

**JULY 12, 2016**

**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 Sovick, Drexel, Morrison and Schwartz present along with City Attorney Fogo, Acting City Manager/Police Chief Robinson, City Clerk Davidson, Finance Director Cowan, Community Development Director Westbay, Deputy City Clerk Kindall, City Planner Andie Ruggera, Russ Forrest, many citizens and the press. A Council quorum was present. City Manager Achen was not in attendance.

**JULY 12, 2016**

**PUBLIC HEARING**

**7:00 P.M.**

**Receive Input on the Merits of Text Amendment Application ZA-16-3, Proposing to Amend Sections 1, Administration (1.7.K. Density) and 8, Variances (8.1.C. Dimensional Standards Variances Authorized) and to correct minor typographical errors within the *City of Gunnison Land Development Code*.**

Mayor Hagan opened the public hearing and stated the time is 7:00 P.M., on Tuesday, July 12, 2016, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison Colorado. Present at the Public Hearing are himself, Mayor Richard Hagan, City Councilors Andy Sovick, Robert Drexel, Leia Morrison and Matt Schwartz, City Attorney Kathy Fogo, Acting City Manager/Police Chief Keith Robinson, City Clerk Gail Davidson, Community Development Director Steve Westbay and Finance Director Ben Cowan.

Mayor Hagan stated the purpose of the Public Hearing is to receive input on the merits of Text Amendment Application ZA-16-3, submitted by Steve Westbay, Director of Community Development, Proposing to Amend Sections 1. Administration (1.7.K. Density) and 8. Variances (8.1.C. Dimensional Standards Variances Authorized) and to correct minor typographical errors in the *City of Gunnison Land Development Code*.

Mayor Hagan called for Proof of Publication. City Clerk Davidson stated a copy of the published Public Hearing notice was included in their packets and the affidavit of publication is included in the official City of Gunnison files. The Mayor then called for City Staff's comments and recommendations.

Community Development Director Steve Westbay, came forward and addressed Council. He gave a summary of the proposed changes and stated in order to keep the code current and functional the City continues to make minor changes as needed. The first proposed change is in Section 1.7.K to allow for rounding of the fractional calculations that result from determining the allowed units per acre. If the fractional calculation is 0.66 or higher, the allowed unit density will be rounded up to the next whole unit and if the calculation is 0.65 or less, the allowed unit density will be rounded down to the next whole unit. The second change in Section 8.1.C. is a change to the authorization of a variance regarding the minimum lot area required for a subdivision due to dimension irregularities of the parcel being subdivided. The Mayor thanked Director Westbay.

Mayor Hagan asked if anyone wanted to give input in favor of Text Amendment ZA-16-3. There were no comments. The Mayor then asked if anyone wanted to give input in opposition to Text Amendment ZA-16-3. Again, there were no comments.

The Mayor asked if any letters, emails, or other written comments had been received regarding the Application. City Clerk Davidson responded no additional comments were received.

Mayor Hagan asked for any further comments on the matter. Hearing none, he closed the Public Hearing at 7:04 P.M. and moved onto the Regular Session agenda.

**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 June 28, 2016, Regular Session Meeting;  
Action to City Council Commission, Boards Committees Assignments.**

City Attorney Fogo asked that the Minutes of the June 28, 2016, Regular Session meeting be removed from the Consent Agenda for an amendment. Mayor Hagan did so.

Councilor Schwartz moved and Councilor Morrison seconded the motion to approve the Consent Agenda as amended.

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

Roll call vote, no: None.

**Regular Session Meeting Minutes of June 28, 2016.**

City Attorney Fogo asked that on page six, in the fourth paragraph, second line, the word “manager” be corrected and in the first sentence of that paragraph the word “full” needs to be removed. City Clerk Davidson said she would make those changes.

Councilor Schwartz moved and Councilor Morrison seconded the motion to approve the Regular Session Meeting Minutes of June 28, 2016, as amended.

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

Roll call vote, no: None.

**Pre-Scheduled Citizens: Consultants Fox/Tuttle/Hernandez Webinar on Complete Streets Project Update.** (The consultants participated via a webinar format).

Mayor Hagan welcomed everyone to the meeting. The consultants on the telephone were Carlos Hernandez and Bill Fox. Mr. Hernandez summarized the project development process to date. That robust public process included: two community workshops last fall with 44 people in attendance in September, 38 people in attendance in October; and then a workshop in May 2016, with 224 people in attendance, all to gather citizen input including over 3000 public comments; and then the development of several sets of design proposals with the final proposal developed after the May Workshop including the four recommendations.

