APRIL 28, 2015 CITY OF GUNNISON COUNCIL 7:00 P.M.
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, Public Works Director Bradford, Finance Director Cowan, WSCU Liaison Ballesteros, several citizens and the press. A Council quorum was present.

APRIL 28, 2015 PUBLIC HEARING 7:00 P.M.

Receive Public Input on Brew Pub Liquor License Application from High Alpine Brewing Company LLC., dba High Alpine Brewing Company, 111 N. Main Street, Gunnison, CO.

Mayor Drexel opened the public hearing at 7:02 P.M. and stated the reason for the public hearing is to receive input on the Brew Pub Liquor License Application from High Alpine Brewing Company LLC dba High Alpine Brewing Company, 111 N. Main Street in Gunnison, and present at the hearing are City Councilors Carolyn Riggs, Stu Ferguson, Ann Steinbeck, Richard Hagan, himself Mayor Bob Drexel, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and the applicants.

Mayor Drexel asked the applicants to stand and introduce themselves. Bryan Wickenhauser, Scott Cline, and Jon Brown introduced themselves.

Mayor Drexel then asked for the Duties of the Board and the procedural aspects of the Hearing. City Clerk Davidson stated Article 47, Title 12, of the Colorado Revised Statutes (CRS) sets the general rules and regulations for the proper manufacture, distribution and sale of alcoholic beverages. It states the state licensing authority and the local licensing authority, in this case the Gunnison City Council, have dual responsibility for regulating the sale of alcoholic beverages and issuing licenses to do so. If the State doesn't approve a license, the City cannot grant a license and the State will not issue a license without the City's approval. Article 47, Title 12 sets the application requirements and process for each type of liquor license.

The applicant is applying for a Brew Pub Liquor License for the premises located at 111 N. Main Street in Gunnison. The premises includes the basement, first and second floors and the recently-approved, by a City License Agreement, deck off the second story over the City sidewalk. This type of license allows for the sale and service of malt, vinous and spirituous liquor by the drink for on-premises consumption. The license also allows for the sale, in sealed containers, of brewed on-premises malt liquor for off-premises consumption.

The applicant has filed the proper application with the required documentation, has paid the required fees, the required Public Hearing was noticed in the Gunnison Country Times, and the premises was posted for the Hearing. The principals in the LLC are: Bryan Wickenhauser, Scott Cline and Jon Brown.

Part 3 of C.R.S. 47-12 allows for concurrent state and local review of the license application. The applicant has paid the fees for a concurrent review and the State is conducting their review at this time. The City Attorney, City Clerk, Building Official, Fire Marshal and Police Chief have reviewed the application and the premises. Copies of their memos are included in Council packets and are included in the official record of the public hearing.

A liquor license is a property right and as such, the application hearing is a quasi-judicial proceeding where any party in interest can present evidence regarding the issuance of the liquor license. The duty of the Local Licensing Authority is to determine if the applicant is of good moral character, that the issuance of the license meets the reasonable requirements of the neighborhood, and the needs and wants of the neighborhood will be met by the issuance of the license. The neighborhood is defined as the area within the City Limits of the City of Gunnison.

Mayor Drexel asked for proof of publication and proof of posting for the record. City Clerk Davidson stated copies of the proof of publication and proof of posting are included in Council's packets and are included in the official file of the Public Hearing. Mayor Drexel entered the application into the record. City Clerk Davidson then reviewed the Preliminary Investigation Report. She stated an investigation has been made and based on the results thereof the following has been determined: (1) There has not been a denial of an application at the same location by either the State or the Liquor Licensing Authority of the City of Gunnison within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing outlets. (2) It does appear from the evidence submitted

by the applicant that they are entitled to possession of the premises where the license is proposed to be exercised. (3) Selling Malt, Vinous and Spirituous Liquor by the drink or in sealed containers in the manner proposed in the license application, is not in violation of the zoning, fire and other applicable codes of the City of Gunnison or the laws of the State of Colorado. (4) The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption and to sell malt liquor brewed on the premises in sealed containers for off-premises consumption does not appear to be within 500 feet of any public or a parochial school or the principal campus of any college, university or seminary. (5) Within the City Limits where the applicant proposes to sell liquor, there are the following existing other outlets:

4 - Beer and Wine Type Licenses

12 - Hotel/Restaurant Type Licenses

5 - Retail Liquor Store Licenses

1 - Arts License

0 - Brew Pub Licenses

8- Tavern Licenses

1 - Club Licenses

6 - 3.2% Beer Type Licenses

36 - Total Number of Active Liquor Licenses in City of Gunnison

(6) According to information of the Police Department of the City of Gunnison, the following Records have been found with regard to the following applicant: High Alpine Brewing Company LLC; principals Bryan Wickenhauser, Scott Cline and Jon Brown: a local background check has been conducted and a memo from Gunnison Police Chief Keith Robinson states he has no objections to the issuance of a license. The question he had regarding Bryan Wickhauser's ability to hold both a Tavern License and a Brew Pub License has been determined in the affirmative. The fingerprint cards for the three principals of the LLC have been mailed to the CBI for a background check, and the City is awaiting results.

