

**MAY 13, 2008**

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MINUTES**

**7:00 P.M.**

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson, with Mayor Pro Tem Miller, City Councilors Harriman and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Community Development Director Westbay, several interested citizens and the press. A Council quorum was present.

**MAY 13, 2008**

**PUBLIC HEARING**

**7:00 P.M.**

**Receive Public Input on New Hotel & Restaurant Liquor License Application from Burger Joint LLC, dba The Flying Burritos, 107 S. Main St., Gunnison, CO.**

Mayor Ferguson stated the time was 7:00 P.M., on Tuesday, May 13, 2008, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, CO. Present include himself, Mayor Pro Tem Miller, Councilors Harriman and Nesbitt, City Attorney Rod Landwehr, City Manager Ken Coleman and City Clerk Davidson. He further stated the reason for the Public Hearing is to get public input on the Hotel & Restaurant Liquor License application from Burger Joint LLC, doing business as The Flying Burritos, located at 107 S. Main Street in Gunnison.

Mayor Ferguson asked the applicant to identify himself. Mr. Christopher Scriminger stood and identified himself. Mayor Ferguson asked the City Clerk to administer the testimony oath. City Clerk Davidson administered the oath to Christopher Scriminger.

City Clerk Davidson then reviewed the findings contained in the Preliminary Investigation Report. A copy of the report is located in the Burger Joint LLC permanent liquor file. City Clerk Davidson stated City Attorney Landwehr had reviewed the application and had noted several deficiencies. Mr. Scriminger came to the Clerk's office yesterday morning and had corrected the deficiencies. All fees had been paid. The application is under concurrent review with the State Liquor Division. Mr. Scriminger's fingerprint card has been mailed to the Colorado Bureau of Investigation for a background check. However, the CBI is taking 4 to 6 months to process these checks. Results have not been received at this time. The Gunnison Police Department has processed a local background check and a memo from Police Chief Anderson was included in Council packets stating he has no concerns with the approval of this license. Council packets also contain copies of memos from Fire Marshall Spritzer and Building Official Sniffen stating they have no opposition to the issuance of the license. City Clerk Davidson reminded Council that they are the Local Licensing Authority and they review and approve, along with the Colorado Department of Revenue Liquor Enforcement Division, all liquor licenses within the City limits. Council's duty is to determine the needs and wants of the neighborhood would be met by the issuance of the license.

Mayor Ferguson asked for proof of publication and proof of posting of this public hearing, which the City Clerk provided. The application and Preliminary Investigation Report are included in Council packets and were entered into the record. Mayor Ferguson restated the neighborhood is defined as the area within the Incorporated City Limits of Gunnison, Colorado.

Mayor Ferguson then called for the applicant's testimony. Christopher Scriminger addressed Council. He stated he serves a variety of food and would like to offer beer and possibly margaritas and not just soda and tea, for sale as well. Councilor Nesbitt asked Mr. Scriminger if he understands all of the rules and regulations pertaining to the sale of alcohol. Mr. Scriminger stated "of course".

Mayor Ferguson called for any additional testimony in favor of or against the application. Hearing no further comments, he closed the public hearing at 7:10 P.M.

**Consideration of Minutes:**

**Special Session Meeting Minutes of April 17 and April 23, 2008**

**Regular Session Meeting Minutes of April 22, 2008**

**Special Session Meeting Minutes of April 29, 2008**

**Special Session Meeting Minutes of May 6, 2008**

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the above-listed meeting minutes as submitted.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt. Motion carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Presentation of Flag by Members of the American Legion.** Larry Dolezal, representing the Gunnison American Legion Post presented the City with an American Flag that had been flown during a combat mission in Afghanistan on July 4, 2007. Mayor Ferguson stated the City is proud of and supports not only the men and women from Gunnison serving in the military, but all of our troops. They are all heroes. Council thanked Mr. Dolezal and instructed the City Clerk to compose and send a thank you letter to Captain Adam Bock for providing the flag to the American Legion.

**Unfinished Business:**

**Water Engineer Selection.** City Manager Coleman informed Council that he and Public Works Director Bradford interviewed several water engineering firms in Glenwood Springs last week. Their recommendation is to contract with 2 firms, Wright Water Engineers and JR Engineering for two separate projects and then evaluate which firm should be hired to do water engineering work for the City. Wright will work on a water quality and aquifer analysis on the proposed Gunnison Rising Annexation property and JR Engineering will be working on water augmentation planning issues. Councilor Nesbitt asked the City Manager to send a letter to former City Water Engineer John Patterson thanking him for his years of service.