Those recommendations are: Recommendation #1 – place double buffered bike lanes on Tomichi Avenue to accommodate bicyclists and lessen the travel lane widths, thereby lowering vehicle speeds; Recommendation #2 – placing RRFBs (rectangular rapid flashing beacons) and small refuge medians on cross walks at the 11<sup>th</sup> and Tomichi intersection; these features will provide for shorter walking distances but will eliminate straight through north to south travel on 11<sup>th</sup> Street and no left turns off 11<sup>th</sup> onto Tomichi; Recommendation #3 – installs a mid-block crossing across Tomichi at Jorgensen Park; and Recommendation #4 – creates a Western Gateway entrance on Highway 50 to slow speeds as recommended by the OVPP. Mayor Hagan stated the priorities are the buffered bike lanes, then 11<sup>th</sup> Street intersection, the Jorgensen mid-block crosswalk and then the west end gateway project. Mayor Hagan stated the current proposal incorporates the three issues that were raised; safety for kids, bicyclists and pedestrians, preserves parking, and preserves all curb cuts into businesses.

Council gave their responses to the proposals. Councilor Morrison stated she is excited by the plan even if it isn't exactly what was wanted at first. The proposed plan is a collection of all three community workshops. She stated the west end entry project still needs to be designed to help slow traffic. Councilor Schwartz stated it is a good compromise plan but would have liked to see more. Councilor Sovick stated the plan is well done and wanted to know about the maintenance costs and if the median island on 11<sup>th</sup> and Tomichi can be modified to allow left turns but still utilize the RRFBs to help with safety concerns. Councilor Drexel stated the plan appears to have listened to the public's comments and he appreciates the lower cost of the proposal. Mayor Hagan asked if a warning sign could be placed for oncoming eastbound traffic coming around the Highway 50 curve that can't see the upcoming 11<sup>th</sup> Street intersection with its crosswalks. Consultant Bill Fox stated that technology does exist and it is a possibility. Community Development Director Westbay stated CDOT has District 3 TAP Grant funds available and the City will be submitting grant applications for these priorities at the end of the month.

Mayor Hagan asked if anyone in the audience wanted to address Council regarding the proposal to come forward and identify themselves. Listed below are a brief synopsis of those comments. Molly Mugglestone, asked why the Tomichi and Main intersection is not a priority. Consultant Bill Fox stated they are working with CDOT on the light sequencing, the buffered bike lanes should slow traffic and there will be an implied shorter crossing distance. Councilor Morrison stated safety at the intersection is a Council priority.

Bob Leach, wanted to clarify there will not be raised medians along Tomichi. That was confirmed except for the small pedestrian safety medians at 11<sup>th</sup> and Tomichi.

Bill Nesbitt, passed out a letter with the signatures of 25 business owners that have concerns about the plan. He wanted to make sure that any loss of parking spaces due to a future project has a fiscal impact analysis done first on the potential loss of sales tax and business revenues.

Paul Holden, stated the notion that someone shouldn't have to walk a half a block to a business is absurd. He is concerned with the ugly west entrance to town. More people would stop and spend money if it was more inviting. He supports the proposal and would like to see some civic beautification.

Wayne Caska, asked if there were accident statistics for Tomichi Avenue. On a daily basis his customers say they come to Gunnison because it is a nice town, looks good, they like the town's character and the wide streets. He isn't opposed to simple bike lanes but why change it? It was explained that accident statistics could be obtained if needed.

Chris Bergman, asked why a stoplight can't be placed at 11<sup>th</sup> and Tomichi instead of the medians configuration. The stoplight would also attenuate the traffic to a complete stop and make it safer. It was explained the intersection doesn't meet the Federal guidelines used by CDOT to place stoplights therefore CDOT won't allow one on the State Highway.

Navid Navidi, was insulted by the ugly west end comment. He asked how the plan got from safety issues to bike lanes. It doesn't make sense. Safety hasn't been an issue in the past. If we have more traffic now, don't mix bikes into that traffic.

Randy Boston, passed out a letter and read it to Council. He agreed with Mr. Navidi. The discussion started with safety at Main and Tomichi. He is not in favor of the project. Protected bike lanes cause more accidents than prevent them. The overall cost is preposterous.

Susan Ritchie, commended Council for their vision and stated anything that can be done to slow down traffic is needed for safety. She lives south of Tomichi and it's scary crossing the highway. She agreed that the City could be more attractive. She urges Council to carry on.

Julie Feier, reminded Council of the OVPP/CBTF objective of addressing poverty issues. A more vibrant Gunnison will address valley-wide poverty by improving the economy and job opportunities. Gunnison is the entrance for the entire Valley and improving its place-making is vital to the entire valley. Much more can be done to make the community better.

JR Fullmer, stated for \$1000 he can get a public survey to say the opposite of what's been said on this project. The local businesses are the major sales tax collectors and are the hand that feeds you. He wanted to know the cost to the taxpayers to continue to go through with this project that may or may not help Gunnison.

