

January 9, 2018

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

5:30 P.M.

The City Council Regular Session meeting was called to order at 5:30 P.M., by Mayor James Gelwicks with Councilors Mallory Logan, Jim Miles and Leia Morrison present along with City Manager Russ Forrest, City Attorney Kathy Fogo, Finance Director Ben Cowan, Police Chief Keith Robinson, Court Clerk Melissa McLeod, Deputy City Clerk Tara Kindall, WSCU Liaison Lozen Miller, several interested citizens, and the press. Councilor Drexel was absent. A Council quorum was present.

**PUBLIC HEARING**

5:30 P.M.

**To receive input on the Transfer Application for a Hotel & Restaurant Liquor License for Gunnison Pizza, Inc. dba Mikey's Pizza located at 303 East Tomichi Avenue, Suite #2 in Gunnison Colorado.**

Mayor Gelwicks called the public hearing to order at 5:30 p.m., Tuesday, January 9, 2018, in the Council Chambers of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at the hearing are himself, Councilors Logan, Miles, and Morrison, City Manager Forrest, City Attorney Fogo, Deputy City Clerk Kindall, Finance Director Cowan, Municipal Court Clerk McLeod, Police Chief Robinson, and the applicant.

Mayor Gelwicks asked for proof of publication from the clerk and it was stated that there is a copy of the affidavit of publication in their packet and the original is in the City's official file. He then called for staff comments. Court Clerk McLeod informed Council that the applicant has paid the applicable fees. Normally, this process is done administratively, however the City Attorney and Police Chief had some concerns with the applicant's background. They have been operating with a temporary license since October 20, 2017 with no issues. City Attorney Fogo stated that even though this is usually an administrative process they felt that it would be appropriate for Council to hear from the applicant and the public on this application and for Council to ask any questions they deem appropriate as well. She reviewed some specific criteria for holding a liquor license that they would like Council to consider tonight: 1) is the applicant of good moral character and 2) would there be any violation of the liquor laws if the license is granted to the applicant? Police Chief Robinson reiterated that due to the applicant's background the consensus was to bring this before Council to consider and make the decision on the transfer and that he agreed with the information given to Council by the City Attorney.

Mayor Gelwicks then asked the applicant to come forward and state his name and residential address for the record. Mr. Blake Eastman, residing at 402 South 11<sup>th</sup> Street in Gunnison, came forward and addressed Council. He understands that the reason for the public hearing on the liquor license transfer is because of his background, but he is trying to turn his life around and make a positive contribution to the community. He knows this is a huge opportunity and appreciates Council for taking their time with him. Mayor Gelwicks asked if he had a chance to go online and go over the liquor laws for the State of Colorado and that he is responsible as is the City and State for making sure the rules and regulations are properly executed on his premise. Mr. Eastman stated that he has read the laws and he does understand his responsibility. Councilor Miles stated that he had read Mr. Eastman's history and has personally known Mr. Eastman for his entire life. Councilor Miles asked what Mr. Eastman has done to make Council feel comfortable granting this application. Mr. Eastman reiterated how he has worked on knowing the liquor laws and feels confident that he can uphold them. He has also worked with his staff to ensure that they are properly trained. Councilor Miles feels this is a great opportunity for Mr. Eastman. Mayor Gelwicks asked for any other questions from Council to Mr. Eastman. There were none. He then asked Mr. Eastman if he had anything else he wanted to share. Mr. Eastman stated that he has strong support from family and friends and has confidence in his staff as well. Mayor Gelwicks then asked if there was anyone else in the audience who wished to make a statement concerning this liquor license transfer application. No one came forward to address Council. Mayor Gelwicks then stated that he was contacted by Todd Barnes via voice mail and instant messaging. Mr. Barnes is a resident of Mt. Crested Butte and is currently the mayor there. He also owns a restaurant where Mr. Eastman is currently employed. He feels that Mr. Eastman has made a lot of progress and deserves a chance to operate a liquor license. He was very supportive of his application. Mayor Gelwicks then asked if the City had received any other communications regarding this liquor

license transfer. The Deputy City Clerk stated that there were none. Mayor Gelwicks then called for any other comments and hearing none closed the Public Hearing at 5:40 p.m.

**Citizen Input:**

Mayor Gelwicks called for any citizen input on any items not already being considered on the agenda. No citizens came forward.

Mayor Gelwicks then called for a motion to recess the Regular Session meeting and open a Work Session. Councilor Morrison moved and Councilor Miles seconded to do so.