Councilor Nesbitt moved and Councilor Miller seconded the motion to authorize Staff to enter into contract negotiations with Wright Water Engineers and JR Engineers to conduct water engineering work for the City.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Harriman. Motion carried.

Roll call vote, no: None.

**New Business:**

**Action on New Hotel & Restaurant Liquor License Application from the Flying Burritos, 107 S. Main St., Gunnison, CO.** This item was discussed during the Public Hearing at the start of the meeting. Council had no further comments.

Councilor Harriman moved and Councilor Miller seconded the motion that the Hotel & Restaurant Liquor License for Burger Joint, LLC, dba The Flying Burritos, 107 S. Main Street, Gunnison, Colorado, 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.

2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling malt, vinous and spirituous liquor by the drink, in the manner proposed in the application, is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

4. The building where the application proposes to sell malt, vinous and spirituous liquor by the drink, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.

5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

- 5 - Beer and Wine Licenses
- 8 - Hotel/Restaurant Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 1 - Brew Pub License
- 7 - Tavern Licenses
- 2 - Club Type Licenses
- 7 - 3.2% Beer Type License

6. All fees necessary for the application have been paid.

7. According to the information gathered by the City of Gunnison Police Department background check, and through testimony by the applicant before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

Roll call vote, yes: Miller, Nesbitt, Harriman, Ferguson. Motion carried.

Roll call vote, no: None.

**Appointment to Fill Two Vacancies on City Planning & Zoning Commission.** Interviews for the two vacancies were conducted at the Work Session meeting on May 6, 2008.

Councilor Nesbitt stated it is a struggle because all of the applicants are good candidates. It is helpful to have experience and knowledge going into the Land Development Code review process. Councilor Harriman recused herself, since her husband is an applicant. Councilor Nesbitt suggested delaying the selection until Councilor Houck was present. It was decided to go ahead with the selection since the Commission was meeting the next evening.

Councilor Nesbitt moved to stay the course and reappoint Bob Beda and Harvey Harriman to the Planning & Zoning Commission for 5 year terms. The motion died for lack of a second.

Councilor Miller moved and Mayor Ferguson seconded the motion to appoint Bob Beda and Martin Froehlich to the Planning & Zoning Commission for 5 year terms that expire in May, 2013.

Roll call vote, yes: Ferguson, Miller. Motion carried.

Roll call vote, no: Nesbitt.

Council thanked all of the applicants for applying for the vacancies. Councilor Harriman returned to the meeting.

**Action to Award VanTuyl Ranch Lease.** City Manager Coleman included a synopsis of the bids received for the haying operation on the VanTuyl Ranch. The most important factor is to get water on the ground and to keep a productive haying operation on the ranch. Discussion ensued on the proposals, the term of the lease, renewal options and potential shoulder-season grazing on the ranch.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to award the VanTuyl Ranch agricultural renewal lease contract to Joan Wenman in the amount of \$10,500 per year and to authorize the Mayor's signature on said lease.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt. Motion carried.

Roll call vote, no: None.

**Action on Memorandum Agreement with ORE for Valley-Wide Energy Summit in the Amount of \$3,000.** This item was discussed at last week's Work Session meeting.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the Memorandum Agreement between the City of Gunnison and the Office for Resource Efficiency in the amount of \$3,000 and to authorize the Mayor to sign said agreement.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Harriman. Motion carried.

Roll call vote, no: None.

**Memorandum of Understanding Between Gunnison County, Town of Crested Butte, City of Gunnison, & The Town of Mt. Crested Butte, Re: Flooding.** City Manager Coleman informed Council he had been attempting to contact the County about the discrepancies in Sections I. and II. in the document but he didn't get a response. County Emergency Management Coordinator Morrill was not present at this time. Council consensus was to remand the Agreement back to the County to correct the discrepancies and to add a signature line for the Mt. Crested Butte Mayor.

