

DECEMBER 8, 2015

**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 Hagan, with Councilors Ferguson, Drexel, Morrison and Schwartz present along with City Attorney Fogo, City Manager Coleman, City Clerk/Acting City Manager Davidson, Finance Director Cowan, Police Chief Robinson, Public Works Director Bradford, Community Development Director Westbay, WSCU Liaison Davis, many citizens, and the press. A Council quorum was present.

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**PUBLIC HEARING**

7:00 P.M.

**Receive Public Input On Proposed 2016 City Electric Rate Increase.**

Mayor Hagan called the Public Hearing to order and stated it is 7:00 P.M., on Tuesday, December 8, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Bob Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathleen Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, Public Works Director Tex Bradford, Finance Director Ben Cowan, Community Development Director Steve Westbay, Police Chief Keith Robinson and WSCU Liaison Amy Davis.

Mayor Hagan stated the purpose of this Public Hearing is to receive input on the proposed 2016 City Electric Rate Increase. Mayor Hagan called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official publication affidavit file. Per Colorado State Statutes, a copy of the Notice of Public Hearing was mailed to all City electric utility customers with their November utility bill. The Mayor entered the Notice of Publication into the record.

Mayor Hagan called for City Staff Comments and Recommendation. Public Works Director Tex Bradford stated that due to increased operating costs and the rising cost of purchased power, the Electric utility rates need to be raised in 2016. Mayor Hagan asked Director Bradford's comments be included in the official hearing record.

Mayor Hagan called for public comment. There was no public comment.

Mayor Hagan then asked if any letters, emails, or other forms of comments had been received to be entered into the record. City Clerk Davidson responded no other comments were received.

Mayor Hagan called for any further comments on the proposed utility rate increase. Hearing none, the Mayor closed the Public Hearing at 7:03P.M.

Since it was not yet 7:15PM, Mayor Hagan moved onto later agenda items prior to the next listed Public Hearing.

**Consideration of Minutes of November 17, 2015, Special Session Meeting.**

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the November 17, 2015, Special Session meeting minutes as submitted.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Consideration of Minutes of December 1, 2015, Special Session Meeting.**

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve the December 1, 2015, Special Session meeting minutes as submitted.

Roll call vote, yes: Drexel, Hagan, Schwartz, Ferguson. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Morrison. She was absent from the meeting.

**Set Special Session for 7PM, December 15, 2015, for Public Hearings on Retail Marijuana Store Applications from Roots RX, Frosty Leaf and Colorado Cannabis Cabin.**

Councilor Ferguson moved and Councilor Morrison seconded the motion to set a Special Session meeting of Council on 7:00 P.M., for Tuesday, December 15, 2015, for action on the following agenda items:

- 7:00 P.M. Public Hearing on Retail Marijuana Store License application from RFSCG LLC dba Roots RX, 1198B N Main Street in Gunnison



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- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:
  - Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
  - Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
  - Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
  - The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
  - The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
  - Off-premises retail marijuana establishment storage facilities are prohibited.
  - Occupancy of the building for the purposes of a retail marijuana establishment shall not occur until a certificate of permit completion is issued by the Building Official.
  - A mechanical source capture system designed following directives of the International Mechanical Code shall be required. Approval of the source capture system installation is subject to the issuance of a mechanical system permit. Occupancy of the facility as a marijuana establishment shall not occur until written approval of the source capture system installation is provided by the Building Official.
  - Said marijuana establishment shall have a minimum of five parking spaces. One of the spaces shall be van accessible (11' x 19.5')
  - The site requires buffering on New York Avenue with the installation of five trees and six shrubs.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:15 P.M., Tuesday, December 8, 2015, the premises was posted with the Public Hearing notice for over the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the Gunnison Cannabis LLC dba Rocky Mountain Cannabis, 901 W. New York Avenue, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the above-stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Mr. Fitzgerald and Mr. Johnson came forward. Mr. Fitzgerald stated he is glad to be back in the Gunnison Valley and they appreciate the opportunity to bring their business to Gunnison. They will offer many products and they specialize in a several CBD strains. The tax they will generate will benefit everyone in the City. They thanked Council once again for the opportunity. Mayor Hagan asked for their comments to be entered into the record.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Once again he asked that anyone wishing to speak to step forward to the microphone, sign in the sign-in sheet and to keep their comments to only the Retail Marijuana Store Application. There were no comments.

Mayor Hagan thanked all of the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded no other comments were received.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:21 P.M. Mayor Hagan stated that action on the application will take place later in the Regular Session meeting.

