

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, Parks & Recreation Director Ampietro, Community Development Director Westbay, Finance Director Hanson, WSCU Liaison Nickerson, Municipal Court Judge McDonald, several citizens and the press. A Council quorum was present.

Consideration of Minutes:**Regular Session Meeting Minutes of March 12, 2013.**

Councilor Nesbitt moved and Councilor Drexel seconded the motion to approve the Regular Session Meeting minutes of March 12, 2013, as submitted.

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

Roll call vote, no: None.

Pre-Scheduled Citizens:

Judge Jim McDonald – 2012 Municipal Court Report. Judge McDonald addressed Council and first commended the Court Staff, Court Clerks Melissa McLeod and Tara Kindall and Court Administrator Gail Davidson for their day-to-day work in keeping the Court running. They do the heavy lifting for the Court. Judge McDonald then reviewed the Annual Report that was included in Council's packets. He stated Court is running very smoothly. He then noted how the Court assists defendants by having a flexible schedule. Councilor Nesbitt asked about the differences in the animals at large violations in the past five years. The Judge commented that the numbers fluctuates each year. City Clerk Davidson noted that the high number in 2008 was partially due to the large snow accumulations that winter that allowed for animals to get out of their yards more easily. A short discussion on courtroom security ensued. The Judge discussed general security procedures that he and the court follow. He stated that treating each defendant with respect goes a long way with maintaining safety. In conclusion, Judge McDonald invited the Councilors to attend a Municipal Court session. It can be very interesting.

Gunnison Arts Center Advisory Council – Carolyn Riggs. Carolyn Riggs and Arts Center Executive Director Carrie Russo addressed Council and informed them about the newly developed Gunnison Arts Center Advisory Council. There is a seat available for a City Councilor on that Council. The Advisory Council assists the Executive Board of Directors with decision making. There is no monetary involvement and the Advisory Council position is a non-voting position. The Council will meet quarterly. City Manager Coleman informed Council he had talked with Ms. Riggs about the position. He feels it is an awkward position for a City Councilor to be in considering the City Council does financially support the Arts Center operations. There is potential conflict or an opportunity for conflict between the Councilor and the Arts Center Advisory Board. Discussion ensued. Ms. Riggs stated there will be other governmental entities represented on the Advisory Board. Mayor Harriman stated the Council is already in that conflict position by having a representative on the Gunnison Chamber of Commerce Advisory Board as well. Mayor Pro Tem Seymour stated there are conflicts of interest already not only with the Chamber but with the Gunnison Valley Housing Authority. The City Manager stated he understands this is an issue in a small community when citizens are needed to step up for a variety of non-profits and community organizations. Ms. Russo read off the names of the current Advisory Board members. Jim McAllister is the Board Chair. Ms. Russo stated that people can excuse themselves when there are conflicts of interest. City Attorney Fogo stated that it is not a legal issue but the appearance of transparency. Mayor Harriman reminded everyone City Councilors serve on a wide variety of boards. It can be very time consuming. She stated the new City Council will be coming on shortly. We can keep this issue for them to decide. Council thanked Ms. Riggs and Ms. Russo for their discussion.

Unfinished Business: None.

New Business:

Action on Memorandum of Understanding with UGRWCD; re: Delayed Town Ditch Water Diversion. Upper Gunnison River Water Conservancy District General Manager Frank Kugel step forward and addressed Council. He stated that Ken Coleman, Water District Attorney John McClow, the City's Water Attorneys and he worked on developing the agreement being considered. The Agreement allows for town ditch water conservation. Mr. Kugel discussed the water requirements of the Gunnison Tunnel that delivers water to the Uncompaghe Valley water users. Those water users placed a water call on Upper Gunnison

Basin junior water rights in both 2002 and 2003. They are looking at a water shortage again this year. Yesterday, the Tri-Water Conservancy District, that owns water rights in Ridgeway Reservoir, agreed they no longer want to be a part of this Agreement. The UGRWCD will now purchase water approximately 4,500 acre feet of water from the Aspinall Unit Reservoirs. By delaying turning on the City's irrigation ditches until May 20th, there will be a conservation of approximately 35cfs/day for three weeks. This represents approximately 1000 acre feet of water. This will lead to no water call being placed on Gunnison Valley water rights in April and May. Manager Kugel stated the Agreement buys call protection for only April and May. Councilor Nesbitt stated there could be a water call later in the summer. Manager Kugel stated the City's Agreement will be acknowledged and memorialized in the State water diversion records. City Manager Coleman reminded Council there will probably be unhappy citizens due to this action and they may receive phone calls from citizens. Mayor Harriman stated it allows for more work to be done on preparing the ditches prior to the water being turned on. City Manager Coleman stated it takes a day or two to get the water flowing in the entire system. He also stated this landmark-type of Agreement seeks to benefit the "whole" for the greater good of everyone in the basin. The City's water rights will not be affected. Councilor Drexel stated it will allow more time for ditch work and the Agreement is a magnanimous gesture by the City. Mr. Kugel thanked Councilor Nesbitt for making the initial suggestion for the Agreement. Councilor Nesbitt reiterated that the City has senior water rights and those are secure rights.

