

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
HARVEY HARRIMAN – VICE CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
JOHN TALIAFERRO	X		
DELANEY KEATING			X
COUNCILMEMBER ELLEN HARRIMAN	X		

OTHERS PRESENT: DIRECTOR STEVE WESTBAY, PLANNER ANDIE RUGGERA, PAM CUNNINGHAM, RICHARD KARAS.

CALL TO ORDER AT 7:00PM BY CHAIR DIANE LOTHAMER

PLEDGE OF ALLEGIANCE TO THE FLAG

UPDATE ON GUNNISON RISING ANNEXATION. Director Westbay gave an overview of the status of the Gunnison Rising Annexation application. On March 4th City Council sent an initial letter of response to Gunnison Rising. They responded in a letter dated March 13, 2008. City Council met on March 17th and 21st to develop, prepare, and adopt a response letter with comments. That letter is included in the meeting packet. Director Westbay gave an overview of items 1A-10A of the letter.

1A. Conservation Candidate Agreements with Assurances (CCAAs). The City Council's position is that the CCAAs should be pursued, which takes considerable work. The City is responsible for obtaining the information and addressing certain issues. On April 16, 2008 a meeting will be held with the US Fish and Wildlife Service (FWS) to discuss the development of CCAAs with City staff. An overview of CCAAs was distributed. Following that meeting documentation regarding cost and procedures will be developed.

2A. Affordable Housing. There are two components to this issue: 1) The City will develop a policy in the revised *Land Development Code (LDC)* related to affordable housing, and 2) linkage fees (a County impact fee), which is a funding mechanism for affordable housing. The applicant has agreed to use linkage fees. The City Council feels that the *LDC* in effect should be applied at the time of development, except for the RV site, which will be evaluated as a PUD.

3A. Floodplain Delineation. The applicant has provided an appropriate delineation for the 100 year flood plain, but it has not yet gone through Letter of Map Revision (LOMR) process with FEMA. City Council has asked the applicant to pursue the process.

4A. Wetland Delineations. The area affected is primarily on the south side of the highway. City Council felt it appropriate that the applicant initiate the approval process through the Army Corps of Engineers. The City wants wetlands setbacks based on the approved delineation, the function of the wetlands, and the land use near it.

5A. Dedications. It is partly the responsibility of the City to write letters to outside agencies (RE1J, the County, and the Cemetery District). The letters have been written and sent out. The applicant was asked to send letters to other agencies (including FAA, CDOT, and CDOW) to obtain responses to any dedications or easement requirements. If the applicant has problems in getting responses the City has volunteered to intercede, if asked.

6A. Habitat Impacts. City Council has reiterated the need for the applicant to move forward with protection measures to try to avoid, minimize, or mitigate impact on habitat.

7A. Transportation. This is paramount in review of the annexation application. Seven items were identified by City Council that must be addressed by the applicant.

8A. Utility issues must be addressed in an appropriate manner for the annexation to go forward. City Council has requested letters from other utility providers.

9A. Water Resources. There are three issues: legal water right designations, water quantity, and water quality. Director Westbay explained that there are significant Cadmium levels in the aquifer in the Tomichi valley. Although data suggests the water meets state water quality standards there is concern about the effect the different water chemistry will have on the City's distribution system. The water rights are being reviewed by an attorney and documents have been sent to water court. The City is developing an RFP to address water quality, water quantity, recharge potential, and yield potential. The City is concerned with distribution of well systems in the annexation area and the impact that drying up the hay meadows would have on recharging the water table.

10A. Addresses the latest concept brought by the applicants to zone the property as standard zoning. Conservative estimates based on the new proposed districts results in over 3,000 residential units, the commercial floor area would exceed one million square feet, and the industrial area would be more than one million square feet. There are significant issues related to the map revision including utility capacity estimates, traffic volumes, and road standards. Because of these issues City Council wants P&Z to be involved in the review.

Chair Lothamer asked if the applicants will keep presenting new plans. She noted that all the work P&Z has done in reviewing the application as a PUD is now out the window. She noted that there are lots of implications with the change to zoning. The City Council has given a directive that the City is prudent in their review and turnaround time and P&Z doesn't want there to be a perception that it is being nonresponsive. However, this change is significant and the applicant must recognize that. Discussion followed about some obvious zoning issues. Director Westbay stated that after the response to the letter is received P&Z will have an opportunity to review the implications of the changes.

Chair Lothamer asked if we are losing sight of the big picture and focusing too much on details. Is it fair to the applicant to go through this process if there are there issues that ultimately the City can't go along with? Richard Karas stated that he is confused by where we are now with the process. Director Westbay stated that there is important language in the letter to the applicants. It is Council's position is that it is incumbent upon the applicant to provide information. If they

don't feel like answering something, that is the answer, and could detract from approval. Future negotiations will be based on the information provided by the applicant.

