

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Jonathan Houck, with City Councilors Drexel, Harriman, Seymour, and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Parks & Recreation Director Ampietro, Police Chief Robinson, Finance Director Hanson, Community Resource Police Officer Whiting, WSC Liaison Edwards, many members of the WSC Local Government Class, several interested citizens and the press. A Council quorum was present.

Mayor Houck welcomed the members of the WSC Local Government class and informed them there was a wide variety of topics and issues on the agenda this evening.

PUBLIC HEARING

Receive input on the Renewal of Chavolos Mexican Restaurant, 800 N. Main St., Gunnison, CO Hotel & Restaurant License. Mayor Houck stated the time is now 7:01 P.M. on Tuesday, October 11, 2011, in the Council Chamber of City Hall, 201 W. Virginia Avenue in Gunnison, and present is all of the members of City Council, City Attorney Rod Landwehr, City Manager Ken Coleman and City Clerk Gail Davidson. The Public Hearing is being held to receive input on the renewal application for a Hotel & Restaurant Liquor License from Sofia Rodriguez de Ortiz doing business as Chavolos Mexican Restaurant, 800 N. Main Street in Gunnison, Colorado.

The Mayor called for City Staff comments and recommendations. City Attorney Landwehr stated this is a hearing on the renewal of the liquor license which is being conducted pursuant to the City Code. Under some circumstances, by City Code, the City Clerk has been delegated and has the authority to administratively renew liquor licenses. However in this case, also pursuant to the City Code, the City Clerk has referred the renewal of this liquor license to the City Council for the ultimate decision. There are departments within the City that have comments they wish to make regarding the renewal of the license.

The Mayor called for proof of publication. City Clerk Davidson explained that this hearing, per City Code, does not require publication of the hearing. The licensee was notified and a copy of that notification is included in Council's packets.

City Manager Coleman stated that Staff does have some comments on the renewal of this license. The City Clerk's Department regarding the liquor license, the Finance Department regarding sales tax remittance issues and the Police Department regarding various responses to that establishment.

City Clerk Davidson informed Council that the City Clerk's Department sends out a courtesy letter approximately 45 days prior to a license's expiration reminding the licensee to renew their license. In addition, the State Department of Liquor Enforcement mails out the actual renewal application to the licensee 45 days prior to the license expiration date. After the expiration date, August 12, had passed, the City Clerk stated she called the restaurant and reminded them to submit their renewal application. Having heard nothing from them, on September 20th, accompanied by Gunnison Police Sergeant Powers, she delivered a Cease and Desist Notice to Chavolos Mexican Restaurant. A copy of this letter is in Council's packets. The notice was also mailed, via certified mail, to the licensed premises. The notice told the licensee that they no longer had a valid liquor license and they must cease selling or serving liquor at their establishment until the license was renewed by both the State and the City. Mr. Rodriguez did submit the renewal application and fees, but after talking with the Finance Department, Police Department, and the City Attorney, she decided to refer the renewal application to City Council, who acts as the Local Licensing Authority, for a decision on renewal of the liquor license.

Police Chief Keith Robinson informed Council about several incidents at the licensed premises. The Police Department has responded to the licensed premise during the last year. The PD responded on August 29th, to a reported fight at the Restaurant. The fight had ended by the time the Officers arrived. An injured female had been taken to the hospital by the Restaurant Manager. There were no charges filed at that time. On September 5th, the officers responded again to the restaurant and at that time an underage person was found drinking on the patio of the restaurant. He was cited and later pled guilty in County Court to underage consumption. Again, the management was contacted but no charges were filed. On December 5th, the Officers heard loud music coming from the restaurant after hours, and contacted the Manager as well as seven other people inside the restaurant at 2:50A.M. the Manager was contacted and he stated it was a

private party, which is still a violation of the State Liquor Code. The Manager was cited for serving after hours. Mr. Ortiz pled guilty and received a deferred sentence out of County Court and is supposed to take TIPS Training by December 31st of this year as well as some other requirements. The State Liquor Authority also suspended Chavolo Restaurant's liquor license for three days which began the same time the City issued the Cease and Desist Order for having an expired license. The Gunnison Police Department also contacted a female party on September 4th regarding being involved in an assault that took place at the Restaurant the previous night. Police Chief Robinson has sent that information back to the Officers for follow-up. On September 18th, the Officers were apprised of a medical call at the restaurant. Upon arriving at the restaurant they contacted an individual who was leaving in a vehicle who had been injured. The Manager told the Officers the fight took place in the parking lot and not in the restaurant. The Officers went through the restaurant and identified some underage persons inside but were unable to cite them because the liquor containers were removed before the officers could pick them up for evidence. No citations were issued. The incident report doesn't indicate the underage persons were intoxicated. Councilor Drexel asked the Police Chief if they have other establishments that have similar incidents requiring Police calls. Chief Robinson stated that yes, there are some other liquor establishments that have problems as well. It depends on the year and what's going on in the community at the time. They do have those same kinds of calls.

