet

The following information is necessary in order to prepare documents required for the annexation of land into the City of Gunnison. Please provide all information requested for the Annexation packet.

NAME OF ADDITION:

LEGAL DESCRIPTION: Attach metes and bounds legal description for the entire land area to be annexed. If there are existing parcels recorded with Gunnison County within the land to be annexed include a metes and bounds legal description of each parcel.

ZONING: Include a legal description for the boundary of each proposed zoning district.

SIZE OF ANNEXATION PARCEL IN ACRES:

BRIEF DESCRIPTION OF LOCATION OF PROPOSED ANNEXATION:

IMPACT REPORT: Unless waived by the *City of Gunnison Three Mile Plan and Urban Growth Boundary* an impact report as provided in §31-12-108.5 CRS, is required. The Board of County Commissioners may waive this requirement. If so, a letter from the Board of County Commissioners is required to be provided with this document.

DISTRICTS: From the following list, indicate which districts the area proposed annexation is located within:

_____ Gunnison RE1J School District

_____ Gunnison County Fire Protection District

_____ Upper Gunnison River Water Conservation District

_____ Gunnison Metropolitan Recreation District

_____ Any other Districts: (list)

ANNEXATION AGREEMENT: The petitioners and the City may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall constitute additional conditions as effectively as if set forth in the Petition for Annexation.

December 18, 2007

LIST NAMES OF **INDIVIDUAL** OWNERS WHO WILL BE SIGNING THE PETITION FOR THE ANNEXATION, AND THEIR ADDRESSES (Attach additional sheets if needed):

A. Name:

Address:

B. Name:

Address:

C. Name:

Address:

D. Name:

Address:

LIST NAMES OF **CORPORATE** OWNERS, THEIR ADDRESSES, AND NAMES OF PERSONS WHO WILL BE SIGNING THE PETITION FOR ANNEXATION (Attach additional sheets if needed):

A. Corporation Name:

Address:

B. Corporation Name:

Address:

Person Signing and Title:

Person Attesting and Title:

Person Signing and Title:

Person Attesting and Title:

LIST NAMES OF **PARTNERSHIP OWNERS**, THEIR ADDRESSES, AND NAMES OF GENERAL PARTNERS WHO WILL BE SIGNING THE PETITION FOR ANNEXATION (Attach additional sheets if needed):

A. Partnership Name:

Address:

B. Partnership Name:

Address:

General Partner Signing:

General Partner Signing:

December 18, 2007

VESTED PROPERTY RIGHTS: State whether any 'vested rights' have been created by previous approval(s) by Gunnison County pursuant to §24-68-103, CRS, that petitioner(s) will not waive as a condition of annexation, and if so, describe in detail, on a separate sheet, the nature of such vested rights.

ENVIRONMENTAL IMPACT REPORT

The intent of this report is to facilitate informed decision making with respect to proposed development in a manner that recognizes and preserves the natural qualities of environmentally sensitive and natural areas. The requirement for this information is in accordance with the following documents:

- *The City of Gunnison Master Plan* Chapter 4, Environment and Natural Resources (pg. 23) states: "As the City considers expanding its boundaries through annexation, the preservation of environmental and natural resources becomes a major concern within the City's three-mile planning area. ...resource management and conservation of natural systems are important components of the City's comprehensive planning process."
- *The City of Gunnison Three Mile Plan and Urban Growth Boundary*, Chapter 3, Goal 2 (pg. 27), states: [the City should] "Preserve sensitive environmental features, cultural resources, and agricultural lands."

In order to consolidate the required information, the applicant must establish an Environmentally Sensitive Areas Report, conducted by consultant(s) with the appropriate credentials related to field biology, ecology, wetlands biology, hydrology, geology and geotechnical engineering, and other specialized disciplines required to fulfill the assessment requirements for this report. This outline is intended to be general. There may be specific concerns and issues that should be addressed, depending upon the project site and adjacent areas that may be impacted by the proposed development. These issues may require consultant and City staff discussions to ensure that the report adequately addresses all impacted resources.

Elements of the Environmental Impact Report:

- I. **Define Study Area.** The Study Area must include all land within the proposed development boundary plus adjacent land identified as natural areas or wetlands or as other significant natural features included in the definition of environmentally sensitive areas that are likely to be impacted by the proposed development. If there is any question on defining the study area, contact the Community Development Office at 970 641-8090.
- II. **Visual Analysis.** The visual analysis through computer graphics or other means shall portray ridgeline, critical view corridors, etc.
- III. **Slope Analysis.** The slope analysis map shall indicate slope gradients in at least six increments (i.e., 0-8%, 8-15%, 15-20%, 20-25%, 25-30%, 30-100%) that visually depict terrain.

IV. **Geologic and Geotechnical Report.** The geologic and geotechnical report is a preliminary geologic hazards evaluation and will include:

- site geology
 - stream and flood plain alluvium
 - alluvium and colluvium
 - alluvial fan deposits
 - eolian sand
 - landslide deposits
 - West Elk breccia
 - biotite quartz schist
 - ground water
- potential geologic hazards and engineering constraints
 - landslide deposits and potentially unstable slopes
 - hard bedrock
 - seismicity
 - shallow ground water
 - erosion
- identify development consideration and limitations

V. **Site Inventory.** This section will provide a description of the natural characteristics of the site with respect to any environmentally sensitive areas. These include, but are not limited to:

- mature stands of vegetation;
- legal or jurisdictional wetlands as defined by the US Army Corps of Engineers;
- wildlife habitat areas and corridors;
- natural areas and habitat classifications identified by the Colorado Division of Wildlife, Gunnison County, Bureau of Land Management or other state and federal land management agencies;
- alluvial aquifer boundary and identified bedrock aquifer within the annexation area;
- aquifer recharge areas;
- physical linkages to other natural areas or open spaces;
- land within or affecting floodway and flood fringe boundaries;
- irrigation canals and ditches;
- water courses, stream corridors, or estuaries;
- floodplains and floodways within the subject site;
- topographic data with 2 foot contours depicted except on slopes greater than 20% may be depicted with 10 foot intervals.
- existing slopes over twenty percent;
- soils with high water table, being highly erodible, subject to erosion, or highly acidic;
- land formerly used for landfill operations or hazardous industrial use; and,

- geologic fault areas and areas containing potentially unstable or unstable slopes.

The report must include maps (no greater than 1:200" scale) delineating any areas listed above that are present within the study area.

VI. **Sage Grouse Impact Report.** The report shall include a report identifying and quantifying the various habitats of the Gunnison Sage Grouse. The report shall identify specific habitat types through vegetation transects or other appropriate means approved by the Community Development Director. The report will identify the impact of the proposed development upon Sage Grouse habitat. The applicant is urged to review the *Gunnison Sage Grouse Rangewide Conservation Plan* (Colorado Division of Wildlife, April 2005)

IV. **Assessment of Potential Impacts of Proposed Development.** The report is to assess and describe any potential adverse impacts of the proposed development on the identified environmentally sensitive areas. The assessment must include a description of the extent to which the environmentally sensitive areas would be impacted and how such impacts are likely to effect or change the environmentally sensitive areas over time.

The objective is to determine the current overall habitat quality of any natural areas within the study area. Particular attention shall be placed upon sage grouse related habitat, linear riparian corridor that may be fragmented by contemplated annexation development, and critical winter range for large mammals.

V. **Recommendation: Protection Measures, Mitigation, Enhancement.** The report is to discuss the development opportunities of the site and make recommendations on how the environmentally sensitive areas can best be protected. The preferred method for protecting environmentally sensitive areas is to avoid adverse impacts by incorporating elements in the project design that eliminate development in these areas. If adverse impacts to environmentally sensitive areas are unavoidable, the report will explain why the impacts are unavoidable based on environmental, technical, or financial considerations. For all unavoidable impacts to environmentally sensitive areas, the report will identify corresponding mitigation measures.

Mitigation measures discussed in the report could include buffer areas, landscaping with native vegetation, visual screening, modifications to the proposed project, protecting other critical habitats in other areas of the basin through acquisition of conservation easements or similar means, or other measures necessary to adequately protect the environmentally sensitive areas. The report will also determine the extent to which

mitigation or enhancement measures compensate for, or offset, any adverse impacts on environmentally sensitive areas. This discussion should provide a direct correlation between the findings of the report and the guidelines established in the City of Gunnison and include other relevant matters, such as comments from the Colorado Division of Wildlife or the United States Fish and Wildlife Service, United States Army Corps of Engineers and the Bureau of Land Management. The report shall clearly highlight any adverse impacts for which mitigation measures are unfeasible and explain the technical or financial basis for determining feasibility.

- VI. **Report Standards.** All reports must bear suitable evidence of the professional qualifications of the person or firm who prepared the plans. All data submitted regarding environmental studies and other disciplines, not currently requiring registration by the State of Colorado, shall be accompanied by a résumé of such qualifications sufficient to demonstrate the author's degree of expertise and experience.

The report shall also include the following:

- a. Name, title, business telephone number, and address of person(s)/firm(s) preparing the report;
- b. Date of preparation
- c. Copy of supporting plans or clear key to relevant elements or plans submitted pursuant to other requirements;
- d. Pages numbered consecutively

City of Gunnison
Planning Process Application

Application Fact Sheet

City of Gunnison Land Development Code
Minimum Application Contents
In Accordance With 15-12-3(C)

City of Gunnison

P.O. Box 239
Gunnison, CO 81230
(970)641-8090

| | |
|--|------------|
| Applicant Name(s): _____ | |
| Phone #: _____ Fax #: _____ E-Mail: _____ | |
| Mailing Address: _____ | |
| City: _____ State: _____ Zip: _____ | |
| Summary of Request:

_____ | |
| Disclosure of Ownership- Please provide one of the following: | |
| <input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments
<input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements | |
| Legal Description | |
| Site Address of Property: _____ Zoning _____ | |
| Block: _____ Lot(s): _____ Addition: _____ | |
| Attachments: <input type="checkbox"/> Vicinity Map (8.5"x11") <input type="checkbox"/> Written Narrative/Description of Proposal
<input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)
<input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Letter/Power of Attorney from Owner (If Not Applicants)
<input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4. (See Attached Sample.) | |
| YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION | |
| Signature(s) | |
| _____ | Date _____ |
| _____ | Date _____ |

| | |
|---|--|
| For Office Use Only | |
| <input type="checkbox"/> Conditional Use(CU) <input type="checkbox"/> Variance(VA) <input type="checkbox"/> Zoning Amendment (ZA)
<input type="checkbox"/> Major Subdivision (SB) <input type="checkbox"/> Minor Subdivision (SB) <input type="checkbox"/> Subdivision Exemption (SBE)
<input type="checkbox"/> Mobile Home/RV Park <input type="checkbox"/> PUD(PD) <input type="checkbox"/> Vacation (VF) <input type="checkbox"/> Consolidated Application | |

Site Data

LAND USE AND ZONING

| | |
|--|----------------------------------|
| Existing Use: | Master Land Use lan Designation: |
| Proposed Use: | Existing Adjacent Zoning and Use |
| Existing Zoning and Aera (acres): east side: | south side: |
| west side: | north side: |
| Propossed Zoning and Area (acres): | |
| Is any portion located in a floodplain? | Yes: _____ No: _____ |
| If yes, please attach legal description: | |