Mayor Drexel reiterated that the Determination of the Neighborhood is the Incorporated City Limits of Gunnison, Colorado.

Mayor Drexel called for the applicant's testimony. Bryan Wickenhauser addressed Council. He stated that during the building remodel construction that is currently taking place, it is almost impossible to keep people out. People can't wait for the Brew Pub to be open. Jon Brown passed out the pages of petitions signed by local residents and business owners who would like to see the Brew Pub open at their location. City Clerk Davidson passed the petitions on to Council.

Mayor Drexel called for testimony in favor of the application. There was no further testimony.

Mayor Drexel called for any testimony in opposition of the application. There was none.

Mayor Drexel asked for any further general comments and hearing none, closed the Public Hearing at 7:12 P.M.

Council returned to the Regular Session Meeting at 7:12 P.M.

Pre-Scheduled Citizens: None.

Consent Agenda: these items have already been discussed or are considered routine matters and action may be taken by a single motion and vote. Mayor Drexel asked if anyone wanted any item removed from the Consent Agenda to be discussed and acted upon separately.

Farmer's Market Multi-Day City Event Permit
Senior Transportation MOU with Gunnison County
License Agreement with Ol' Miner Steakhouse for Deck over City Sidewalk
City Use of Colorado Central Collections Services

City Clerk Davidson informed the Mayor that due to Councilor Hagan not being present at the April 14, 2015, meeting he would need to abstain from the vote. Therefore, consideration of the April 14, 2015, Regular Session Meeting Minutes should be pulled from the Consent Agenda and considered separately. Mayor Drexel stated the minutes would be considered separately after action on the remaining Consent Agenda items.

Councilor Ferguson moved and Councilor Steinbeck seconded the motion to approve the four items listed on the consent agenda as amended.

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

Consideration of Regular Session Meeting Minutes of April 14, 2015.

Councilor Steinbeck moved and Councilor Ferguson seconded the motion to approve the Regular Session Meeting Minutes of April 14, 2015, as submitted.

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

Unfinished Business: None.

New Business:

Action on High Alpine Brewing Company Brew Pub Liquor License.

Councilor Riggs moved and Councilor Ferguson seconded the motion that the Brew Pub Liquor License for High Alpine Brewing Company LLC dba High Alpine Brewing Company, 111 N. Main St., Gunnison, CO 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.
2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
3. Selling malt, vinous and spirituous liquor by the drink for on-premises consumption and selling on-premises brewed malt liquor in sealed containers for off-premises consumption in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
4. The building where the application proposes to sell malt, vinous and spirituous liquor for on-premises consumption, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.
5. Within the City Limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

   4 - Beer and Wine Licenses
   12 - Hotel/Restaurant Licenses
   5 - Retail Liquor Store Licenses
   1 - Arts License
   0 - Brew Pub License
   8 - Tavern Licenses
   1 - Club Type Licenses
   6 - 3.2% Beer Type License
6. All fees necessary for the application have been paid.
7. According to the information obtained through testimony by the applicants before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

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

Council wished the applicants good luck in their new business venture.

Award Community Center Addition Contract to Ransom Construction in an Amount Not to Exceed $323,100. Parks & Recreation Director Ampietro explained to Council the approval request is for the amount budgeted in the 2015 budget to include any additional unforeseen items that may happen in the construction process.

Councilor Hagan moved and Councilor Steinbeck seconded the motion to award the Community Center Addition Contract to Ransom Construction in an amount not to exceed $323,100.

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

Discussion and Possible Action on MOU with Senior Groups for Use of the Community Center and Senior Addition. City Manager Ken Coleman informed Council that he, Councilor Ferguson and Parks & Recreation Director Ampietro met with the "Boomers & Beyond" Senior Group Building Committee members on Monday morning. At that meeting their Committee suggested new plans that would increase the proposed cost for the addition construction. After discussion, all parties agreed not to delay the project and to go ahead with the construction as proposed. Access was the major discussion item. The group also discussed the proposed fees structure. Staff feels the fess are consistent and equitable for all. All seniors will have free access to the senior area, games area and the gym for walking on Monday, Wednesday and Friday from 6am to 4pm. If seniors want to use the other portions of the facility, such as the pool, they will need to pay the fees. City Manager Coleman will follow-up with the Young at Heart group on the MOU. Councilor Ferguson stated that Staff listened to feedback from the seniors regarding access, cost and scheduling. The new suggestions were included in the fee structure that is very reasonable. For the 70+ year group, the fee is 60% discount and the active adult fee is a 50% discount over the adult fees. The City Manager informed Council the structure of the proposed senior scholarship program is still being developed. Discussion on the use of tax revenues from the 5% marijuana tax, which was authorized for items including general purposes, ensued. Council thanked Director Ampietro and City Manager Coleman for their continued work on the senior issues.