Finance Director Hanson addressed Council. She informed them that they have a memo in their packets from Dorene Elam who processes the sales tax payments for the City. The memo states that for each of the months in 2011, sales tax payments from Chavolos have been delinquent and we have had to get pretty aggressive with phone calls and registered letters in order to collect on these taxes. We have collected on all of them through July, however, the August sales tax that was due on September 20th have not been paid and are still delinquent. The Finance Department concern is with the non-compliance with the City Sales Tax Code requirements of paying collected sales tax to the City by the 20th of each month after the taxes were collected. Councilor Nesbitt asked if non-compliance with the Code is grounds for denial of a liquor license. City Attorney Landwehr stated non-compliance with the Sales Tax Code is potentially grounds for denial, suspension or revocation of the liquor license.

Mayor Houck called for input from the applicants. Restaurant owner Sofia Rodriguez de Ortiz and Manager Chavolo Rodriguez introduced themselves and addressed Council. Mr. Rodriguez stated that Ms. Ortiz is living out of town right now in Pagosa Springs. Mr. Rodriguez stated they need a liquor license to stay in business. His customers want to have a beer or a drink with their meals. He does a latino dance every Saturday night and that is when sometimes underage get it. He had asked a couple of cops if he can let underage people in to the dance and they told him yes, but they can't drink. But its okay to let them into the dance because it is a restaurant too. He has one person at the door and one checking for underage drinking. They don't serve underage people and if he sees someone underage drinking then he takes them out. Its true that one time there was a guy on the patio but he got the alcohol from someone else and they didn't serve it to him. He will not be let in anymore. He was behind in his sales tax because this last winter was pretty hard for him. It was pretty slow. He got behind in his taxes for about four months. He is trying to track them and get them paid. In the last month he is almost caught up and is just one month late. He is planning on paying those this week by Friday. He has taken all of his papers to the bookkeeper about the taxes and he will write a check to them by Friday. He really needs the liquor license because right now without the liquor license people just walk back. He used to sell like 5 or 600 and right now he is selling like 200 without the liquor license. He is trying to pay the taxes just like the State. He sent in 2 month just last week. He is like a month behind too. He has never got his electricity cut because he doesn't pay it. Sometimes he does pay it late. And he has been there three years. Maybe there has been some fights but in any bar there are going to be fights. When he goes to other bars he has seen fights there. All he can do is try and control them. He can't promise there isn't going to be any fights because it is a dance and people are sometimes drinking. It happens. He has been to Timbers and other bars and he has seen fights. He has been pretty much clear. He has been trying to control fights. He won't them in anymore if they start a fight. He wants his business to get going. Mayor Houck asked Mr. Rodriguez if is he was going to complete the TIPS training for alcohol servers. Mr. Rodriguez replied that yes, he has been a little bit busy right now, but he is going to have a little bit more time. He had his own restaurant for a year in Crested Butte and he closed that down. It was a little bit too hard for him to do both restaurants in Gunnison and Crested Butte. He is getting everything straight and has paid all of the taxes in Crested Butte. He was too busy and

that is why he didn't get the renewal application papers turned in because he was closing the other restaurant in Crested Butte and too many bills to pay and clear. He totally forgot about the renewing of the license. He apologizes for that. Mayor Houck asked for any questions of Ms. Ortiz or Mr. Rodriguez.

Councilor Nesbitt asked about the owner, Ms. Rodriguez de Ortiz living in Pagosa Springs and no being on-site. He asked Ms. Rodriguez de Ortiz if she provided any management for the restaurant. She is the one on the license. City Clerk Davidson explained that the State requires a registered manager for both restaurant and tavern liquor licenses. Mr. Rodriguez is the registered on-site manager. Mr. Rodriguez explained that he was 19 when they opened the restaurant and he couldn't have it in his name so the license is in Ms. Ortiz's name. He pretty much takes care of the whole restaurant as the manager. He is in touch with her. As the owner she is involved. Councilor Nesbitt asked if he has explained to her all of what is happening. Mr. Rodriguez stated that yes; she knows what is going on. Councilor Harriman asked what would happen now that Mr. Rodriguez is now of age, if he wanted to change the license to his name. The City Clerk explained that since the license is a sole proprietorship in the name of Ms. Rodriguez de Ortiz, the license would have to be fully transferred to Chavolo. It is not like a corporate change being made but would be a transfer to another entity. It is a whole new application with paperwork and fees. The only difference is that a public hearing doesn't have to be held because the premises is currently licensed and the needs and wants of the community were demonstrated during the initial licensing process. Councilor Nesbitt asked Chavolo if he understood the implications of all of this. Chavolo replied yes, he did understand. Councilor Nesbitt asked if he was there during each of the dates cited (in the Police Department memo)? Mr. Rodriguez stated that he was there during all of the latino dances. The cops walk in and walk out pretty much every Saturday and he appreciates that. Whenever they see you walk in then people don't make fights. They know that the cops are checking and he is keeping contact with them.

Mayor Houck asked for any other public comments. There were no comments. Mayor Houck then asked Staff for any further comments. City Manager Coleman stated that Council has heard from Staff and there are some issues with the operation of the business. And while we have experienced other issues with other businesses in the community, the cumulative effect is the concern. Having repetitive instances should be considered in this decision. Staff is a little weary of dealing with the same issues over and over. It's his opinion that a business of this nature would find it extremely difficult to success or survive without the liquor license that they need for that operation. If there were to be a renewal of the liquor license then he recommends that it be done with conditions attached. Rod has provided a couple of motions in Council's packets for their consideration later in the meeting. City Attorney Landwehr informed Council they had in their packets two motions for their consideration. The ultimate decision is up to the Council what they feel the facts may show in this case and what is justified.

Councilor Nesbitt asked that when Council makes a decision the entire motion should be read into the record. City Attorney Landwehr stated that yes, the entire motion should be read to state the facts and findings. Councilor Nesbitt asked if there was any kind of provisional license. City Clerk Davidson stated no. City Manager Coleman stated that failure to meet the conditions could result in process that would open up the license again for possible revocation.

Mayor Houck called for any additional comments and hearing non closed the public hearing at 7:26 P.M. Council moved into the Regular Session Meeting.

Consideration of Minutes:

Regular Session Meeting Minutes of September 27, 2011.

Councilor Harriman moved and Councilor Seymour seconded the motion to approve the September 27, 2011, meeting minutes as submitted.

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

Roll call vote, no: None.

Councilor Nesbitt asked that the last vote on the minutes be amended to include his comments to Rick Miller concerning Rick's time on Council during the discussion on Sales Tax Audits. Mayor Houck also stated that he need to change his vote to an abstention since he was absent from the meeting.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to strike the last vote and to approve the September 27, 2011, meeting minutes as amended.

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

Roll call vote, no: None.

Roll call vote, abstain: Houck. He was absent from the meeting.

Special Session Meeting Minutes of October 4, 2011.

Councilor Harriman moved and Councilor Drexel seconded the motion to approve the Special Session meeting minutes of October 4, 2011, as submitted.

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

Roll call vote, no: None.

Roll call vote, abstain: Nesbitt. He was absent from the meeting.

Pre-Scheduled Citizens:

Downtown Trick or Treat Event – John Messner and Citizens. Mayor Houck asked that this agenda item be moved to the front of the schedule as there were several citizens with small children in the audience that want to speak on this issue.

City Manager Coleman informed Council he has been approached by a group of parents requesting that the first 2 blocks of North Main Street be closed for the downtown Trick or Treating event. He then approached City Events Manager John Messner to try and create some structure for the event, but stated, it is not a City event. John will coordinate with the parents group. The parents concerns in wanting to close the street are for child safety. The event started years ago as a Chamber-sponsored event. But they are no longer the sponsor of the event. The City Manager stated he spoke with many of the downtown businesses. Some of the businesses have no issue with the event. Some are ambivalent. What's lost in this is the expense to the downtown businesses. Issues from the businesses include: the need to hire additional staff to be in the store during the event, limiting parking spaces for paying customers, no one buying anything during the event, the cost to business owners for the candy, unsupervised children, and the general chaos that takes place for 2 hours. There is no clear direction from the downtown businesses. The parents he has talked with cite that the situation is an accident waiting to happen. The children's safety is more important and closing the street would ensure that safety. The City Manager stated there is no real structure. The City has provided traffic control, resources and staffing in the past. The City has now submitted the Special Events Permit to provide that structure but it is not fair to put the City in the position to close or not close the streets. Staff is looking for guidance from Council. Events Manager Messner stated he is coordinating the event and safety is the key. He was a downtown business owner and had no issues with the event. He would like to close the first two or three blocks of North Main. There are opinions on both sides of the issue.

Local citizens and business owners Leia Morrison and Delaney Keating, along with Petra St. George, came forward to address Council. They are all parents and are concerned with the safety of the children during the event. They presented Council with petitions of 236 signatures of people in support of the street closures. 35 of those signatures are from downtown business owners. They did state that some business owners are totally against the entire event. Ms. St. George, stated she is not a business owner, but it is a signature event for the community. Closing the street will add to socializing during the event. She would like to see the event continue and for the street to be closed. Ms. Keating stated the event has existed for a long time. Closing the street would increase the safety for the children and would help change the face of the event. Council thanked Ms. Morrison, Ms. Keating and Ms. St. George for their input.

Downtown Business Owners Janet and Mark Lucas addressed Council. Ms. Lucas is the owner of the Boomerang, 225 N. Main Street. Halloween afternoon is the busiest business day in the year for her store. She hires around 7 extra people to help during the Halloween season. She is all for kids' safety and the event has been safe for years. She asked if the kids are being supervised. They need to be under control to be safe. Ms. Lucas stated that if her customers can't easily get into her store then they will go elsewhere to get their costumes. She has a retail and a costume rental business that serves two kinds of customers. Some reserve their costumes in advance. However, there is the spur of the moment retail customers. If they can't easily access her store then they won't come in. Mr. Lucas stated that the kids still cross Tomichi to get to South Main Street and that's a safety concern. Why should closing North Main be any different than kids crossing Tomichi? Discussion ensued on alternate street closure patterns,

alternate customer parking spaces, additional advertising for Ms. Lucas' store, the manpower utilized for the event, full closure versus partial closure, a similar event that is held annually in Delta where no street closures are done, and the possibility of moving the event to an alternate location. City Manager Coleman informed Council the City is hosting a "Friday Fright Night" Halloween Event on Friday, October 28th but nothing on Halloween Day. City Manager Coleman asked for Council's decision. Councilors Harriman and Drexel were not in favor of closing the street, Mayor Houck and Councilor Seymour were in favor of closure and Councilor Nesbitt was for developing a partial closure. WSC Liaison Edwards stated that the kids' safety is top priority and the street should be closed. City Manager Coleman thanked Council for their input.

Nancy Osmundson, Re: Restorative Practices Update. Ms. Osmundson contacted the City Clerk this morning and is not able to be in attendance this evening. She will reschedule.

Grants & Contracts for Service Groups: 5 – 15 min. Presentations.

Gunnison Car Club – Car Show. The Gunnison Car Club representative was not present at the meeting. They will be rescheduled for a later meeting.

Gunnison Rotary Club – 4th of July Fireworks. Pamela Christian, Rotary Club President-Elect, addressed Council. They are requesting \$5,970 for the 4th of July Fireworks Event. It costs a total of \$16,000-17,000 to put on the annual show. The County is no longer supporting this event and that puts them in a bind. They used to contribute \$5,000 each year. Local businesses who also contribute to the event are in an economic bind as well. Even though they pass the bucket to attendees, donations have been down. It is the Club's biggest fundraiser for scholarships. They try to provide 3 - \$2,000 scholarships every year. The event pulls people from all over.

Safe Ride. Gunnison Police Community Resource Office Rob Whiting addressed Council. Some of their other revenue sources include Municipal Court fees, Western State College, several local businesses and the County, who is contributing \$3,000 in a Contract for Service. The budget is tight. They are asking the City for \$3,980 this year. Officer Whiting stated they are also looking at grant funding this year. Their total budget is approximately \$25,000 per year. He then thanked the City for their support for the last 15 years.

Gunnison Chamber – Chamber Holiday Program. Chamber Director Tammy Scott informed Council that the event is scheduled for the first weekend in December. The event includes the Friday Night of Lights downtown with the arrival of Santa and turning on the City Christmas tree lights. Saturday morning they have the Greenback Exchange where \$20,000 in Gunnison Greenbacks are made available at a 20% discount. All of the greenbacks must be spent in Gunnison that weekend. The Chamber supplements the \$4,000 of those greenbacks. It has been a highly successful annual event.

Gunnison Chamber – Visitors Center Contract for Service. Ms. Scott informed Council the request from funds from the City is to supplement the operations of the visitor center. They are open on summer weekends and on holidays. They get between 60,000-70,000 visitors a year. Walk-in visitors into the center were up 20% this year-to-date. They, and the CB Chamber, do receive money from the County as well. They had 1 million unique visitors to their website each year. The Tourism Association is the marketing entity and the Chambers do all of the mailings and operate the visitors center.

Mayor Pro Tem Harriman asked what criteria the Council used for their decision making. Finance Director Hanson will email the criteria that were developed in the past and the application as well to Council. Mayor Houck reminded Council to get their grants and contracts for service sheets to Director Hanson no later than Wednesday, October 26th.

John Messner – USAPCC Event Update and Letter of Support. City Events Manager John Messner gave Council an update on the 2011 USA Pro Cycle Challenge (USAPCC) Bike Race. The event was viewed by over 1 million spectators and was broadcast over 161 countries and territories worldwide. The City of Gunnison saw between 3500 and 4000 spectators and the City would expect to have spent approximately 1 million dollars of direct advertising dollars to gain the same level of exposure we received in the event. Mr. Messner reviewed the expense verses revenue sheet. Total expense was \$55,455 and revenues \$65,013 for a net revenue over

expense of \$9,558. No City General Fund Reserves were utilized. City Manager Coleman stated that he has talked with most downtown businesses and most have asked if the City is going to do this again. There was a benefit even if it is not quantifiable. The bid process for the 2012 event is now underway. WSC Liaison Nick Edwards reported that the WSC Mountain Bike Club is offering their support for the 2012 event. The City Manager provided a draft Letter of Support for the 2012 USAPCC. Discussion ensued and a couple of amendments were made to the letter.

Councilor Nesbitt moved and Councilor Seymour seconded the motion to approve the amended Letter of Support for the 2012 USAPCC Event and to authorize the Mayor's signature on said letter.

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

Roll call vote, no: None.

Unfinished Business:

US Energy Water Quality Stipulation. City Manager Coleman discussed the draft stipulation with U.S. Energy that was included in Council's packets. The City entered into the Case as an opposer years ago to ensure that we would receive all documents regarding the Water Case. It is a water rights filing that doesn't include water quality issues, however, it is a water quality matter for the City. By keeping abreast of all of the filings, the City can work to ensure the water quality at our headwaters. If the City agrees to stipulate the entry of the proposed decree, the City will remain a party to the case.

Councilor Drexel moved and Councilor Nesbitt seconded the motion to authorize the Water Attorneys to stipulate the attached decree, to allow the City to remain a party to the case and to receive copies of all documents filed with the Water Court to monitor the progress of the case.

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

Roll call vote, no: None.

New Business:

Action on Renewal of Hotel & Restaurant Liquor License for Chavolos Mexican Restaurant, 800 N. Main St., Gunnison.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that the Hotel and Restaurant Liquor License of Sofia Rodriguez, doing business as Chavolos Mexican Restaurant, 800 North Main Street, Gunnison, Colorado 81230, be renewed with the following conditions:

1. That the management and serving staff of the licensee complete the TIPS course conducted by the City of Gunnison Police Department prior to December 31, 2011, in order to educate the staff of the licensee as to the requirements of the Colorado Liquor Code.
2. That the licensee operate its business in full compliance with the Colorado Liquor Code and the rules and regulations adopted in furtherance thereof.
3. That the licensee timely comply with the requirements of the City of Gunnison Sales Tax Code to timely file sales tax returns and remit collected sales tax to the City of Gunnison during the term of the license.

Failure to comply with any of the conditions set forth above shall result in disciplinary action, including possible suspension or revocation of the liquor license.

The basis for the above conditions is that the evidence has demonstrated that the licensee and/or its management staff are either unaware of the provisions of the Colorado Liquor Code or choose to disregard the provisions of the Code. In addition, the licensee has never filed its sales tax return, or remitted the sales tax collected, in a timely basis in violation of the City of Gunnison Sales Tax Code, which has required repeated enforcement actions by the City of Gunnison Department of Finance.

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

Roll call vote, no: Drexel. Councilor Drexel stated the licensee has had more than enough opportunities to comply with the Codes and the license should not be renewed.

