

DECEMBER 10, 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 Pro Tem Ferguson with Councilors Riggs, Ferguson, Steinbeck, and Hagan present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Finance Director Collins, several guests, citizens and the press. Mayor Drexel and WSCU Liaison Leal were absent. A Council quorum was present.

December 10, 2013**PUBLIC HEARING****7:00 P.M.**

Mayor Pro Tem Ferguson called the Public Hearing to order at 7:02 P.M. and stated it is 7:02 P.M., on Tuesday, December 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 Pro Tem Stu Ferguson, City Councilors Carolyn Riggs, Anne Steinbeck and Richard Hagan, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Community Development Director Steve Westbay. The purpose of the Public Hearing is to receive public input on Text Amendment ZA-13-4; Re: the Repeal of the Existing City of Gunnison Land Development Code and Reenacting a Revised Land Development Code.

Mayor Pro Tem Ferguson 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 Pro Tem Ferguson then called for City Staff Comments and Recommendations. Community Development Director Steve Westbay addressed Council. Director Westbay entered the following into the record of the Public Hearing: Section 15.150.030 of the City Land Development Code (LDC) requires a Text Amendment to the LDC be reviewed by the City Planning & Zoning Commission at a public hearing at 15 days of public notice and that hearing was held on November 13, 2013; the Commission establishes a recommendation to Council to either approve, approve with conditions, deny or remand the application back to the applicant; the Council takes into consideration the Commission's recommendation and other public comments at a public hearing and then by ordinance take action on the application; governmental powers to zone, regulate land use and apply development standards to real property are granted under Title 31 and Title 29 of Colorado Revised Statutes; the Community Development Director is the applicant in this text amendment application; the existing Land Development Code, Chapter 15 of the City Municipal Code is defined as a unified code in that it contains in one document zoning standards, subdivision standard, and a set of review processes; the updated LDC restructures the document contents, established tangible and specific standards, eliminates some regulations that have not been working effectively; the proposed LDA contains 16 sections and appendices; Section one established the City's authority under Colorado Revised Statutes; Section 2 defines 12 zoning districts including use tables and dimensional standards; Section 3 outlines specific use standards that include home occupation and home business activities; mobile home parks and group home uses are addressed in Section 3; Section 4 is the most comprehensive section of the new LDC and addressed general development standards for such uses as roads, parking, signage, lighting, landscape screen and other site development components; Section 5 addressed natural resource protection standards including stormwater management, hill slope development, grading and erosion control for slope protection, and wetland and stream corridor protection; Section 6 defines the development review procedures that will be followed by the City; Section 7 addressed condition uses and these are reviewed and permitted by the Planning and Zoning Commission; Section 8 is a new section of the LDA and addresses variances from the required dimensional standards and these are determined by the City's Board of Zoning Adjustment and Appeals; Section 9 is a new section and addresses development standards waivers that require a specific sets of criteria by the Planning and Zoning Commission and the City Council; Section 10 addressed the application criteria for amendments to the LDA and the City's official Zoning map; Section 11 outlines the requirements for nonconformities on existing uses, structures and lots; Section 12 addresses changes to the subdivision standards especially the application content requirements that required the application contents be more specific regarding engineering plans; Section 13 is a new code section that addresses incentives for specific development applications such as allowing affordable housing density bonuses; Section 14 outlines the design review procedures for large retail development; Section 15 outlines violations, penalties and enforcement of the LDA; and the final section, Section 16, is the definitions section of the code. Director Westbay continued and outlined the extensive public outreach process that included meetings with community and business members and civic organizations, open houses, public input at Planning & Zoning meetings, and the required public hearing.

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Director Westbay then reviewed the 9 staff observations and 12 Recommendations included in the Staff report included in the official public hearing information packet. Those recommendations and findings of fact include: the application recommendation contains all comments entered into the record at the Planning Commission Public Hearing (P&Z) ; the text amendment application complies with review standards; the text amendment application repeals the existing LDC and reenacts a new revised LDC; the revised LDC will be a separate standalone document recognized by reference in the adopted City of Gunnison Municipal Code; the update of the LDC is warranted; the new LDC is a unified code; the elements of the revised LDC has more details set of standards and includes terms to provide more flexibility and certainty; the revised LDC is more comprehensive, predictable, addressed new development trends, and is more flexible with the inclusion of the waiver section; the revised LDC fulfills numerous action items for implementation within the City Master Plan policies; the revised LDC has been carefully researched, drafted and reviewed; the public scoping process has been extensive, comprehensive and successful; and the Planning & Zoning Commission recommends Council approval of the Text Amendment to protect the community's health, safety and welfare.