Councilor Harriman stated that the letters to and from the applicant from now on will give a clearer picture. On April 7th an informational meeting for citizens is being held. We need to know more than we know now to be able to give that information at the meeting, but it is likely we won't have the information by 7th because the applicants were given an April 15th deadline. Director Westbay reiterated that the onus is on the applicant.

Councilor Harriman stated that a bulleted list of changes or a chart comparing the initial application and the changes along the way would be helpful. She is concerned that citizens will have an image of the project as originally proposed rather than the current proposal.

Chair Lothamer asked if the applicants will be at the informational meeting. Director Westbay stated that the applicant will make a presentation, as will the City. Then a question and answer session will be held. Councilor Harriman stated that citizens may send in written questions, which will go into the record.

Commissioner Seitz expressed concern that citizens may not have access to the updated information. Director Westbay pointed out that the City Council letter to the applicant is posted on the web site. Citizens may also get information at the Community Development Office. He said that staff will be working until the April 7th meeting to develop information related to the process.

Richard Karas asked if the chart that Councilor Harriman mentioned can't be produced by the staff, could a citizen such as himself produce a summary of changes to the proposed annexation. Director Westbay stated that staff could do a chart on densities and land uses but that the City should react to information provided. It is incumbent upon applicant to provide detailed information.

Commissioner Seitz observed that the maps go a long way to describe the changes. He commended the City for keeping track of how costly the review process is and establishing what should be paid by the developer up to this point.

Councilor Harriman stated that although it may sound like the City Council is being negative they are trying to be thorough.

Commissioner Seitz noted that continuing education of the public is important. Discussions during the Master Planning process showed that the City doesn't need to feel rushed [into annexing more land]. Except for industrial land, the City has enough [land] for a while. Do we need to step back? He observed the potential need in the future for a bypass to link the north end of town with Hwy 50. The City should pursue this and the State agrees. He stated that the City should pursue that regardless of the annexation. Director Westbay stated that on April 1st at 2:30 there will be a meeting with the County, CB, and Mt. CB, regarding the Hwy 135 study. A bypass is one of the topics to be discussed.

Chair Lothamer asked if, based on the revised map and narrative, there enough information for a proposal for zoning. Director Westbay responded that it is enough information to generate population and unit counts, but the City can't do a transportation impact report.

UPDATE ON WEST GUNNISON

Director Westbay provided an overview of the status of the West Gunnison Neighborhood Plan. Phase 4 is complete, which contains economic development strategies. Phase 1 identified existing conditions and stakeholders. Phase 2 was a land use review and provided four options, concluding with a Preferred Alternative Plan. Phase 3 included significant refinements of the Preferred Alternative Plan, reviewed land use, transportation, and utilities. Phase 4 is the final component. It is a critical component because provides options to finance the significant improvements. Planner Ruggera developed a capital cost schedule identifying \$9.3million in capital improvement needs which would be split between private development and public needs. An analysis of debt capacity shows that the development will pay its own way through reimbursements. A financing capacity revenue scheme was developed based on retail square footage of 50,000, and determined that revenue sources are adequate to consider bonding.

The next question is what funding approach City wants to take. There could be a case for a small district in regard to this district. A general improvement district is probably most appropriate. Staff is concerned about creating a district that impacts general fund revenues supporting community-wide needs. There are many mechanisms available, including Federal grants for HUD and CDOT grants for Hwy 50. There is also the option of Transfer of Development from the Gunnison Rising annexation to West Gunnison to offset costs.

The next step is to work on the final plan, which will be a culmination of the four components and an implementation plan. The plan will be given to the Stakeholder Committee for review, and then a City Council meeting with the consultants will be held in April or May.

Director Westbay asked the Commissioners if they had any reaction to the document. Chair Lothamer responded that the document makes sense, but feels the need to talk to stakeholders.

Richard Karas asked how the land owners feel about the plan. Director Westbay stated that it has been an inclusive process that began with goals that recognized landowner's needs. The plan was modified accordingly. Commissioner Seitz concurred. He stated that a primary land owner didn't fall in line, but [the committee] went forward with the rest of the plan. Those landowners with existing buildings didn't like the plan as much as owners of vacant property. Westbay stated that this is a Special Area Plan, a subcomponent of the Master Plan. Chair Lothamer asked if we need a new code for sub areas. She would like to discuss that issue sometime.

Commissioner Taliaferro asked, if the plan is adopted, when will things start? Director Westbay responded that it would be triggered by property owners. The City will need to do some land acquisitions to develop Thornton Way.

