MAY 10, 2016 **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 Hagan, with Councilors Ferguson, Drexel, Morrison and Schwartz present along with City Attorney Fogo, Interim City Manager Achen, City Clerk Davidson, Public Works Director Bradford, Finance Director Cowan, Community Development Director Westbay, Police Chief Robinson, Parks & Recreation Director Ampietro, many citizens and the press. A Council quorum was present.

PUBLIC HEARING **7:00 P.M.**

Receive Public Input on Ordinance No. 4, Series 2016; Re: Use of Public Sidewalk Right-of-Way for Private Business Purposes.

Mayor Hagan opened the Public Hearing and stated the time is now 7:00 P.M. on Tuesday, May 10, 2016, 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 Kathy Fogo, Interim City Manager Mark Achen, City Clerk Gail Davidson, Community Development Director Steve Westbay, Finance Director Ben Cowan, and lots of citizens. The purpose of this Public Hearing is to receive input on Ordinance No. 4, Series 2016; Re: Use of Public Right-of-Way for Private Purposes.

Mayor Hagan called for proof of publication. City Clerk Davidson responded a copy of the Public Hearing notice was included in their packets and the affidavit of publication will be included in the Public Hearing official file.

Mayor Hagan then called for City Staff comments and recommendations. Community Development Director Steve Westbay addressed Council and informed them of the following: most of the changes to the Ordinance as it appears in their packets for the hearing are housekeeping changes; the first part outlines the application process, the required application materials, basing information in insurance indemnification requirements and the applicability to the Land Development Code; Section 9.40.080 deals with the use of public rights-of-way in the City's CBD; the general standards talk about the access way being a 6' clear and continuous pathway, meeting ADA standards, vertical clearances requirements; Section B outlines merchandise displays being set at no more than 35 square feet and 2 display nodes are allowed; the highlighted areas in the Ordinance reflect changes made pertinent to last week's discussion; Section C(10) reflects the changes made to the Furniture and Features requirements with section a. being unchanged, section b. being changed to state Umbrellas placed within the public rights-of-way shall not display trademarks, logos, brands or other advertising messages, and section c. requires that furniture and features must be maintained in good visual repair, the rest of the section remains unchanged. Those are the only other changes to the Ordinance. Mayor Hagan thanked Director Westbay.

Mayor Hagan called for Public Input on the Ordinance. He requested speakers limit their remarks to 3 minutes.

Paula Swenson, county resident and City business owner at Tomichi and Main and other locations, thanked Council and Staff for the surveys that were distributed on the project and for the proposed ordinance. It addresses issues on the public right-of-way. The sidewalks need to be bike friendly and provide ADA accessibility. Ms. Swenson asked about the space that is 3 feet in from the curb. The sidewalks space needs to be utilized as much as possible. Councilor Ferguson stated that space is to accommodate car door swing area. Ms. Swenson said to take a look at the Tomichi side of her business where some bike racks and other amenities are located right next to the curb in that space. Council thanked Ms. Swenson.

Cathie Pagano, City resident and business owner on Main Street, stated she is excited about sidewalk seating for her business. It will be a great amenity. Last year the City rearranged the furniture and other items in front of their building. She would like to see the spaces on the sidewalks located where two parking spaces meet utilized right next to the curb in the 32". Some things could be moved closer to the curb and still allow for car door swing. She is in favor of bike parking along the block not just at the ends. She likes the concept of bike parking corrals in existing parking spaces and would like the parking space in front of her business to be a test case.

Brad Tutor, City business owner of Turquoise Junction, thanked Council for the opportunity to comment on the survey. He likes the ordinance and prefers the bike racks located at the end of the blocks. If you look at the space on the north side of the Toggery, there is a lot of room for bike

parking. He would like the City to work with each business to disperse the amenities along the block.

TL Livermore, City resident and business owner of Pat's Screen Printing, asked Council to clarify the transitions phrasing in the Ordinance on page 4. It is very confusing. He stated there is more latitude for café seating in the Ordinance than there is for merchandise display. He would like that changed. He displays merchandise on the sidewalk, as do other businesses, and they need more latitude than just immediately adjacent to the front of their stores. He would also like to see more enforcement of the existing laws. There are people riding their bikes on the sidewalks every day and the sandwich boards creep into the walking lane. This all needs to be enforced.

Michelle Zanga, City business owner on Tomichi Avenue, stated she didn't receive a survey but wants Council to know that sandwich board signs are needed. She needs one for her business since she isn't readily visible from the street. Bike Racks are problematic, especially for parking bikes with carts or child carriers on them. Perhaps the racks should be located at the ends of the block to keep the side walk clearer for walking. The City also needs to cut down the people riding bikes on the sidewalks. Café seating is also fantastic.