Director Westbay asked Council if they had any questions or needed clarification regarding this information. There were no questions.

Mayor Pro Tem Ferguson called for any public comments. There were no comments.

Mayor Pro Tem Ferguson asked if any written comments or communications were received. City Clerk Davidson replied that no additional comments were received.

Mayor Pro Tem Ferguson called for any further comments and hearing none, closed the Public Hearing at 7:17 P.M.

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PUBLIC HEARING

7:30 P.M.

Mayor Pro Tem Ferguson called the Public Hearing to order at 7:18 P.M. and stated it is 7:18 P.M., on Tuesday, December 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 Pro Tem Stu Ferguson, City Councilors Carolyn Riggs, Anne Steinbeck and Richard Hagan, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Community Development Director Steve Westbay. The purpose of the Public Hearing is to receive public input on Text Amendment ZA-13-5; Re: Amending the Official Zoning Map of the City of Gunnison.

Mayor Pro Tem Ferguson 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 Pro Tem Ferguson then called for City Staff Comments and Recommendations. Community Development Director Steve Westbay addressed Council. Director Westbay stated that Section 15.150.030 of the exiting City of Gunnison Land Development Code (LDC) specifies that a Zoning Map Amendment be reviewed by the City's Planning & Zoning Commission (P&Z) at a public hearing and then the P&Z makes a recommendation to City Council who takes action on the amendment application by ordinance. Governmental authority to zone, regulate land use and apply development standards to real property are granted under Title 31 of the Colorado Revised Statutes. The City's Community Development Director is the applicant for the amendment to the Official Zoning Map. Director Westbay then reviewed the staff report on the Zoning Map Amendment. The Staff Report is included in the official record documents of this Public Hearing and Director Westbay reviewed the following: the proposed amendments include a new RMU or Residential Mixed Use District to replace the existing R2M zone district; the RMU District provides for relatively high density single-family, duplex and multi-family residential areas including triplex, townhouse and multi-family dwelling units; the West Gunnison Neighborhood Plan was adopted in 2008, and the new zoning map reflects changes in the zoning to reflect that adopted Plan; The Community School is currently zoned PUD R1 and is proposed to change to R1, an allowed use in that zone; the Fairgrounds is currently zoned R3 but since the street grid system does not exist on that property due to street and alley vacations, this property will now be rezoned to R2, duplex residential to minimize

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potential traffic impacts on the adjacent neighborhoods; the area north of the fairgrounds is currently zoned R3 and it will now be zoned Commercial Zone district; the Four Seasons Apartments on North Iowa Street is currently zones R2 and it will now be zoned R3; the Gunnison Center and Meadows PUD located off of North Main Street has been problematic because standards were not set other than by private covenant; the Gunnison Center and Meadows PUD district is now changed to underlying zoning districts; and the Gunnison Rising and VanTuyl Ranch/Library Annexations properties have been added to the proposed Official Zoning Map. Director Westbay reviewed the public outreach process of the proposed zoning changes. This included meetings with realtors, appraisers, contractors and community members. Public meetings were advertised in a variety of media.

Director Westbay then reviewed the Staff Observations. These observations included: the request to adopt a new Official Zoning Map is a legislative action following due process; the last map revision was in 2002; the proposed rezoning sites are compatible with the adjacent neighborhoods; the rezoning is in conjunction with the update of the Land Development Code; several of the changes, such as the annexations, have occurred within the City since the last Map update; all of the proposed changes are in compliance with the directives of the adopted City Master Plan; an extensive, comprehensive and successful public scoping process was held; Staff is confident that individual property owners affected by the proposed zoning changes have had their concerns addressed and resolved; and the Amended Zoning Map protects the community's health, safety and welfare.

Director Westbay briefly reviewed the Review Standards as outlined in the Staff Report that is of record in the official Public Hearing packet materials. He then reviewed the Planning & Zoning Commission (P&Z) Findings of Fact as established at their meeting held on November 13, 2013. These Findings include; the P&Z record of action includes the application contents, all comments received and provisions of the applicable LDC and Master Plan; the Zoning Amendment Application is to rezone certain areas within the City; the rezoned areas are compatible with the surrounding neighborhoods and existing and potential future uses; the Official Zoning Map has not been updated since 2002; the P&Z finds that changes have occurred since the last update and this change is warranted; the Map Amendment is in conjunction with the LDC update; the public scoping process was extensive, comprehensive and successful; consensus was made with the individual property owners affected by the proposed boundary changes; and the Planning & Zoning Commission finds that the Zoning Map Amendment protects the community's health, safety and welfare. Council thanked Director Westbay for his testimony.

Mayor Pro Tem Ferguson called for any public comments. There were no comments.

Mayor Pro Tem Ferguson asked if any written comments or communications were received. City Clerk Davidson replied that no additional comments were received.

Mayor Pro Tem Ferguson called for any further comments and hearing none, closed the Public Hearing at 7:28 P.M.

Council returned to the Regular Session Council meeting.

Consideration of Minutes:

Regular Session Meeting Minutes of November 26, 2013.

Councilor Riggs moved and Councilor Hagan seconded the motion to approve the Regular Session Meeting minutes of November 26, 2013, as submitted.

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

Roll call vote, no: None.

Pre-Scheduled Citizens:

Gunnison County Manager Matthew Birnie, Re: New County Courthouse Parking.

Gunnison County Community Development Director Russell Forrest represented County Manager Birnie in the discussion. Mr. Forrest introduced Assistant County Attorney Art Trezise. Mr. Forrest reviewed the plans for the new County Courthouse. He informed Council the plan is

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in conformance with the Courthouse Property PUD passed by the City in 2006 except that there are 8 fewer parking spaces proposed than required in the PUD. They feel they conform to the intent of the PUD. Mr. Forrest discussed the following topics: the County held 8 to 10 public meetings and the public wishes were to preserve landscaping and green space as a civic space; the new building is close to the existing footprint; one parking lot will be utilized rather than the existing two lots; 47,490 sq. ft. of landscaping is proposed; they hope to preserve the original 1881 courthouse building; there will be no basement; there is a reduction in floor area and the number of personnel in the building thereby reducing the demand for parking; and there is the potential for an additional 10 on-street parking spaces. Mr. Forrest continued that the County feels the proposal is not a Major Change to the PUD. They are asking that the proposal meets the 2006 PUD requirements.

A lengthy discussion ensued. The City Manager explained to Council that he and City Staff have been talking with the county for many months. The City supports the project and feels it adds value to the community. However, Staff has no administrative authority to change the provisions of the approved PUD. The original PUD already allowed for reduced parking spaces from the 100+ spaces required. The City's regulating documents required the application process for the need to comply with conditions.

Community Development Director Westbay stated the 2007 PUD process looked at the parking needs of the City's Central Business District north of the highway and there is not enough parking spaces in that entire area. Any discussion on parking involves the effects on the neighborhood as a major component of the review.

Mr. Forrest informed Council the County has tried to keep the building footprint the same and to maintain the landscaping and they have a reduced demand for parking by the buildings personnel. Mr. Trezise informed council the County didn't have the design plan with the parking configuration from the architects until October.

Discussion on the timeline of the process to date and the changes in personnel continued. Director Westbay stated that the PUD process allows for flexibility in the development process. Our adopted Code requires review for any major changes. That review involves review and a public hearing for citizen input by the Planning Commission and then a public hearing and action via an ordinance that requires two readings and publication prior to approval at the City Council level. City Manager Coleman stated it could be a 60 day process. Building permit review and issuance of the required demolition permit could be taking place while the application for the PUD Major Change is under review as required by Code. Councilor Ferguson stated the situation is pretty straight forward. The PUD process opens the door to flexibility for property use. The original approve PUD allowed for a reduction from 100+ spaces down to 43 spaces. It was approved by ordinance, a law, and the 43 spaces are the max not a minimum. Section F of that Ordinance states that 43 parking spaces are required and if the County wants less, then it is a Major Change. He recommends City Staff work with the County to shorten the process timeframe to the shortest as required to expedite the process, but it is the law and is very clear.

Council consensus was to follow the required Major Change process and to streamline that process as much as possible within in the required Code provisions. The City will also work with the County on the permitting process to get the project started in a timely manner. Council thanked the County representatives.

Unfinished Business: None.

New Business:

Excuse Mayor Drexel from Meeting.

Councilor Steinbeck moved and Councilor Hagan seconded the motion to excuse Mayor Drexel from this evening's meeting for personal reasons.

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

Roll call vote, no: None.

Set Special Session Meeting for December 17, 2013; Re: Liquor License Public Hearing. City Clerk Davidson informed Council that she had given Liquor License application

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materials to the City Attorney, Police Chief, Fire Marshal and Building Official. Any application deficiencies will be corrected before the application comes before Council at the Public Hearing. Due to the holidays and cancelled Council meetings, she is requesting a special session of Council be set for December 17th so that the public hearing on the application can be set for January 28th. This will allow the business owner to speed up the application processing without delays. In addition, the Colorado Liquor Enforcement Division is requesting that Council, as the Local Licensing Authority, formally revoke the Hotel & Restaurant Liquor License for Dennis & Mary Lass, dba as Blue Iguana Cantina. They failed to renew their license, have closed their business, and have moved out of Gunnison.

Councilor Riggs moved and Councilor Steinbeck seconded the motion to set a Special Session meeting of City Council for 7:00 P.M., Tuesday, December 17, 2013, for consideration of the following agenda items:

Cancellation and revocation of the Hotel & Restaurant Liquor License held by Dennis and Mary Lass, dba Blue Iguana Cantina, 303 E. Tomichi Avenue.

Set a Public Hearing for a new Hotel & Restaurant Liquor License for Mikey's Takeout and Delivery LLC, dba Mikey's Pizza at 303 E. Tomichi Avenue.

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

Roll call vote, no: None.

Mayor Pro Tem Ferguson asked Council to allow the Non-Scheduled Citizen present in the audience to speak to Council at this time. Council concurred.

Non-Scheduled Citizens: Mr. Peter Caloger, City resident, addressed Council. Mr. Caloger asked Council to consider implementing a policy to assist with street snowplowing. He suggested that parking be allowed on the even (east and north) sides of the street on even-numbered days and on the odd (south and west) sides on odd-numbered days. This would free up one side of the street to facilitate snow removal. This is done in many places. The City would need a regulation in place and then enforcement of the parking. He feels it would be beneficial. It would take signage, public notification and then enforcement. City Manager Coleman stated he has talked with Mr. Caloger about the proposal and he feels the odd/even parking would help get the curbs cleared. He will speak with the snow removal crews about the situation and how it might work and then bring a plan back to Council. A short discussion on snowplowing and citizen recent comments ensued Council thanked Mr. Caloger.

Ordinances and Resolutions:

Ordinance No. 14, Series 2013; Re: Setting Mill Levy, 2nd Reading. Councilor Steinbeck introduced Ordinance No. 14, Series 2013, and it was read by title, along with Section 2, by the City Attorney.

Councilor Steinbeck moved and Councilor Hagan 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 adopted on second and final reading this 10th day of December, 2013.

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

Roll call vote, no: None.

Ordinance No. 15, Series 2013; Re: Approving 2014 City Budget; 2nd Reading. Councilor Hagan introduced Ordinance No. 15, Series 2013, and it was read by title, along with Section 2, by the City Attorney.

Councilor Hagan moved and Councilor Riggs seconded the motion that Ordinance No. 15, Series 2013, **AN ORDINANCE ADOPTING AND APPROPRIATING AN ANNUAL BUDGET**, be introduced, read, passed and adopted on second and final reading this 10th day of December, 2013.

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

Roll call vote, no: None.

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Ordinance No. 16, Series 2013; Re: Additional Appropriations to 2013 City Budget; 2nd Reading. Councilor Riggs introduced Ordinance No. 16, Series 2013, and it was read by title and the Section after the “Now, Therefore” by the City Attorney.

Councilor Riggs 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 adopted on second and final reading this 10th day of December, 2013.

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

Roll call vote, no: None.

Resolution No. 13, Series 2013; Re: Canceling December 24, 2013, Regular Council Meeting.

