

JULY 26, 2011

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

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:01 P.M., by Mayor Jonathan Houck with Councilors Drexel, Harriman, Seymour, and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Acting City Manager/Police Chief Robinson, Finance Director Hanson, and several interested citizens. A Council quorum was present.

JULY 26, 2011

PUBLIC HEARING

7:00 P.M.

Mayor Houck opened the Public Hearing at 7:02 P.M. and stated the date is July 26, 2011, at 7:02 P.M. in the Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the hearing is Councilor Bob Drexel, Mayor Pro Tem Ellen Harriman, Councilor Ed Seymour, Councilor Bill Nesbitt, himself, Mayor Jonathan Houck, City Attorney Rod Landwehr, City Manager Ken Coleman, and City Clerk Gail Davidson. The reason for the Public Hearing is to receive input on an amendment to the Gunnison Rising Annexation Agreement regarding development of the Colorado Division of Parks & Wildlife facilities in the Governmental Zone District.

Mayor Houck asked for Proof of Publication. City Clerk Davidson stated she has the affidavit of publication to be entered into the official record of the hearing.

Mayor Houck then called for City Staff comments and recommendations. City Manager Coleman stated this application is being made by the City for the amendment to the Annexation Agreement to allow the City to get ahead of the curve for understanding the issues for the development of the governmental site where Parks & Wildlife plan to build a regional office. All of the requirements that are required for that development in the Annexation Agreement for studies that are associated with the whole development of the zoned property. Rod has worked with Steve on the Amendment to address the concerns and have discussed this with the former Division of Wildlife, and now the Parks & Wildlife Department staff, to try and address some of their concerns regarding access, stormwater, management, the water quality and those things are fully addressed in the Amendment.

City Attorney Landwehr stated that he and Steve (CD Director Westbay) wrote the Amendment. The purpose of the Amendment was to allow the Parks & Wildlife development to go forward when nothing else is going to be developed in the immediate future. So they amended the language of each of the paragraphs or sections that had to do with infrastructure and underlying studies to allow Parks & Wildlife to do their development in advance of any other development studies or infrastructure being installed. Mayor Houck asked if this in no way takes away from them the requirements on their parcel alone they will have to address these issues. City Attorney Landwehr stated that is correct. Before any development occurs, they will have to undertake the requirements included in the original Annexation Agreement. (Mayor Houck) So we might not have a stormwater management plan for the entire annexed area but they have to have one for that parcel before development. City Attorney Landwehr stated "well yes". Mayor Houck asked if there are any exclusions for them on the site to do the required pieces prior to the development of the site. This is merely allowing them to do the development out of synch as was outlined in the original agreement. Mayor Houck asked for any other questions of the City Attorney or City Manager. City Manager Coleman then informed Council he spoke with their engineer and staff and Tom Speeze, and they are all appreciative of us moving this forward if possible and will be thankful if this is approved. They are not present tonight but Tom did visit with him today and he had another commitment otherwise he would be here.

Mayor Houck asked the City Manager for the Staff recommendation. City Manger Coleman stated the Staff recommendation is to go forward and approve the Amendments to the Annexation Agreement. Mayor Houck stated at this point in the Public Hearing we usually hear the application comments but the City is the applicant. City Manager Coleman explained the City is the applicant because of the situation that the property has not been formally transferred to the Department of Parks & Wildlife at this point and all of the holdings are under the Gunnison Valley Partners name, we did this more as a preemptive strike to allow for the potential development of the site for the Park & Wildlife purposes. Mayor Pro Tem Harriman stated there is a little more to it than just our interest in this. The Gunnison Valley Partners have to apply to CDOT for at least informal agreement where the access points will be. City Manager Coleman stated that discussion has taken place preliminarily and CDOT has indicated they will approve the point directly across from Ute Lane on Highway 50 and nothing else. There still has to be a formal application for the access and the Parks & Wildlife Department will have to do that application once they own the land.

