

November 26, 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 Drexel with Councilors Riggs, Ferguson, Steinbeck, and Hagan present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Finance Director Collins, Community Development Director Westbay, several guests and the press. A Council quorum was present.

Councilor Steinbeck introduced guests in the audience. They were her daughter Lois, who is a Legislative Liaison for the State of Montana, her son-in-law Dave, who was the City Manager of the Town of West Yellowstone, MT and their son Jacob. Council welcomed the guests.

**Consideration of Minutes:**

**Regular Session Meeting Minutes of November 12, 2013.** Mayor Drexel asked that the last sentence in his report be amended to read, "there will be a possible two week window". City Attorney Fogo asked that the third line from the bottom in the first section on page two, be amended to show that Crested Butte Mountain Resort has pledged \$7,500. City Clerk Davidson stated she would make the amendments to the minutes.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion to approve the Regular Session Meeting minutes of November 12, 2013, as amended.

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

Roll call vote, no: None.

**Pre-Scheduled Citizens:** Mayor Drexel stated that State Senator Gail Schwartz, who was originally on the agenda, was unable to attend and asked to be removed from the agenda.

**Unfinished Business: 2014 Budget.**

**WSCU Marketing Project Funding Request.** Council heard a presentation on this project request at last week's Work Session meeting. City Manager Coleman stated that he included a memo in Council's packets regarding possible funding sources for \$10,000 for the project from 2014 funds. Staff is recommending \$5,000 be utilized from the WSCU Internship Program and \$5000 be utilized from the Economic Development Funds line item. The City Manager mentioned other possible capital projects funding sources in the 2014 Budget. Discussion ensued. Councilor Hagan and Councilor Riggs re-opened the discussion of using reserve funds for the project. Councilor Hagan does not want to see the internship program reduced and feels the City has a healthy cash reserve. Finance Director Collins explained the use of reserve funds when budgeted versus being utilized when not budgeted. The Finance Director passed out a chart showing the City's General Fund Cash Reserves. City Manager Coleman stated the City cash reserves are in good shape because we have deferred capital projects the past few years due to the economic downturn. Councilor Ferguson stated that he is very much in favor of the Marketing Project but is opposed to spending reserve funds for recurring operational expenses. Council is charged with making hard decisions and this is one of them. Staff has made a strong recommendation for funding and we need to keep a rainy day fund. Mayor Drexel concurred with not spending reserve funds for operational projects. Discussion continued. Councilor Riggs informed Council she met with WSCU Marketing Director Brian Barker this morning and asked him about the funding question. Mr. Barker informed Council that he spoke with Interim President Baca and they are in favor of both the Marketing and the Internship programs. Partnerships with local entities are extremely important and they support Staff's recommendation. Councilor Riggs has concerns about all of the allotted funding being expended from the Economic Development funds. If the Marketing Program is funded with those funds, then no funds remain for any future proposals. She agrees that infrastructure improvements are critical but she favors utilizing funds from reserves for this project as a onetime allocation. Councilor Hagan suggests having a discussion at an upcoming work session meeting regarding setting cash reserve limits.

Councilor Riggs moved and Councilor Hagan seconded the motion to approve a Contract for Service with Western State Colorado University in the amount of \$10,000.00 for a marketing partnership with the funds being taken from 2014 General Fund Cash Reserves for this onetime reserve funds allocation. Both Councilor Ferguson and Mayor Drexel stated they fully support the marketing partnership but will vote no because they feel the funding should not come from reserve funds.

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Roll call vote, yes: Steinbeck, Hagan, Riggs. Motion carried.  
Roll call vote, no: Ferguson, Drexel.

In further Unfinished Business, City Manager Coleman informed Council the 2014 Budget amounts as presented in the Budget Ordinance to be considered this evening has been adjusted for the reserve fund monies to be expended to the Gunnison Valley Animal Welfare League's Shelter Project from 2013 to 2014. The group will probably not have the initial phase construction completed in 2013 and the City would not see an invoice from the contractor until early 2014.

