

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Stu Ferguson with Councilors Harriman, Houck, and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Community Development Director Westbay, Police Chief Robinson, Parks & Recreation Director Ampietro, Finance Director Hanson, WSC Liaison Cruz, several interested citizens and the press. Councilor Miller was out of town on City business. A Council quorum was present.

**Consideration of Minutes:**

**Regular Session Meeting Minutes of February 8, 2011.** Councilor Nesbitt asked the minutes be amended to include his name in the first paragraph since he was in attendance. City Clerk Davidson apologized for the oversight and will correct the minutes.

Councilor Harriman moved and Councilor Houck seconded the motion to approve the Regular Session Meeting minutes of February 8, 2011, as amended.

Roll call vote, yes: Harriman, Ferguson, Houck, Nesbitt. Motion carried.

Roll call vote, no: None.

**Special Session Meeting Minutes of February 15, 2011.**

Councilor Harriman moved and Councilor Houck seconded the motion to approve the Special Session Meeting Minutes of February 15, 2011, as submitted.

Roll call vote, yes: Ferguson, Houck, Harriman. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Nesbitt.

**Pre-Scheduled Citizens:**

**Municipal Court Judge James McDonald – 2010 Municipal Court Annual Report.** Judge McDonald presented the 2010 Municipal Court Report to Council. He stated there are no real challenges at this time and everything is going smoothly. He stated the Court Staff is great. He thanked Council for passing the recent ordinance that helped clarify several items with the Court procedures. Judge McDonald then briefly reviewed the statistics from 2010. The case numbers were down slightly from 2008 but this is mainly due to parking citations and the City being down one Police Officer. He will be issuing an order from the Court regarding bringing the City Court in line with the State regarding traffic offenses in the Model Traffic Code that the City has adopted. The Court schedule for 2011 has been modified in August to accommodate the Quizno's Pro Challenge Bike Event. Councilor Houck asked if the deferred program was working. Judge McDonald replied that there are few repeat cases and the program seems to be working. City Attorney Landwehr stated that deferred sentences are approved by the City through the Court Administrator and not through the City Attorney. Council thanked Judge McDonald for his report.

**Unfinished Business:** None.

**New Business:****Excuse Councilor Miller from Regular Session Meeting.**

Councilor Houck moved and Councilor Nesbitt seconded the motion to excuse Council Miller from the Regular Session meeting due to his participation in the CML meetings in Denver.

Roll call vote, yes: Houck, Nesbitt, Harriman, Ferguson. Motion carried.

Roll call vote, no: None.

**Action on License Agreement Application from Julie Luekenga for Pedicab.** Community Development Director Westbay and the applicant, Julie Luekenga, addressed Council. Director Westbay informed Council that he worked with the City Attorney and addressed the concerns and comments that Council raised at last week's Work Session and modified the agreement. The provisions of the License Agreement are to protect the patrons and the City. The operational standards are included in the Agreement and are outlined in the memo dated February 22, 2011. Director Westbay informed Council that Staff looked at regulations and agreements with pedicab companies in San Diego and Denver. The insurance provisions in the Agreement require liability for the patrons and the City as an additionally insured party. Ms. Luekenga informed Council that the copy she reviewed seemed to fit what she had submitted. Pedicab drivers act as ambassadors to the City and provide valuable information to the customers. They may even include a tour route in their services. Director Westbay stated that the City Attorney made changes to the Agreement in Section 4. Discussion ensued to not require the use of seat belts in the pedicab but have them available if a customer wants to use one.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the License Agreement with Julie Luekenga for a Pedicab service and to strike Item "4f" in the Agreement.

Roll call vote, yes: Nesbitt, Harriman, Ferguson, Houck. Motion carried.

Roll call vote, no: None.

**Action on Contract for Service Application for Gunnison Sage Grouse Festival & Summit in the Amount of \$500.** This item was discussed at last week's Work Session meeting. A short discussion ensued about the Sage Grouse Workshop and the birds' potential listing as an endangered species and the impact that may have on the area.

Councilor Houck moved and Councilor Nesbitt seconded the motion to approve the Contract for Service for the Gunnison Sage Grouse Festival & Summit in the Amount of \$500 and to authorize the Mayor to sign said Contract.