UPDATE ON 313 S. BOULEVARD

Director Westbay provided background on the City's acquisition of this property. About three years ago the property burned down and asbestos was discovered on the site. In 2006, after the site cleanup, the City put the property on the Sheriff's foreclosure sale but there were no takers.

City Council directed staff to look at a project for a public/private partnership, affordable housing, and green design. A staff committee was formed that looked at options, developed site plans, initiated discussions with the contractors association, and talked to a private developer. Two options were developed: 1) modular construction at \$100 per square foot and, 2) a bid of \$94 per square foot by a local contractor to build. The committee contacted by Habitat for Humanity. The Habitat Board felt it was appropriate to develop the property themselves and they offered to purchase the property for \$50,000. The committee took three options to City Council: 1) no action, 2) sell the property, and 3) a city development program. The City Attorney felt that the option to sell the property should be done through a selection process using any criteria that City Council feels is appropriate. Council was amenable to the option of selling the property and discussed RFP criteria. City Council directed staff to develop an RFP for sale using similar criteria. The draft will be taken back Council. While Habitat for Humanity has a good chance of being selected, anyone can submit proposal.

Chair Lothamer asked if it is against the City Charter to sell the property without a vote. Director Westbay stated that the City Attorney's opinion, based of the circumstances of the land acquisition the City can sell the property.

CONSIDERATION OF THE FEBRUARY 13, 2008 MEETING MINUTES.

Commissioner Harriman moved to approve the February 13, 2008 meeting minutes as presented. Commissioner Taliaferro seconded the motion.

Roll Call Yes: Jim, Diane, Ellen, John, Harvey

Roll Call No:

Abstain: Bob

Motion Carried

MOTION TO EXCUSE COMMISSIONER KEATING. Commissioner Seitz moved to excuse Commissioner Keating. Commissioner Beda seconded the motion.

Roll Call Yes: Harvey, Diane, John, Ellen, Bob, Jim

Roll Call No:

Abstain:

Motion Carried

COUNCIL UPDATE

Councilmember Ellen Harriman reported that City Council:

- has scheduled a public hearing for a liquor license for the Flying Burrito restaurant;
- awarded \$1,750 to High Flyers Disk Golf to bring some events to the area;
- awarded a contract for 2008 street improvements. However, the amount budgeted is less than the priority project so they may be able to do some other priorities;
- gave money to the Nordic club;
- waived the building permit fees for the ice rink and aquatic center.
- changed the date for the Gunnison River Festival;
- kicked in \$5,000 for the RTA update funding; and,
- received the year end financial report from the Director of Finance who reported that sales tax revenues were down 6.6% in January and it's not looking good for February.

Commissioner Beda asked if Atmos Energy bills are figured in the sales tax revenue. He stated that because Atmos hasn't been able to get to the meters to read them, people aren't getting bills. So, that could impact revenue for city.

PLANNING STAFF UPDATE

Planner Ruggera reported that:

- a conditional use application for a home daycare will be on the agenda on April 9th;
- work will begin on the *Three Mile Plan* annual review;
- staff is working on reviewing Census data; and,
- Community Cleanup will be held on April 19th. This year, in addition to picking up trash volunteers will be filling sand bags as well. Commissioner Harriman asked how people can get sand bags. Director Westbay advised that Public Works is selling empty sand bags for 20 cents each. There will be a stock pile of material to fill the bags. Citizens can fill the bags at Public Works and take them home. He is not sure of the cost for filled bags. He also stated that City Council will be addressing the policy for flooding next Tuesday. Commissioner Seitz asked what the effect of flooding will be on the Waste Water Treatment Plant. No one was sure if the present plant had been built in 1985, the last flood season.
- Director Westbay reported that the City is working on the *Trails Master Plan* with Gunnison County

UNSCHEDULED CITIZENS

- There were no unscheduled citizens.

COMMISSIONERS UPDATE

- Commissioner Beda brought up the issue of the property at 821 W. Tomichi, which is no longer in operation. The sign at that location was an illegal sign that didn't comply with the sign code and is traffic hazard. Since there is change of use at the property, can the sign be relocated? Director Westbay will look into it.
- Commissioner Beda asked if the legislature passed the bill to allow beer and wine sales in grocery stores. Commissioner Taliaferro stated that didn't pass but that the Governor has the bill for Sunday liquor sales on his desk.
- Chair Lothamer observed that there was an article in the newspaper about City Market putting in some gas pumps. Director Westbay stated that the City has not received any plans. Chair Lothamer asked if they will they have enough parking. Director Westbay stated that since he hasn't seen the plans he doesn't know if they conform.

ADJOURN

Chair Diane Lothamer closed the meeting at approximately 8:46 p.m.

Diane Lothamer, Chair

Attest:

Pam Cunningham, Secretary