Jarral Ryter, City resident, informed Council they need to think of places they want to be like. Café seating is great. We need to slow traffic down so that bikes can then be in the streets. Bike parking corrals are very trending in other areas. He suggests counting the number of bikes on the sidewalks to determine how many racks and bike parking spots are needed. Bike corals should be located mid-block or where there is the heaviest concentration and then racks at the ends.

William Spicer, City resident and bike owner, said this process is great. Bike parking is a problem and there needs to be a place to park them. Bike corrals are a good idea and would provide a transition from people on a bike to being a pedestrian. Bikes are part of the solution and are not a problem. There should be corrals mid-block. Counting the bikes on the sidewalks to determine the bike parking volume is needed. There should be bike corrals mid-block on both sides of the street.

Vicky Castka, City downtown business owner, asked Council not to take away parking spaces. Her customers arrive by car, not by bicycle. Also, bikes need to be rotated in parking just like cars. If downtown employees take up all of the bike rack spaces, then the visitors on bikes end up parking their bikes against signs and poles.

Bryan Wickenhauser, City resident and downtown business owner, stated Gunnison is a progressive town. He likes to travel to other mountain towns and parking issues exist in many places. He and his family use the alleys on their bikes to stay off of Main. He encourages downtown employees to use bike parking in back in the alleys. The locals appreciate his elevated deck seating and have asked for café seating off of the garage doors he has in front of his business. He would like to see that opportunity downtown.

Wayne Castka, City downtown business owner, stated bikes are a good thing. However, there needs to be more enforcement of the bike laws and on the boarders riding on the sidewalks. There needs to be more bike racks by the Brewery since they park all over the sidewalk. The existing racks are adequately used. Not all of the time but during busy times they are used and full. They are great for the community but riders need to think of safety for their fellow citizens.

Jonathan Houck, City resident and business owner in the CBD, bike travel is part of the solution not the problem. There needs to be bike racks at the ends of the blocks but also bike corrals in the middle where the bikes are going to be in front of businesses. They need to be seasonal to accommodate snowplowing. The downtown trees are beautiful but need a professional arborist to trim them up. Bike Colorado is a good resource for planning. Bikes move people, kids and goods. He applauds Council for this work.

Alan Ivey, County resident and City business owner, supports the bike racks and maybe placement of the bike corrals. He too supports trimming the trees in front of businesses to make the business more visible from the street.

Heidi Magnus, City resident and downtown business owner, loves the idea of café seating but probably won't have it at her place. Many downtown businesses will want it in front of their

business. It makes downtown more inviting and people will want to linger. There will be less congestion on the street with more bikes and would like to see an experimental bike corral this summer. Bike corrals might make it safer. It is pain for people to haul their kids from their bike carrier from the ends of the street bike racks. There also needs to be bike-activated crosswalk lights. It if is safer on Main, then more people will ride their bikes there. She thanked Council for asking for public opinion.

Mark Hare, City resident, informed Council he is legally blind and does use the bike racks. He also sometimes leans his bike on the tree guards. The trees need pruning since it is an issue for him in not seeing the branches hanging down over the sidewalk. He is not for the café seating. Handicap community needs unobstructed path at least 6 feet in width on the sidewalk. If that 6 feet clearance is maintained, he is for it. If you walk the sidewalk in Crested Butte, the clutter is bad and makes walking dangerous. The City needs enforcement at the crosswalks. He appreciates the sound activated cross walks but some work and some don't.

Council thanked everyone for their input and stated the Ordinance will be taken up later in the meeting for passage on first reading. Mayor Hagan then called for any letters, emails, or other written comments received from the public for the record. City Clerk Davidson replied one letter was received and it was from David Jacobson, owner of the Gunnisack Restaurant. She read the letter into the record. The text of the letter follows:
Dear council members, I was hoping to address you in person on this evening but Tuesday nights are very busy for me and I am cooking as you hold this meeting. As a follow up to my previous communication, I would like to have my position known regarding the downtown sidewalks. I sincerely hope that you will review this project carefully and not rush decision that may or may not come back to bite us all at a later date. A design for the new layout of the sidewalks needs to be available for downtown merchants to look at and comment on with plenty of time to review the impact it may have on them. As I mentioned before, I really feel we should be at the point now where we are implementing a plan that was put together months ago, not trying to hit an imaginary deadline. The plan for this should first address functionality for pedestrians and store owners alike then aesthetics then the feasibility of variances. First and foremost bicycle parking has to be moved off of the sidewalks. It is pure insanity to tell people they cannot ride on the sidewalks but please park on them. I still feel that creating little bike parking lots at the corners where parking is not allowed is a viable option to look at. Secondly, in order to have a clear, 6ft continuous walkway and maintain the "curb appeal" it must be from the building front out. (I would prefer 8ft to allow window shopping but that probably isn't realistic without widening the sidewalks). Lastly I would like to see a design for businesses that do not have awnings that would not require variances or moving of existing features. When I approached the city a few years ago I was told that I would have to apply for a variance of which I was also told would probably be rejected. The biggest issue was the location of features that would have to be moved (at my expense) and where these would be relocated. If every business had an awning to cover the continuous walkway it would create a year round covered area for pedestrians, rain snow or shine. As to the café seating, the Gunnisack would most likely not participate. For service and functionality reasons it really makes no sense. I won't go into details here but if there are restaurants that want to pursue this avenue I believe they should have to pay a reasonable rent for use of the space as well and most importantly adhere to all state liquor laws. I also have concerns over the maintenance and sanitation of these serving areas. Thank you for your time, David Jacobson, Owner/Operator, The Gunnisack. Mayor Hagan asked the letter to be entered into the record.