Councilor Steinbeck moved and Councilor Hagan seconded the motion to approve the MOU with the Senior Groups for the Use of the Community Center and the Senior Addition and to authorize the Mayor to sign said MOU after the seniors read and sign the Document.

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

Ordinance and Resolutions:

Resolution No. 7, Series 2015; Re: Canceling the May 12, 2015, Regular Session Council Meeting Due to City Election. Councilor Hagan introduced Resolution No. 7, Series 2015, and it was read by title only by Councilor Hagan.

Councilor Hagan moved and Councilor Ferguson seconded the motion that Resolution No. 7, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO CANCEL THE REGULAR SESSION MEETING DATE OF CITY COUNCIL WHICH WAS ORIGINALLY SCHEDULED FOR MAY 12, 2015,** be introduced, read, passed and adopted this 28th day of April, 2015.

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

Resolution No. 8, Series 2015; Re: Authorizing the Purchase of Real Property for the Use of the City of Gunnison. City Manager Coleman and City Attorney Fogo asked Council to table Resolution No. 8, Series 2015, until after the Executive Session later in the meeting.

Councilor Steinbeck moved and Councilor Hagan seconded the motion to table Resolution No. 8 until the end of the meeting following the Executive Session.

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

Ordinance No. 3, Series 2015; Re: Amending Section 12.3 Overview of Subdivision Procedure and to correct typographical errors with the City of Gunnison *Land Development Code*, 2nd Reading. Councilor Steinbeck introduced Ordinance No 3. Series 2015, and it was ready by title only by the City Attorney.

Councilor Steinbeck moved and Councilor Ferguson seconded the motion that Ordinance No. 3, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO AMEND SECTION 12, SUBDIVISION STANDARDS, REGARDING A SUBDIVISION RECLASSIFICATION FROM A MAJOR TO A MINOR SUBDIVISION AND MINOR AMENDMENTS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE,** be introduced, read, passed and adopted on second and final reading this 28th day of April, 2015.

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

Ordinance No. 4, Series 2015; Re: Installation of Residential and Commercial Photovoltaic or Wind Systems and Establishing Associated Rate, 1st Reading. Councilor Ferguson introduced Ordinance No. 4, Series 2015, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Riggs seconded the motion that Ordinance No. 4, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, REVISING A PROGRAM FOR RESIDENTIAL AND COMMERCIAL ELECTRIC CUSTOMERS WHO INSTALL PHOTOVOLTAIC OR WIND SYSTEMS AND ESTABLISHING A RATE FOR THE ELECTRICAL ENERGY CONSUMED BY SUCH CUSTOMERS,** be introduced, read, passed and ordered published on first reading this 28th day of April, 2015, and to set the Public Hearing on Ordinance No. 4, Series 2015, for 7:00 P.M., Tuesday, June 9, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison.

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

City Attorney Kathleen Fogo: nothing further to report.

City Manager: Ken Coleman reported on the following: the City irrigation ditches will be turned on May 4th; Ana's Pledge bike event will take place this Saturday and will a include a Learn to Ride program and bike giveaways this year; he attended the WSCU ICE House event and he was very impressed by the entrepreneurial efforts on display; the Hartman Rocks Clean-up took place on Sunday with between 40 and 50 people taking part in cleaning and maintaining the trails and fences; and Cory VanderVeen tendered his resignation and the rink facilities manager/event coordinator positon is open. Parks & Recreation Director Ampietro informed Council applications for that position will be accepted through May 6. Also, the new chemical feeder that the Council authorized, was installed at the aquatics facility and is working as anticipated.

Acting City Manager: Public Works Director Tex Bradford – Semi-Annual Departmental Report. Director Bradford stated he had nothing to add to the report that was included in their packets and asked if Council had any questions. They had no questions.

City Clerk: Gail Davidson had nothing further to report.

