

OCTOBER 27, 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, Morrison and Schwartz present along with City Attorney Fogo, City Clerk Davidson, Acting City Manager Ampietro, Finance Director Cowan, Community Development Director Westbay, many citizens and the press. Mayor Pro Tem Drexel, City Manager Coleman and WSCU Liaison Davis were absent. A Council quorum was present.

OCTOBER 27, 2015

PUBLIC HEARING

7:00 P.M.

Receive Public Input on ZA-15-3; An Application for a Major Change to a PUD, to Include a Museum as a Permitted Use Within the Gunnison Rising PUD Development Standards.

Mayor Hagan called the Public Hearing to order and stated it is 7:00 P.M., on Tuesday, October 27, 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, Leia Morrison and Matt Schwartz, City Attorney Kathleen Fogo, City Clerk Gail Davidson, Finance Director Ben Cowan, Parks & Recreation Director Dan Ampietro and Community Development Director Steve Westbay.

Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of Text Amendment ZA-15-3, A Major Change to a PUD Application, to amend Table 10.1: Industrial Modified District Permitted Uses and Parking Space Requirements; to include a museum as a permitted use within the *Gunnison Rising PUD Development Standards*. Mayor Hagan then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets as well as a copy of the newspaper publication. The Affidavit of Publication is included in the official application file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan called for City Staff/Applicant Comments and Recommendation. Community Development Director Steve Westbay stated that he, as the Community Development Director, is the Applicant. Director Westbay then stated the following: a Planned Unit Development (PUD) Major Change may alter the intent of a PUD and must be approved; the PUD Major Change is reviewed by the Planning and Zoning Commission and holds a Public Hearing on the application; the Planning and Zoning Commission may then approve, deny, approve it with conditions, or remand the application back to the applicant before making a recommendation to City Council for final action; the City Council holds a Public Hearing on the Application and then can approve, deny, approve with conditions, or remand the application back to the applicant; the application is for 8.6 acres in the Industrial District Business Park of the approved Gunnison Rising PUD; he, as the Community Development Director, is the applicant for the Major Change since he worked with both the property owner and the Pioneer Museum on the gifting of the 8.6 acres to the Museum; Table 10.1 in the Gunnison Rising PUD Standards needs to be amended to allow for the museum as an allowed use and to amend the parking standards for the use in the Industrial Modified District; the parking standards required would be one space for every 500 sq. ft. of the main building; the Planning and Zoning Commission recommendation and staff recommendation included in Council's information sets criteria used for the review standards and sets the framework for the requested changes to the PUD; the recommendation findings are that the proposed change doesn't alter the intent of the PUD nor change the character of the property and is consistent with future uses of the property; the extension of the museum onto the gifted 8.6 acres is a community benefit for education and tourism and will enhance the entrance into the City; Mr. Bratton, representing the Gunnison Valley Properties LLC, fully supports the Major Change application; and the change will not adversely impact the life, safety or welfare of the community. Mayor Hagan asked that the applicant's testimony and recommendation be entered into the record.

Mayor Hagan called for public comment. Mr. Lee Spann came forward, signed in, introduced himself and addressed Council. Mr. Spann stated he is speaking on behalf of the Pioneer museum. The new museum property is not an allowed use in the PUD standards but the museum would like it to be. It would be very helpful if Council approves the change because they have lots of plans and things they want to do on the new property. They are running out of room in the old property. Council thanked Mr. Spann.

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. Director Westbay stated that no comments were received by his department as well.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:09 P.M. Mayor Hagan stated that action on the application will take place later in the Regular Session meeting.

Consideration of Minutes of October 13, 2015, Regular Session Meeting.

Councilor Schwartz noted the word “ordinances” needs to be changed to “application” in the last paragraph on page six of the minutes. Councilor Ferguson moved and Councilor Schwartz seconded the motion to approve the Regular Session meeting minutes of October 13, 2015, as amended.

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

Roll call vote, no: None.

Pre-Scheduled Citizens: 2016 Budget Grants and Contract for Service Applicants. Each applicant listed below had 5 minutes to make a presentation on their 2016 application for funding. Nancy Trimm with **Adult & Family Education Program**: \$1,500 to help provide education and literacy services for immigrants to integrate into the community. Families are encouraged to attend and to involve the family into the child’s education.

Mike Callihan with the **Car Show** (Continuing Challenge Grant) \$1,000 to help fund a third mailing this winter to the show participants to keep up the interest in the event. The Iacocca Award will no longer be available to help fund the event and the Car Show is at a cross roads at this time.

Jeff Snellen with the **Colorado Water Workshop** \$1,000 to help draw national and international speakers. The Workshop will coincide with the Gunnison River Festival this year to increase interest and participation. They hope to offer more scholarships to the workshop this year.

Lee Spann with the **Gunnison County Pioneer & Historical Society** \$5,000 to help with fencing and maintenance costs for the new 8 acres that were donated to the museum. The museum draws over 10,000 visitors each year and is run by 70 dedicated volunteers. The 8 acres almost doubled their size.