Roll call vote, yes: Harriman, Ferguson, Houck, Nesbitt. Motion carried.

Roll call vote, no: None.

**Action on Emergency Communications MOU with West Region Management Group.** This item was discussed at last week's Work Session meeting. Councilor Nesbitt asked Police Chief Robinson if he supports this MOU. Police Chief Robinson replied yes, he does.

Councilor Houck moved and Councilor Harriman seconded the motion to approve the Emergency Communications Memorandum of Understanding with the West Region Management Group and authorize the Mayor to sign said MOU.

Roll call vote, yes: Ferguson, Houck, Nesbitt, Harriman. Motion carried.

Roll call vote, no: None.

**Action on Governmental Entities Energy Collaboration Memorandum of Understanding.** This item was discussed at last week's Work Session meeting. No further discussion ensued.

Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve the Memorandum of Understanding with the other governmental entities in the Valley concerning collaboration on energy issues.

Roll call vote, yes: Houck, Nesbitt, Harriman, Ferguson. Motion carried.

Roll call vote, no: None.

**Presentation of Mail Ballot Plan & Election Calendar – no action required.** City Clerk Davidson stated the City conducts elections in compliance with the Gunnison Home Rule Charter, Title 31, Article 10 of the State Statutes, Title 1, Article 45 of the State Statutes for the Fair Campaign Practices Act, a variety of ever-changing Secretary of State Election Rules and, if the election is held as a mail ballot election, then Title 1, Article 7.5 of the State Statutes come into play. A calendar outlining the key dates in the upcoming election is included in their packets as well as the Mail Ballot Plan that outlines all of the pertinent requirements. In past elections the City has had to submit the Mail Ballot Plan to the Secretary of State's Office for approval but they have discontinued that requirement for Home Rule Municipalities. Clerk Davidson stated that she still prepares the plan to outline compliance of the requirements. She stated that she provided the materials to Council for their information and so that they can answer any questions they may get from the citizens. If anyone has any comments they are more than welcome to come see her or give her a call. The primary goal of the election staff is to ensure secrecy of the voted ballots. If anyone has any questions about how this is done, please contact the Clerk's Department. The City Clerk informed Council that she recommends the election be conducted as a mail ballot election. The City has been conducting their regular municipal elections via mail ballot since the mid-1990's. Voter participation tends to be higher with mail ballot elections. Council thanked the Clerk for the election information.

#### **Ordinances and Resolutions:**

**Ordinance No. 2, Series 2011; Re: Amending Gunnison Municipal Code Relating to Prohibiting the Use of Land Within the City for the Retail Sale, Distribution, Cultivation and Dispensing of Medical Marijuana; 2nd Reading.** Councilor Houck introduced Ordinance No. 2, Series 2011, and it was read by title only by the City Attorney.

Councilor Houck moved and Councilor Nesbitt seconded the motion that Ordinance No. 2, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 15, THE LAND DEVELOPMENT CODE, OF THE CITY OF GUNNISON MUNICIPAL CODE PROHIBITING THE USE OF LAND WITHIN THE BOUNDARIES OF THE CITY OF GUNNISON FOR THE RETAIL SALE, DISTRIBUTION, CULTIVATION, AND DISPENSING OF MEDICAL MARIJUANA**, be introduced, read, passed and adopted on second and final reading this 22nd day of February, 2011.

Roll call vote, yes: Nesbitt, Harriman, Ferguson, Houck. Motion carried.

Roll call vote, no: None.

**Resolution No. 2, Series 2011; Re: Supporting GOCO Grant Fund Application for South Teller Street Ball Field Improvements Project.** Councilor Harriman introduced Resolution No. 2, Series 2011, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 2, Series 2011, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE NORTH TELLER BASEBALL FIELD IMPROVEMENTS PROJECT**, be introduced, read, passed and adopted this 22<sup>nd</sup> day of February, 2011.

Roll call vote, yes: Harriman, Ferguson, Houck, Nesbitt. Motion carried.

Roll call vote, no: None.