Mayor Hagan then called for any final comments on the matter, and hearing none, closed the Public Hearing at 7:53 P.M. and returned to the Regular Session meeting.

Consent Agenda:
The listing under "CONSENT AGENDA" is a group of items, which Council has already reviewed, to be acted on with a single motion or vote. This agenda is designed to expedite the handling of limited routine matters by Council. The Mayor will ask if any Councilor or Citizen wishes to have any specific item removed from the Consent Agenda and acted upon individually.

Minutes of April 26, 2016, Regular Session Meeting;
Approval of City Website Domain Name Request Letter;
Approval of Amended Memorandum of Agreement with Gunnison Chamber of Commerce, Re: Visitor Center Operations Funding; and
Approval of Complete Streets Colorado Pedals Program Grant Application Letter.

Councilor Ferguson moved and Councilor Morrison seconded the motion to approve the Consent Agenda as read.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.
Roll call vote, no: None.

Pre-Scheduled Citizens: None.

New Business:

Action to Set Special Session Meeting to Conduct an Executive Session for at 1:00 P.M., Wednesday, May 25, 2016, for Selection of City Manager Finalists..

Councilor Drexel moved and Councilor Schwartz seconded the motion to set a Special Session meeting to conduct an Executive Session for 1:00 P.M., Wednesday, May 25, 2016, for selection of City Manager finalists.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.
Roll call vote, no: None.

Resolutions and Ordinances:

Ordinance No. 4, Series 2016; Re: Use of Public rights-of-Way for Private Purposes; 1st Reading. Councilor Drexel introduced Ordinance No. 4, Series 2016, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Schwartz seconded the motion that Ordinance No. 4, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REPEALING TITLE 8, CHAPTER 8.20, SIDEWALK VENDORS, AND REPEALING AND REENACTING TITLE 9, CHAPTER 9.40, USE OF PUBLIC RIGHTS-OF-WAY FOR PRIVATE PURPOSES, OF THE CITY OF GUNNISON MUNICIPAL CODE,** be introduced, read, passed and ordered published on first reading this 10th day of May, 2016.

Discussion ensued on the Ordinance. TL Livermore requested that the off-set provision language be clarified in the Ordinance. Director Westbay stated he would rework that wording. Mr. Livermore also asked for the display area be reworked to allow some latitude as long as the 6 foot clear pathway is maintained. Council concurred and asked that the 3 foot safe zone next to the curb have greater flexibility as long as cars can open their doors and have access. Some features could be centered between parking spaces and placed in that zone. Councilor Schwartz suggested the City place their fixed amenities such as trash cans, planters or benches in those areas. Councilor Morrison wants the City to look at getting permits from CDOT for bike corrals in the parking spaces. Councilor Drexel would like enforcement to be stepped up on the downtown sidewalks. There is obviously a problem. Police Chief Robinson stated that now we have a full-time Parking Enforcement Officer that should help with enforcement. Councilor Schwartz stated this Ordinance is about using the public right-of-way, now the design needs to be done. The design is experimental and should be flexible, not permanent. Mayor Hagan summed up the following suggested changes for the design phase: leave the trees but trim them up so they are not a walking hazard and don't block business signs; leave some bike racks on the sidewalks but investigate the use of bike corrals in adjacent parking places; and to increase bike and boarder laws on the downtown sidewalks.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.
Roll call vote, no: None.

Ordinance No. 5, Series 2016; Re: Amending Gunnison Municipal Code Section 5.49.020 Animal Licensing; 1st Reading. Councilor Ferguson introduced Ordinance No. 5, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 5, Series 2016, **AN ORDINANCE AMENDING SECTION 5.40.020 OF THE GUNNISON MUNICIPAL CODE RELATING TO LICENSING OF DOGS AND CATS,** be introduced, read, passed and ordered published on first reading this 10th day of May, 2016.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.
Roll call vote, no: None.

Ordinance No. 6, Series 2016; Re: Amending Gunnison Municipal Code Section 2.20 City Purchasing Policy; 1st Reading. Councilor Schwartz introduced Ordinance No. 6, Series 2016, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Morrison seconded the motion that Ordinance No. 6, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING CHAPTER 2.20, PURCHASING POLICY AND PROCEDURE, OF THE CITY OF GUNNISON MUNICIPAL CODE** be introduced, read, passed and ordered published on first reading this 10th day of May, 2016.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.
Roll call vote, no: None.

Reports:
City Attorney Kathleen Fogo: informed Council that Jill Norris, who was the alternate City Attorney has moved to Grand Junction. She is recommending Marcus Locke be appointed as the Alternate City Attorney to act when she is not available or has a conflict of interest.

Councilor Ferguson moved and Councilor Morrison seconded the motion to appoint Marcus Locke as the Alternate City Attorney.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.
Roll call vote, no: None.

Interim City Manager Mark Achen: Interim City Manager Achen: nothing to report this evening.

Acting City Manager: Finance Director Ben Cowan informed Council he had nothing further and will give his semi-annual report at the next Regular Session meeting.

City Clerk Gail Davidson: informed Council she has received two letters of interest for the vacancy on the Planning & Zoning Commission and one letter of interest for the City's Challenge Grant Committee. She wants input from Council whether to invite the interested parties to next week's Work Session meeting for a discussion with Council and then possible appointment to fill the vacancies at the May 24th Regular Session meeting. Council consensus was to invite the interested citizens to next week's meeting.

Western State Colorado University Student Liaison: absent until fall semester.

Non-Scheduled Citizens: None.

City Council Discussion, Meeting Reports, Items for Work Session:
Councilor Schwartz: reported he attended the Community Builders Task Force (CBTF) meeting last week. The release party of the One Valley Prosperity Project draft Strategic Plan will take place on May 18th at the Almont Resort. The report talks about where the process goes from here, how identified projects are funded and what the measurements of success will be for those projects. He also attended the Trails Commission meeting last night. The Crested Butte to Carbondale Trail was discussed. It is anticipated most of the Crested Butte side will be single track but some of the trail closer to Carbondale will be more multi-use. The Trail is on the Governor's "16 in 16" projects list. County Public Works Director Marlene Crosby also presented information on the Gold Basin Trail FLAP Grant application that is underway. Last, along with Richard and Leia, he attended the RTA meeting in Crested Butte last Friday. People in the Sapinero area are requesting to be opted out of the RTA tax since they are way outside of the service area. The Strategic Air Plan group are now working together on upcoming flight negotiations.

Councilor Morrison: reported she attended the CBTF meeting and the RTA as well. The RTA is proposing increasing the senior transportation to 5 days per week and are looking at purchasing a new bus and hiring a driver. Discussion on an early morning commuter bus took place as well. She attended the Chamber's Summer Forecast meeting this morning and they gave out a list of summer events. Councilor Morrison then asked that a discussion on marijuana licensing be included on an upcoming work session agenda. She has received a lot of negative comments about the number of licensed facilities in the City. Councilor Drexel stated he too was going to ask for that discussion since he has been receiving a lot of comments as well.

Mayor Hagan: reported he attended the Mayors'/Managers' meeting hosted by the Library and they heard a good presentation on the CAFÉ Program. He urged the other Councilors to read the book "Walkable Cities" that is being passed around.

Councilor Drexel: reported he had no meetings this past week.

Councilor Ferguson: reported too he too had no other meetings other than the CBTF meeting already reported on.

City Attorney Fogo directed Council's attention to a letter placed on their desks this evening. It is a letter to Governor Hickenlooper and other State officials requesting the Governor veto the recently passed HB 16-1309 requiring municipalities to provide city-funded counsel to defendants in custody on first appearance in municipal court. City Attorney Fogo stated that this will have a minimal impact in Gunnison Municipal Court since we rarely see defendants in custody at the time of their first appearance, however it will have large impacts on other municipalities as it is an unfunded mandate from the State of Colorado.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to approve the letter to the Governor regarding HB 16-1309 and to authorize the Mayor to sign said letter.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.
Roll call vote, no: None.

Adjournment: Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 8:38 P.M.

Richard Hagan
Mayor

Gail A Davidson
City Clerk