Councilor Steinbeck moved and Councilor Hagan seconded the motion that **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, CANCELING THE REGULAR SESSION MEETING THAT WAS SCHEDULED FOR DECEMBER 24, 2013**, be passed and adopted this 10th day of December, 2013.

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

Roll call vote, no: None.

Resolution No. 14, Series 2013; Re: Supporting the GOCO Grant Application for a School Playard Initiative Grant for the Gunnison Community School Playground Project in Partnership with RE1J School District.

Councilor Riggs moved and Councilor Steinbeck seconded the motion that Resolution No. 14, Series 2013, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUPPORTING THE CITY’S GRANT APPLICATION FOR A SCHOOL PLAY YARD INITIATIVE GRANT FROM THE STATE BOARD OF GREAT OUTDOORS COLORADO FOR THE GUNNISON COMMUNITY SCHOOL PLAYGROUND PROJECT IN PARTNERSHIP WITH THE RE1J SCHOOL DISTRICT** be passed and adopted this 10th day of December, 2013.

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

Roll call vote, no: None.

City Attorney: Kathleen Fogo. Nothing to report.

City Manager: City Manager Ken Coleman informed Council of the following: the Police Facility is nearing completion and the walk-through with the Contractor will be on Monday; the Dispatchers are training on the E911 and GIS mapping systems; after final acceptance the PD will move in; a local moving company has been hired to assist with moving the larger items from City Hall to the building; the HVAC system at the Community Center has had a failure and the kitchen area is cold and this caused a frozen pipe; Dan Ampietro is working with Chris Green who had 2 large heaters in-place at the Police Building and will move these to the Community Center to help until the system is repaired; Cranor may open if there is a little more snow; the Nordic Council has groomed Mill Creek, the Western campus area and will then move onto Harman Rocks and the VanTuyl Ranch with a little more snowfall; the City Christmas Party is this Friday; the outdoor ice rink will open tomorrow and this will allow for more league place with two full hockey rinks. Mayor Pro Tem Ferguson commended City Engineer on the great job he has done representing the City’s interests. His knowledge is outstanding and he is an incredible asset to the City.

City Clerk/Acting City Manager: Gail Davidson reported she included her semi-annual departmental report in their packets. She reviewed the following topics: the FullCourt software has been installed and is in use by Municipal Court; she has been working with the editor of the Western State Colorado University Top of the World Newspaper editor on getting the word out on City services to the students; she serves on the Board of the Gunnison Valley Observatory and they had a successful viewing season even with a good deal of cloudy and rainy weather; the Youth City Council revised and presented the Youth Tobacco Ordinance; and the students are now working diligently on their Community Service Project. This will be a contest to name

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the two recreational loop trails at the VanTuyl Ranch. Council thanked the City Clerk. City Manager Coleman commended the Clerk and her staff for the outstanding service they provide to the customers.

WSC Liaison: Amber Leal was absent due to finals week preparations.

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

Councilor Hagan: reported he spent the past week in Montana and didn't attend any meetings.

Councilor Steinbeck: reported she has been volunteering as a bell-ringer for the Salvation Army and they have raised approximately \$6,000. They use the money to assist people in need. She also attended the Community Bazaar and the Night of Lights which was wonderful.

Councilor Riggs: reported she has been busy hearing citizen comments about snow removal. She attended the tree ornament hanging by the local students; there was a "Frozen Flash Mob" at the tree lighting that was a lot of fun. She also attended the annual Arts Center Gala event. She then reminded Council that Don Quick, candidate for Attorney General, will be in Gunnison on Sunday. He is pro-education. The WSCU film festival is tomorrow evening at the Ruby Cinema on campus. Lastly, she had an email from County Planner Cathie Pagano that the County's application to the Sonoran Institute was accepted. She will be getting with each Councilor about their ideas on community economic development and needs prior to attending in mid-January in Glenwood Springs.

Mayor Pro Tem Ferguson: reported he too attended the Night of Lights and the numerous wood fire pits were good for keeping warm. He will be attending the Planning Commission meeting tomorrow night.

Adjournment: Mayor Pro Tem Ferguson called for any further discussion, and hearing none, adjourned the meeting at 9:12 P.M.


Mayor Pro Tem


City Clerk