Mayor Houck asked the City Clerk if there were any letters or emails received concerning this application. City Clerk Davidson stated that no additional comments, letters, or electronic communication were received concerning the proposed amendment.

Mayor Houck called for any public comments regarding the application.

City resident Ralph "Butch" Clark came forward, signed the registration sheet and addressed Council. Mr. Clark stated he had a couple of thoughts that might be useful in this context. One is the uncertainty resulting from this issue of over \$30 million that is missing from the Division of Wildlife. That may delay considerably the development of the Discovery Center. I would urge you to probably wait for approval of what is going to be done out there until things settle down and nearer to the prospect of actually having construction occur. Things are changing so rapidly and are so challenging in our world. Secondly, the change of the plat to Ute Lane it might be possible to realign the boundaries in that area a little bit to make it easier for different people to cope with the traffic going through the property to another. It would be sort of an east-west alignment and it might make it easier for the rest of the proposed recreational development to the east and that might be good. One of the things that he has been pushing is, they have done some water quality testing out there and some of the recent information that has been given to the Upper Gunnison Water Conservancy District is that there are some major problems with the water that is emerging down at the bridge over Tomichi Creek going south from Gunnison on Gold Basin Road. There has been a major septic system serving the motel out there and that is being corrected and also the development that has occurred much more recently. The motel effluent was there for almost 50 years in there. We do have high transporcivity from information from the Department of Energy that did the work on the uranium tailing dump. Transporcivity is the transport of water through the ground but it may be that some of what has been put down into the ground upstream of the site may affect the wells that the DOW and Parks Service want to put in, at least a well. They need to do a number of studies to try and plot if indeed they are in a good location for wells so that they are not drawing up water that has a problem with it. They may have to look at how to clean that water because there is going to be a lot of people coming into the facility. They will also be dealing with animals and other things at the facility, including the staff, so they need really good water. That is a major issue that needs to be looked at at this stage. Several other things that need to be looked at include that they are hoping to bring a lot of people from Western State, for interns or aids to help serve this project, so what's needed is a separate footpath along Highway 50 so that people don't have to walk or bike alongside 18 wheelers going 65 miles per hour sometimes really closely, it is sometimes scary. A separate footpath would be a really good thing and it could be on top of the pipeline for the motel sewer system effluent. There could be a lot of different ways to deal with the separation. This could really help a lot and make it much more accessible for people within the community to get out there and participate and support and help. This could even be some of the visitors staying at the motels in Gunnison so that they could walk out and see the facility. One of the other things he'd like to point out is there is going to be a need down the road before this is all approved is to look at stormwater issues on the property. Close to 25 years ago, he was at an educational meeting out of town, about how to deal with stormwater and riparian restoration and flood control and management, when he got a call about a major event that happened in Gunnison when stormwater washed a moving van off the highway and it also produced a lot of water and sediment flow across the highway just by Ute Lane. You can still see some of the scars by the highway out there. This could affect what could happen because the proposed DOW Center is just south of that and we really don't want that. Mayor Houck clarified that his question to City Attorney Landwehr was that if the Annexation Agreement Amendment is approved it doesn't loop them out of taking care of many of these issues once the development application is submitted. Mr. Clark stated it is so much easier to think about it in the future. This is going to be a teaching facility so hopefully it can teach the best. He is hoping that it can be a zero-energy facility or even a producer of energy. So some planning ahead would be most helpful. That kind of teaching will be really valuable into the future. Also, trying to teach how small situations can really influence the usability of water that goes into our streams to be used downstream. Mayor Houck thanked Mr. Clark and stated that planning ahead never hurts and many of the issues raised will be addressed when the property development application is reviewed. Mayor Houck called for any additional public comment.