UTILITY SERVICE PROVIDED BY:

| | | |
|--------|--------|-----------|
| Water: | Sewer: | Electric: |
|--------|--------|-----------|

GENERAL

| | |
|-------------------------------------|--|
| Number of Units Existing: | Non-residential building area (sq.ft.) proposed: |
| Number of Units Proposed: | Non-Residential Constrution Floor Area Ratio: |
| Number of Phases: | Average Residential Building Area (sq.ft.) propsed: |
| Number of Units per Phase: | Total number of parking spaces: |
| Nuber of Lots Proposed: | Acreage of Site: |
| Lot/Tract Size Minimum: | a. Gross: |
| Lot/Tract Size Maximum: | b. Right-of-Way: |
| Lot/Tract Size Average: | c. Net (a-b): |
| Gross Density (DU/A): | Estimated Price Range of Dwellings Proposed: |
| Net Density: (DU/A): | Type of housing proposed (please check): |
| Percent (%) of Open Space Proposed: | <input type="checkbox"/> single family |
| | <input type="checkbox"/> duplex |
| | <input type="checkbox"/> multi-family (# of units) _____ |
| | <input type="checkbox"/> townhouse |
| | <input type="checkbox"/> condominium |

Water Rights Paid - Dates and a Amounts:
 (For information, call the City Clerk's Office at 970 641-8140)

DESIGNATION OF REPRESENTATIVE:

The undersigned owner(s) and lienholder(s) agree that _____ represents the undersigned in all matters pertaining to this project, including subsequent modifications to the application

Owner: _____

Date: _____

Lienholder: _____

Date: _____

ACKNOWLEDGMENTS:

I, as the applicant or representatives of the applicant, hereby acknowledge that the application is correct and complete as per the specifications of the attached information sheet and checklist.

 Signature of Applicant or Representative
 Attachment D

 Date:

 Printed Name of of Applicant or Representative

 Date:

Planning Process Application

City of Gunnison
Plat and Digital Submission Standards

The following submission standards apply to the following document types:

- Preliminary subdivision plats
- Final subdivision plats and annexation maps
- Boundary line adjustment plats
- Lot Merger plats

Digital data submissions are for exclusive use in the City of Gunnison's Geographic Information System (GIS) and development review process.

The standards for digital submission are as follows:

- 1) Digital data submitted on CD in one of the following formats:
 - a. AutoCAD Release 12 DWG format;
 - b. ESRI ArcView 9.2 Shape Files, using NADA 1983 State Plane-Colorado Central Projection
 - c. Terrain Models shall be developed using Triangular Integrated Network system.
 - d. Ariel Photography shall be provided in TIFF file format projected in NADA 1983 State Plane-Colorado Central.

Mylar Submittals

Requirements for submitting mylars to the City for permanent retention:

1. Must be on good quality mylar sepia so that clearly legible blueprints or reproductions can be made on standard reproduction equipment, i.e., 3-4 mil. mylar, single or double matte.
2. Must be high quality print. No smudges or blurred text will be accepted. No Xerox mylars will be accepted.
3. Must be in good condition and unblemished. Torn, folded or stapled mylars will not be accepted.
4. No attachments or use of adhesives on mylar to adhere information.
5. Must be 24" x 36" in size.
6. Signatures are to be in black indelible ink marker. Pencils or ballpoint pens are not acceptable.

All standards apply to the following plans:

Final plats

Annexation maps

Special Review site plans

Construction plans

FDP

GDP

Landscape Plans

Construction Plan Record Drawings ("as built")

PREANNEXATION AGREEMENT
Expense Reimbursement Agreement

THIS AGREEMENT is made and entered into this _____ day of _____, _____ by and between the CITY OF GUNNISON, a Colorado home rule municipality, whose address is P.O. Box 239, Gunnison, Colorado 81230, hereinafter the "CITY", and _____ (petitioner), a Colorado limited liability company, whose address is _____ (street, city, state, zip), hereinafter " (petitioner's dba) ".

RECITALS

_____ (Petitioner), as landowner, intends to file a petition with the CITY seeking to annex lands owned by _____ (petitioner) into the CITY. Due to the density of the land uses for the property proposed to be annexed by _____ (petitioner), the CITY has determined to engage the services of a consultant to assist the CITY in determining the impacts upon the CITY and its citizens of such an annexation, to review the land uses proposed by _____ (petitioner) for the property to be annexed, and the infrastructure requirements to extend municipal services to the property proposed to be annexed into the CITY.

The CITY and _____ (petitioner) have agreed that _____ (petitioner) shall reimburse the CITY for expenses actually incurred for such consulting services in accordance with the terms of this agreement.

NOW, THEREFORE, IT IS AGREED by and between the CITY and _____ (petitioner) as follows:

1. EXPENSES TO BE REIMBURSED.

A. The CITY has entered into an agreement with _____ (consultant), doing business as _____ (consultant's dba), for economic and land use impacts analysis of the proposed annexation and development in an amount to exceed \$_____.

B. _____ (Petitioner) agrees to reimburse the CITY for the foregoing expenses pursuant to this agreement.

2. SCHEDULE OF PAYMENTS.

A. _____ (Petitioner) shall reimburse the expense incurred by the CITY for economic and land use impacts analysis and consulting services in the total maximum amount of \$_____ by paying to the CITY equal payments of \$_____ each to be paid on or before the ____ (day) of _____ (month) _____, _____ (month) _____, _____ (month) _____, _____ (year).

B. IN the event the CITY does not incur the maximum amount of expenses pursuant to the agreement with _____ (consultant) _____, the CITY shall refund to _____ (petitioner) any unexpended amounts within thirty days of the final payment of amount due upon said consulting agreement.

3. REIMBURSEMENT NOT CONTINGENT UPON ANNEXATION. The obligation to reimburse the expenses undertaken by _____ (petitioner) pursuant to this agreement is not contingent in any way upon the ultimate decision of the CITY, acting through the City Council, upon the Petition for Annexation filed with the CITY by _____ (petitioner). Said obligation to reimburse the expenses is contingent only upon the CITY incurring said expenses.

4. (PETITIONER) TO PROVIDE INFORMATION FOR EVALUATION BY CITY. The CITY and its consultants shall begin their review and preparation of the "Annexation Impact Report" required by Colorado State Statute at the time _____ (petitioner) submits the information described herein with respect to the property sought to be annexed and developed. _____ (Petitioner) shall submit sufficient number of copies of the information, as agreed upon by the CITY and _____ (petitioner), for review by the affected CITY departments, the CITY'S consultants, and other affected entities. The information to be submitted by _____ (petitioner) is described as follows:

A. Master Land Use Plan. To include the proposed land uses, floor areas, residential densities, preliminary street layout, and open space and recreation areas.

B. Transportation Impact Analysis. To include existing and proposed rights-of-way, existing traffic volumes, proposed traffic generation volumes, level of service projections, preliminary geometric design standards, and mass transportation needs.

C. Drainage Analysis. To include a master drainage plan and analysis of the development area.

D. Utility Extension Feasibility Plan. To include preliminary sizing and location of all utilities to be extended within and to the property sought to be annexed.

EFFECTIVE as of the day first above written.

(Petitioner),
a Colorado limited liability company
By _____
(title)
By _____
(title)

CITY OF GUNNISON, a Colorado home
Rule municipality
By _____
Mayor

ATTEST:

City

Clerk



Memorandum

To: City Council
From: Mike Lee
Date: 3/19/2021
Re: Microsoft Exchange incident investigation

Purpose:

Request Council approval \$13,000 for initial investigation of Microsoft Exchange incident.

Background:

Microsoft Exchange server processes the email for the City. Microsoft reported a zero-day vulnerability in the software early March. Bad actors took advantage of the vulnerability using Bots. The Bots installed an additional website on the server that could allow them to access the server with elevated credentials. With those credentials, they could install software allowing future access to our network.

The forensic investigation will help determine if the bad actors tried to install additional software. This action has been recommended by CIRSA, our insurance carrier. CIRSA has also offered to pay for the first three hours. If there are signs of software installed, additional forensic research and mitigation may be required.

With patching of the Exchange server and firewall, we have worked to mitigate this vulnerability, per MS-ISAC/CISA recommendations. We will continue to monitor their recommendations.

Action Requested:

A motion to authorize the expenditure of \$13,000 to both retain services of Lewis Brisbois Bisgaard & Smith LLP and conduct a forensic investigation.



Alyssa R. Watzman
1700 Lincoln Street, Suite 4000
Denver, Colorado 80203
Alyssa.Watzman@lewisbrisbois.com
Direct: 720.292.2052

March 18, 2021

File No. new

VIA EMAIL

Russ Forrest, City Manager
City of Gunnison
201 W Virginia Ave
PO Box 239
Gunnison, CO 81230
Email: rforrest@gunnisonco.gov

Re: Engagement Letter

Dear Mr. Forrest:

The purpose of this correspondence is to, upon execution: 1) establish an attorney client relationship between Lewis Brisbois Bisgaard & Smith LLP (“Lewis Brisbois” or “the Firm”) and City of Gunnison (“City of Gunnison”); 2) define the scope of the Firm’s representation of City of Gunnison; and 3) establish other material terms and conditions of the representation, including but not limited to the financial terms.

Scope of Engagement. Lewis Brisbois is to represent City of Gunnison in connection with an information security incident. This may involve the facilitation of a forensics investigation, an assessment of your consumer and regulatory notification obligations and, if necessary, drafting of notification letters to affected consumers and appropriate regulators, facilitation of remediation services like credit monitoring or identity monitoring for affected consumers, and interfacing with regulators. This letter confirms Lewis Brisbois’ representation of City of Gunnison for these purposes.

Terms of Engagement. When undertaking representation, we think it is critical that our clients and the firm share the same understanding of the attorney-client relationship. To that end, I am enclosing a copy of our “Standard Terms of Engagement for Legal Services” brochure, which describes in greater detail the basis on which we provide legal services to our clients. As supplemented by this letter, the “Standard Terms of Engagement for Legal Services” comprises our engagement agreement. Therefore, I ask that you review it carefully and contact me promptly if you have any questions about our relationship. Unless later varied, our engagement agreement will also apply to any subsequent matters we handle for you.

Legal Fees. Fees for services are based on a variety of factors including, for example, time and effort involved, the experience of those doing the work, the complexity of the matter and the amount involved. Of these and other considerations, the time devoted and the experience of those providing the services will be given the most weight. Our hourly rates as authorized by your cyber insurance carrier, CIRSA, will be \$375 for Partners, \$315 for Associates, and \$175 for Paralegals. Invoices will be sent monthly to you and your

cyber insurance carrier. You will be responsible for payment of invoices up to and until your deductible or self-insured retention is satisfied, after which, your cyber insurance carrier will be responsible for invoices, subject to carrier approval.

Advance Fee Deposit. No retainer is being requested at this time. However, if our legal fees are not paid in a timely manner, we may request that you provide an advance fee deposit equal to the outstanding legal fees. If that occurs, the advance fee deposit will be placed in a trust account for your benefit. Unless otherwise agreed, the advance fee deposit will be credited toward your unpaid invoices, if any, at the conclusion of services. At the conclusion of our legal representation or at such time as the deposit is unnecessary any remaining balance will be returned to you. If the advance fee deposit proves insufficient to cover current expenses and fees on at least a two-month basis, it may have to be increased.