**December 8, 2015** **PUBLIC HEARING** **7:30 P.M.**  
**Receive Public Input On Retail Marijuana Store License Application from East River Management LLC dba Growhouse Gunnison, 811 N Main Street in Gunnison.**

Mayor Hagan called the Public Hearing to order and stated it is 7:21 P.M., on Tuesday, December 8, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathleen Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, Finance Director Ben Cowan, Community Development Director Steve Westbay, Parks & Recreation Director Ampietro, Public Works Director Tex Bradford and WSCU Liaison Amy Davis.

Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from East River Management LLC, dba Growhouse Gunnison, 811 N. Main Street in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Mr. Craig Clark introduced himself.

Mayor Hagan called for City Staff Comments, and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40.

Gunnison Cannabis LLC., dba Rocky Mountain Cannabis, 2200 S. Valentia Street, Denver, Colorado, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store

to be located at 901 W. New York Ave. Mr. Craig Clark of Cherry Hills, Colorado, is the Managing Member with 100% interest in the LLC.

The proposed store location property is owned by Debbie and Bruce Hoffman and they have completed the Property Owner Consent form for the City stating they authorize the submission of the application for a retail marijuana store on property they owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. Gunnison Cannabis LLC paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicant principal.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:
  - Marijuana establishment signage shall include only the registered business or trade name, address and telephone number of the marijuana establishment.
  - Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
  - Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
  - Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
  - The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
  - The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
  - Off-premises retail marijuana establishment storage facilities are prohibited.
  - The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official prior to issuing an Occupancy Certification.
  - The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
  - The facility is portioned with a Retail Establishment (limited and Restricted Access areas) comprising approximately 1,422 square feet and the remaining building floorplan (+3,152 sq. ft. is identified as storage. Use of the storage area, not associated with the licensed premises, is considered as an accessory use with the primary building use being the retail
  - Marijuana establishment. General indoor storage of non-hazardous materials is permitted in that portion of the facility designed as accessory use "storage". Any future change in use for the designated storage floor area located apart from the licensed Limited and Restricted Access Areas, as noted on the submitted floor plans, shall be subject to review and approval of all related standards established in *the City of Gunnison Land Development Code* and all adopted City International Code Council Codes.

- A minimum of 4 exterior parking spaces shall be dedicated to accommodate parking demand associated with the accessory “storage” use as depicted on the floor plans.
- The parking facilities will include an 8’ perimeter landscaping island pursuant to Section 4.6.G.2 of the *City of Gunnison Land Development Code* as depicted on the revised site plan submittal.
- Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:30 P.M., Tuesday, December 8, 2015, the premises was posted with the Public Hearing notice for over the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the East River Management LLC, dba Growhouse Gunnison, 811 N. Main St., Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the above-stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant’s Testimony. Mr. Craig Clark addressed Council. Mr. Clark informed Council he is a retired USMC JAG Officer. He has other Marijuana licenses in Nederland, Fraser and Central City. He is focusing on smaller communities where his businesses can support the local needs and can provide local jobs. He believes in strict compliance to both local and State laws and the industry is highly regulated. He also believes in a strong educational component in his businesses. Mr. Clark informed Council his LLC has purchased the building from the Hoffmans and he will get the correct documents to the City clerk to clarify the ownership. Mayor Hagan asked that Mr. Clark’s comments be entered into the record.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Once again he asked that anyone wishing to speak to step forward to the microphone, sign in the sign-in sheet and to keep their comments to only the Retail Marijuana Store Application. There were no comments.

Mayor Hagan thanked all of the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded no other comments were received.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:36 P.M. Mayor Hagan stated that action on the application will take place later in the Regular Session meeting.

**Pre-Scheduled Citizens:** None.

**Unfinished Business:** None.

**New Business:**

**Action on Retail marijuana Store License for Gunnison Cannabis LLC dba Rocky Mountain Cannabis; 901 W. New York Avenue in Gunnison.**

Councilor Schwartz moved and Councilor Morrison seconded the motion that the Retail Marijuana Store License for Gunnison Cannabis LLC, dba Rocky Mountain Cannabis, 901 W. New York Avenue, Colorado, 81230, be approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (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 Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, 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 Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
  - 0 – Medical Marijuana Center
  - 0 – Optional Premises Cultivation Operation
  - 0 – Medical Marijuana-Infused Products Manufacturing
  - 2 – Retail Marijuana Store
  - 0 – Retail Marijuana Cultivation Facility
  - 0 – Retail Marijuana-Infused Product Manufacturing Facility
  - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