County resident, Richard Karas, came forward. As he read the proposed Agreement, he noticed there is a limitation of 1950 gallons per day capacity on the ISDS that would be permitted under this amendment. He hopes that no one is laboring under the assumption that it is the capacity

that would allow for the sort of visitor center that we are hoping to expect. This is clearly a temporary limitation and if the center is to grow to what we all hope and expect, then the sewer still needs to go out there. He believes, and Ken and Rod can confirm that the 1950 gallons per day limit is just under the level that would trigger the requirement for a state-approved septic system. He thinks that it is more of a dollar saver keeping it under 2000 gallons per day than avoiding all of the requirements that come with a state-certified system. You might want to think about removing limit because if they want to go above that limit and bear the cost of a state-approved more complex system then they should be allowed to do that. He is here to speak against that limit in the Agreement. He doesn't see that it makes any difference to the City as long as it is approved, either by the City or the County can, if it is under 2000 gallons or by the state if it is over the 2000 gallons per day. Mayor Houck thanked Mr. Karas.

Mayor Houck asked the City Attorney about the ability of this to be amended if the situation arises. City Attorney Landwehr stated that it can be amended again in the future. The point at the time was that it was incorporated into the Agreement because a limitation revolved around the requirements of a state-approve discharge permit into the waterways of the State. We weren't going to go beyond that. If you were to go with the full-on Discovery Center then it would probably exceed the 1950 limit set in the Agreement. If that is what they have in mind then they need to ask us for that. Folks need to understand that these amendments are asked for by the Division of Parks and Wildlife. In their view it cleared the way for them to initiate development. Frankly, I don't think they are anticipating the full Discovery Center at this point. Mr. Karas stated that he doesn't think that frankly it matters. City Attorney Landwehr stated that it mattered at the time because of the investment that it required to get to a state-approved discharge permit without installing the sewer lines. We want to encourage the installation of the sewer lines as much as possible. This is sort of a negative encouragement. There is nothing to say that we can't amend should the same come up. That goes beyond an ISDS it goes on to a full-on treatment system of some kind.

Mayor Houck called for any further public comment and hearing none, the Public Hearing was closed at 7:25 P.M.

Consideration of Minutes:

Regular Session Meeting Minutes of July 12, 2011.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the Council Regular Session Meeting minutes of July 12, 2011, as submitted.

Roll call vote, yes: Drexel, Harriman, Houck, Seymour, Nesbitt. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Gunnison Chamber of Commerce Update – Director Tammy Scott. Ms. Scott addressed Council and briefly reviewed the Business and Education Programs the Chamber has hosted or is involved in. The Nexlevel Program assisted 15 prospective and established business in a twelve-week program that assisted the participants in creating a working business plan. It was a successful program and the Chamber is looking at hosting it again in the future. Ms. Scott informed Council the Chamber Visitor Center saw 16,000 visits this year through June and it continues to be very busy. Call-in inquires remain strong and visits to the Chamber website is very strong. She then reviewed the ACCRA Cost of Living Index report provided in Council's packets. The Chamber was in on the ground floor of this study and therefore receives the information free of charge. Everything compared on the index is identical and specific. The City of Gunnison's overall cost index is 109.2 of the 100 composite index average. Councilor Harriman pointed out our utilities are less than the index average. Discussion ensued. Mayor Houck asked Ms. Scott if the Chamber would be interested in having an information business kiosk located by their facility. Ms. Scott stated the Chamber policy is to promote their Chamber members. Council thanked Ms. Scott for her report.

Councilor Nesbitt then gave a report on the Chamber meeting he attended this morning. They discussed budget issues including memberships. There will be the annual Business Expo at the WSC College Center on September 8th. This encourages local businesses to participate and make themselves known to the college students. The Chamber-sponsored High Octane Arts & Crafts Festival will be on August 20th at Legion Park. They are still accepting applications for

that event. The availability of Wi-Fi was also discussed at the meeting. Ms. Scott stated they get a lot of requests for Wi-Fi access.