Attorney-Client Privilege. Please be aware that many communications between you and our lawyers and others from the firm are protected by the attorney-client privilege. Although we do not, as a matter of course, stamp all communications "Attorney-Client Work Product and Privileged," you should treat them as such. Any privileged information between us should be protected from inadvertent or intentional disclosure to third parties. Such disclosure may waive the attorney-client privilege. This admonition includes our billing statements, which may contain references to or summarize legal advice we have provided to you.

Communication. We believe very strongly in maintaining an open line of communication with each other at all times. This allows us to better serve you and keep you fully informed regarding the status of the work we are performing on your behalf. For example, we will provide you with copies of all correspondence in connection with your file. Our normal office hours are Monday – Friday, 7:30 a.m. to 5:30 p.m. I can be reached directly at any time on either my office number, 720.292.2052, or on my cell phone number, 240.398.8255.

I hope the information contained in this letter is helpful. I am pleased that you are entrusting your work to us, and we will do our best to provide you with prompt, high quality, cost-effective legal counsel. Please feel free to call me should you ever have any questions or concerns.

Very truly yours,



Alyssa R. Watzman
LEWIS BRISBOIS BISGAARD & SMITH LLP

Accepted and agreed to by:

Name (signature): _____

Name (printed): _____

Title: _____

Enclosed: "Standard Terms of Engagement for Legal Services"



Standard Terms of Engagement for Legal Services

This statement sets forth the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement or superseded by contrary controlling law, these terms will be an integral part of our agreement with you. Therefore, we ask that you review this statement carefully and contact us promptly if you have any questions. We suggest that you retain this statement in your file. When the terms “firm,” “our,” “us,” and “we” are used below, they refer to Lewis Brisbois Bisgaard & Smith LLP.

The Scope of Our Work

You should have a clear understanding of the legal services we will provide. Our firm will provide the services requested, keep you informed of developments and progress in the matter, and respond promptly to your inquiries. You agree to be truthful and cooperative and apprise us of all developments relating to your needs and our services, to be available to attend all requested appearances and depositions, settlement negotiations or court appearances, to attend meetings when requested by us, and to keep us apprised of any change in address or telephone numbers. Any expressions on our part concerning the outcome of your legal matters are expressions of our professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed.

It is our policy that our client is the person or entity identified in our engagement letter and does not include any affiliates or constituents of such person or entity (e.g., if you are a corporation or partnership, any parents, subsidiaries, employees, officers, directors, shareholders or partners of the corporation or partnership, or commonly owned corporations or partnerships; or, if you are a trade association, any members of the trade association), whether or not any such affiliate or constituent is operationally integrated with the person or entity identified in our engagement letter as our client.

Preservation of Documents, Including Electronically Stored Information

You are generally required by law to retain documents, including electronically stored information (“ESI”), which may be relevant to the matter which is the subject of the representation. Preservation of documents including ESI is your responsibility, and it is important that you take all necessary and reasonable steps to preserve this information. We can provide written document preservation directives or “legal holds” if they would be of assistance. We are also available to discuss the scope of your obligations and to provide advice or recommendations in this regard.

Consent to Electronic Communications

In order to increase our efficiency and responsiveness, we endeavor to use state of the art communication devices (e.g. email, document transfer by computer, wireless telephones, facsimile transfer and other devices which may develop in the future). The use of such devices under current technology may place your confidences and privileges at risk. However, we believe that the efficiencies involved in the use of these devices outweigh the risk of accidental

disclosure. By agreeing to these terms you consent to the use of these electronic communication devices.

Consent to In-House Attorney-Client Privilege

From time to time questions arise as to our duties under the professional conduct rules that apply to lawyers. These might include, for example, conflict of interest issues, and could even include issues raised because of a dispute between us and a client over the handling of a matter. When such issues arise we often seek the advice of our General Counsel who has been given the responsibility within the firm for providing advice in matters involving professional conduct. We consider such consultations to be attorney-client privileged conversations between firm personnel and the counsel for the firm. In recent years, however, there have been a few court decisions indicating that under some circumstances such conversations involve a conflict of interest between the client and the firm and that our consultation with the firm's counsel may not be privileged, unless we either withdraw from the representation of the client or obtain the client's consent to consult with the firm's counsel.

We believe that it is in our clients' interest, as well as the firm's interest, that, in the event legal ethics or related issues arise during a representation, we are able to promptly and confidentially obtain advice regarding our obligations. Accordingly, you agree that if we determine in our own discretion during the course of the representation that it is appropriate to consult with our firm counsel (either the firm's internal counsel or, if we choose, outside counsel) we have your consent to do so and that our contemporaneous representation of you shall not result in a waiver or invalidation of any attorney-client privilege that the firm has to protect the confidentiality of our communications with counsel.

Who Will Provide the Legal Services

Customarily, each client of the firm is served by a principal attorney contact. The principal attorney should be someone in whom you have confidence and with whom you enjoy working. You are free to request a change of principal attorney at any time. Subject to the supervisory role of the principal attorney, your work or parts of it may be performed by other lawyers and legal assistants in the firm. Such delegation may be for the purpose of involving lawyers or legal assistants with special expertise in a given area, or lawyers who are licensed in a state in which a particular issue arises, or for the purpose of providing services on an efficient and timely basis. Whenever practicable, we will advise you of the names of those attorneys and legal assistants who work on your matters.

How Fees Will Be Set

In determining the amount to be charged for the legal services we provide to you we will consider:

- The time and effort required, the novelty and complexity of the issues presented, and the skill required to perform the legal services promptly;
- The fees customarily charged in the community for similar services and the value of the services to you;
- The amount of money or value of property involved and the results obtained;
- The time constraints imposed by you as our client and other circumstances, such as an emergency closing, the need for injunctive relief from court, or substantial disruption of other office business;
- The nature and longevity of our professional relationship with you;

- The experience, reputation and expertise of the lawyers performing the services; and
- The extent to which office procedures and systems have produced a high-quality product efficiently.

Among these factors, the time and effort required are typically weighted most heavily. We will keep accurate records of the time we devote to your work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, travel on your behalf, and other related matters. We record our time in units of tenths of an hour.

The hourly rates of our lawyers and legal assistants have an important bearing on the fees we charge. These rates are adjusted periodically to reflect current levels of legal experience, changes in overhead costs, and other market factors. These hourly rates may vary, depending on the client, the nature of the matters involved, or other circumstances.

We are sometimes requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. Whenever possible, we will furnish such an estimate based upon our professional judgment, but always with a clear understanding that it is not a maximum or fixed-fee quotation. The ultimate cost frequently is more or less than the amount estimated.

For certain well-defined services (for example, a simple business incorporation), upon request, we may quote a flat fee. It is our policy not to accept representation on a flat-fee basis except in such defined-service areas or pursuant to a special arrangement tailored to the needs of a particular client.

Any flat fee arrangement will be expressed in a letter or an email message that sets forth both the amount of the fee and the scope of the services to be provided. In undertaking representation of a client with a personal injury or wrongful death claim or certain other matters, we will, in appropriate circumstances, provide legal services on a contingent fee basis. Any such contingent fee arrangement must be reflected in a written contingent fee agreement.

Additional Charges/Third Party Services

Typically, we will charge our clients not only for legal services rendered, and for our out-of-pocket expenses incurred, but also for other ancillary services provided. Examples include charges for in-house messenger deliveries, computerized research services, the use of our facsimile and photocopy machines, discovery data handling and hosting and litigation support services. While our charges for these services are measured by use, they do not, in all instances, reflect our actual out-of-pocket costs. For many of these items, the true cost of providing the service is difficult to establish. While we are constantly striving to maintain these charges at rates which are the same as or lower than those maintained by others in our markets, in some instances, the amounts charged exceed the actual costs to the firm. We would be pleased to discuss the specific schedule of charges for these additional services and to answer any questions.

In some situations we can arrange for these ancillary services to be provided by third parties with direct billing to you. This often occurs with certain third party services facilitated by us, such as forensic or other technology services. We can advance routine expenses for individual items that cost less than \$1,000 but will refer items that cost more directly to you for payment. In the event third party services are engaged by us, on your behalf and with your written approval, you agree to pay an outside vendor invoice directly, and if you fail to do so, you agree to defend and indemnify us with respect to any claim, demands or suit brought against us as a result of your

failure to pay such invoice. Payment directly by us of any such expense shall not be construed as a waiver of our right to require you in the future to pay any similar expense directly.

Advance Fee Deposits

New clients of the firm are commonly asked to deposit an advance fee deposit with the firm. If an advance fee deposit is requested, the engagement is contingent on receipt of that advance fee deposit. You hereby grant us a security interest in any advance fee deposit with us and in any other funds we hold on your behalf to secure your obligations to us under this agreement. The advance fee deposit is often equal to our estimate of the fees and costs likely to be incurred during a two-month period. Unless otherwise agreed, the advance fee deposit will be credited toward your unpaid invoices, if any, at the conclusion of services. At the conclusion of our legal representation or at such time as the deposit has become unnecessary or has been appropriately reduced, the remaining balance or an appropriate part of it will be returned to you. If the deposit proves insufficient to cover current expenses and fees on at least a two-month basis, it may have to be increased.

Deposits which are received to cover specific items will be disbursed as provided in our agreement with you, and you will be notified from time to time of the amounts applied or withdrawn. Any amount remaining after disbursement will be returned to you.

All trust deposits we receive from you, including advance fee deposits, will be placed in a trust account for your benefit. As required by court rule or statute in each jurisdiction in which the firm has an office, your deposit will be placed in a pooled account if it is not expected to earn a significant net return, taking into consideration the size and anticipated duration of the deposit and the transaction costs. Other trust deposits will also be placed in the pooled account unless you request a segregated account. By court rule or statute in each of these jurisdictions, interest earned on the pooled account is payable to a charitable foundation or other non-profit entity established in accordance with such court rule or statute. Interest earned on a segregated trust account will be added to the deposit for your benefit and will be includable in your taxable income.

Termination; Retention and Disposition of Documents

You may terminate our representation at any time, with or without cause. Our right or obligation to terminate our representation is subject to the rules of professional conduct for the applicable jurisdiction in which we practice, which list several types of conduct or circumstances that require or permit us to withdraw from a representation, including, for example, nonpayment of fees or costs, misrepresentation or failure to disclose material facts, failure to cooperate, taking action contrary to our advice and conflict of interest with another client. We will try to identify in advance and discuss with you any situation which may lead to our withdrawal and if we decide to withdraw, we usually give written notice of our withdrawal.

Unless previously terminated by you or us, the attorney-client relationship will be considered terminated upon our sending you the invoice that describes the final legal services for all matters that you have retained us to perform. You will not thereafter be considered a current client because you remain on a firm mailing list or have appointed an affiliate of the firm to serve as your registered agent or because the firm retains possession of certain of your papers or other property received in connection with the prior engagement or is identified as a required recipient of notices under a contract to which you are a party. If you later retain us to perform further or additional legal services, our attorney-client relationship will be revived subject to our standard terms of engagement in effect at that time.

Upon your request after the earlier of the termination of the attorney-client relationship or conclusion of the matter, we will return to you any original documents and other property you provided to the firm in connection with the matter. If you do not request your documents, unless you make written arrangements with us to the contrary (e.g. such as to retain your original will or other documents in our vault or otherwise), we reserve the right to destroy or otherwise dispose of them for various reasons, including the minimization of unnecessary storage expenses, or for no reason, without further notice to you at any time after ten years following the date of the final invoice to you with respect to the matter.