Tammy Scott with the **Gunnison Chamber of Commerce** \$75,000 to operate and upgrade the Visitors Center. Upgrades will cost approximately \$45,000 and operations are set for the other \$30,000. The Chamber has been discussing this request with Council since July.

Carlie Kenton with the **Gunnison Council for the Arts** \$25,000 to be used for Arts programming and education in Gunnison. This includes scholarships for Arts programs. The Arts Center fits within several components of the City Master Plan. They would like to expand programs for immigrants and teens.

Katie Dix with the **Gunnison Country Food Pantry** \$5,000 to be used to provide nutritious fresh meat, milk and produce for the Food Pantry clients. All dollars are spent locally on the food to be distributed.

Karl Fulmer with the **Gunnison Valley Regional Housing Authority** are asking for \$36,000 annually for the next two years. The funds will be used for operations and staffing and the shared cost is based on the services provided in the City. 94% of the Section 8 vouchers, the Mountain View Apartments and deed restricted ownership units are located in the City. The Housing Authority will also be requesting additional funds for a 2016 housing needs assessment.

Jen Moore and Stacey Klein with the **Gunnison Valley Health Foundation** \$1,800 will be used to purchase equipment for the new pediatric rehabilitation center at the hospital. It is a new program that started last April. They provide physical, speech and occupational therapy and are in need of assessment tools and equipment.

Lauren Holbrook with the **Rotary Fishing Tournie** (Continuing Challenge Grant) \$750 would be used for advertising for the Fishing Tournament that was previously run by the Kiwanis Club but is now being taken on by the Gunnison Rotary Club. It brings a lot of people into Gunnison during the spring shoulder season. This first year will be a learning year for their club.

Shayla Fenti from **Project Hope of the Gunnison Valley** \$1,500 will be used to help provide domestic violence and sexual assault victims assistance in Gunnison. They also work with Western State, the Gunnison PD and Victims Advocate and with other entities in Gunnison.

Council thanked all of the entities for making their presentations on their funding requests. At a future meeting, Council will discuss and decide on the funding levels that will be available in the 2016 Budget.

Unfinished Business:

2016 Proposed Budget Discussion. (topic on all agendas until adoption). Finance Director Cowan informed Council they should have received a worksheet from him with all of the Grants and Contracts requests included. If they could make their recommendations on the spreadsheet and get that back to him, he will compile the data for discussion at a future meeting.

New Business:

Action to Excuse Councilor Drexel from Meeting.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to excuse Councilor Drexel from this evening's meeting due to personal business.

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

Roll call vote, no: None.

Set Public Hearing on Retail Marijuana Store Application from Gunnison Cannabis.

The applicant, Jeremiah Johnson, introduced himself to Council and told them he is looking forward to starting a business in Gunnison. City Clerk Davidson informed Council the City Attorney and City Staff have reviewed the application for a retail marijuana store from Gunnison Cannabis LLC dba Rocky Mountain Cannabis, to be located at 901 W. New York Avenue in the old H&H Towing building. Clerk Davidson stated she has received the conditional State license approval from the Colorado Marijuana Enforcement Division for this application. She is requesting setting the public hearing for the Regular Session meeting on December 8th. The premises will be posted and notification published in the newspaper as required.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to set the public hearing on a retail marijuana store application from Gunnison Cannabis LLC, dba Rocky Mountain Cannabis, 901 W. New York Avenue in Gunnison for 7:15 P.M., Tuesday, December 8, 2015, in the City Council Chambers of City Hall.

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

Roll call vote, no: None.

Set Public Hearing on Retail Marijuana Store Application from Growhouse Gunnison. City Clerk Davidson then informed Council the City Attorney and City Staff have also reviewed the application for a retail marijuana store from East River Management LLC dba Growhouse Gunnison, to be located at 811 N. Main Street in the Mountain Mutts store location. Despite the business name, the application is for a retail marijuana store and not for a grow operation. The City Clerk informed Council that Craig Clark, the applicant, was unable to come to the meeting but he sent a letter of introduction, a copy of which is at their place settings this evening. City Clerk Davidson stated she has received the conditional State license approval from the Colorado Marijuana Enforcement Division for this application. She is requesting setting the public hearing for the Regular Session meeting on December 8th following the previously set public hearing. The premises will be posted and the notification published in the newspaper as required.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to set the public hearing on a retail marijuana store application from East River Management LLC dba Growhouse Gunnison located at 811 N. Main Street in Gunnison, for 7:30 P.M., Tuesday, December 8, 2015, in the City Council Chambers of City Hall.

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

Roll call vote, no: None.

Letter of Support for Gunnison/Crested Butte Tourism Association's Application for a Colorado Parks & Wildlife Trails Maintenance Grant. City Clerk Davidson stated she had emailed Laurie with the Tourism Association and requested more information about the specific projects the grant funding would be utilized for and the emailed response was forwarded to Council.