**New Business:**

**Action to Approve City's Sage Grouse Listing Comments.** Community Development Director Westbay informed Council the comments encompass 36 pages so he gave them a quick summary of the document and changes from the last presentation. He reviewed the following: flaws in the critical habitat designation; contradictions in the economic analysis and the lack of several Federal nexus that were not included in that document; the social context section did not include information from the analysis done by Cory Knapp; the local level Conservation Agreements were not taken into consideration; the experts peer review section didn't identify shortfalls of the potential listing; and in the City's comments, the City is requesting the exclusion of all real property within the City limits, the wastewater treatment plant site and the Gunnison River corridor from the north bridge to the Tomichi Riverway Park from critical habitat designation. Mayor Drexel asked Director Westbay what the possibilities of getting these properties excluded. Director Westbay stated the chances are slim to none. Discussion ensued on the comments. Council concurred that it is an outstanding, incredibly well-written document and commended Director Westbay and his staff on the document.

Councilor Steinbeck moved and Councilor Riggs seconded the motion to approve the City's Sage Grouse Listing Comments and for all of Council to sign the comments letter to the US Fish and Wildlife Service.

Roll call vote, yes: Drexel, Steinbeck, Hagan, Riggs, Ferguson. So carried.  
Roll call vote, no: None.

**Discussion and Possible Action on Community Builders Development Academy.**

City Manager Coleman informed Council that a lot of activity has taken place on a variety of levels regarding this Academy but the City Council and Staff were not engaged in those conversations. The City Manager suggested that in the future that this type of activity should be brought before the entire Council for discussion and possible action. The application for involvement in the Academy has already been written by the County. Councilor Riggs stated the County is the major driver behind the involvement and the application is due tomorrow. The Sonoran Institute will approve scholarships for Gunnison Valley participants. A representative from Crested Butte, CBMR, four representatives from the County and a City representative would participate. City Attorney Fogo stated that Mt. Crested Butte has declined the invitation to participate. Councilor Riggs stated she has tremendous interest in participating in the Academy and feels that it would be a great opportunity. Discussion ensued on the Academy and what the potential outcomes are from the program. Councilor Riggs stated that a framework for a regional economic development plan would be developed by the participants as an outcome of the Academy. Councilor Ferguson stated he has a problem with the process thus far. No single person should be speaking for the whole Council and this topic should have come before the entire Council for discussion. We need to be cautious in the future. The entire Council needs to determine what fits into the City's economic development plans. Council consensus was for Councilor Riggs to attend but to not make any commitments for the City until a discussion is held on the outcome of the Academy.

**Ordinances and Resolutions:**

**Ordinance No. 13, Series 2013; Re: 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, 2<sup>nd</sup> Reading.**

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Councilor Ferguson introduced Ordinance No. 13, Series 2013, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion that Ordinance No. 13, Series 2013, **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 adopted on second and final reading this 26<sup>th</sup> day of November, 2013.

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

Roll call vote, no: None.

**Ordinance No. 14, Series 2013; Re: Setting Mill Levy, 1<sup>st</sup> Reading.** Councilor Hagan introduced Ordinance No 14, Series 2013, and it was read by title only by the City Attorney. Mayor Drexel asked about the Mill Levy amount. Finance Director Collins stated the mill levy is 3.868 mills for the General Fund and this amount has not changed since at least the early 1990's.

Councilor Hagan moved and Councilor Steinbeck seconded the motion that Ordinance No, 14, Series 2013, **AN ORDINANCE SETTING A TAX LEVY FOR THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on first reading this 26<sup>th</sup> day of November, 2013.

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

Roll call vote, no: None.

**Ordinance No. 15, Series 2013; Re: Approving 2014 City Budget; 1<sup>st</sup> Reading.** Councilor Riggs introduced Ordinance No. 15, Series 2013, and it was read by title only, along with the budgeted fund amounts, by the City Attorney.

Councilor Riggs moved and Councilor Hagan seconded the motion that Ordinance No. 15, Series 2013, **AN ORDINANCE ADOPTING AND APPROPRIATING AN ANNUAL BUDGET**, be introduced, read, passed, and ordered published on first reading this 26<sup>th</sup> day of November, 2013. Councilor Ferguson stated he would be voting no because he believes funds for the WSCU Marketing Program should not be taken out of cash reserves.

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

Roll call vote, no: Ferguson.

**Ordinance No. 16, Series 2013; Re: Additional Appropriations to 2013 City Budget; 1<sup>st</sup> Reading.** Councilor Ferguson introduced Ordinance No. 16, Series 2013, and it was read by title, along with the "Now, Therefore, sections # 1 through 5", by the City Attorney.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion that Ordinance No. 16, Series 2013, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013**, be introduced, read, passed and ordered published on first reading this 26<sup>th</sup> day of November, 2013.

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

Roll call vote, no: None.