The remainder of the file pertaining to the matter will be retained by the firm and will remain its property. If, upon your request, we agree to provide you with copies of certain documents from our file pertaining to the matter, you agree to pay the copying costs.

You agree that for various reasons, including the minimization of unnecessary storage expenses, or for no reason, we may destroy or otherwise dispose of the firm's file pertaining to the matter at any time after ten years following the date of the final invoice to you with respect to the matter.

Post-Engagement Matters

You are engaging the firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you engage us after completion of the matter to provide additional legal advice on issues arising from the matter, the firm has no continuing obligation to advise you with respect to future legal developments.

Billing Arrangements and Terms of Payments

We will bill you on a regular basis, normally each month, for both fees and disbursements. You agree to make payment within 30 days after receiving our statement. Unpaid fees and disbursements accrue interest at the maximum rate permitted by state law (non-compounded), but not exceeding 1% per month from the beginning of the month in which they became overdue. (Where fees and disbursements are regularly paid out of a retainer deposit, no interest will be charged.) If we accept late payment of any invoice without interest, we do so without waiving any claim in the future for interest on other invoices. If you timely object in writing to a portion of a statement, you agree to pay the remainder of the statement which is not in dispute. We agree to accept such partial payment without claiming you have waived your right to contest the unpaid portion of the bill.

We will give you prompt notice if your account becomes delinquent, and you agree to bring the account or the retainer deposit current. If the delinquency continues and you do not arrange satisfactory payment terms, you agree that we may withdraw from the representation and pursue collection of your account. You agree to pay the expenses of collecting the debt, including court costs, filing fees and reasonable attorneys' fees.

Related Proceedings

If any claim is brought against the firm or any of its personnel based on your negligence or misconduct, if we are asked to testify as a result of our representation of you, or if we must defend the confidentiality of our communications in any proceeding, you agree to reimburse us for any resulting costs, including for our time, calculated at the hourly rate for the particular individuals involved, even if our representation of you has terminated.

Choice of Law/Forum Selection

The engagement letter is deemed to have been executed, and is intended to be performed in the state of Colorado, subject to its laws, regardless of whether services are actually rendered outside of the State. Any dispute arising from this agreement shall be governed by the laws of the state of Colorado. The venue for the judicial resolution of such dispute shall be proper only within the state of Colorado.

Your Right to Arbitrate

If you disagree with the amount of our fee, or if you have any complaint about the services rendered by us, please take up the question with your principal attorney contact or with the firm's managing partner. Typically, such disagreements are resolved to the satisfaction of both sides with little inconvenience or formality. If a fee dispute is not readily resolved, you have the right to request arbitration under supervision of the bar associations for the jurisdictions in which we practice, and we agree to participate in that process.

Complete Agreement

As referenced in and supplemented by the engagement letter, these standard terms of engagement comprise our engagement agreement. No change to this agreement shall be effective unless and until confirmed in writing by you and the firm. There are no promises, terms, conditions or obligations other than those contained herein, and this agreement supersedes all previous communications, representations, or other agreements, either oral or written, between you and the firm.

Thank you for choosing Lewis Brisbois Bisgaard & Smith LLP to represent you in this matter.



18 March 2021

Lewis Brisbois on behalf of City of Gunnison
 Attn: Alyssa Watzman | Partner
 1700 Lincoln Street | Suite 4000
 Denver, CO 80203

Ms. Watzman,

Thank you for the opportunity to assist you. This Engagement Letter confirms you have retained SpearTip as a consulting expert and sets forth the terms of the engagement in support of City of Gunnison.

Upon execution of this agreement, SpearTip will invoice a flat-rate fee of \$10,000 for services required to complete the engagement. The initial scope of this engagement will include the following:

| INCIDENT RESPONSE / FORENSIC ANALYSIS | | | |
|--|---|----------|-----------------|
| <u>Scope</u> | | | |
| ✓ Endpoints, System Logs, Network Logs, E-Mail Logs | | | |
| <u>Action Items</u> | | | |
| ✓ 30 days of ShadowSpear® Deployment and Monitoring Service provided 24 hours a day and 7 days a week | | | |
| ✓ Review of any/all actions conducted by the City of Gunnison personnel (or their designated representatives) in relation to this incident | | | |
| ✓ Collection of digital forensic evidence including relevant endpoints and log files | | | |
| ✓ Analysis of digital forensic evidence and collected log data | | | |
| ✓ Review and establish a timeline of relevant intrusion events | | | |
| ✓ Provide executive summary, final conclusions, recommendations for technical controls that will help prevent future compromises, and event timeline in a final report | | | |
| BREAKDOWN OF COSTS | | | |
| FLAT RATE PHASES | | DURATION | FLAT - RATE FEE |
| Phase I | ShadowSpear® Deployment and Monitoring Service | 30 Days | \$5,000 |
| Phase II | Forensic Analysis Of 1 Exchange Server and necessary affected endpoints | | \$5,000 |
| | Collect Necessary Endpoint Images and Log Files | | |
| | Analyze Endpoint Images and Log File Data | | |
| | Conduct a review of data to establish a timeline of relevant events | | |
| Phase III | Develop Final Conclusion and Report | | Included |
| Phase I-III Project Total: | | | \$10,000 |

Attorney-Client Privilege

As the purpose of the engagement is to enable counsel to render legal advice to their client in anticipation of litigation, a regulatory inquiry, or an internal investigation, SpearTip’s communications with counsel and City of Gunnison, SpearTip’s work product, and all information and data received from City of Gunnison is covered by the attorney-client privilege and/or the attorney work product doctrine. SpearTip agrees not to disclose any information that it learns, or acquires, during the engagement with any third parties without the prior written consent of Lewis Brisbois on behalf of City of Gunnison.

Billing Terms

SpearTip will invoice upon execution of this agreement. Please accept a 3% fee for any and all credit card payments. (Except where prohibited by law.) SpearTip invoices separately for reimbursement of out-of-pocket travel related expenses when travel is approved.

City of Gunnison is responsible for payment of the billed amounts displayed above.

Client Authorization

City of Gunnison confirms that they authorize the imaging and analysis of the device(s) determined to be in scope.

Acceptance

Please show your acceptance of these terms and the fee schedule presented in Addendum A, by signing where indicated and filling out the accounts payable form below.

ACCEPTED AND AGREED:

Russ Forrest
City Manager
City of Gunnison

Respectfully,

Ben Auton
Vice President of Operations
SpearTip, LLC

ACCEPTED AND AGREED:

Alyssa Watzman
Partner
Lewis Brisbois

**** Please fill out the accounts payable information below**

Addendum A: Fee Schedule (Hourly Rate)

| | |
|--|----------------------------------|
| • Flat-Rate Forensic Analysis Fees: | |
| ○ Up to 100 Endpoints ----- | \$5,000 |
| ○ 101 – 500 Endpoints ----- | \$8,000 |
| ○ 501 – 1,000 Endpoints ----- | \$10,000 (Insurance Panel Rates) |
| ○ 1,001 – 3,000 Endpoints ----- | \$12,500 |
| ○ 3,001 – 5,000 Endpoints ----- | \$15,000 |
| • Flat-Rate ShadowSpear® Breach Response Fees: | |
| ○ Up to 500 Endpoints ----- | \$5,000 |
| ○ 501 – 1,000 Endpoints ----- | \$7,500 (Insurance Panel Rates) |
| ○ 1001+ Endpoints ----- | \$10,000 |
| • Travel Time (per person, per hour, one way – outside of St. Louis) | \$100/hr |
| • Data Storage | Not Included |

Accounts Payable Form

SpearTip requires the following information be provided for billing purposes.

| |
|--------------------------------|
| Attention: (First & Last Name) |
| Company Name: |
| E-Mail Address: |
| Mailing Address: |
| Phone Numbers: |
| Special Instructions: |



To: City Council
From: City Clerk Erica Boucher
Date: March 23, 2021
Subject: Ordinance 4, Series 2021, Regarding Alcohol Consumption in City Parks

Background: At the March 9, 2021, regular session meeting, Council directed staff to draft an ordinance to remove the prohibition on alcohol consumption in public parks within the City of Gunnison. Ordinance 4, Series 2021, submitted for Council's consideration, allows the consumption of alcohol in all City parks, with certain limitations:

1. Glass containers are prohibited.
2. No person under the age of 21 shall consume or be in possession of malt, vinous, or spirituous liquors.
3. Alcohol is prohibited in any children's playground area.
4. 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. local time except when such person is in attendance at an event either sponsored by or expressly permitted, in writing, by the City of Gunnison.

Action Requested of Council: Introduce, read by title only by the City Attorney, motion, second, and order to publish Ordinance No. 4, Series 2021, on first reading.

**ORDINANCE NO. 4
SERIES 2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, AMENDING SECTION 5.10.220 CHAPTER 5.10, TITLE 5 OF THE
GUNNISON MUNICIPAL CODE**

WHEREAS, the City of Gunnison is a Colorado home-rule municipality existing under the laws of the state of Colorado; and

WHEREAS, the City Council of the City of Gunnison, Colorado, reviewed and discussed staff-provided options regarding the consumption of alcoholic beverages in City parks following last summer's successful creation and administration of open consumption areas within the City, as well as the difficulty in enforcing liquor consumption in City parks without more stringent rules; and

WHEREAS, Council determined that current laws are sufficient to address and enforce behavioral or other issues that may arise due to allowing consumption of alcoholic beverages within City parks; and

WHEREAS, the Council has determined it appropriate to remove the prohibition on the consumption of malt, vinous, or spirituous liquors in or upon any public park within the City of Gunnison, subject to limitations.

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

Section 1. Chapter 5.10.220 of the Gunnison Municipal Code entitled, "Consumption of malt, vinous, or spirituous liquors in public places," is hereby amended to read as follows:

5.10.220 Consumption of malt, vinous, or spirituous liquors in public places.

- A. No person shall consume malt, vinous, or spirituous liquors, as defined under the Colorado Liquor Code, in or upon any public highway, street, or alley within the city of Gunnison, unless such place is licensed to serve alcoholic beverages for consumption upon such premises pursuant to part 101 of article 5 of title 44, C.R.S.
- B. Public consumption of malt, vinous, or spirituous liquors is a misdemeanor.
- C. Consumption or possession of malt, vinous, or spirituous liquors in any City park is subject to the following limitations:
 1. Glass containers are prohibited.
 2. No person under the age of 21 shall consume or be in possession of malt, vinous, or spirituous liquors.
 3. Alcohol is prohibited in any children's playground area.
 4. 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. local time except when such person is in attendance at an event either sponsored by or expressly permitted, in writing, by the City of Gunnison.

Section 2. 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 23rd day of March, 2021, on first reading, and introduced, read, and adopted on second and final reading this 13th day of April, 2021.