Roll call vote, yes: Logan, Miles, Gelwicks, and Morrison. So carried.

Roll call vote, no: None.

The Work Session was recessed and the Regular Session was reconvened at 7:35 p.m.

**Consent Agenda:**

The consent agenda allows City Council to approve, by a single motion, second and vote, matters that have already been discussed by the entire Council or matters that are considered routine or non-controversial. A consent agenda allows for the meeting to proceed in a more efficient and timely manner. The agenda items will not be separately discussed unless a councilor, city staff, or a citizen requests an item be removed and discussed separately. Items removed from the consent agenda will then be considered after consideration of the consent agenda. Items on the consent agenda are:

- o Action on approval of December 12, 2017 regular session meeting minutes, and;
- o Action to set official posting places for city notices, and;
- o Purchase of John Deere 644K Hybrid Loader, and;
- o Purchase of Kubota KX040-4 Excavator

Councilor Logan moved and Councilor Morrison seconded a motion to approve the consent agenda.

Roll call vote, yes: Miles, Gelwicks, Morrison, and Logan. So carried.

Roll call vote, no: None.

**Council Action Items:**

**Discussion and Award of Service Contracts.** Mayor Gelwicks stated that there is a recommendation to follow the spreadsheet that was included in the packets minus the Visitor's Center with the appropriations that are indicated on the averages. He suggested for Council's consideration to add \$1,000.00 back into the Multicultural grant request.

Councilor Logan moved and Councilor Morrison seconded the motion to direct staff to prepare service contracts for selected applicants and to add \$1,000.00 into the Multicultural grant request. City Manager Forrest then asked a procedural question as to whether Council wanted the contracts to come back to Council or authorize the mayor to sign the contacts. Councilor Logan moved to include in the original motion the authorization of the mayor to sign the service contracts. Councilor Morrison seconded the motion as amendment

Roll call vote, yes: Gelwicks, Morrison, Logan, and Miles. So carried.

Roll call vote, no: None.

**Action of Gunnison Pizza, Inc. dba Mikey's Pizza Liquor License Transfer.**

Councilor Morrison moved and Councilor Logan seconded the motion to approve the Liquor License Transfer application for Gunnison Pizza, Inc. dba Mikey's Pizza located at 303 East Tomichi Avenue, Suite #2 in Gunnison. Mayor Gelwicks thanked the applicant for coming back to the meeting and encouraged him if he has any questions or needs any assistance to please contact the appropriate staff. Councilor Morrison made a personal recommendation for Mr. Eastman to perhaps reach out to Kari Commerford, who was here earlier this evening, presenting about the Youth Shared Space program and their collaboration with local businesses. Those with personal struggles can gain amazing insight and he has a perspective that a lot of youth could appreciate and grow from.

Roll call vote, yes: Morrison, Logan, Miles, and Gelwicks. So carried.

Roll call vote, no: None.

**Resolution No. 1, Series 2018: A resolution of the City Council of the City of Gunnison, Colorado adopting fees.** Councilor Morrison introduced Resolution No. 1, Series 2018, and asked that it be read by title only by the City Attorney.

Councilor Morrison moved and Councilor Logan seconded the motion to adopt Resolution No. 1, Series 2018, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING FEES.**

Roll call vote, yes: Logan, Miles, Gelwicks, and Morrison. So carried.

Roll call vote, no: None.

**Interpretation of fees for the transfer of ownership for marijuana licenses.** Court Clerk McLeod stated that staff would like Council to clarify the fees that should be charged with a marijuana license transfer. The way the code is written it could be interpreted that a transfer application could cost more than a new license. Staff would like direction to move forward with a change to that part of the code that would clarify that process. City Attorney Fogo said that the objective was to have the applicant comply with the application process not double up on the fees for a transfer. Mayor Gelwicks stated that since Council has no objections they look forward to seeing that change in the code come forward in a future meeting. City Manager Forrest asked if they had any problems with that interpretation for the license transfer that they are currently reviewing. The mayor stated as long as there is no violation in policy and the City Attorney doesn't see a problem with it, Council will defer to staff to make that administrative decision.

**Adjourn Regular Session Meeting and move into Discussion/Work Session.**

With no further business for the Regular Session Mayor Gelwicks adjourned the Regular Session Meeting and Council went into the discussion/work session at 7:48 P.M.



*Jim Gelwicks*  
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Mayor

Attest:

*Tara Kindall*  
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Deputy City Clerk