Nancy Pierce, two years ago she had to go into Tomichi and hold up a stop sign to stop traffic in order to get her summer camp students safely across the street. The plan as presented makes sense for all, both for safety and financially. It is a good compromise.

Cathie Pagano, has safety concerns because getting across Tomichi with her children is scary. They do go and extra 4 blocks to cross at a light. Safety is the primary issue. This plan is a good first step. Having a parking lot in front of your business doesn't necessarily improve business. There is room for aesthetic improvements. She encourages Council to use this plan as a first step and to continue to bring vitality to Gunnison.

Roanne Houck, thanked the Council and planners for all of their work. She is in favor of the revised plan and sees it as a good stepping stone for future changes. People are naturally resistant to change but the extremes have been taken out of the plan. The east entrance to Gunnison is very welcoming.

Eric Rasmussen, only rides a bike or walks. He is a tourist intern. Bike lanes and more walking is the best for him and many people he knows. We need more of those.

Andy Tocke, likes the proposal for 11<sup>th</sup> Street. Making left turns in the wintertime is fine when traffic is down but now it is almost impossible with the heavy summer traffic. He changes his driving patterns in the summer to use more side streets. Changes need to be made to accommodate

increased volume. The plan may assist turning into businesses. He likes the changes as proposed.

Randy Clark, also took exception to the ugliness comment. He asked about why the bike lanes on Tomichi are for safety. There are bike lanes on New York and Virginia that are safer. Why do we need three bike lanes right together? The consultant explained the bike lanes will narrow the vehicle travel lanes and that should lower vehicle speeds. Additionally, bike lanes will take the bikes off of the sidewalks to make them safer for pedestrians. The bike lanes will also get cyclists to the businesses front door. Mr. Clark replied he has never sold an elk head to a bicyclist.

Andy Boston, his U-Haul business deals with people moving into and out of the valley. People are sad to leave because Gunnison is a beautiful place. He rides his bike and also drives. He wants to know why the bike riding minority want to be on Highway 50 when they can use Virginia or New York. Councilor Morrison responded the bike lanes are a means of slowing vehicle traffic.

Tom Keating, stated he too bikes and drives. We are all equal on the streets and everyone should follow the rules.

Dave Wiens, applauds the Council and the consultants for their work. The proposal is a good compromise. As to the west end businesses, many like JR and Navid have made big investments to improve their businesses.

Michele Gallowich, is glad the medians were removed. This plan is much better but she is concerned with bikes on Tomichi. Some bicyclists ride two or three abreast and that will interfere with traffic and parking on Tomichi. Bicyclists need to follow the rules. She has never seen so much traffic as this summer. Why is CDOT saying no to a stop light at 11<sup>th</sup>? The consultants replied that the intersection doesn't meet traffic counts that the CDOT-adopted Federal guidelines require. The City can't just place a stop light on state right-of-way.

Nancy Reimer, has concerns about the 11<sup>th</sup> Street intersection. She owns Pizza Hut and would like to see left turns be available for 11<sup>th</sup> Street onto Tomichi. The proposed design could impact her business customers and her delivery drivers. She too would like a traffic light installed. It will help control the vehicles speed. She asked how much the consultant has been paid for the project. Director Westbay responded \$100,000 was expended this year.

Paul Tame, likes the compromise, especially no loss of parking spots. Narrowing of the lanes to slow traffic will hopefully get people to stop at the businesses and improve economic vitality of Gunnison for everyone's benefit.

Christine Laudick, believes this compromise is a huge improvement. She is concerned about encouraging kids to ride in the Tomichi bike lanes. The kids need to ride on Virginia and New York. A bike safety rodeo has been going for 3 years and kids still don't follow the rules. She doesn't see any results from the current bike safety education campaigns. She likes narrowing of the lanes and doesn't want the medians.

Matt Brown, is glad to see that no parking spots are going to be removed. He concurs that kids shouldn't be encouraged to use the bike lanes on Tomichi. He asked how many other major US Highways have bike lanes on both sides. The consultant responded Salida, Ouray, Kremmling, Fort Collins and Boulder.

Randy Clark, spoke again and referenced an article on Boulder removing some bike lane projects on Folsom Street. The consultants responded that only a portion of that project was removed.

Jim Gazzolli, stated on the Western Slope, Montrose, Delta, Olathe, and Grand Junction slowed traffic down in their downtowns by installing vehicle by-passes. Maybe CDOT should look at making a by-pass.

Navid Navidi, stated that people were going to pull into parking spaces across the bike lanes with bicycles running back and forth and asked if bikes were being used as bait to slow the traffic down.