**CONDITIONS:**

- (1) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (2) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (3) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (4) The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (5) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (6) Off-premises retail marijuana establishment storage facilities are prohibited.
- (7) Occupancy of the building for the purposes of a retail marijuana establishment shall not occur until a certificate of permit completion is issued by the Building Official.
- (8) A mechanical source capture system designed following directives of the International Mechanical Code shall be required. Approval of the source capture system installation is subject to the issuance of a mechanical system permit. Occupancy of the facility as a marijuana establishment shall not occur until written approval of the source capture system installation is provided by the Building Official.
- (9) Said marijuana establishment shall have a minimum of five parking spaces. One of the spaces shall be van accessible (11' x 19.5')
- (10) The site requires buffering on New York Avenue with the installation of five trees and six shrubs.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Action on Retail Marijuana Store License for East River Management LLC dba Grow House Gunnison, 811 N. Main Street in Gunnison.** Councilor Ferguson recused himself. He stated his Business is conducting work for the applicant at their proposed store location.

Councilor Morrison moved and Councilor Schwartz seconded the motion that the Retail Marijuana Store License for East River Management LLC dba Gunnison GrowHouse, 811 N. Main Street, Gunnison, Colorado, 81230, be approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (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 Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, 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 Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
  - 0 – Medical Marijuana Center
  - 0 – Optional Premises Cultivation Operation
  - 0 – Medical Marijuana-Infused Products Manufacturing
  - 2 – Retail Marijuana Store
  - 0 – Retail Marijuana Cultivation Facility
  - 0 – Retail Marijuana-Infused Product Manufacturing Facility
  - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) A Conditional Colorado State Retail Marijuana Store License has been issued.

**CONDITIONS:**

- (1) Marijuana establishment signage shall include only the registered business or trade name, address and telephone number of the marijuana establishment.
- (2) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (3) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (4) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (5) The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (6) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (7) Off-premises retail marijuana establishment storage facilities are prohibited.
- (8) The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official prior to issuing an Occupancy Certification.
- (9) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- (10) The facility is portioned with a Retail Establishment (limited and Restricted Access areas) comprising approximately 1,422 square feet and the remaining building floorplan (+3,152 sq. ft. is identified as storage. Use of the storage area, not associated with the licensed premises, is considered as an accessory use with the primary building use being the retail Marijuana establishment. General indoor storage of non-hazardous materials is permitted in that portion of the facility designed as accessory use "storage". Any future change in use for the designated storage floor area located apart from the licensed Limited and Restricted Access Areas, as noted on the submitted floor plans, shall be subject to review and approval

of all related standards established in *the City of Gunnison Land Development Code* and all adopted City International Code Council Codes.

- (11) A minimum of 4 exterior parking spaces shall be dedicated to accommodate parking demand associated with the accessory "storage" use as depicted on the floor plans.
- (12) The parking facilities will include an 8' perimeter landscaping island pursuant to Section 4.6.G.2 of the *City of Gunnison Land Development Code* as depicted on the revised site plan submittal.
- (13) Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Roll call vote, yes: Schwartz, Drexel, Hagan, Morrison. Motion carried.

Roll call vote, no: None.

Councilor Ferguson returned to the meeting.

**City Manager Annual Evaluation/Contract Discussion.** City Manager Coleman stated City Council has requested an Executive Session to discuss his yearly evaluation and contract. Every other year he has requested this be done in open session but he is agreeing to Council's request for hold the discussion in an Executive Session. It is the first opportunity for Council and him to collectively discuss how to proceed.

**Executive Session: Pursuant to C.R.S. §24-6-402(4)(f)(1) – Personnel Matters**

Councilor Schwartz moved and Councilor Morrison seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(f)(1) to discuss "personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting." The Executive Session is not open to the public and action may not be taken.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

The public left the Council Chambers and Council went into Executive Session at 7:52 P.M.

Council returned to Regular Session and the public came back into the room. Mayor Hagan stated the following: The time is now 8:51 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Richard Hagan, Councilor Stu Ferguson, Councilor Robert Drexel, Councilor Leia Morrison, Councilor Matt Schwartz, City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Finance Director Ben Cowan. 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. Upon hearing none, we now return to the Regular Session meeting agenda.

City Manager Coleman stated that due to City Council's desire to make a change in the City administration, he resigned his position as City Manager and accepted the agreement terms offered to him for his resignation. He agreed that the agreement terms are in his best interest and helps Council achieve their ultimate goals.

**Discussion and Possible Action on Personnel Matter.** Councilor Schwartz moved and Councilor Ferguson moved to accept Ken Coleman's resignation as City Manager effective January 7, 2016, a

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Drexel. So carried.

Roll call vote, no: None.

Councilor Drexel stated he voted yes with a heavy heart.