City Manager Coleman informed Council there will be some unanticipated energy support costs and potential rate increases that will affect revenues. This information will be brought to Council for further discussion in January.

**City Attorney:** Kathleen Fogo. Nothing to report.

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Mayor Drexel asked Acting City Manager Collins to give her report at this time.

**Acting City Manager:** Finance Director Wendy Collins – Finance Department Semi-Annual Report. Director Collins reported the following: she emailed out her full departmental report to Council and will answer any questions; she is reviewing State Statutes and working with a local bank gathering information on a City Investment Policy and she will bring this item to Council for discussion in mid-January; the 2014 budgeted upgrade to utility meters will have an impact on the Finance Department as they input the new data into the software; she attended the Colorado Government Finance Officers Association Conference and they had some intense classes including one on internal controls and fraud detection; CML Staff Members Sam Mamet and Geoff Wilson gave an overview of the proposed 2014 Uniform Sales Tax Base legislation that could have a big impact on sales tax collection across the State; 15% of City utility bills are now emailed out; and on-line payment will soon be available through the State's internet payment portal. Council thanked Director Collins for her report.

**City Manager:** Ken Coleman informed Council of the following: progress is being made on the new Police facility and they are a couple weeks out from turn-over; Staff training in the new facility will start the week of December 9<sup>th</sup>; he met with Lucy Waldo who is working on the Farm Incubator Project and the project plan should be completed by December 31<sup>st</sup>; and he responded to a citizen inquiry about City trails funding and sales tax allocation.

**City Clerk:** Gail Davidson, nothing further to report.

**WSC Liaison:** Amber Leal: was absent from the meeting.

**Non-Scheduled Citizens:** None.

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

**Councilor Steinbeck:** reported she attended the WSCU Westerner's in Transition luncheon and will be assisting with that group's fundraising efforts.

**Councilor Hagan:** reported he met with the City Manager regarding trails funding and he toured the new Police facility.

**Councilor Riggs:** reported she attended the Sugarplum Festival and there are many talented and skilled artisans in the Community. As she already reported, she met this morning with Brian Barker about the WSCU Marketing Program.

**Mayor Pro Tem Ferguson:** reported he attended the Ag Incubator meeting this past week and the project concept is being developed.

**Mayor Drexel:** reported he attended the Region 10 Business Loan Fund meeting and they are happy to report there are no loan defaults. He also attended the Region 10 Board meeting where they discussed food for the elderly. Region10 also reported the DOLA Planning Grant has been extended.

**City Manager 2013 Evaluation and Action on 2014 Employment Contract.**

City Manager Coleman had provided Council with a Self Evaluation document based on the City's Employee Evaluation document. Council discussion took place regarding the following: Customer Service; Organizational Teamwork; Self-Management; Technical Skills and the Manager's Leadership. Council consensus was the City Manager maintains a high level of customer service and this is reflected not only by him but by his example for all employees. The Manager has instilled a teamwork kind of atmosphere from Staff to the seasonal employees. The City Manager is always on the job and rises to meet every occasion. His technical skills are demonstrated in his leadership and Council is pleased training has been added back into the budget in the upcoming year. The City Manager has excellent leadership skills and is willing to listen. That is a key component of leadership. Council consensus was the City employees appear content and they provide good customer service even in light of no raises in the past few

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years. This is a direct result of the leadership and management skills of the City Manager. The City Manager is doing a good job. Councilor Hagan asked for the Manager's specific goals for 2014. The City Manager will get those to Council. A succession plan was briefly discussed. City Manager Coleman thanked Council and all of the City employees for extending him the opportunity to serve Gunnison.

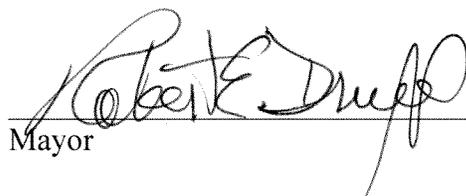
Discussion on the draft City Manager Employment Agreement then ensued. Several wording changes from the word "may" to "shall" were suggested and will be changed. The City Manager stated the Agreement was originally drafted by the former City Attorney and present Attorney Fogo will review the document as well.

Councilor Steinbeck moved and Councilor Ferguson seconded the motion to approve the amended 2014 Employment Agreement with City Manager Ken Coleman and for all of Council to sign said Agreement.

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

Roll call vote, no: None.

**Adjournment:** Mayor Drexel called for any further discussion, and hearing none, adjourned the meeting at 9:39 P.M.

  
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Mayor

  
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City Clerk