2010 Audit Presentation and Action to Accept Audit – Auditor Randy Watkins. Finance Director Hanson introduced Randy Watson, of Anton, Collins, Mitchell, LLP. Their firm conducted the 2010 audit. Mr. Watkins thanked Director Hanson and her staff for the work they provided during audit process. Mr. Watkins then passed out the latest version of the audit and stated it is a unqualified opinion. Everything checked out. Mr. Watkins then reviewed the following: the independent auditor's report; Management's Discussion and Analysis; Statement of Net Assets that shows the City's assets and liabilities as a whole and the City is in good financial health; Income statement; Governmental Fund report with no long-term debt; Proprietary or Enterprise Funds that includes the internal Fleet Management Fund; Fiduciary Fund report that is for the Firemen's Pension Fund; and the Financial Statements including the long-term debt and when payments are to be paid. Councilor Nesbitt asked about the Bond Covenant Violation. Mr. Watkins explained this is when the insurance surety bond company failed, and the City had not set up a separate account to cover the debt service payments. The City had the reserve funds allocated just not a separate account. The City has corrected this item. Council thanked Mr. Watkins and Director Hanson.

Councilor Nesbitt moved and Councilor Drexel seconded the motion to accept the 2010 City Audit as presented.

Roll call vote, yes: Harriman, Houck, Seymour, Nesbitt, Drexel. So carried.

Roll call vote, no: None.

Unfinished Business: None.

New Business:

Action on Amendment to the Gunnison Rising Annexation Agreement. This item was discussed during the Public Hearing at the beginning of the meeting.

Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve the Amendment to the Gunnison Rising Annexation Agreement and authorize the Mayor to sign said Agreement.

Roll call vote, yes: Houck, Seymour, Nesbitt, Drexel, Harriman. So carried.

Roll call vote, no: None.

Action on Letter to Colorado Reapportionment Committee, Re: Redistricting Proposal. This item was discussed at the Work Session meeting of July 19th. The Councilors made several wording changes to the letter.

Councilor Seymour moved and Councilor Harriman seconded the motion to approve the amended Letter to Colorado Reapportionment committee regarding the redistricting proposal.

Roll call vote, yes: Seymour, Nesbitt, Drexel, Harriman, Houck. So carried.

Roll call vote, no: None.

Action on Letter to Senator Bennett; Re: Curecanti National Recreation Area Official Designation. This item was discussed at the Work Session meeting of July 19th. The Councilors made several wording changes to the letter.

Councilor Harriman moved and Councilor Seymour seconded the motion to approve the letter to Senator Bennett regarding the Curecanti Nation Recreation Area official designation as amended this evening.

Roll call vote, yes: Nesbitt, Drexel, Harriman, Houck, Seymour. So carried.

Roll call vote, no: None.

Ordinances and Resolutions: None.

Ordinance No. 4, Series 2011; Re: Youth Tobacco Ordinance; 1st Reading.

Councilor Nesbitt introduced Ordinance No. 4, Series 2011, and it was read by title only by the City Attorney.

Councilor Nesbitt moved and Councilor Drexel seconded the motion to approve Ordinance No. 4, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**

GUNNISON AMENDING CHAPTER 5.10 OF THE GUNNISON MUNICIPAL CODE, GENERAL OFFENSES, PROHIBITING THE POSSESSION OF TOBACCO PRODUCTS BY PERSONS UNDER THE AGE OF EIGHTEEN, AND PROHIBITING THE FURNISHING OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN, be introduced, read, passed and ordered published on first reading this 26th day of July, 2011, and that copies be made available to the public.

Discussion ensued. Councilor Nesbitt explained he struggled with this Ordinance. He feels that this should be a parenting responsibility and it is one more rule. However, the students worked hard on this and they didn't want to castigate their peers. Mayor Houck stated that we have a social hosting ordinance in place and it is a tool, not a sledgehammer. This is a health, safety, welfare issue and those are primary duties of Council. Councilor Drexel stated he likes the sunset provision and the Ordinance can be revisited. Councilor Seymour stated he too has some issues and was absent at the prior meetings.