Under his current contract, the City Manager will serve as Manager for 30 days, through January 7, 2016, and then under the proposed employment contract will then will be employed as a City consultant for 2016 to assist with the transition for an Interim City Manager and a new City Manager. He will be paid his existing salary and retirement benefits, will accrue vacation time, will maintain City employee health insurance, will work a minimum of 20 hours per week and will

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be paid for his existing accrued sick leave. Council and the City Manager signed Ken Coleman's 2016 Employment Agreement.

**Discussion and Possible Action on Interim City Manager Position.**

Councilor Ferguson moved and Councilor Morrison seconded the motion to direct the Mayor to contact Sam Mamet at the Colorado Municipal League to gather advice on how to proceed with the appointment of an Interim City Manager and on the selection of a new City Manager

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

City Manager Coleman thanked all of the citizens in the audience that came in support of him. He has worked for more than 30 years for the City and has a passion for working for the community. He has done so much for so long, working nights, weekends and holidays, and he really appreciated the support he has received to serve the community.

Citizen Bill Nesbitt thanked Ken. He stated they have been through a lot together and he would like a public reason for why this is taking place. Since 2005 Ken has assisted in obtaining over \$12 Million in grants to better the community. The City Manager stated he has served each year on contract and Council has given him a new direction to seek other opportunities on the horizon.

**Resolutions and Ordinances:**

**Resolution No. 21, Series 2015; Re: Adopting City Strategic Plan.** Councilor Ferguson introduced Resolution No. 2, Series 2015, and it was read by title only by Councilor Ferguson.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Resolution No. 21, Series 2015; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING THE ADOPTION OF THE CITY OF GUNNISON STRATEGIC PLAN**, be introduced, read, passed and adopted this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Ordinance No. 13, Series 2015; Re: Amending City Electric Rates; 2<sup>nd</sup> Reading.** Councilor Ferguson introduced Ordinance No. 13, Series 2015, and it was read by title only by Councilor Ferguson.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 13, Series 2015; **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE RATES TO BE CHARGED BY THE CITY OF GUNNISON ELECTRIC DEPARTMENT FOR ELECTRICITY CONSUMED**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

**Ordinance No. 14, Series 2015; Re: Amending City Water Rates; 2<sup>nd</sup> Reading.** Councilor Schwartz introduced Ordinance No. 14, Series 2015, and it was ready by title only by Councilor Schwartz.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 14, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON FIXING THE AMENDED RATES TO BE CHARGED FOR WATER SERVICE WITHIN THE CITY OF GUNNISON, AND AMENDING THE RATE TABLES IN SECTION 12.40.020 OF THE CITY CODE OF THE CITY OF GUNNISON TO REFLECT THE NEW SERVICE RATES**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December 2015.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Ordinance No. 15, Series 2015; Re: Amending City Sewer Rates; 2<sup>nd</sup> Reading.** Mayor Hagan introduced Ordinance No. 15, Series 2015, and it was read by title only by Mayor Hagan.

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Mayor Hagan moved and Councilor Schwartz seconded the motion that Ordinance No. 15, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE MONTHLY RATES FOR SEWER SERVICE AND THE FEES CHARGED FOR RECREATIONAL VEHICLE, SEPTIC TANK, AND PORTABLE TOILET WASTE TREATED BY THE CITY OF GUNNISON**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December 2015.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.

Roll call vote, no: None.

**Ordinance No. 17, Series 2015; Re: Amending Gunnison Municipal Code Title 8, Re: Marijuana Licensing Regulations, 2nd Reading.** Councilor Morrison introduced Ordinance No. 17, Series 2015, and it was read by title only by Councilor Morrison.

Councilor Morrison moved and Councilor Ferguson seconded the motion that Ordinance No. 17, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO AMENDING TITLE 8 BUSINESS REGULATION, CHAPTER 8.50 MARIJUANA BUSINESS LICENSING REGULATIONS, SECTION 8.50.020 APPLICATION AND LICENSE FEE REQUIRED, OF THE CITY OF GUNNISON MUNICIPAL CODE**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

**Ordinance No. 18, Series 2015; Re: Adopting City 2015 Mill Levy; 2<sup>nd</sup> Reading.** Councilor Drexel introduced Ordinance No. 18, Series 2015, and it was read by title only by Councilor Drexel.

Councilor Drexel moved and Councilor Morrison seconded the motion that Ordinance No. 18, Series 2015, **AN ORDINANCE SETTING A TAX LEVY FOR THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Ordinance No. 19, Series 2015; Re: Adopting 2016 City Budget; 2<sup>nd</sup> Reading.** Councilor Schwartz introduced Ordinance No. 19, Series 2015, and it was read by title only by Councilor Schwartz.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that Ordinance No. 19, Series 2015, **AN ORDINANCE ADOPTING AND APPROPRIATING AN ANNUAL BUDGET**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison.

