

APRIL 25, 2017

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

4:15 P.M.

Mayor Hagan called the Regular Session meeting to order at 4:15 P.M., with Councilors Drexel, and Morrison present along with City Attorney Fogo, City Manager Forrest and City Clerk Davidson. A Council quorum was present. Councilors Sovick and Schwartz arrived after the start of the meeting.

EXECUTIVE SESSION

The purpose of which is pursuant to C.R.S. §24-6-402(4)(a) to receive legal advice from the City Attorney on specific legal questions.

Councilor Drexel moved and Councilor Morrison seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(a) to receive legal advice from the City Attorney on specific legal questions.

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

Roll call vote, no: None.

Council came out of Executive Session at 4:29 P.M. Mayor Hagan stated the following:

The time is now 4:29 P.M., and the Executive Session has been concluded. The participants in the Executive Session were Mayor Richard Hagan, Mayor Pro Tem Robert Drexel, City Councilors Leia Morrison, Matt Schwartz and Andy Sovick, City Attorney Kathy Fogo and City Manager Russ Forrest. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. There were no comments.

EXECUTIVE SESSION

The purpose of which is pursuant to C.R.S. §24-6-402(4)(f)(1) to discuss personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.

Councilor Sovick moved and Councilor Morrison seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(f)(1) to discuss personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. Council went into executive session at 4:31 P.M.

Roll call vote, yes; Drexel, Hagan, Morrison, Schwartz, Sovick. So carried.

Roll call vote, no: None.

Council came out of Executive Session at 5:01 P.M. Mayor Hagan stated the following:

The time is now 5:01 P.M., and the Executive Session has been concluded. The participants in the Executive Session were Mayor Richard Hagan, Mayor Pro Tem Robert Drexel, City Councilors Leia Morrison, Matt Schwartz and Andy Sovick, City Attorney Kathy Fogo and City Manager Russ Forrest. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. No concerns were raised.

PUBLIC HEARING

5:30 P.M.

Receive public input on Retail Marijuana Product Manufacturing Establishment License Application from MPI, Inc., 651 S. Boulevard St., Ste. AB, Gunnison, CO.

City Clerk Davidson informed Council that due to publication scheduling, the required 10 notice of the public hearing did not take place. The City Attorney has suggested continuing this public hearing to a special session meeting to be held at 5:30 P.M., Tuesday, May 2, 2017. The applicant, Mark Lucas, was agreeable with the continuance to that date and time.

Councilor Schwartz moved and Councilor Sovick seconded the motion to continue the public hearing until a Special Session meeting on Tuesday, May 2, 2017, at 5:30 P.M.

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

Roll call vote, no: None.

PUBLIC HEARING

5:45 P.M.

Receive public input on Retail Marijuana Product Manufacturing Establishment License and Retail Marijuana Cultivation Establishment Licenses from Cosmic Foods LLC, dba Cosmic Culture, 555 S. 10th Street in Gunnison.

Once again, City Clerk Davidson informed Council that due to publication scheduling, the required 10 notice of the public hearing did not take place. The City Attorney has suggested continuing this public hearing to a special session meeting to be held at 5:45 P.M., Tuesday, May 2, 2017. The applicant, Toby Rippetoe, was agreeable with the continuance to that date and time.

Councilor Schwartz moved and Councilor Sovick seconded the motion to continue the public hearing until Tuesday, May 2, 2017, at 5:45 P.M.

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

Roll call vote, no: None.

Citizen Input:

Mayor Hagan called for any citizen input on any items not already being considered on the agenda. Randy Laudick, owner of NAPA, came forward and addressed Council. As a small business owner in Gunnison, he had financial hardship when the city did not pay it's bill in January and paid it late in February this past winter. He does thank the city for its business but needs the bills paid in full and on time. City Manager Forrest informed Council he will meet with the Finance Department and then with Mr. Laudick to remedy the situation.