Mayor

SEAL:

ATTEST:

City Clerk

Published by Title in the
Gunnison Country Times Newspaper
March , 2021



To: Gunnison City Council
From: Russell Forrest
Date: March 23, 2021
Subject: Special Events

1. Purpose

During the January discussion on grants the City Council asked the City Manager to provide a basic framework for planning for and allocating resources for special events. On January 19 and February 11, the City Manager, City Clerk, Parks and Recreation staff, Chamber of Commerce Director, Art Center Director, TAP Director, and Bryan Wickenhauser met to discuss special events and a framework for planning for special events in the future. This also included a discussion on special event permits. We recognize that there are many other individuals that organize significant events like Cattlemen's Days. We attempted to bring in individuals that organize multiple events in the course of a year.

2. BACKGROUND

Attached is a PowerPoint that summarizes the ideas discussed at the two meetings mentioned above. The outcome of these meetings was that as a community we should consider coordinating special events and focusing dollars on events that meet the goals identified in the PowerPoint and summarized below. We would propose that there are two categories of events with specific goals including:

Goals for Economic Development Events

- 1) The event puts heads in beds (lodging occupancy)
- 2) The event generates significant impressions and promotion of the Valley and drives investment
- 3) The event needs to be authentic to our western/mountain brand.

Goals for Community Events

- 1) The event creates connectivity to the community and across the community (i.e. multi-generational & inclusive –inviting to all parts of the community)
- 2) The event (if not new) has consistent participation by the community
- 3) The event creates vitality and reinforces our sense of place/home.

3. ACTION REQUESTED OF COUCIL

After the discussions mentioned above, staff would recommend that we release \$11,336 to the Chamber for their proposed events in 2021 including supporting the 4th of July, Night of Lights, and Halloween. Staff would also recommend that we meet with all special event organizers annually (most likely in the fall before our budget is set) to discuss the previous year's events and events for the upcoming year.

PURPOSE OF DISCUSSION

1) The City of Gunnison currently invests financial and human resources in special events on an annual basis. For 2021, the City has allotted

\$11,336 for Chamber events

\$72,296 for City-sponsored events

- 2) Are we strategic with special events?
- 3) Are we clear about what we want to achieve?
- 4) Have we looked at what others are doing? Are we competitive?
- 5) Special Event Permits ?



PROPOSED AGENDA

Part 1: Thinking strategically about Events

- 1) Recap of previous discussion
 - 1) Goals
 - 2) Review existing events and how they align to goals
- 2) What are some ideas for the future that help achieve goals?
- 3) Interest in continuing a collaborative effort to coordinate special events?
- 4) Next Steps

Part 2: Special Event Permits



CURRENT EVENTS

City Events:

- Growler \$3,000
- Fourth of July \$16,250 (band, etc.)
- Fireworks \$25,000
- Triathlon \$5,595
- Triathlon Series Expenses \$1,500
- Diamonds in the Rockies Softball Tournament \$11,000
- Fishing Derby \$1,000
- Egg-Aquatics \$1,101
- Fright Night \$1,000
- Rudolph's Roundup \$1,000
- Gun Show \$2,950
- Pickleball Tournament \$3,000

Chamber, Arts Center, Private, Other Events

- Night of Lights -Chamber
- Fourth of July-Chamber
- Downtown Trick or Treat Halloween-Chamber
- Summer softball tournaments-Diamonds: Parks & Rec. Adult tournament: Wet Grocer
- Ice Hockey Tournaments-West Elks Hockey
- I BAR Events-IBar
- Western Event – Spring Event, Graduation, Conferences, Athletic events-Western
- Music in the Park/Sundays at 6:00-GAC
- Cattleman's Days-Cattleman's
- Gunnison River Festival-River and GAC
- Gunni Gras-Chamber
- Friday Art Walk
- Car Show-Gunnison Car Club
- Art in the Park-
- Balloon Festival 4th of July-Debbie Tennis
- Ice Fishing Contests
- Rotary Fishing Tournament
- State wide event like Ride the Rockies
- Music Series on Main Street
- Farmers Market-Gunnison Farmer's Market

CATEGORIES OF EVENTS?

- 1) Events that support the economy
- 2) Community events
- 3) Hybrid



ECONOMIC DEVELOPMENT EVENTS

Goals?

- 1) Puts heads in beds (lodging occupancy)
- 2) The event generates significant impressions and promotion of the Valley and drives investment
- 3) The event needs to be authentic to our western/mountain brand

Existing events (tentative dates)

- 1) Cattlemen's: 7/2-7/17 (7/15,16,17-rodeo)
- 2) Ice hockey tournaments-Winter
- 3) Growler: 5/29-30
- 4) Softball: 6/18-6/20
- 5) Car Show: 8/20-8/22
- 6) Wedding events-summer & fall
- 7) Gunni Grinder: Mid September

Do we create a signature event(s) in addition to Cattlemen's days?

COMMUNITY EVENTS

Goals?

- 1) The event creates connectivity to the community and across the community (i.e. multi-generational & inclusive –inviting to all parts of the community)
- 2) The event (if not new) has consistent participation by the community
- 3) The event creates vitality and reinforces our sense of place/home

Examples of existing events (tentative dates)

- 1) Night of Lights: 12/3
- 2) Car Show: 8/18-8/20 (Hybrid)
- 3) Cattlemen's: 7/2-7/11 (Hybrid)
- 4) Fishing Derby
- 4) Halloween: 10/29
- 5) Oktoberfest: 9/17 or 9/24
- 6) 4th of July
- 7) Sundays at 6:00: June-August

IDEAS FOR ECONOMIC DEVELOPMENT EVENTS

Existing events (tentative dates)

- 1) Cattlemen's Rodeo: 7/15-7/17
- 2) Ice hockey tournaments-Winter
- 3) Growler: 5/29-5/30
- 4) Gunni Growler: mid September
- 5) Softball: 6/18-6/20
- 6) BBQ cook-off: Late September/early October
- 7) Car Show: 8/20-8/22
- 8) Wedding events –Summer & fall

New Ideas or Ideas to enhance existing events?

1. Create Fat Bike and amplify bike events
2. Winter Festival/Carnival/Skijoring (like Steamboat) (need to get Western involved)/Build upon Gunni Gras
2. Expand Art Walk Festival (1st Fridays) more music/combine it with other ideas (BBQ/Brews)
3. Market and enhance wrestling tournaments & Western hockey tournaments & combine with a special event so families stay longer.

COMMUNITY EVENTS

Examples of existing events (tentative dates)

- 1) Night of Lights: 12/3
- 2) Car Show: 8/18-8/20 (Hybrid)
- 3) Cattlemen's: 7/2-7/17 (Hybrid)
- 4) Halloween: 10/29
- 5) Oktoberfest: 9/17 or 9/24
- 6) Sundays at 6:00: June-August

New Ideas or Ideas to enhance existing events?

1. Blow-out community celebration when we are at green on the Coronameter
2. Gunnison River Festival (Reach out to Fib Ark)
3. Connect more community events to Cattlemen's days/combine with music events like Sundays at 6:00.
4. Fun run on 4th of July

CITY EVENT PERMITS DISCUSSION

1. Is there a certain number of attendees that requires a City event permit if no City resources are required?
2. Should there be guidelines for when communication needs to occur regarding large-scale events?
3. Ideas for best practices to address alcohol in City parks for large community events, small “private” parties, like graduation parties or a class reunion.

Other Actions ?

- 1.
- 2.
- 3.
- 4.
- 5.



To: City Council
From: Russell Forrest, City Manager
Date: March 23, 2021
Subject: COVID-19 Response and Recovery

Background: COVID-19 updates and discussion on additional appropriations to support recovery.

Action Requested of Council: To receive update and determine if additional appropriations should be made for COVID-19 recovery.



TO: City Council
FROM: Anton Sinkewich, Community Development Director
DATE: March 18, 2021
RE: Community Development Department Semi-Annual Report

The CD Department has had a very productive and busy six months. Following is a highlight of work accomplished:

PLANNING

COVID 19 Response & Recovery Planning

Planning staff has continued with a central role in the COVID 19 Response & Recovery efforts, where we have continued to see an unprecedented amount of interagency collaboration valley wide. CD Director Anton Sinkewich assumed the role of Deputy Chief of the Recovery Planning Team in collaboration with Gunnison County Community Development Director Cathie Pagano as Planning Team Chief. Time commitments necessary have lessened for CD Staff, since the County's hiring of Loren Ahonen as Recovery Manager to assume the lead coordination role. CD Planning staff are still actively participating in Incident Command, OVLC, and the Recovery Team.

Lazy-K Redevelopment

The Lazy K redevelopment is proceeding with PUD Zoning Amendments and Final Plat before Council at the March 23rd regular meeting.

An integrated park design is underway on the site with Design Workshop as the consultant working with the Parks and Rec Department.

Paintbrush Apartments (Rock Creek- Lot 22 Development)

CD and PW Staff worked with Gunnison County to find design solutions for access to facilitate the Paintbrush Apartments project, consisting of 76 units of deed restricted workforce housing.

Construction has continued on buildings and necessary ditch relocation work, and they anticipate leasing the first units by the summer.

3 Mile Plan progress with County

As a major recommendation in the Gunnison 2030 Comprehensive Plan, an update of the 3-Mile Plan and Intergovernmental Agreement was being addressed. After being temporarily paused due to Covid related time constraints, this work is back on track with regular monthly meetings between City and County Staff.

Gunnison Rising

The Gunnison Rising project has made changes and updates to their PUD, and have begun the public hearing process with the Planning and Zoning Commission on March 10, 2021

An application for a Government Campus is working toward Final Plat and associated agreements are underway to be the first phase of this development. Utility planning updates are underway for the

overall PUD. The Bureau of Land Management is moving forward with their application to be the first development in the GR Government Campus.

Gunnison County Library

The Library project has received building permit and work at the site has begun. Related to this project will be a redesign and rebuild of the intersection at Spencer and 11th streets that will be a City & County collaboration.

CODT Access Control Plan

Staff is working on an Access Control Plan scope intended to produce a Request for Proposals to begin with a consultant in the summer of 2021

Gunnison County Airport Project

Plans for the Airport building and Site Plan renovations have been received and are being reviewed. Numerous pre-application meetings have taken place to work through site planning, utility, and phasing issues.

Planning Applications and Activity

We have processed:

- Three Three-Mile Review applications
- Seven Conditional Use applications
- One Gunnison Rising Exceptions application.
- Three Subdivision applications are in process.
- Three PUD applications are in process.
- One Text Amendment is in process.

Graphs illustrating Permits and Fees, New Commercial and Residential Construction, and Valuations are included below.

Planning Technician Caree Musick is working on Community Clean-up that will take place on Saturday April 24th in conjunction with Western. Community Clean-up is planned to be an in-person event this year as in previous years with the exception of last year. Western and Gunnison Country Times is sponsoring the event along with the City. Anton and Caree have been working with Josh Koonce from Houseal-Lavigne to apply for a Colorado APA Award for the Gunnison 2030 Comprehensive Plan.

BUILDING

2021 began with the implementation of fully electronic building permit plans/ application submittal, review, processing, and document storage. The Building Office is working on final record retention to be in Laserfiche, as well as an online payment option for the purchase of building permits and the associated fees.