Mayor Houck reiterated to the licensee that one single violation of any part of the sales tax or liquor codes then their license can be revoked.

Presentation of 2012 City Budget. City Manager Coleman and Finance Director Hanson presented the 2012 City Budget to Council. The Budget document includes the City Manager's letter of transmittal. Director Hanson told Council if they had any questions to

contact her. City Manager Coleman thanked Staff and Council for the team effort in preparing this budget.

Action on 2011 Employee Compensation Bonus. Finance Director Hanson explained that the proposal is to give a one-time bonus to full-time employees and part-time employees at the December 14, 2011, paycheck. Full-time employees will received \$1,350 before taxes and part-time employees will receive a pro-rated portion of that amount based on the number of hours they work. The employee can direct the bonus into their Deferred 457 Plan or into their Health Savings Account. Council thanked all of the employees and wished it could be more, however, this is where we're are at this time.

Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve a one-time bonus of \$1,350 to each full-time employee who has completed their training period, and a prorated amount of \$1,350 to each part-time employee who has completed one year of continuous employment with the City of Gunnison, with the total cost to the City of Gunnison, including the employer's share of taxes, at \$119,895.19.

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

Roll call vote, no: None.

Ordinances and Resolutions:

Ordinance No. 10, Series 2011; Re: Amending Model Traffic Code to Address Overtime Parking; 1st Reading. Councilor Harriman introduced Ordinance No. 10, 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. 10, Series 2011, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING SECTION 1205 OF THE MODEL TRAFFIC CODE FOR COLORADO TO ADDRESS OVERTIME PARKING**, be introduced, read, passed, and ordered published on first reading this 11th day of October, 2011.

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

Roll call vote, no: None.

City Attorney: Rod Landwehr. Nothing to report.

City Manager: Ken Coleman reported on the following: he attended a meeting in Telluride last Friday on the role of government in the business community including regulations and competition; he met today with a representative from NMPP and they discussed economic development and how NMPP can assist in that endeavor; there was some improvement in the August sales tax figures; Evans Avenue is paved; utility line work continues on Bidwell and Wisconsin; and work on the Van Tuyl Ranch trail loop will begin later this week. Councilor Harriman stated she would like to talk with Public Works Director Bradford about the "solar garden" concept she has been reading about. This could be made available to new developments. City Manager Coleman stated that passive solar has better payback than shared solar arrays that generate electricity.

Acting City Manager: Parks & Recreation Director Dan Ampietro reported the following: the indoor rink opened this weekend and the Crested Butte kids, who are out of school this week, are buying time on the rink; the rink is projected to close in mid-March; the carbon monoxide detection system has been tested and is function and we have the most safety systems of any rink in the entire state of Colorado. The zamboni tested zero parts per million for CO.

City Clerk: Gail Davidson. Nothing to report.

WSC Liaison: Nicholas Edwards reported on the following: this weekend is the Hall of Fame Weekend where the 1976 football team will be inducted into the Hall of Fame; the football game is at home this weekend and will start at 1:00 P.M.; and forums are still taking place on campus regarding the proposed name change for the College. It has been announced that Mesa is starting up a Western State Community College.

Non-Scheduled Citizens: None.

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

Councilor Drexel: informed Council he attended the Board of County Commissioners meeting regarding broadband technology. He will provide information to anyone who has questions.

Mayor Houck suggested to the City Councilors, that due to the late hour, they save their meeting reports to next week's meeting. Council concurred.

Executive Session:

Pursuant to C.R.S. §24-6-402(4)(a): For the purpose to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale. The Executive Session is not open to the public and action may not be taken in the Session.

Councilor Drexel moved and Councilor Nesbitt seconded the motion to go into Executive Session, the purpose of which is to discuss property purchase negotiations pursuant to C.R.S. §24-6-402(4)(a): to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale. The Executive Session is not open to the public and action will not be taken in the Session.

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

Roll call vote, no: None.

Council went into Executive Session at 10:05 P.M.

Council returned to the open Regular Session at 10:40 P.M.

Mayor Houck then read the following statement. The time is now 10:40 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Jonathan Houck, Mayor Pro Tem Ellen Harriman, Councilor Bob Drexel, Councilor Edmund Seymour, Councilor Bill Nesbitt, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, and Communications Director Chuck Dotts.

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. There was no response.

Adjournment: Mayor Houck then called for any further discussion, and hearing none, adjourned the meeting at 10:41 P.M.

Mayor

City Clerk