**Resolution No. 3, Series 2011; Re: Approving 2011 Regular Municipal Election Be Conducted as a Mail Ballot Election.** Councilor Houck introduced Resolution No. 3, Series 2011, and it was read by title only by the City Attorney.

Councilor Houck moved and Councilor Nesbitt seconded the motion that Resolution No. 3, Series 2011, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, DIRECTING THE CITY CLERK OF THE CITY OF GUNNISON TO CONDUCT THE REGULAR MUNICIPAL ELECTION, SCHEDULED FOR MAY 10, 2011, AS A MAIL BALLOT ELECTION**, be introduced, read, passed and adopted this 22<sup>nd</sup> day of February, 2011.

Roll call vote, yes: Ferguson, Houck, Nesbitt, Harriman. Motion carried.

Roll call vote, no: None.

**City Attorney:** Rod Landwehr. Nothing to report.

**City Manager:** Ken Coleman. City Manager Coleman reported on the following: he attended the CCCMA winter conference last week and heard good dialogue about the economic outlook; Governor Hickenlooper has asked each County to provide an economic plan on how best to move forward; there will be an economic summit in Gunnison on March 23<sup>rd</sup> at the WSC Student Center; the Quizno's Pro Challenge folks were in Gunnison today and things are gelling organizationally; work continues on the QPC Community Agreement language with the hang-up being with the indemnification clause; at the hockey rink, the air exchange system equipment is being examined for redundancy and the cost benefit of air moving systems is being examined; a NO<sub>2</sub> sensor is being installed by the players' bench as well; and the City continues to discuss the refusal of claim by Travelers Insurance.

**Acting City Manager:** Community Development Director Steve Westbay - Departmental Report. Director Westbay discussed the following: the school remodel project is complete and inspection work on the detention facility and hospital projects continues; the initial subdivision process in the Gunnison Rising Annexation property took place; the LDC revision work continues with the Planning Commission and it is a slow and steady process; the Fire Department and HazMat Department have been busy and Dennis is in Pueblo attending training; the Household Hazardous Waste Event collected approximately 2600 gallons of waste; and the City participated in the quick emergency response for both the Hwy 114 bus wreck and the ice rink incident. Director Westbay reported work on the CDOW Discovery Center continues. He showed Council a conceptual site plan depicting the outdoor features. The project is moving forward and the highway access plan work continues. CDOT seems amenable to the new access

point that is adjacent to Ute Lane. Utility extensions, landscaping, parking, land uses and the subdivision process is being examined. The Gunnison Rising Annexation PUD Development Standards may need to be amended because the proposed access road falls into Phase 4 of the Standards. Discussion ensued about the stormwater plan for the property. Director Westbay stated the CDOW will have their own site study done and it looks like stormwater will be site specific. It is not a large geographic stormwater area. Councilor Nesbitt asked about firearms discharge at the Center. Police Chief Robinson stated he would work with the CDOW on the issue. Councilor Nesbitt also asked about water augmentation. City Manager Coleman replied that the CDOW has some water rights from the Tomichi Creek Corridor acquisition.

**City Clerk:** Gail Davidson. Nothing further to report.

**WSC Liaison:** Jesse Cruz reported there will be a couple of presentation at the College tomorrow night and Friday night. Men's and Women's Basketball will be at home both Friday and Saturday for their last home games and there will be a sushi night event next Tuesday evening.

**Non-Scheduled Citizens:** None.

**City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Nesbitt:** reported he attended no meetings but asked Council and the audience to keep a Gunnison young person, Jason Browder, who is experiencing some serious medical issues in their thoughts and prayers.

**Mayor Pro Tem Houck:** reported the Gunnison Nordic Bonfire last Friday night was a good event and was well attended. The Nordic Club has done a great job grooming trails and Hartman Rocks is in great shape.

**Councilor Harriman:** informed Council she visited the VanTuyl Ranch on Sunday and viewed the ranch operation. The Planning Commission will meet tomorrow evening and will discuss a referral from the County regarding the Towner Property. Work on the Land Development Code continues.

**Mayor Ferguson:** nothing additional to report.

**Adjournment:** Mayor Ferguson called for any further discussion, and hearing none, adjourned the meeting at 8:04 P.M.

---

Mayor

---

City Clerk