

JANUARY 22, 2013

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

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Harriman with Councilors Drexel, Cave, Seymour, and Nesbitt present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Police Chief Robinson, Community Development Director Westbay, Finance Director Hanson, WSCU Liaison Nickerson, and several citizens. A Council quorum was present.

Mayor Harriman asked Council if the Agenda could be changed to take action on Resolution No. 1, after the Consideration of the Minutes, since Mr. Houck and his family are present at this time. Council concurred with the change.

Consideration of Minutes:**Regular Session Meeting Minutes of January 8, 2013.**

Councilor Drexel moved and Councilor Nesbitt seconded the motion to approve the Regular Session Meeting minutes of January 8, 2013, as submitted.

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

Roll call vote, no: None.

Resolution No. 1, Series 2013; Re: Commending Jonathan Houck for Service to City. Councilor Seymour introduced Resolution No. 1, Series 2013, and it was read in its entirety by the City Manger. Former City Councilor Jonathan Houck came forward during the reading.

Councilor Seymour moved and Councilor Nesbitt seconded the motion that Resolution No. 1, Series 2013, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, RECOGNIZING JONATHAN D. HOUCK FOR HIS SERVICE AND CONTRIBUTIONS TO THE CITY OF GUNNISON**, be introduced, read, passed and adopted this 22nd day of January, 2013.

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

Roll call vote, no: None.

All of City Council thanked Jonathan for his service to the City. Mr. Houck stated it was an honor to serve with Council and Staff during his time on Council. Mayor Harriman wished Mr. Houck good luck during his term as a County Commissioner.

Pre-Scheduled Citizens:

Gunnison-Crested Butte Tourism Association Executive Director Pamela Loughman. Executive Director Pamela Loughman and Board Member Frank Kugel came forward, introduced themselves and addressed Council. Ms. Loughman passed out copies of the current GCBTA statistics and explained them to Council. Web traffic was up approximately 11% through December. This equates to approximately 39,000 unique visitors to the site. Telephone call volume was down approximately 14% or 823 people. This probably reflects that people are changing how they obtain information. The Local Marketing District tax revenues are up approximately \$87,000 through October. Lodging sales tax was down in Gunnison by approximately \$13,000. Part of this is attributed to reporting not being consistent every month. This revenue will probably be flat for the year overall. A short discussion on lodging sales tax and the differences in restaurant sales tax ensued. Restaurant sales tax was fairly flat in Gunnison, up in Crested Butte and down in Mt. Crested Butte. Again, Ms. Loughman stated that reporting schedules can skew the reports. Ms. Loughman then reviewed the operations for the TA. They will be hiring a full time Marketing/PR and Social Media staff member at the start of the second quarter. A second position, Web and On-Line Marketing person will be hired. Stephen Pierotti currently is in-place and will probably be retained. A Marketing Coordinator, performing more outreach to the TA/Chamber Partners, will be hired as well. There is a TA Board election process currently taking place. The 2012 TA Budget reconciliation process is underway. Ms. Loughman then discussed the new 3-year Strategic Marketing Plan. A copy of the plan was included in Council's packets. Phase II of the website development is taking place.

Councilor Nesbitt asked about the Gunnison Getaways Program. Ms. Loughman stated that increased e-marketing is taking place, especially to Designated Marketing Areas (DMA's) in Colorado and other targeted states. The TA is enlisting trip giveaways from the local partners to enhance this program. Councilor Nesbitt then asked about the fulfillments process and asked if the prior issues have been addressed. Ms. Loughman informed Council that the TA and the two

Chambers of Commerce are working in a collaborative process to review how fulfillments are processed and how it can be made more efficient. The telephone call process is also being reviewed to streamline and enhance visitors telephone calls.

TA Board Member Frank Kugel stated he is the Non-Profit Representative on the Board and he's very pleased with Ms. Loughman and the new outlook. Carolyn Riggs, also a TA Board Member, stated she is very excited about the proposed marketing of the whole valley and the media mix. Ms. Riggs stated that Ms. Loughman is leading the way.

Councilor Drexel stated that the process is more scientific that he thought and it is an admirable approach. Councilor Seymour stated the planning looks very focused and has some good work in it. Council thanked Ms. Loughman and Mr. Kugel for their participation.

Unfinished Business: None.

New Business:

Action on 2013 Continuing Challenge Grants and Memorandums of Agreement. Finance Director Hanson informed Council the 2013 Continuing Challenge Grants and Memorandum of Agreements/Contracts for Service, as included in their packets, were approved in the 2013 Budget. The Continuing Challenge Grant Agreements are the same for each organization and the Agreements for the Contracts for Service are individualized to meet the requirements of each organization. Staff is requesting authorizing the Mayor to sign the Agreements and to release the budgeted 2013 funds.

Councilor Nesbitt moved and Councilor Cave seconded the motion to authorize the Mayor's signature on the Continuing Challenge Grants and Contracts for Service Agreements and to authorize the release of the budgeted 2013 funds.

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

Roll call vote, no: None.

Action to Approve Habitat for Humanity Alley Development Shared Costs. Community Development Director Westbay addressed Council. This item was discussed at length at last week's Council Work Session meeting. The proposal is for the City and Habitat for Humanity to share costs on construction and paving of the adjacent alley. The costs are outlined in the memo, dated January 15, 2013, included in Council packets. City Manager Coleman stated it is anticipated the alley work will be completed through the 2013 Street Improvement Projects but that the project may have to be extended into 2014 depending upon the paving construction season. He also stated that the City will work with Atmos to get the gas line realigned in the entire length of the alley adjacent to the property.

Councilor Nesbitt moved and Councilor Drexel seconded the motion to approve the expenditure of \$6,111.00 of City funds from the 2013 Street Improvement Funds, as outlined in the memo from CD Director Westbay and dated January 15, 2013, for the construction and paving of the alley at 6th Street from New York Avenue south to the end of the proposed Habitat for Humanity Project.

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

Roll call vote, no: None.

Jerry Kowal, representing Habitat for Humanity, thanked City Manger Coleman, CD Director Westbay and the entire Council for their continued assistance and participation in the project.

Set Public Hearing for City Code Amendment, Re: Accessory Structures. Community Development Director Westbay informed Council he will be making a detailed presentation on the request to change the Code regarding accessory structures, at the Work Session meeting on February 5th. Staff is requesting the Public Hearing be set so that it can be noticed.

Councilor Drexel moved and Councilor Nesbitt seconded the motion to set a Public Hearing to consider an amendment to the adopted City building codes regarding accessory structures for Tuesday, February 12, 2013, at 7:00 P.M. in City Council Chambers of City Hall.

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

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 1, Series 2013; Re: Increasing City Electric Utility Rates; 2nd Reading. Councilor Nesbitt introduced Ordinance No. 1, Series 2013, and it was read by title only by the City Attorney. City Lead Lineman Will Dowis was present to answer any questions. The new rate is a 5% increase.

Councilor Nesbitt moved and Councilor Seymour seconded the motion that Ordinance No. 1, Series 2013, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE RATES TO BE CHARGED BY THE CITY OF GUNNISON ELECTRIC DEPARTMENT FOR ELECTRICITY CONSUMED**, be introduced, read, passed and adopted on second and final reading this 22nd day of January, 2013, and copies be made available to the public.

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

Roll call vote, no: None.

Ordinance No. 2, Series 2013; Re: Municipal Criminal Code Amendment Regarding Marijuana Violations, 2nd Reading. Councilor Seymour introduced Ordinance No. 2, Series 2013, and it was read by title only by the City Attorney.

Councilor Seymour moved and Councilors Nesbitt and Drexel seconded the motion that Ordinance No. 2, Series 2013, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING CHAPTER 5.10 OF THE GUNNISON MUNICIPAL CODE RELATING TO GENERAL OFFENSES**, be introduced, read, passed and adopted on second and final reading this 22nd day of January, 2013.

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

Roll call vote, no: None.

Ordinance No. 3, Series 2013, Re: VanTuyl Ranch Annexation; 1st Reading. Councilor Cave introduced Ordinance No. 3, Series 2013, and it was read by title only by the City Attorney.

Councilor Cave moved and Councilor Drexel seconded the motion that Ordinance No. 3, Series 2013, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ANNEXING THE PROPERTY COMMONLY KNOWN AS "VANTUYL RANCH" INTO THE CITY OF GUNNISON, COLORADO, AND APPROVING AND AUTHORIZING THE EXECUTION OF THE VANTUYL RANCH ANNEXATION AGREEMENT**, be introduced, read, passed and ordered published on 1st reading this 22nd day of January, 2013.

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

Roll call vote, no: None.

Ordinance No. 4, Series 2013; Re: VanTuyl Ranch PUD Zoning; 1st Reading. Councilor Drexel introduced Ordinance No. 4, Series 2013, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Nesbitt seconded the motion that Ordinance No. 4, Series 2013, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUBJECTING A NEWLY-ANNEXED TRACT OF PROPERTY LOCATED WITHIN S1/2SE1/4SE1/4 OF SECTION 23, S1/2SW1/4SW1/4 OF SECTION 25, NE1/4, SE1/4, E1/2SW1/4, AND E1/2NW1/4 OF SECTION 26, AND NW1/4NE1/4, NE1/4NW1/4 SECTION 35 TOWNSHIP 50 NORTH, RANGE 1 WEST, NEW MEXICO PRINCIPAL MERIDIAN, (THE VANTUYL RANCH), CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, TO THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, COLORADO; APPROVING THE VANTUYL RANCH PUD DEVELOPMENT STANDARDS AND ESTABLISHING THE ZONING DISTRICTS OF SAID TRACTS; AND AMENDING THE ZONING MAP OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on 1st reading this 22nd day of January, 2013.

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

Roll call vote, no: None.

Resolution No. 2, Series 2013; Re: Setting 2013 City Fees. Councilor Cave introduced Resolution No. 2, Series 2013, and it was read by title only by the City Attorney.

Councilor Cave moved and Councilor Seymour seconded the motion that Resolution No. 2, Series 2013, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING FEES**, be introduced, read, passed and adopted this 22nd day of January, 2013.

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

Roll call vote, no: None.

City Attorney Kathleen Fogo:

Discussion on Commercial/Retail Marijuana Facilities Prohibition Ordinance. City Attorney Fogo stated that this ordinance is the second phase of the process. Amendment 64 authorized municipalities the ability to prohibit commercial and retail marijuana facilities, including commercial grow operations. Private grow operations, up to six plants per person 21 years and older, are allowed by the Amendment and can't be prohibited. The commercial prohibition ordinance, if passed, would remain in place until authorization and licensing of the operations could go to the vote in November, 2014. City Manager Coleman informed Council that Staff has been working with the City Attorney on the draft prohibition ordinance included in their packets. Staff recommendation is to pass the prohibition. City Attorney Fogo reminded Council that they or a future Council can always lift the prohibition. The City can regulate the commercial operations by prohibition, outright ban them by moratorium, or wait for the State to develop and institute regulations to allow the commercial/retail establishments. CD Director Westbay stated that Staff is monitoring the development of the State regulations and licensing procedures. Police Chief Robinson reminded Council that, even if the State allows the private use of marijuana, it is still illegal on the Federal level. If a marijuana business, allowed by City regulations, sells to an individual and that person is arrested for marijuana possession in another State, the City having facilitated the marijuana sale and/or use, could be held in violation by the Feds. City Manager Coleman brought up the concept of private marijuana clubs. People pay a membership to belong to the club and then smoke marijuana that they brought with them. The club would essentially be private property and marijuana use under the allowed quantities, but not sales, 41 would be allowed. The City Manager stated that Staff is monitoring the regulation of clubs. City Attorney Fogo informed Council that CML is very active in monitoring all of the issues. A short discussion ensued. CD Director Westbay stated another component of the process would be the land use piece. Staff is watching to see how other municipalities deal with the land use and building code requirements. There are issues such as ventilation, mold, lighting and electrical, that need to be addressed pertaining to cultivation of marijuana.

City Manager: Ken Coleman reported on the following: an RFP for carpeting replacement in the gameroom and the W-Mountain Room at the Community Center has gone out; the micro-drilling to create a non-slip surface on the pool deck will likely take place in February; the bid request for the new refuse truck has gone out; the portable stage trailer, that was budgeted in 2013, has been ordered; Ellen and he attended and participated in the local government session of the Gunnison Valley Leadership Program last Friday and they had an interesting discussion; he participated in the RTA services phone conference last week; RTA ground transportation and the level of the RTA tax and possible ballot question was discussed. Councilor Seymour stated that no one entity is pushing the ballot initiative to level the RTA tax valley-wide but discussions are taking place.

Acting City Manager: Police Chief Keith Robinson Semi-Annual Departmental Report. Chief Robinson reported on the following: there were personnel turnovers with one employee in NSO and that has been filled, two employees in Communications and both positions have been filled; and three employees in the Police Department, where two conditional offers have been made to individuals attending the POST Academy; the 911 phone system has been finalized and work is taking place on future equipment for the new Dispatch Center; the Department is working on preparing for the accreditation process for 2014; they have selected two WSCU interns for PD Admin and PD Records; they are working with other local municipalities and the County on developing policy and procedures for the event of a gun "incident" in the Valley; and the Department is still working on the murder investigation with, two to three more weeks of work needed. Council thanked the Chief for his report.

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City Clerk: Gail Davidson reported she is working on the upcoming Council Candidates workshop for February 8th at noon. She has also been tracking the Secretary of State lawsuit regarding sending mail ballots to inactive voters.

WSCU Liaison: Adam Nickerson reported there will be basketball games with Regis and Metro State this coming weekend.

Non-Scheduled Citizens: None.

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

Councilor Drexel: reported he has a Region 10 meeting this week and Region 10 was the recipient of a DOLA Grant.

Councilor Cave: reported she attended the Gunnison Regional Housing Authority meeting on January 16th. The new GRHA logo was approved and the housing specialist position will be advertised soon. The Authority's Mission Statement is being reworked and they discussed possible 18 new housing units in Rock Creek Village. The group is also looking at affordable housing guidelines and is looking at Pitkin and La Plata County's guidelines.

Mayor Pro Tem Seymour: reported he attended the RTA meeting last Friday. It was a long meeting and they had an update on the Christmas airport closure incident. The possible tax increase ballot question was discussed as well. The discussion on 2013-2014 RTA Strategies was tabled until the next meeting. They are looking at up to a five-year plan. A group of citizens from Crested Butte South was present and stated that any tax increase should help fund bus service into CB South. Mayor Pro Tem Seymour also stated he attended the Library District Board Meeting. That group is looking at strategic planning and the future of the library. He will be attending the WSCU marketing meeting on Thursday.

Councilor Nesbitt: informed Council he also attended the RTA meeting. There was a lot of the same discussion as in the past. He is very pleased that the RTA now has reserve funds in case of an emergency. He will be attending the Sage Grouse meeting tomorrow evening at the Fred Field Center. A short discussion on Corrie Knapp's socio-economic impacts study and the City's input on the listing ensued. Councilor Nesbitt wants to ask the Fish and Wildlife Service why we are being punished for doing the right things. The VanTuyl Ranch Open Space zoning is a big plus for the bird's habitat. We need to be unified on our sage grouse listing concerns. Councilor Nesbitt then reported on a newspaper article he read concerning the decline in winter ski merchandise in the Western US. Part of the decline could be due to the aging population. Councilor Nesbitt then stated he will be out of town part of next week at a water conference. There will be no Council Work Session next week.

Mayor Harriman: informed Council she heard about a Weather Channel report that Gunnison is the third coldest spot in the nation. We had our network TV two minutes of fame. Mayor Harriman then informed Council she had a water leak by her house on Sunday and the City crews had it fixed very quickly and efficiently. They even cleaned up the sidewalk. She compliments their work and attitude.

Adjournment: Mayor Harriman called for any further discussion, and hearing none, adjourned the meeting at 9:43 P.M.

Ellen Harriman

 Mayor

Gail A. Davidson

 City Clerk