Councilor Nesbitt moved and Councilor Cave seconded the motion to approve the final draft, as presented, of the Memorandum of Understanding with the Upper Gunnison River Water Conservancy District

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

Roll call vote, no: None.

Action on Contract for Service with Six Points; Re: In-Kind Services for Building Project. This item was discussed at last week's Council Work Session meeting. City Manager Coleman informed Council that Finance Director Hanson developed the Memorandum Agreement that was placed in their packets and it reflects the in-kind services discussed at the prior meeting. It also includes a cash commitment of \$2,000 that is contingent upon Six Points securing sufficient funds from other sources to construct the building. Discussion ensued. City Manager Coleman informed Council the total value of the City's contribution is almost \$15,000.

Councilor Drexel moved and Councilor Cave seconded the motion to approve the memorandum agreement with Six Points Evaluation & Training, Inc., for the purpose of assistance with a new building facility and to approve the Mayor's signature on the Agreement.

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

Roll call vote, no: None.

Action to Set Public Hearing on LDC Text Amendment; Re: Multi-Tenant Signs. Community Development Director Westbay informed council Staff is requesting a public hearing be set for 7:30 PM on April 9th to consider public input on a sign code amendment to permit multiple tenant signs for shopping centers. The hearing notice has been published and he will discuss the proposed changes to the Code at next week's meeting.

Councilor Cave moved and Councilor Seymour seconded the motion to set a Public Hearing for 7:30 P.M., April 9, 2013, to receive public input on a text amendment to the Land Development Code regarding multi-tenant signs.

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

Roll call vote, no: None.

Action on Letter thanking Casey Nordberg for Council Presentation. Mr. Nordberg spoke with Council on March 19th regarding traffic safety concerns by the 1st Stop store at 9th Street and Tomichi. City Manager Coleman informed Council a slightly modified thank you letter was placed at their desks for their consideration. Mayor Pro Tem also made a spelling correction.

Councilor Nesbitt moved and Councilor Drexel seconded the motion to approve the amended letter to Casey Nordberg.

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

Roll call vote, no: None.

Sage Grouse Listing Comments. Community Development Director Westbay addressed Council and reviewed the changes that were made to the City's comments regarding the listing of the Gunnison Sage Grouse as an endangered species. There are three more weeks for comments to be submitted. The sections changed included: the domestic grazing section on page 14; proposed rules state the bird has evolved or adapted; criteria regarding invasive plants is cited that already protects from these plants on both the State and Federal levels; literature exists that states the population trend is one of increase over the past 15 years; and an addition to the Overview of Determination was made. Director Westbay stated he attended the presentation by Corrie Knapp last night where she discussed the Human Geography perspective of the listing of the Sage Grouse. It was an interesting presentation but he doubts the USFWS will give the results much weight in the listing determination because it doesn't have "hard science". Mayor Harriman stated she also attended and Ms. Knapp's report gives a human face on the preservation efforts that have already taken place. Councilor Nesbitt asked who was going to administer over 1.7 million acres of identified critical habitat. Director Westbay stated that no comments on critical habitat are included in these comments that address Parts II and III of the Proposed Rule. Critical habitat comments can be addressed in 3 to 4 months. A short discussion on how critical habitat is determined took place. In addition, the administration of the critical habitat doesn't enter into the discussion according to the Endangered Species Act.

Councilor Nesbitt moved and Councilor Cave seconded the motion to approve the letter dated March 26, 2013, to approve the amended comments as presented this evening and for all of Council to sign said letter.

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

Roll call vote, no: None.

Ordinance and Resolutions: None.

City Attorney Kathleen Fogo: informed Council she is moving her office to a new location, 137 West Tomichi Avenue and this will be effective April 1st.

City Manager: Ken Coleman reported he attended, with staff members and Councilor Drexel, the DOLA Grant meeting in Grand Junction last week and made a presentation for funding of the Police/Communications new facility. They all felt the meeting was rather awkward in how it was conducted and they were not given a lot of engagement by the DOLA grant representatives. We could hear later next week about possible funding. Councilor Drexel thanked the City Manager for making the presentation. City Manager then reported on the following: he also attended Corrie Knapp's presentation last night; the 2013 street bids were opened today and were within budget; the draft agreement with WSCU regarding green energy attributes is finalized with delivery slated to begin April 1st; he met with the private provider for the mesh-web project and they continue to have discussion about the agreement; activity is starting on the new Tractor Supply store; he will be gone all next week but will have his cell phone if they need to contact him; the County has formed a task force regarding their Mosquito Control Program and the City will monitor this issue; the City has received the initial rate information on the new Health Insurance Rates and the Insurance Trustees will hold a meeting on April 18th; Community Clean-Up is scheduled for April 20th and the 2nd Annual Ana's Pledge Bike Safety Event is scheduled for May 4th; the Finance Department is dealing with a serious situation where a large electricity bill, amounting to 10's of 1000's of dollars, has not been paid and this will affect the service and habitability of a number of trailers; a 30 day water shut-off notice has been sent and a property lien will be filed for non-payment; and he has investigated the National League of City's endorsed CGI program and is working on refining the contract to participate in this video marketing program to be included on our website. Councilor Cave stated she talked with several business owners regarding the program and the proposed City letter describing the program would not be the deciding factor for joining or not joining for those businesses.

Acting City Manager: Parks & Recreation Director Dan Ampietro reviewed the Semi-Annual report included in Council's packets. He stated each manager does a part of the report and he thinks this helps them be more accountable for their operations. One of the highlights of the past six months was the completion and opening of the skatepark that was paid for in large part by a GOCO Grant. The kids have even shoveled the bowl and are skating now. The ice rink closed last weekend with 8 teams participating in the Brent Carlson Hockey Tournament. The

Tournament really helped the hotel and restaurants. Overall, there were more hockey games this year than last year even without a women's WSCU hockey team. The rink was open approximately 120 days. A lot of new pool programs were initiated in the past six months. They have had some successful middle school nights at the facility. They will once again have a free 1st session of swimming thanks to a generous donation from Gunnison Energy. Director Ampietro reported the Boomers have used the facility for a year now. The senior exercise programs are growing in attendance. He is working on submitting grants for the senior services addition. The senior facility will also be multi-use in nature. Mayor Harriman stated there is a need for conference and meeting rooms. She will work with staff on wordsmithing on the proposed grant letters.

Councilor Nesbitt moved and Councilor Seymour seconded the motion to approve the draft letter for grant applications for a new Gunnison Senior Services addition at the Community Center.

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

Roll call vote, no: None.

City Manager Coleman stated that Dan and his entire staff do incredible things for the community and visitors alike. They are doing it well.

City Clerk: Gail Davidson reported the 6 candidate petitions have been picked up and 3 have been returned and certified. She also reported she has received the State-approved liquor licenses for The Last Chance and Pie-Zan's.

WSCU Liaison: Adam Nickerson reported on the following: WSCU is hosting a Career and Internship Day on April 4th from 10am to 2pm; a High School Preview Day will take place on April 5th; the Farm-to-Table Conference starts the evening of April 8th; and there will be a Wilderness Medicine Seminar on April 15th.

Non-Scheduled Citizens:

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

Councilor Drexel: reported he went to the DOLA Grant meeting. He will attend the Region 10 meeting on Thursday. Councilor Drexel then asked City Attorney Fogo about a liability issue for people using City facilities. The Attorney will look into the question.

Councilor Cave: reported she attended the Boomers and Beyond meeting where they elected new officers. Senior Fitness Day will take place May 20th.

Mayor Pro Tem Seymour: asked when the crosswalk signs will be put out. City Manger Coleman stated they will go out once street sweeping is completed in the downtown area.

Councilor Nesbitt: informed Council he attended the Water Board meeting last night. The Gunnison Basin is at 68%. Filling of Taylor Reservoir was also discussed at that meeting. He reported some Uncompaghre water users have been sent letters regarding the lack of water and water use cut-offs. He has also given City Manager Coleman information regarding water leasing. This could be long-term and an income generator. Councilor Nesbitt also reported he attended the Chamber meeting this morning. The Flavors of Gunnison Event will take place the week of April 20th to 27th. There will be a fashion show on Saturday, April 20th. Chamber members can get their greenbacks starting on Thursday April 18th. Other Chamber members reported some downtown businesses had a good January and February. Sales tax seems to be up.

Mayor Harriman: stated she gave her meeting reports earlier in the meeting.

Adjournment: Mayor Harriman called for any further discussion, and hearing none, adjourned the meeting at 9:22 P.M.

Mayor

City Clerk