Councilor Morrison moved and Councilor Ferguson seconded the motion to approve the Letter of Support for the Gunnison/Crested Butte Tourism Association's application for a Colorado Parks & Wildlife Trails Maintenance Grant and for all of Council to sign said letter.

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

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 16, Series 2015, Re: Major Change to PUD Standards to Include Museum as Permitted Use Within Gunnison Rising PUD Standards; 1st Reading. Councilor Ferguson introduced Ordinance No. 16, Series 2015, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Morrison seconded the motion that Ordinance No. 16, Series 2015, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 10.1: INDUSTRIAL MODIFIED DISTRICT PERMITTED USES AND PARKING SPACE REQUIREMENTS, TO INCLUDE A MUSEUM AS A PERMITTED USE WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS**, be introduced, read, passed and ordered published on first reading this 27th day of October, 2015.

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

Roll call vote, no: None.

City Attorney Kathleen Fogo: No report.

City Manager: Ken Coleman was absent.

Acting City Manager: Parks & Recreation Director Dan Ampietro: reported his six month report was included in their packets. Completion of the Parks & Recreation Master Plan, the completion of the Senior Addition to the Community Center and a new Events Coordinator were highlights. The Parks facilities continued to look good this year. They are a great crew. He includes reports for each of his supervisors since they know the day-to-day operations. Councilor Schwartz stated he liked the ideas in the Events report and would like to discuss and pursue some of those ideas. Director Ampietro stated he continues to work on the dog park and is building partnerships for that project. He is working with the Pioneer Museum regarding the fencing separating the dog park and the Museum grounds. He is also working with the Army Corp of Engineers and the Division of Parks and Wildlife concerning possible wetlands issues and sage grouse habitat on the property. Council thanked Director Ampietro for his thorough report.

City Clerk: Gail Davidson reminded Council about the Safe Streets public meeting this Thursday starting at 6pm at the Fred Field Center at the Rodeo Grounds.

Western State Colorado University Student Liaison Amy Davis: was absent.

Non-Scheduled Citizens: None.

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

Councilor Ferguson: reported he attended the One Valley Prosperity Project meeting and that group is prepping for the next public meeting to be held on Thursday, November 5th starting at 5:30 P.M. in the Western State Colorado University Ballroom. They are hoping to have a lot of people in attendance.

Councilor Morrison: informed Council she too attended the OVPP meeting. The November 5th public meeting is the wrap-up of the preliminary phase of the project. She attended the Chamber Board meeting. The downtown Trick or Treat event will be Friday starting at 3pm. The "Best of" Awards event was a better fundraiser this year. The Chamber is now prepping for the annual Greenback Exchange program.

Mayor Hagan: reported he will be attending the upcoming Safe Streets meeting on Thursday at the Fred Field Center. He will also be attending the Mayors/Managers meeting next week.

Councilor Schwartz: reported he had no meetings this week although he did attend the Planning Commission meeting last Wednesday. The P&Z approved an application for a waiver to the LDC for the Sportsmans' Liquor Store. They are remodeling the building and are removing a curb cut and want to increase the size of the cut along Tomichi. There was a lot of discussion on the waiver and he was the dissenting vote. He also did some Colorado Trail work last weekend. Councilor Schwartz informed Council he will be attending the Bicycle-Pedestrian meeting in Greeley on November 5th so he won't be in attendance at the OVPP meeting. Both CDOT and the Governor's Office representatives will be in attendance at the meeting in Greeley. Councilor Morrison stated she may attend the bicycle meeting in Greeley as well.

Councilor Ferguson requested that for a future work session agenda, he would like to discuss downtown transportation and increasing parking in the downtown area. The City should identify possible locations for additional parking and be ready to act on acquiring those locations if they become available. City Clerk Davidson and Finance Director Cowan indicated that a discussion on the Strategic Plan with Council's prioritization is set for next week's Work Session agenda. Increasing downtown parking is a component of the plan discussion.

Executive Session: Pursuant to C.R.S. § 24-6-402(4)(b) for the purpose of receiving legal advice from the City Attorney or any City-retained attorney on specific legal questions.

Councilor Schwartz 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. The Executive Session is not open to the public and action may not be taken.

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

Roll call vote, no: None.

Council went into Executive Session.

Council returned to the Regular Session meeting. Mayor Hagan stated: The time is now 9:34 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Richard Hagan, Councilor Leia Morrison, Councilor Matt Schwartz, Councilor Stu Ferguson, City Attorney Kathy Fogo, City Clerk Gail Davidson, Acting City Manager Dan Ampietro, Police Chief Keith Robinson and Police Captain Chris Wilson. 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. There were no comments made.

Possible Direction to City Staff, Re: Legal Matter Response.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to authorize City Staff to write a letter to Mr. Heard and the Community addressing Mr. Heard's request for a further investigation into the death of his son, Dammion Heard.

Roll call vote, yes: Schwartz, Ferguson, Hagan, Morrison. Motion 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 meeting at 9:39 P.M.

Mayor

City Clerk