In addition to the multiple projects already being constructed throughout the City, Staff is continuing to receive and process applications for several residential and commercial projects including but not limited to:

- Renovation of a portion of the previous Senior Living building on W. Tomichi turning it into a daycare facility
- The Gunnison County Library Project
- The Gunnison County Airport Renovation
- The BLM office/warehouse building

From developer David Gross:

- S. Boulevard two duplexes and a tri-plex on one property
- S. 6th St. 4 duplexes on one property
- W. Tomichi two townhome buildings, one 5-plex and one 4 plex on one property

From developer John Stock:

- Tyler Lane two separate 6 SFR Common Interest Community (CIC) projects and a 4-plex
- Van Tuyl Circle another 6 SFR CIC and a duplex or tri-plex to finish out the development

Other projects in the works include:

- a 6 SFR CIC on S. 12th St.
- three duplexes on W. Denver
- a 4-plex on W. Georgia
- two SFR's in Meadows Vista South
- one SFR in W. Mtn. Subdivision
- Main Street Organic Market and Tea Shop

- Several hours of webinars have been attended in order to fulfill the continuing education requirements for the ICC and NFIP CFM recertification processes. Eric is also also preparing an abundance of information to be submitted for the recertification process of the Community Rating System (CRS). This is basically a process that rates the City's resiliency against natural hazards which in turn provides discounted rates to citizens purchasing flood insurance.

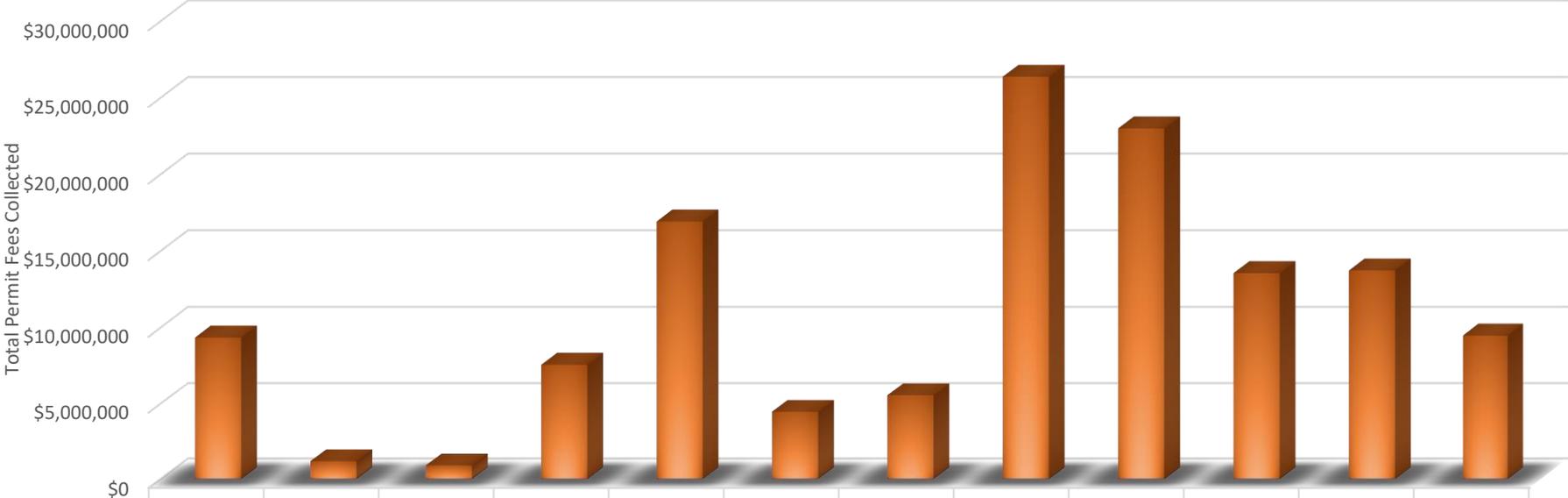
- Implementation of the substandard structure renovation incentive program (SSRIP) has changed to focus on enforcement action. Three properties had been identified to begin blight mitigation enforcement, and actions have been taken with advisement from our Police Chief and City Attorney. We are beginning to see progress with these actions.

- Continued responsibility for the inspection of all new water/sewer installations and repairs on private property for Public Works.

FIRE AND HAZ-MAT

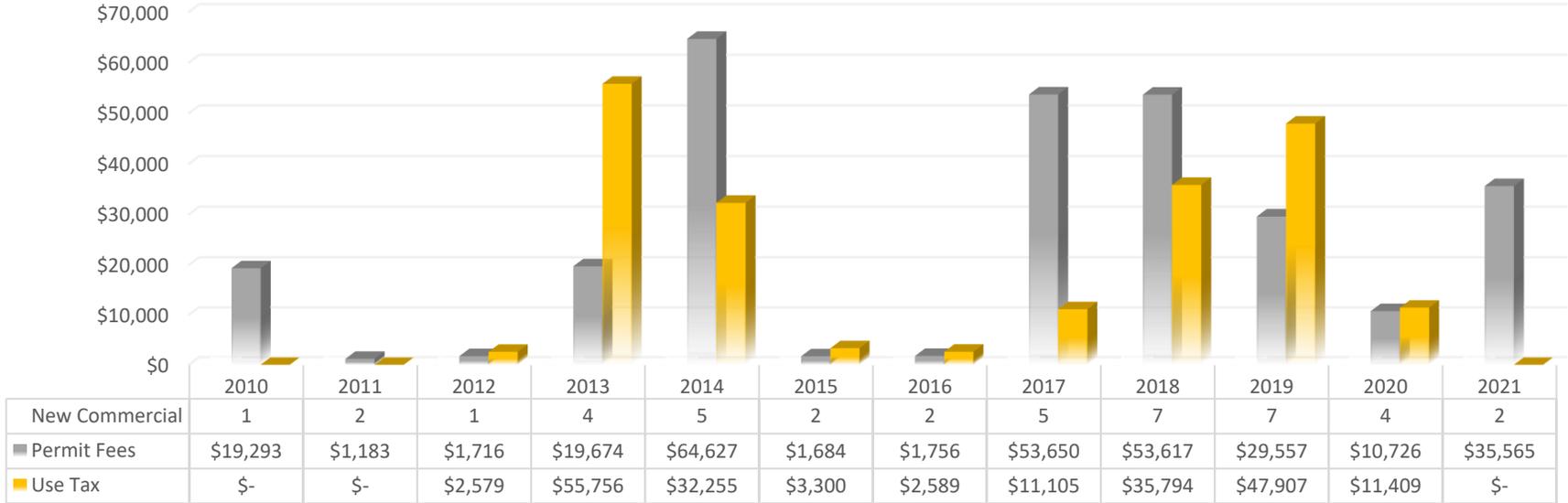
- Firefighters have responded to 61 calls for service since the beginning of the year, about average for this time of year.
- The Gunnison Fire Training Facility at 9th and San Juan has begun to draw attention around the state and country. The Colorado Division of Fire Prevention and Control has asked if we would be willing to host state sponsored trainings at our facility and our instructors have been recruited to help facilitate state run trainings elsewhere. We are currently in talks with the Fire Department Training Network in Indianapolis to hold a joint training at our facility. Right now those talks are preliminary and we will have a better idea when COVID restrictions begin to lift.
- Preparation has continued for the Highway 50 closure starting next month. A response plan has been discussed as well as a communication plan. Based on the planning, the State OIT has upgraded our priority for new radio infrastructure on the West end of the county. They will be in town at the end of the month to discuss possible upgrades to the DTR radio system.
- Fire inspections have been going well with Gardenwalk and Rady completed. Lot 22 is well underway and several new projects are in the works.
- GVFD will hold our annual elections in two weeks.
- Fire station planning has reached a fevered pitch! We have a set of preliminary plans (very preliminary) to start to get the word out about our needs and plans.

Total Number of Permits and Fees

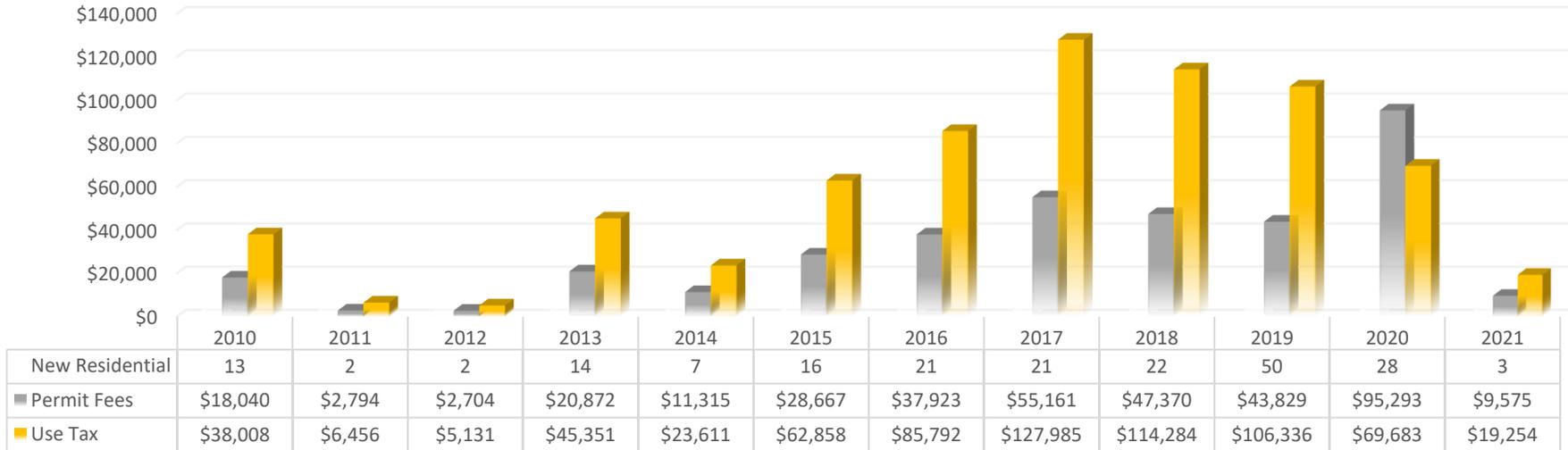


| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---------------|-------------|-------------|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Total Permit | \$9,354,421 | \$1,178,761 | \$900,860 | \$7,578,625 | \$16,930,89 | \$4,465,996 | \$5,560,895 | \$26,382,18 | \$23,008,00 | \$13,561,07 | \$13,735,75 | \$9,485,129 |
| Total Permits | 41 | 27 | 38 | 38 | 41 | 66 | 72 | 79 | 70 | 112 | 75 | 9 |
| Year | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |

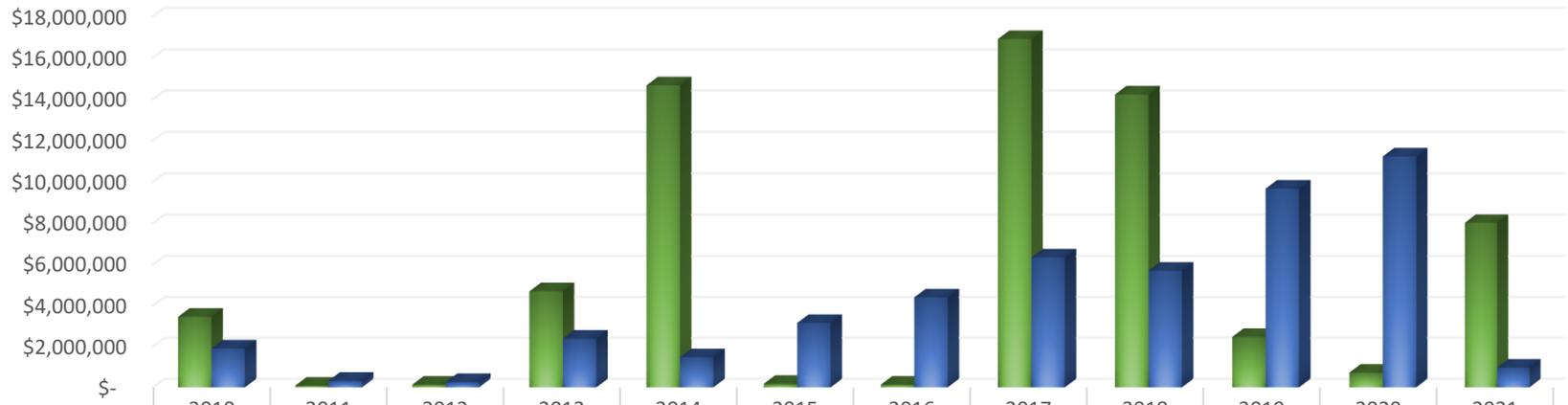
New Commercial Construction



New Residential Construction



New Commercial and Residential Construction - Valuations



| | | | | | | | | | | | | |
|-----------------------|------------|-----------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Commercial Valuation | \$3,449,98 | \$78,815 | \$128,969 | \$4,694,78 | \$14,668,9 | \$167,992 | \$129,473 | \$16,907,5 | \$14,228,1 | \$2,462,53 | \$718,185 | \$8,021,55 |
| Residential Valuation | \$1,901,91 | \$322,779 | \$256,572 | \$2,377,90 | \$1,471,74 | \$3,142,90 | \$4,397,72 | \$6,346,09 | \$5,704,18 | \$9,673,45 | \$11,230,2 | \$962,690 |



Schedule of Up-Coming Events: March and April 2021

March

- **Tuesday, March 23, 5:30 pm: Council Meeting**
- **Friday, March 26, 7:00 am – 5:00 pm: Free community COVID testing at the Gunnison County Fairgrounds**

April

- **Tuesday, April 13, 11:00 am – 2:00 pm (*tentative*): Council Special Session meeting on long-term funding challenges**
- **Tuesday, April 13, 5:30 pm: Council Meeting**
- **Tuesday, April 20, 1:30 pm (*tentative*): Council Special Session meeting on Lazy K and Palisade Improvement Project Bids**
- **Tuesday, April 27, 5:30 pm: Council Meeting**

In-person community outreach event in early April

Reminders: If you are using a City-owned tablet or laptop, please remember to leave it on, but connected to the internet a few days a month so security updates made be completed to the device.

City Council events and meetings are in green.

Electronic Recycling: Postponed until further notice.

City Manager Report

March 23, 2021

A. Snow Removal on New York Ave

Staff will provide an update on snow removal on New York Avenue in response to Council Member Logan's questions on this topic.

B. Other

The City Manager may also have other updates to provide since the packet was completed and transmitted to the City Council.

**2020 City Council Strategic Plan
Results/Project Update**

The following tables are an update summary of the progress to implement the 2020 Council Strategic Plan. This table update will also be used to update Council on other projects and follow-up directed by Council. The 2020 Strategic Plan can be found at: https://www.gunnisonco.gov/government/city_council/city_council_initiatives.php. It should be noted that the strategic results are summarized below and that there are specific strategies for each result in body of the Strategic Plan. Update/Next Steps will be completed for the next council meeting.

| 2020 City Council Strategic Plan Results | | | |
|---|--|-------------------------|--|
| Priority Area | Result | Point of Contact | Update/Next Steps |
| COVID 19 Recovery | A.1 Result: Achieve the results and strategies in the Economic Resiliency and Environmental Sustainability priority areas. | | See Economic Resiliency and Environmental Sustainability Priority Areas |
| | A.2 Result: Achieve the results and strategies in the Infrastructure and Public Safety Priority Area. | | See Infrastructure and Public Safety Priority Area. |
| | A.3 Result: By June 1, 2021, the City of Gunnison will request that valley wide partners represented in the One Valley Leadership Council evaluate their collective ability to collaborate and implement complex programs related to the economy, environment, COVID 19, sustainable tourism, social equity and health and human services is improving as measured by a survey. The desired result is that our ability to collaborate has been improved through the COVID 19 response and we can apply what we have learned in the pandemic to future collaborative projects. | City Manager | City Manager has had a preliminary discussion with OVLC staff on this topic. The OVLC met with Community Builders on February 17th to begin developing a scope of work for a long term recovery plan. |
| Infrastructure and Public Safety | B.1 Result: By December 31, 2022, the City of Gunnison will begin to implement a 10-year funding, operating, maintenance and replacement plan for water, electricity, solid waste, recycling and wastewater infrastructure, buildings and facilities so that our utility customers will experience reliable, cost effective, and efficient service. | Public Works Director | Public Works has initiated long range infrastructure planning processes for each area of infrastructure.
Street Pavement Condition Analysis: Public Works conducted a pavement management study which resulted in a scientific approach to the process of planning, budgeting, designing, evaluating and rehabilitating a pavement network to provide maximum benefit with available funds. The proposed budget for 2021 includes nearly \$3 million for street improvements including the |

| | | | |
|--|---|--|---|
| | | | <p>Palisade project and reconstruction of the Quartz and 11th intersection. Also included is \$300,000 for slurry seal and \$182,000 for valley pan, curb and gutter work.</p> <p>Gunnison Rising Study: Public Work conducted a brief study to analyze the utility impacts a large PUD could have on the water system, electrical grid, and sewer collection and treatment.</p> <p>Electrical Distribution Study: Public Works is conducting a city wide study to evaluate current and anticipate future electrical distribution demands on the system. The 2021 budget includes \$820,000 to improve the existing electrical infrastructure to be able to accept high speed charging stations and increased electrification of homes. \$250,000 is included to allow the City to continue buying all available renewable energy sources from MEAN as they become available. The City has ordered a new transformer for the Public Works substation and a new transformer for Gunnison Rising to be located at the North substation.</p> <p>Water Master Plan Update: Public Works is currently updating the City's 2008 water master plan to evaluate current and anticipate future water distribution and treatment issues.</p> <p>Inflow & Infiltration Study: Public Works is currently evaluating the source of and mitigation solutions to eliminate infiltration and inflow of fresh ground water into the sewer collection system.</p> <p>Construction Standards and Utility Code Update: PW has engaged a steering committee to assist in modernizing existing codes to current standards.</p> |
| | <p>B.2 Result: By December 31, 2022, the City will be able to determine the infrastructure needs and its ability to provide for those needs for potential new growth in Gunnison Rising, West Gunnison, and North of the City of Gunnison.</p> | <p>Public Works Director</p> | <p>As part of the long range infrastructure planning mentioned above, the plans also propose enhancements to address anticipated new growth around the City of Gunnison. City Staff is actively working with Gunnison Rising on new infrastructure for the first phase of the project.</p> <p>Electrical Substation Work: The City has ordered a new transformer for the north substation for Gunison Rising.</p> |
| | <p>B.3 Result: By June 1, 2023, the City will develop a long-term funding plan for its existing street/alley inventory and facilities (particularly the Fire Station and the Recreation Center) to account for</p> | <p>City Manager, Fire District, and City Council</p> | <p>The City has created a plan for long-term pavement management and the City now understands the cost for managing its streets. The city currently needs approximately \$1,700,000 per year to</p> |

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| | <p>routine maintenance and an appropriate replacement schedule.</p> | | <p>adequately maintain its roads. We currently budget approximately \$1 million for road maintenance. Alternatively if the City could receive competitive bids for asphalt projects and similar pricing to what Grand Junction or Denver receives, we would be in a better position to manage our roads and sidewalks.</p> <p>The Fire District is the lead on creating plans for the Fire House. The city owns 50% of the existing Fire Station. The District will begin developing plans and securing land owned currently by the County in the coming year. In 2021 a strategy session is recommended to develop a funding strategy after both a price is developed for a Fire Station and we have begun to experience an economic recovery from COVID 19.</p> <p>A special meeting of the City Council is planned for April 13th to discuss strategy and options for addressing these funding questions.</p> |
| | <p>B.4 Result: By December 31, 2024, the City of Gunnison in conjunction with the Fire District will begin re-construction of the City's fire station.</p> | <p>City Manager & Fire Marshal/
Fire Chief</p> | <p>Developing the strategy in B.3 is the first step to achieve this result.</p> |
| <p>Economic Prosperity and Housing</p> | <p>C.1 Result: By December 31, 2021, complete a long term COVID 19 Recovery Plan in partnership with the One Valley Leadership Council and begin its implementation.</p> | <p>Com. Dev Director</p> | <p>Work has commenced on creating an outline for a long term recovery plan through the OVLC and the Recovery Team.</p> |
| | <p>C.2 Result: By December 31, 2022, realize a 12 percent increase in lodging revenue as measured by sales tax data compared to 2019.</p> | <p>Com. Development Director</p> | <p>The city's lodging has the opportunity to improve and enhance its performance if effective partnerships can be developed. One to two new lodging properties are anticipated to be developed in the next two years. A partnership is needed between lodging properties, the City and TAP to position Gunnison as a destination for biking, back country adventure, fishing, and water sports. By December 31, 2021, the City will facilitate a plan to identify special events and athletic events (hockey, softball, lacrosse etc.) as well as trainings and conferences, to strategically improve lodging occupancy.</p> |

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| | <p>C.3 Result: By December 31, 2025, 250 affordable housing units will be added to the residential housing stock in City of Gunnison through public/private partnerships, incentives, policies, etc. Affordable housing units will be defined as being affordable by 100% or less of the Average Median Income (which changes over time) which currently equates to \$1,697/month or less for a 2 bedroom/3 person rental unit or \$282,638 or less for a 2 bedroom/3 person for sale unit.</p> | <p>City Manager and Housing Consultant</p> | <p>Through the completion of Lazy K, Garden Walk and Lot 22 over 160 dwelling units will be created in the next two years. Lazy K involves the creation of a Park and a for sale housing project. Achieving an additional 100 or more units through the development of Gunnison Rising, build out of the Van Tuyl subdivision, and potential development in West Gunnison should be an achievable goal by 2025. By August 1, 2021, staff will bring affordable housing policy options to the City Council for discussion to address land use changes and/or new development that increases the demand for affordable housing. The purpose of this discussion would be to identify housing policy tools to both “catch up” with affordable housing needs and to “keep up” with future employee generation from new development. A public hearing is being scheduled with the City Council for March 9th. Staff is also working on a specific development agreement with John Stock that will include a pro forma and anticipated housing costs.</p> |
| | <p>C.4 Result: By December 31, 2025, 100 existing substandard housing units will be renovated or replaced.</p> | <p>Community Development Director</p> | <p>Working with GV Heat the Housing Authority is attempting to enhance 30 units per year. In addition, the City in 2020 is providing incentives to improve and or replace dilapidated dwelling units. Staff discussed both incentives and regulatory tools with Council at its December 8th meeting and is developing enforcement strategies for a variety of property types (abandoned SFR, mobile homes, etc).</p> |
| | <p>C.5 Result: By December 31, 2025, 100 net new jobs pay >\$50,000/year will be created.</p> | <p>City Manager working with the ICELab</p> | <p>The ICE Lab is the key partner working with the City to achieve this goal. They are attempting to achieve this goal by hosting accelerator programs to attract entrepreneurs to the valley. The ICELab is also directly working to attract individual businesses to the valley and are currently rolling out a marketing campaign to attract groups or pods of employees from larger national companies to locate in the Gunnison Valley. The city is funding ICELab in 2020 at \$40,000 per year and the Local Marketing District is providing the bulk of the funding for the ICELab.</p> |
| | <p>C.6 Result: By December 31, 2025, local retail spending will increase by 17% as</p> | <p>Community Development Director</p> | <p>Keeping the Central Business District economically performing at a high level will be contingent on creating a quality</p> |