Council thanked all of the citizens for their comments. Mayor Hagan stated the four recommendations are prioritized with the buffered bike lane placement at the top, the 11<sup>th</sup> Street intersection next, then the Jorgensen crossing and last, the west end entry project.

**Old Business:** None.

**New Business:** None.

**Resolutions and Ordinances:**

**Ordinance No. 8, Series 2016; Re: Text Amendment to LDC Sections 1.7.K. (rounding up of allowed unit density calculations) and 8.1.C, (allowing variances for dimensional standards irregularities); 1st Reading.**

Councilor Schwartz introduced Ordinance No. 8, Series 2016, and it was read by title only by the City Attorney.

Councilor Schwartz moved and Councilor Drexel seconded the motion that Ordinance No. 8, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO AMEND SECTIONS 1, ADMINISTRATION (1.7.K. DENSITY) AND 8, VARIANCES (8.1.C. DIMENSIONAL STANDARDS VARIANCES AUTHORIZED) WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE**, be introduced, read, passed and ordered published on first reading this 12th day of July, 2016.

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

Roll call vote, no: None.

**Ordinance No. 9, Series 2016; Re: Amending GMC Title 5. General Offenses, Chapter 5.30 Nuisances (defining City nuisances and abatement procedures); 1st Reading.**

Councilor Schwartz introduced Ordinance No. 9, 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. 9, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 5. GENERAL OFFENSES, CHAPTER 5.30, NUISANCES, OF THE GUNNISON MUNICIPAL CODE**, be introduced, read, passed and ordered published on first reading this 12th day of July, 2016.

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

Roll call vote, no: None.

**Ordinance No. 10, Series 2016; Re: Amending GMC Title 5, by adding Chapter 5.50. Undesirable Plant Management and Adopting Undesirable Plan Management Plan (defining undesirable plants/weeds and abatement procedures) 1st Reading.**

Councilor Drexel introduced Ordinance No. 10, 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.10, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 5. GENERAL OFFENSES, BY ADDING CHAPTER 5.50 UNDESIRABLE PLANT MANAGEMENT, AND ADOPTING AN UNDESIRABLE PLANT MANAGEMENT PLAN IN ACCORDANCE WITH THE COLORADO NOXIOUS WEED ACT**, be introduced, read, passed and ordered published on first reading this 12th day of July, 2016.

Councilor Drexel asked about the designation of the City's Weed Advisory Board and the existence of the County Weed Commission that is already in place. City Attorney Fogo stated that Council can designate whomever and utilizing the existing County Weed Commission for the City's Weed Advisory Board is allowable in the ordinance.

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

Roll call vote, no: None.

**Reports:**

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

**Acting City Manager/Police Chief Keith Robinson:** no report.

**City Clerk Gail Davidson:** nothing to report.

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

**Non-Scheduled Citizens:** there were no citizens wishing to speak.

**City Council Discussion, Meeting Reports, Items for Work Session:**  
**Councilor Drexel:** reported he attended no meetings and has no report.

**Councilor Sovick:** reported the Gunnison Trails Commission didn't meet in July. After last week's Work Session meeting, he visited with the business owners who had appeared at that meeting and talked about their concerns with the Complete Streets Proposal. He also met with Finance Director Cowan about a concern from a solar panel contractor about how the City pays back produced electrical power. The contractor would like the payback to be like the GCEA Policy that appears to be fairer to the solar power producer. Finance Director Cowan offered to meet with the contractor about the issue.

**Councilor Schwartz:** reported he was out of town and didn't attend any meetings.

**Councilor Morrison:** reported she didn't attend any meetings but has a question about the status of the Gunnison Rising Trails box culvert under Highway 50. Community Development Director Westbay reported the final trails easement agreements are nearing completion. The issue at the underpass is a buried CenturyLink cable that needs to be relocated. CenturyLink had to get a highway permit to do the work and now the City is waiting on them to do the actual relocation. Director Westbay stated he keeps contacting them about getting the work done so the trail can be officially opened. There is also some drainage issues at the culvert that the City will address. Finance Director Cowan informed Council the restrooms for both the Gunnison Rising Trails and the VanTuyl Ranch Trails have been ordered.

**Mayor Hagan:** reported he attended a couple of meetings. The first was the Mayors'/Managers' Meeting in Pitkin where that group heard a State Forester presentation. The Mayor also attended the RTA meeting. At that meeting the following was discussed: a request from several businesses in the Sapinero area to be taken out of the RTA tax district was denied by the Board because the tax is a pass-through not paid by the businesses and visitors to that area may be using airline service; and in ground transportation news, there will be an extra bus trip added to both the summer and winter schedules for next year.

**Adjournment:** Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 9:09 P.M.

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Mayor

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City Clerk