Roll call vote, no: None.

**Ordinance No. 20, Series 2015; Re: Adopting Additional Appropriations to 2015 City Budget; 2<sup>nd</sup> Reading.** Councilor Ferguson introduced Ordinance No. 20, Series 2015, and it was read by title only by Ferguson.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 20, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Ordinance No. 21, Series 2015; Re: Change in Sales Tax Vendor Fee; 2<sup>nd</sup> Reading.** Councilor Morrison introduced Ordinance No. 21, Series 0215, and it was read by title only by Morrison.

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Councilor Morrison moved and Councilor Drexel seconded the motion that Ordinance No. 21, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 3 FINANCE, CHAPTER 3.10 CITY SALES AND USE TAX CODE, SECTION 3.10.050 VENDOR LIABLE FOR TAX**, be introduced, read, passed and adopted on second and final reading this 8<sup>th</sup> day of December, 2015.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.

Roll call vote, no: None.

**City Attorney Kathleen Fogo:** nothing further to report.

**City Manager: Ken Coleman** reported there was a small fire in the Art room at the Gunnison Middle School last night and the school was closed today. It will reopen tomorrow morning.

**Acting City Manager/City Clerk: Gail Davidson:** nothing further to report.

**Western State Colorado University Student Liaison Amy Davis:** reported she attended the Higher Education Student Coalition conference in Denver. The students discussed Governor Hickenlooper's proposed 2016 State Budget cuts to Higher Education and the proposed changes to the Native American Education Act. There is not much is going on in SGA at this time since finals start next week.

**Non-Scheduled Citizens:** Chris Rourke, reporter with the Gunnison Country Times, asked Council for their individual explanations on why the City Manager change is needed. Councilor Schwartz stated the City has an opportunity to incorporate the change that is taking place in the entire Valley for greater cooperation. He thinks the change is appropriate.

Councilor Morrison stated that when she decided to run for office last May she was under the impression City Manager Coleman would be retiring by the end of the year. She thought she would be part of a Council that was going to be experiencing change. That's why she ran for Council. She felt that a leadership change was needed.

Mayor Hagan stated he feels the need for a change. We need to take the City to a different level. that level includes a more vibrant downtown with attention to pedestrians as shown in the strategic plan. He wants to see new leadership and a new vision to get that change.

Councilor Drexel stated he does not see a need for a change in leadership. Ken's vision in acquiring and developing the Lazy K property shows his vision for change. He is concerned with the cost to the community and to staff in losing Ken. Ken has provided good will to the community and it extends beyond Gunnison to the Western Slope and other parts of Colorado. He regrets to see him resign.

Councilor Ferguson stated he has worked with Ken Coleman for a very long time. He conceded that Council doesn't always see everything eye-to-eye. He thinks Ken will be recognized as having done an awesome job for the community. He thinks Council is committed to move forward in the best possible way and will be working to be constructive and positivem and to do what is in the best interest of our community.

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

**Councilor Ferguson:** reported he attended the Comprehensive Plan Advisory Committee meeting. Work continues to move forward on the Plan. Staff has done a good job incorporating the Council's Strategic Plan into the developing draft Comprehensive Plan.

**Councilor Drexel:** reported he attended the lighting of the tree last Friday night. He also attended the Mayors'/Managers' meeting last week since Mayor Hagan was out of town. That group had a lighter attendance than normal but the attendees discussed changing the format of their meetings.

**Mayor Hagan:** stated he was in Canada last week and didn't attend any meetings.

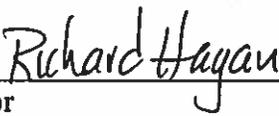
**Councilor Morrison:** informed Council she just got back from Florida and attended the Night of Lights as well. She also attended a good play at WSCU. The attended the Chamber Board meeting

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this morning and they are looking at 10 applications for the vacant administrative assistant position. That person will help with the transition for a new Chamber Executive Director. The Gunnison Greenbacks program took place on Saturday morning and, for the first time in many years, they did not sell out.

**Councilor Schwartz:** reported he attended the CML Policy Meeting last Thursday. There are no real hot-button issues. He will keep Council informed as policy develops. He also attended a Service Learning seminar at Western State last Saturday. They discussed the need for students to be more involved in the community. The program is in the exploratory phase at this time.

**Adjournment:** Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the meeting at 9:38 P.M.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk