

**REGULAR SESSION MEETING MINUTES**

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Drexel, with Councilors Riggs, Ferguson, Steinbeck, and Hagan present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Community Development Director Westbay, Parks & Recreation Director Dan Ampietro, a couple of citizens and the press. A Council quorum was present.

**PUBLIC HEARING**

**7:00 P.M.**

**Receive Public Input on the on the merits of a Text Amendment application proposing the amendment of the following sections of the *Land Development Code*: Section 15.40.010, Definitions, to include definitions related to Commercial Marijuana Businesses and Personal Use of Marijuana; to amend Table 15.70.010 Schedule of Uses – Residential Zone Districts to allow personal use of marijuana and to prohibit marijuana cultivation facilities, establishments, product manufacturing facilities, testing facilities and retail stores; Table 15.70.030 Schedule of Uses – Commercial/Industrial Zone Districts to prohibit marijuana clubs, establishments, retail stores, cultivation facilities, manufacturing facilities, testing facilities in the B-1, CBD, C, and I zone districts and to prohibit industrial hemp production in the B-1, CBD, and C zone districts, and to allow industrial hemp production in the I zone district; Section 15.70.020, Review Standards by the addition of sub-section (I) Personal Use of Marijuana.**

Mayor Drexel called the Public Hearing to order at 7:00 P.M. and stated it is 7:00 P.M., on Tuesday, September 10, 2013, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the public hearing are myself, Mayor Bob Drexel, City Councilors Carolyn Riggs, Stu Ferguson, Anne Steinbeck and Richard Hagan, City Manager Ken Coleman, City Clerk Gail Davidson, Community Development Director Steve Westbay, Police Chief Keith Robinson, and Parks and Recreation Director Dan Ampietro. The purpose of the Public Hearing is to receive public input on the merits on the merits of a Text Amendment application proposing the amendment of the following sections of the *Land Development Code*: Section 15.40.010, Definitions, to include definitions related to Commercial Marijuana Businesses and Personal Use of Marijuana; to amend Table 15.70.010 Schedule of Uses – Residential Zone Districts to allow personal use of marijuana and to prohibit marijuana cultivation facilities, establishments, product manufacturing facilities, testing facilities and retail stores; Table 15.70.030 Schedule of Uses – Commercial/Industrial Zone Districts to prohibit marijuana clubs, establishments, retail stores, cultivation facilities, manufacturing facilities, testing facilities in the B-1, CBD, C, and I zone districts and to prohibit industrial hemp production in the B-1, CBD, and C zone districts, and to allow industrial hemp production in the I zone district; Section 15.70.020, Review Standards by the addition of sub-section (I) Personal Use of Marijuana.

Mayor Drexel asked for proof of publication. City Clerk Davidson responded the affidavit of publication is included in the official file and a copy is in Council's packets.

Mayor Drexel then called for City Staff Comments and Recommendations. Community Development Director Steve Westbay addressed Council. He stated that Section 15.150.030 specifies that a Text Amendment to the *Land Development Code* (LDC) is reviewed by the City Planning and Zoning Commission at a public hearing. The Commission then establishes a recommendation to the City Council for their action after a public hearing and the application can be approved, approved with conditions, denied or remanded back to the applicant with instructions. This Text Amendment was initiated by the City as the applicant to establish, in response to the passage of Amendment 64 to the Colorado Constitution, provisions of standards for the home cultivation and home processing of marijuana and to prohibit marijuana clubs. The City has approved two prior ordinances in response to the passage of the Amendment. The first Ordinance No 2, Series 2013, on January 23, 2013, amending Chapter 5.10 of the *Gunnison Municipal Code* relating to General Offenses and Ordinance 6, Series 2013, on February 12, 2013, prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the boundaries of the City of Gunnison. This application includes a draft ordinance that addresses *Land Development Code* regulations that allow for the personal use of marijuana, pursuant to the Colorado Constitution, but it sets standards limiting the floor area of a home that can be used for growing marijuana and restricts the use of combustible gasses that are sometimes used for

growing plants. The proposed ordinance also prohibits commercial retail, commercial growing operations, and marijuana club facilities in the City. The proposed LDC Use Tables changes are included in the application and the ordinance also adds several definitions to the LDC regarding personal growth and consumption of marijuana.

The draft Ordinance complies with the Emergency Regulations adopted by the State of Colorado but the State has also indicated there are some issues with those regulations that need to be addressed. Some of those issues include: the Colorado Attorney General Jon Suthers stated in a July, 2013 article in The Denver Post newspaper that there is a lack of detail in overseeing the recreational marijuana industry and more guidance is needed in the permanent rules; marijuana is currently listed as a Schedule I controlled substance under the Federal Controlled Substances Act and this causes conflict for enforcement; Federal law enforcement has targeted criminal networks rather than individual low-level criminals regarding marijuana users and distributors; there are concerns about homicides and armed robberies involving the State approved medical marijuana industry in Colorado; due to Federal banking regulations about state licensed medical marijuana retailers being unable to deposit their funds in the bank has resulted in an all-cash business and criminals are targeting the cash and not just the marijuana. Director Westbay informed Council the State will be issuing the final Marijuana Regulations very soon.

Director Westbay stated that during the Planning and Zoning Commission Public Hearing, the Gunnison County Substance Abuse Prevent Project Director, Matthew Kuehlhorn, provided testimony that allowing commercial or personal use of marijuana reduces the perception of risk by youth and this social view may be detrimental to the health, safety and welfare of the youth in our community.

Director Westbay then read into the record the sixteen, August 14, 2013, Planning and Zoning Commission Findings of Fact regarding the Text Amendment Application. These findings are included in the official City Council Public Hearing record of this proceeding. Number 17 of the Final Findings of Fact, reads: "The Planning and Zoning Commission finds that based on the findings cited, the approval of this Text Amendment protects the health, safety and welfare of the community." Director Westbay asked if there were any questions. There were none at this time.

Mayor Drexel called for Public Comments and asked for anyone wishing to comment to step up to the microphone, state their name and sign in on the record sheet. Bruce Jeroslow, City resident, addressed Council. Mr. Jeroslow informed Council his supports control strongly against recreational marijuana. Medical use is controlled. The State finalized the regulations today but they are counter to Federal regulations. He is a child of the 60's and has seen the outcome of recreation marijuana use. It is get high and die. Council thanked Mr. Jeroslow for his input.

Mayor Drexel called for any further comments. No one came forward.

Mayor Drexel asked if any written comments or communications were received. City Clerk stated that a letter from Doug Tredway, Superintendent of Gunnison Watershed School District RE1J, was received and the Mayor entered the letter into the record. Mayor Drexel read the entire letter into the record. The full letter is included in the official record of this Public Hearing. The following is the last paragraph of the letter: "Based on that data, I believe that a city ordinance that restricts the visibility, cultivation, sale, and/or consumption in commercial establishments is in the best interest of our students."

City Clerk Davidson stated an email from Jim and Rita McDermott was received today. The email reads: "We both support the ordinance as proposed. We don't need marijuana sales in the City of Gunnison. Thank you, Jim & Rita McDermott". Mayor Drexel entered the email into the official record of the Public Hearing.

The City Clerk then stated a final, unsigned email letter was received late today. Mayor Drexel stated that anonymous letters are not generally considered. Mr. Tyler Dundel stepped forward and informed Council the emailed letter was from him and he wanted it entered into the record. Mr. Dundel then read the letter in full. Mayor Drexel entered the letter into the record and a copy of the email letter is included in the official Public Hearing record. The letter addressed medical marijuana and doesn't address recreation marijuana grows or facilities. The final paragraph of the letter states: "By accepting medical marijuana establishments, testing facilities

and commercial cultivation facilities in Gunnison, we are providing advantages to the residents, as well as building our economy. Shouldn't Gunnison start providing for itself when it knows it has medical marijuana patients as residents? Thank you." Council thanked Mr. Dundel for his letter and testimony. Director Westbay informed Council he has been speaking with Mr. Dundel regarding his marijuana questions and issues.

Mayor Drexel called for any further comments and hearing none, closed the Public Hearing at 7:25 P.M.

City Council returned to the Regular Session meeting.

Mayor Drexel asked that Resolution No. 11, Series 2013, be considered at this point in the agenda since Mr. Seymour was present in the audience. Council concurred with the change. Mr. Seymour approached Council and was greeted by the Mayor.

**Resolution No 11, Series 2013; Re: Commending Edmund Seymour for his Service as City Councilor.** Councilor Ferguson introduced Resolution No. 11, Series 2013, and it was read in full by Mayor Drexel.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion that Resolution No. 11, Series 2013, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, RECOGNIZING EDMUND SEYMOUR FOR HIS SERVICE AND CONTRIBUTIONS TO THE CITY OF GUNNISON** be introduced, read, passed and adopted this 10<sup>th</sup> day of September, 2013.

Roll call vote, yes: Riggs, Ferguson, Drexel, Steinbeck, Hagan. So carried.

Roll call vote, no: None.

All of City Council thanked Ed Seymour for his contributions to the community. Mr. Seymour thanked City Council as well.

**Consideration of Minutes:**

**Regular Session Meeting Minutes of August 27, 2013.**

Councilor Riggs moved and Councilor Ferguson seconded the motion to approve the Regular Session Meeting Minutes of August 27, 2013, as amended.

Roll call vote, yes: Ferguson, Drexel, Steinbeck, Hagan, Riggs. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:** None.

**Unfinished Business:** None.

**New Business:**

**Action on Request for Matching Funds in Amount of \$1,500 for Region 10 Grant for Ag Incubator.** This item was discussed at last week's Work Session meeting. City Manager Coleman stated this is a follow up to Jonathan Houck's request for \$1,500 in matching funds for a Region 10 Grant for the Agriculture Incubator Project that will be developed on City property at the VanTuyl Ranch. The City Manager stated the City will be the applicant for the grant funds and he has provided the draft application document to Region 10 Executive Director Michelle Haynes and she is anxious to get action started on the grant.

Councilor Riggs moved and Councilor Ferguson seconded the motion to approve expenditure of \$1,500.00 from the Grants and Contracts for Service Economic Development Fund for the Agricultural Incubator Project Region 10 matching grant.

Roll call vote, yes: Drexel, Steinbeck, Hagan, Riggs, Ferguson. So carried.

Roll call vote, no: None.

**Action on Request to Increase Firemen's Pension Funeral Benefit to \$1,000.00.** This item was discussed at last week's Work Session meeting.

Councilor Ferguson moved and Councilor Hagan seconded the motion to approve the increase of the Firemen's Pension Funeral Benefit to \$1,000.00.

Roll call vote, yes: Steinbeck, Hagan, Riggs, Ferguson, Drexel. So carried.

Roll call vote, no: None.

**Ordinances and Resolutions:**

**Resolution No. 10, Series 2013; Re: Adoption of Gunnison County Hazards Mitigation Comprehensive Plan, dated October 2012.** Councilor Riggs introduced Resolution No. 10, Series 2013, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion that Resolution No. 10, Series 2013, A **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING THE GUNNISON COUNTY NATURAL HAZARD MITIGATION PLAN COMPREHENSIVE UPDATE DATED OCTOBER 2012**, be introduced, read, passed and adopted this 10<sup>th</sup> day of September, 2013,

Roll call vote, yes: Hagan, Riggs, Ferguson, Drexel, Steinbeck. So carried.

Roll call vote, no: None.

**Staff/Council Reports:**

**City Attorney** Kathleen Fogo had nothing to report.

**City Manager:** Ken Coleman reported on the following: staff is putting City Hall window replacements out for bid and these are period-style, energy efficient windows; the City has received the internet fiber and the Electric crew will start installation this fall; the 2014 budget development continues; concrete has been poured for the sidewalk on the east side of 8<sup>th</sup> Street south of Denver; progress is being made on the new Police Facility with rough-in electric and mechanical currently going in; Engineer Terry Zerger is working on the LEED elements of the building and is doing energy modeling for the building; the pricing for the fixtures, furniture and internal equipment is taking place and it is a fun but complex project; and the Police Department will be holding testing for a new officer on Thursday.

**Acting City Manager:** Parks & Recreation Director Dan Ampietro reported the 1<sup>st</sup> Annual Triathlon was conducted last week. It was a success. They had 50 youths on Friday evening and 70 adults on Saturday. There were a few glitches and those will be corrected for next year and the event will be built upon each year. The WSCU inflatable archway blew over in the wind on Friday evening but no one was hurt. The Boomers and Beyond fundraiser held on the 21<sup>st</sup> was successful and they have \$7,500.00 in donations so far with a promise of matching funds up to \$15,000 from the Gunnison Home Association. A \$10,000 El Pomar Grant has been received for the senior addition project. They will be applying to other foundations.

**City Clerk:** Gail Davidson stated that Councilors Steinbeck, Riggs and Hagan have been signed up for the CML District 10 meeting in Delta. She then reminded Council that the budget work session meeting will start at 3pm next Tuesday.

**WSCU Liaison:** Amber Leal reported the students at Western had a lot of opinions on the pedestrian/bike safety issues that were discussed last week. September is National Campus Safety Month and this is a good tie-in. Some of the ideas discussed included: flyers on bike and pedestrian safety being distributed to new freshmen in their orientation packets; more speed limit signs in town as there seems to be a lack of them; ads in the paper and maybe in the local hotels to remind people about biking and walking safety in the community; more lighting in the community; and there needs to be better crosswalks. Ms. Leal then stated that the Good Neighbor Program will be conducted on September 17<sup>th</sup> with the students working with the Police Department to inform students on how to be good neighbors in the community. There will be a Community Fair at WSCU on September 21<sup>st</sup> at the University Center. City Clerk Davidson reported that the City will have a table of information at the fair and any Councilors are welcome to participate.

**Non-Scheduled Citizens:** None.

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

**Mayor Pro Tem Ferguson:** reported he attended no meetings this past week.

**Councilor Riggs:** reported the following: the CML Newsletter from August had some good articles on downtown development and improvements; the State released their Marijuana Regulations last night and it is 144 pages long; she attended the Tourism Association meeting this morning and the TA will be going to the County, Crested Butte, and Mt. Crested Butte soon

to request funds for the State Tourism Visitors Guide insert; she attended and was a judge at the Crested Butte Beer and Chili Fest last weekend; MSNmoney.com had an article that Gunnison County was included on a list of places in the country where residents live longest; and she will attend the RTA meeting on Friday.

**Councilor Hagan:** reported he attended the Trails Commission meeting last night and they discussed the trail controversy at Irwin. The Forest Service is proposing to move the trail into the trees off of the private Lodge property so people won't park illegally when they access the trail. County Planning is also addressing the problem.

**Councilor Steinbeck:** reported she attended the Housing Meeting and the Crested Butte low-income housing project was discussed. The Housing Council may be coming to the City to request funds for the project since other entities donated funds for the Rock Creek housing. Councilor Steinbeck spoke with Six-Points Director Sue Uehrling and they are in need of funds for their capital building project and they appreciate all of the assistance they have received from the City thus far.

**Mayor Drexel:** reported he attended the Police Facility construction meeting. That group is very thorough and the project is going well. He received the official grant letter from the El Pomar Foundation regarding the \$10,000 grant award. Mayor Drexel then thanked the City Manager for attending the Mayors'/Managers' meeting. City Manager Coleman then reported on the following items that were discussed at that meeting: the group discussed the differing approaches to recreation marijuana; Mt. Crested Butte may prohibit sales, Crested Butte may allow retail marijuana on Elk Avenue; the County is discussing grow operations, and Pitkin is struggling with the medical marijuana issue; paving of Cottonwood Pass road will be very costly for the County's share; the Library presented information on their strategic plan and literacy program; and WSCU Interim President Brad Baca discussed the next era for Western.

Mayor Drexel called for any further discussion and hearing none, adjourned the meeting at 8:21 P.M.

---

Mayor

---

City Clerk