Roll call vote, yes: Drexel, Houck, Nesbitt. Motion carried.

Roll call vote, no: Harriman.

Roll call vote, abstain: Seymour.

Ordinance No. 6, Series 2011; Re: Zoning Amendment Application ZA-11-12, From the Gunnison Valley Hospital to Rezone Lot 12, The Meadows Phase 1R, from R-3 Multi-Family Residential to C – Commercial; 1st Reading. Councilor Harriman introduced Ordinance No. 6, Series 2011, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 6, Series 2011, **AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOT 12, THE MEADOWS, PHASE 1-R, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, FROM PUD R-3 (MULTI-FAMILY RESIDENTIAL) TO COMMERCIAL DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on first reading this 26th day of July, 2011, and that copies be made available to the public.

Roll call vote, yes: Harriman, Houck, Seymour, Nesbitt, Drexel. So carried.

Roll call vote, no: None.

City Attorney: Rod Landwehr. Nothing to report.

City Manager: Ken Coleman reported on the following: the hydroseeding on the south side of the Community Center has been completed and the sprinklers are installed and working; the fence is being removed at the Teller Street Ballfield and work on the dugouts should start soon; work on Thornton Way is taking place, with dirt being moved and the trail along the road will be installed; grinding will soon take place at the tree dump; Public Works will start fabricating the information kiosk out of weathered metal for the IOOF Park and hope to have it complete and installed before the bike race; planning continues for the USA Pro Cycling Challenge event; and sewer main sliplining is underway around the City.

Acting City Manager: Police Chief Keith Robinson. Chief Robinson highlighted a couple of the items included in his semi-annual report that was included in their packets. Dispatch Police Records and Patrol Officers are fully staffed. One Patrol Officer position was eliminated from the budget a couple of years ago and when revenues improve, they would like to staff that position. There is an opening for a part-time position in Neighborhood Services. This person does parking enforcement and other administrative-type duties. The Department uses POST funds for officer trainings and ADAD funding has assisted with conducting alcohol licensee TIPS training. Chief Robinson then review crime statistics and related clearance rates. The City deals with seven times the reportable crimes as the County. Chief Robinson then reviewed Dispatch calls and stated they are always busy. The entire Department is gearing up for the busy August events. Mayor Houck informed the Chief and Council that he heard from a southwest Colorado trainer today about the great work that Community Resource Officer Rob Whiting does. He is to be commended. Chief Robinson stated he would pass that along.

City Clerk: Gail Davidson. Reported the Gunnison Observatory has been very busy with many tourists escaping the heat in the south and mid-west.

Non-Scheduled Citizens: None.

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

Councilor Nesbitt: reported he attended the Water Board Meeting last night and the Chamber Board this morning. Blue Mesa is essentially 100% full and Taylor Reservoir is at 94% of capacity. Lake Powell and Lake Mead are both up as well. He will attend the Water Round Table meeting next Monday. He asked for Council's consensus to work with Ken and Rod about an accusation of conflict of interest regarding his report about the City losing representation on the Water Board. Council consensus was to go ahead with his discussions with the City Manager.

Councilor Seymour: thanked the City Manager and Staff for the tour of City facilities last week. It was very informative.

Mayor Houck: reported he met last week with Brian Swanson and the producer of the "Peleton Post" website. They will be including information about Gunnison on the website in advance of the USA Pro Cycling Challenge race.

Mayor Pro Tem Harriman: reported she will be attending the Firemen's Pension meeting and will be attending the Gunnison Housing Authority meeting along with Councilor Seymour.

Councilor Drexel: thanked Staff for the City tour. He wishes all citizens can go on that tour. Lastly, Region 10 has canceled their meeting this month.

Adjournment: Mayor Houck called for any further discussion, and hearing none, adjourned the meeting at 8:51 P.M.

Mayor

City Clerk