WSCU Liaison: Stefano Ballesteros: informed Council the WSCU SpringFest was held last weekend and was a success. He stated that this is his final meeting with Council since he will be graduating. He thanked Council for the amazing experience and appreciates all of the work that goes into running the City by Council and all of the Staff. Amy Davis, a psychology/art major, has been selected as next year's SGA External Affairs Vice President will be the WSCU student liaison to Council next fall. Stefano reported he will be applying to an International Relations Master's Program for his next venture. All of Council wished him well.

Non-Scheduled Citizens: Merlin Schaffer, a resident of Gunnison, addressed Council regarding the proposed Marijuana regulations. He questions the restriction on the use of phosphates. Mr. Schaffer passed out a letter regarding his concerns. He is a home gardener and grows hydroponic tomatoes. Mr. Schaffer reviewed his calculations for the quantity of phosphates produced in gardening operations. He stated that marijuana businesses should be treated like all other businesses regarding wastewater disposal. He has talked with an attorney and that attorney thinks the proposed City regulations may be biased and discriminatory. Council thanked Mr. Schaffer for his comments.

City resident Jonathan Houck addressed Council. He
stated that he has concerns about the potential purchase of the Lazy-K property. Since the City's Comprehensive Plan development is taking place, he feels a lot of projects have been identified already that the funds could be utilized for instead of the property purchase. He urges caution in expending the funds that might be better spent for other needs.

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

Councilor Riggs: reported she and Councilor Hagan attended an outreach program to the WSCU SGA for the RTA programs. They reviewed the air program with the students and had good feedback. Councilor Riggs stated she too attended the ICE Fest and was very impressed with the new generation of entrepreneurs that made presentations. One was a baker and another a hat maker. They are the bright future.

Mayor Pro Tem Ferguson: reported this year is the 90th anniversary of the Chamber. On Thursday the Chamber will host the Business After Hours at the Chamber Office to celebrate the anniversary. All of Council is invited to attend. They have a lot of upcoming activities scheduled. Mayor Pro Tem Ferguson then passed out a copy of this years Summer Tourism Planner.

Councilor Steinbeck: reported this is the Gunnison Valley's DAR 100th anniversary year. She is working on a lot of activities. The Colorado Business and Professional Women's State Convention will take place in Gunnison. This years' Gunnison Award winners, including Chris Rourke and Gail Davidson, are invited to attend the big event at the Conference. She attended the Housing Authority meeting and they are working on the groundbreaking event for the Crested Butte workfoce housing units on June 1st. She is also preparing the annual Memorial Day events.

Councilor Hagan: reported he attended the UGRWCD meeting light night where they had a presentation from the Coal Creek Water Group. They are attempting to work with US Energy on mitigating the heavy metals in Coal Creek. Also at the Water meeting, it was reported the Gunnison Basin is now below 70%. Run-off came early this year and is below normal. There is little snow left up high. He will attend the Trails Commission meeting tomorrow and Ana's Pledge on Saturday. That event is still in need of volunteers.

Mayor Drexel: reported he attended the Region 10 District Transit meeting. The Gunnison to Montrose transit link is rated high on the priority list. It is considered a state-wide route. He took the tour today of Lou Costello's grow facility in the County with three other Councilors and Staff. It was interesting and educational. Lastly, stickers are being distributed for the mountain biking promotion that is taking place valley-wide. The new website promoting the bike trails information is in-place.

EXECUTIVE SESSION:
Councilor Steinbeck moved and Councilor Ferguson seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(b): For the purpose of receiving legal advice from the City Attorney on specific legal questions.

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

City Council went into Executive Session at 8:15 P.M.

City Council returned to the Regular Session meeting at 8:44 P.M.

Mayor Drexel stated the following: The time is now 8:45 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Robert Drexel, Mayor Pro Tem Stu Ferguson, Councilor Carolyn Riggs, Councilor Anne Steinbeck, Councilor Richard Hagan, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson and several staff members. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. No one had concerns.

City Council returned to the tabled agenda item, Resolution No. 8, Series 2015.

Resolution No. 8, Series 2015; Re: Authorizing the Purchase of Real Property for the Use of the City of Gunnison. Councilor Hagan introduced Resolution No. 8, Series 2015, and it was read by title only by the City Attorney.

Councilor Hagan moved and Councilor Ferguson seconded the motion that Resolution No. 8, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING THE PURCHASE OF REAL PROPERTY FOR THE USE OF THE CITY OF GUNNISON,** be introduced, read, passed and adopted this 28th day of April, 2015.

Roll call vote, yes: Ferguson, Drexel, Steinbeck, Hagan. So carried.
Roll call vote, no: Riggs. She does not agree with spending the funds without further public input.

Adjournment: Mayor Drexel called for any further discussion, and hearing none, adjourned the meeting at 8:55 P.M.

Mayor

City Clerk