Council Action Items:

Consent Agenda

- **Action on April 11, 2017, Council Regular Session Minutes**
- **Approve Contract with Great Outdoors Colorado and Authorize Mayor's Signature on Contract**

Councilor Drexel moved and Councilor Morrison seconded the motion to approve the Consent Agenda as presented.

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

Roll call vote, no: None.

Discussion, update and possible action on Region 10 regional broadband project; with Region 10 Broadband Project Manager Chris Kennedy and City IT Director Mike Lee.

Mr. Kennedy and Director Lee came forward and spoke with Council regarding the following: fiber has been placed for the Delta-Montrose phase of the project and it hopes to go live by the end of May; the project proposes to increase available bandwidth in the Gunnison Valley using 2 – 10Gb services from Montrose; funding has been requested from the local governmental entities, including the county, from WSCU and other anchor institutions; the city approved \$40,410 in the 2017 budget for the project as a cash match to the DOLA grant; this project does not address redundancy because easement issues for the utility line routes for the redundant fiber are still being discussed; and the redundant fiber lines are probably a couple of years out.

Councilor Schwartz moved and Councilor Drexel seconded the motion to authorize the City Manager to approve funds in the budgeted amount not to exceed \$40,410.00 for the Region 10 broadband project next steps of engineering, design and construction to make additional bandwidth available to the Gunnison Valley

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

Roll call vote, no: None.

Discussion and possible action on License Agreement with Double Shot Cyclery, 222 N Main Street, for Sidewalk Café Seating. CD Director Westbay and applicant Dan Crean came forward to answer questions from Council. The placement on the sidewalk will be an enclosure 4' x 10' for café style tables and chairs. The enclosure is needed to define the area where liquor can be served.

Councilor Drexel moved and Councilor Morrison seconded the motion to approve the License Agreement with Double Shot Cyclery for sidewalk café seating and to authorize the Mayor's signature on said License Agreement.

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

Roll call vote, no: None.

First Fridays Art Walk Alliance Request for Funding. Eric Freson, outgoing Chamber Executive Director introduced Celeste Helminski, interim Chamber Executive Director. Mr. Freson reviewed the request from the ArtWalk Alliance that was introduced briefly at the last council meeting, for funding to design and purchase flags to be displayed in front of businesses participating in the First Friday Art Walk each month. The request is for \$2,000. City Manager Forrest informed Council the Gunnison Arts Center will be pursuing a city event permit for this monthly flag program.

Councilor Sovick moved and Councilor Morrison seconded the motion to approve the expenditure of \$2,000 from economic development funds for the purchase of 30 flags and holders for the First Fridays ArtWalk.

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

Roll call vote, no: None.

Discussion and Possible Action on Old City Shop Demolition Bids. City Manager Forrest asked Council for direction on how to proceed with the old city shop demolition project. A request for proposals was issued with several options requested. Those are: restoration of the historic building in place, remove the building, save the stone façade and tell the story of the building at another location or demo the building and move forward with the construction of a new storage building. Council discussion ensued. Council consensus was for an informal historic assessment to take place on the building to determine the chances of obtaining funding to restore the building or to move the stone to another location for a historic display and to have the responding RFP contractors to submit costs for saving the stones for reuse. The City Manager will negotiate with the low bidder to remove the stone, save them for a future use and to obtain an informal assessment for the city's changes for funding through a historic grant process.

Wastewater Treatment Plant Assessment Follow-up on Next Steps. Water Superintendent Joe Doherty introduced the City's new Wastewater Treatment Plant superintendent Mike Rogers. Council has already heard the results from the Black and Veatch plant assessment study. Staff is asking for approval to proceed with the presented action items in the memo dated 4/21/2017. Those items are: confirm the reliability of the main electric distribution panel, the emergency generator and the automatic transfer switch for the backup power; and to purchase new laboratory equipment to meet new technologies and to start performing more lab work in-house as a cost saving measure.

Councilor Schwartz moved and Councilor Drexel seconded the motion to expend \$35,500 from wastewater reserve funds to address the immediate issues at the wastewater treatment plant as discussed in the memo dated April 21, 2017 and to authorize the City Manager to approve those services and purchases.