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| | <p>measured through retail tax growth compared to 2021.</p> | | <p>experience to push back on the trend of on-line shopping. In 2021 the City will, if funded in the budget, complete the IOOF park. Zoning changes in the CBD occurred in 2019 to incent new and diverse development including residential uses on the 2nd floor. By June 30, 2021, recommend a financial tool (such as Tax Increment Financing, Business Improvement District etc.) to the City Council after collaboration with the Chamber of Commerce, CBD Business community, and other taxing authorities as appropriate to pursue funding for physical improvements and programs to implement the recommendations in <u>Gunnison Vibrancy Initiative Final Report</u>. The Community Development Department will work with the Gunnison Arts Center to create a Colorado Creative District by December 31, 2021.</p> |
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| <p>Multi-modal Transportation</p> | <p>Result D.1:
By December 31, 2021, vehicles exceeding the speed limit will be reduced as compared to the 2020 speed study, with the following targets:</p> <table border="1" data-bbox="300 1029 730 1396"> <thead> <tr> <th>Metric</th> <th>2020 Baseline</th> <th>Desired</th> </tr> </thead> <tbody> <tr> <td>Average number of vehicles exceeding the 25 mph speed limit</td> <td>40%</td> <td>20%</td> </tr> <tr> <td>% of speeding vehicles exceeding the speed limit by more than 10 mph</td> <td>5.2%</td> <td>3%</td> </tr> <tr> <td>Average speed of vehicles exceeding the speed limit by more than 10 mpg</td> <td>43.4 mph</td> <td>38 mph</td> </tr> </tbody> </table> | Metric | 2020 Baseline | Desired | Average number of vehicles exceeding the 25 mph speed limit | 40% | 20% | % of speeding vehicles exceeding the speed limit by more than 10 mph | 5.2% | 3% | Average speed of vehicles exceeding the speed limit by more than 10 mpg | 43.4 mph | 38 mph | <p>Police Chief</p> | <p>In 2020, the City reduced its residential speed limit to 25 mph and installed digital speed signs on Highways 135 and 50. Enforcement is being aligned to achieve this goal.
Data on speeds, traffic contacts and citations is available at https://cms5.revize.com/revize/gunnisonco/Police/2021%20Traffic%20Reports/Traffic%20Report%20%20-%20web%20site%20-%2003112021.pdf</p> |
|---|---|---------|---------------|---------|---|-----|-----|--|------|----|---|----------|--------|---------------------|--|
| Metric | 2020 Baseline | Desired | | | | | | | | | | | | | |
| Average number of vehicles exceeding the 25 mph speed limit | 40% | 20% | | | | | | | | | | | | | |
| % of speeding vehicles exceeding the speed limit by more than 10 mph | 5.2% | 3% | | | | | | | | | | | | | |
| Average speed of vehicles exceeding the speed limit by more than 10 mpg | 43.4 mph | 38 mph | | | | | | | | | | | | | |

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| | <p>Result D.2: By December 31, 2023, working with the Colorado Department of Transportation, the City will complete a Highway Access Plan for Highways 50 and 135 to improve pedestrian, cyclist, and vehicular safety into and around Gunnison. This would include recommendations on improving safe multi-modal crossings of Highways 50 and 135 and how future new development to the North and West would connect to these Highways.</p> | <p>Public Works Director</p> | <p>Staff has completed data collection in 2020 to support the creation of an Access Plan. In 2021 Staff will reengage CDOT staff to determine if funds are available with the State of Colorado to support an Access Plan. This access plan will be helpful in managing increased traffic on HWY 50 and identifying opportunities to improve multi modal (bikes and peds) access across Highways 50 and 135. Staff has recently heard from CDOT that they may have funding in 2021 for an access plan. Public Works has reengaged CDOT in discussing a scope of work for 2021 to complete this result.</p> |
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| Multi-modal Transportation continued | Result D.3: By 2025, the City will implement east-west/north-south bicycle and pedestrian routes/urban trails with wayfinding and ADA compliance that provide efficient non-motorized routes to key amenities and trail systems. | Senior Planner and Public Works Director | The City completed the Spruce/Denver Street safe walk to schools in September of 2020. The City has secured a grant with the TPR/CDOT multi modal fund for \$393,000 for the Ohio Street project. In addition, we are pursuing a CDOT safe walks to school grant to fund the Ohio Street project. Staff is also working on a safe walks to school grant with CDOT which could have a value of over \$700,000. The City working with Western and Gunnison Rising created a template for a pedestrian/bicycle trail on Georgia Street. |
| | Result D.4: By December 31, 2026, the City will establish/build a multi-modal transportation hub with valley partners to provide cross- town, and regional connectivity for Gunnison residents and visitors. | Public Works Director and RTA Executive Director | The City Manager has reached out to the Executive Director of the RTA to confirm that this is a mutual goal. The timing of this result is consistent with the timing of the RTA's. Completing the identification of a preferred site for a transportation hub is proposed to occur prior to December 31, 2021. |
| Environmental Sustainability and Resiliency | Result E.1: By December 31, 2021, work with the Upper Gunnison River Water Conservancy District to implement the water supply resiliency plan. | Water Superintendent | The Water Superintendent is working with the Upper Gunnison River Water Conservancy District to develop a long term water supply plan. The District is working on a basin wide plan which will include the water resources the City relies on. |
| | Result E.2: By December 31, 2021, the City will finalize a storm water management plan to address the threat of flooding and present it to the City Council. | City Engineer | The City Engineer working with the Water Superintendent will complete a storm water management plan and present it to the City Council for approval before December 21, 2021. |
| | Result E.3: By December 31, 2021, the City will complete a City of Gunnison environmental sustainability plan to provide a holistic framework for reducing carbon emissions, improving waste management, conserving water resources, and protecting the natural environment of the City. This Plan will also align to the 2020 Comprehensive Plan and support the implementation of the goals and action in Chapter 9 related to "Environment, Open Space, and Natural Areas. " | City Manager/ Intern | A job announcement is now circulating for a part time position/intern to help complete this task. |
| | Result E.4: By December 31, 2024, the City's electric utility will convert to 100 percent use of non-carbon emitting energy sources. | Electrical Superintendent | In 2018, the City of Gunnison began to purchase additional wind power, bringing it to 59.1 % non-carbon emitting sources. The City will continue to obtain renewable energy sources as they become available in the MEAN system. Also the City has |

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| | | | <p>secured a DOLA grant with the County to create a solar project and is partnering with the County on the creation of a significant solar project at the Airport. As part of the 2020 electrical master distribution study, staff will identify needed infrastructure improvements to support electrical vehicle charging stations and increase electrification of residential and commercial buildings.</p> |
| | <p>Result E.5: By December 31, 2025, reduce waste delivered to the Gunnison County landfill by 20% by the City of Gunnison including construction waste compared to a 2021 baseline.
and Gunnison as Western.</p> | <p>Public Works Director</p> | <p>Evaluate innovative strategies for solid waste reduction as part of the environmental sustainability plan mentioned in E.3.</p> |

Council/Community Follow Up

| Date Requested | Action Requested | Individual/Team
responsible for action | Update |
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Jim Gelwicks
Update Notes
March 23, 2021

Note: Rob Santilli GVH director announced his retirement for later this year.
April 4, Vail closes.

Housing Bill HB1117:

The inclusionary zoning bill passed without changes from the House Transportation Committee to the floor for Second Reading Friday.

Little Blue Road Construction:

The project is moving forward on the two year completion date. This is consistent with the letter we wrote. I met with Federal Highway project directors at City Hall on March 10th.

Project update: In Person, March 24, Rec Center 5-7 pm. Timeline and procedures explained.

Proposed Transportation Bill:

The legislative proposal for transportation is outlined below. For those who remember, it is the Gov. Ritter era on steroids.

Yesterday afternoon, legislative leaders released details on a bill to be introduced in the weeks ahead intended to be a “comprehensive transportation funding plan to modernize our state’s transportation system,” according to one of the bill’s sponsors, Sen. Faith Winter, D-Westminster. The other bill sponsors are Senate Majority Leader Steve Fenberg, D-Boulder; Speaker of the House Alec Garnett, D-Denver; and Rep. Matt Gray, D-Broomfield.

The proposed legislation raises nearly \$4 billion in revenue over 10 years by implementing nine new fees - beginning July 2022:

Road Usage Fee: New fee on fuel applied to fuel sale to offset consumer impact on roadway and transportation system.

Truck Fee: Additional diesel fee applied to the sale of fuel to offset the additional impact of trucks on the roadway.

Electric Vehicle Fee: Index the existing \$50/year EV registration fee and assess an additional fee to establish parity with the amount of gas tax paid by a driver.

TNC Fee: Fee on transnational company businesses to offset congestion and emission impacts on the transportation system for new transportation services and increased trips.

Online Retail Order Fee: Fee on online deliveries to offset the impact on the transportation system, air quality, and congestion.

Personal Car Share Fee: Lift exemption on \$2/day rental fee (index to CPI).

Rental Fee: Index existing fee to ensure users of the road pay their share.

Taxi Fee: Fee on taxis to offset consumer impact on the transportation system.

Autonomous Vehicle Safety Fee: TBD

Nearly 70% of new revenue would be distributed under the existing Highway Users Tax Fund (HUTF) distribution formula, and municipalities will have access to specialized funds created from much of the remaining 30% of the new funding. While the plan calls for reducing FASTER vehicle registration fees for two years for a total \$90 million reduction in HUTF revenue, legislative leaders stated that the state would backfill the local governments' resulting reduction

MEETINGS:

Valley Housing Fund:

Shaun Matuszewicz is the new President. 2021 Budget adopted.

The VHF bylaws indicate the town reps don't necessarily need to be on the town councils: councils are welcome to nominate a community member. External appointments term lengths set by recommending body subject. At large serve 3 year terms.

COVID Briefings:

The Gov Office took input from CML members Monday. Key discussion item is continuing face coverings. Mayors Farmer, Schmidt and myself advocated retaining the state order for face coverings to remain until medically lifted. For Gunnison County, Face coverings are in effect through June under current orders. While I'll leave the efficacy of masks debate to Dr. Fauci and Sen. Paul, when the Governor ends the face coverings protocol, our ability to maintain medically supported health orders diminishes.

In Gunnison County, over 9,000 received one dose and 4,000 with full dose(s).

Everyone, regardless of age, needs to register for shots online, county COVID site. If person who signed up with the county did not receive an electronic confirmation, they need to register again. People will not be given a choice of vaccines (Pfizer, Moderna or J&J).

Registration is also open for community testing event following spring breaks.
Friday, March 26th at the Gunnison County Fairgrounds, 7:00 am – 5:00 pm.