**Discussion on Metropolitan Districts.** Community Development Director Westbay and City Manager Coleman initiated the discussion on Metropolitan Districts with Council. Topics discussed included: payment of bonds by property owners via mil levy; maximum debt repayments; annual reports being made to the City; restructure of bonds; dedication of infrastructure to the City; the City is not responsible for the debt if a district fails; the need for a glossary of terms in the document provided; the use of multiple financing districts within the service district; model service plans; eminent domain and metropolitan districts; the cost to developers; the need for individual property owners to be educated about metropolitan district responsibilities; and the issuance of building permits by the City if services are not provided by the district. Council asked Staff to work with the consultants, Collins & Cockerel to arrange a presentation at a future Council meeting.

**Ordinance and Resolutions:** None.

**City Attorney: Rod Landwehr:** Nothing to report.

**City Manager: Ken Coleman.** The City Manager reported on the following: Greg Summer has been selected to be the new Street Superintendent; Public Works is now advertising for a new Streets Crew Chief; ditch work continues and ditch water should be turned on around June 1<sup>st</sup>; painting striping will commence as soon as the weather allows; curb and gutter work continues on New York and Denver Avenues as part of the Street Improvements Project; Michelle Arnett has been hired as the new Staff Accountant and the HR Tech position will be advertised; Civic Economics will be here June 17<sup>th</sup> to give Council an update; the ice rink is moving along and Gunnison Ice will be taking over running the competitive Club Hockey program; work on the Char-Mar tennis courts continues; the pool plan is under review; the WSC Water Workshop is this week; and the Center for Mental Health will be hosting a dinner meeting. Mayor Ferguson stated he will attend the dinner.

**Acting City Manager: Finance Director Wendy Hanson.** Absent from the meeting.

**City Clerk: Gail Davidson.** Informed Council the Gunnison Valley Observatory telescope is on its way to Gunnison from Texas and should arrive by Wednesday. Installation of the telescope will start next week. The Gunnison Kiwanis Fishing Tournament was a success despite the weather, water level in the lake and difficulties in launching the boats. A financial report will be forthcoming.

**Non-Scheduled Citizens:** Lara VanRenselaar and Debra Callihan, representing the Gunnison Valley Animal Welfare League (GVAWL) distributed drawings of the proposed animal shelter and a shelter fact sheet to Council. They also requested a letter of support for their fundraising activities from Council. Council will take action on the letter on May 27<sup>th</sup>.

Scott Morrill, Gunnison County Emergency Services Coordinator, arrived at the meeting. Mr. Morrill informed Council he received the messages from the City Manager and had forwarded the requested changes to the MOU onto the County Manager. The County will remove the reference to "Private Property" in Section II.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the Memorandum of Understanding regarding flooding and to authorize the Mayor to sign the amended MOU once it is received from the County.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Harriman. Motion carried.

Roll call vote, no: None.

Mr. Morrill informed Council there will be an Incident Command Class taught during the Wildland Fire Academy on June 2<sup>nd</sup>. The cost is \$65 and Council is welcome to attend this training.

**City Council General Discussion, Meeting Reports, Items for Work Sessions:**

**Councilor Harriman:** informed Council she and the Mayor attended the Rotary meeting where the Club announced they would be participating in the "Dolly Parton Imagination Book Club". Books will be distributed to all children in the community between the ages of birth to 5 years old. This will be funded through the Gunnison Valley Community Foundation and a local Gunnison businessman is underwriting the first two years.

**Mayor Pro Tem Miller:** Nothing to report.

**Mayor Ferguson:** informed Council he and the City Manager met with WSC President Jay Helman and had a productive discussion regarding transportation issues and the proposed Gunnison Rising Annexation. Dr. Helman will be taking those issues to the WSC Board of Trustees.

**Councilor Nesbitt:** informed Council he attended the Tourism Association meeting this morning. The TA has had numerous news releases highlighting Gunnison and Crested Butte published in the last few months. The TA also talked about the marketing agreement, CBMR's downsizing the Red Lady Restaurant plans and Ride the Rockies. If Cottonwood Pass is not opened by June 19<sup>th</sup>, then the Ride the Rockies participants will be riding through Gunnison to Monarch Pass. This might be an opportunity for Gunnison. Councilor Nesbitt then discussed an application for a batch plant off 6 Mile Lane that will be coming before the County Planning

Commission on Friday. The plan could produce 250 tons per day for the Highway 135 paving project and this could impact and cause problems on the streets in Gunnison from the resulting heavy truck traffic.

**Adjournment:** Mayor Ferguson called for further comments, and hearing none, adjourned the meeting at 9:20 P.M.

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Mayor

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City Clerk