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

Roll call vote, no: None.

City Facilities Assessment RFPs. City Manager Forrest reminded council the 2017 budget contains \$50,000 for a builds assessment. The adopted Strategic Plan has a strategy goal

of assessing and inventory the city's infrastructure, buildings and rolling stock. The Wastewater Plant and the Electric Division's assets have already been assessed. Engineering consultant Terry Zerger has prepared an RFP for that assessment process and staff is asking for direction on the project. A brief council discussion ensued and the facilities to be assessed were reviewed. The facilities on the Lazy-K property were included as was a capital equipment replacement plan.

Councilor Morrison moved and Councilor Sovick seconded the motion to proceed with the RFP for the assessment of the city's infrastructure, buildings and rolling stock including the two additional items as discussed.

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

Roll call vote, no: None.

Purchase of Caterpillar Motor Grader. Staff is recommending the city purchase a new Caterpillar Grader with a 5-year warranty. The total cost will be \$220,676 after a generous trade-in allowance for the old broken Volvo grader.

Councilor Drexel moved and Councilor Sovick seconded the motion to authorize the purchase of a new Caterpillar 12M3 AWD Motor Grader with a 5-year warranty in the amount of \$220,676.00 from Wagner Equipment and to authorize the City Manager to sign the purchase agreement.

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

Roll call vote, no: None.

Personnel Policy Amendments Procedure. Finance Director reviewed how personnel policy changes are currently brought before Council for individual approval. Since these types of changes are reviewed by the human resources and legal divisions of Mountain States Employers Council, as well as by Management Staff, it is being recommended personnel policy changes be authorized by the City Manager with periodic summaries of changes given to Council.

Councilor Morrison moved and Councilor Schwartz seconded the motion to authorize the City Manager to approve personnel policy changes after review by MSEC and management staff and to give council period updates on said changes.

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

Roll call vote, no: None.

Ordinances and Resolutions:

Ordinance No. 5, Series 2017; Re: Adopting Backflow Prevention Standards applicable to commercial, industrial and multi-family residential service connections within the City's public water system; 2nd Reading Councilor Schwartz introduced Ordinance No. 5, Series 2017, and asked it be read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No.5, Series 2017, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING BACKFLOW PREVENTION STANDARDS APPLICABLE TO COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY RESIDENTIAL SERVICE CONNECTIONS WITHIN THE CITY'S PUBLIC WATER SYSTEM** be introduced, read, passed and adopted on second and final reading this 25th day of April, 2017.

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

Roll call vote, no: None.

Ordinance No. 6, Series 2017; Adoption of 2015 ICC Building Codes: 2nd Reading. Councilor Schwartz introduced Ordinance No. 6, Series 2017, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 6, Series 2017, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REPEALING AND RE-ENACTING CHAPTER 14, TECHNICAL CODES, ARTICLES 1 THROUGH 5, OF THE CITY CODE OF THE CITY OF GUNNISON, AND ADOPTING BY REFERENCE THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE,**

INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE, AND ESTABLISHING THE PENALTY FOR THE VIOLATION THEREOF, be introduced, read, passed and adopted on second and final reading this 25th day of April, 2017.

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

Roll call vote, no: None.

Resolution No. 7, Series 2017; Re: Authorizing Inclusion of the Gunnison County Fire Protection District into the Colorado Risk Sharing Agency. Councilor Schwartz introduced Resolution No. 7, Series 2017, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Resolution No. 7, Series 2017, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, CONSENTING TO PARTICIPATION BY THE GUNNISON COUNTY FIRE PROTECTION DISTRICT IN THE COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY**, be introduced, read, passed and adopted this 25th day of April, 2017.

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

Roll call vote, no: None.

Adjourn Regular Session Meeting and Convene Discussion Session.

Mayor Hagan adjourned the Regular Session meeting and Council went into the discussion/work session at 7:13 P.M.

Mayor

City Clerk