

JANUARY 24, 2012

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:01 P.M., by Mayor Houck with Councilors Drexel, Harriman, and Seymour present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Police Chief Robinson, WSC Liaison Edwards, Community Development Director Westbay, Finance Director Hanson, and a couple citizens. Councilor Nesbitt was absent. A Council quorum was present.

JANUARY 24, 2012

**PUBLIC HEARING**

7:00 P.M.

**Receive Input on Text Amendment Application ZA-11-3, submitted by the Church of the Good Samaritan, to Amend Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts) of the City of Gunnison, Colorado Land Development Code, to allow retail sales establishments, subject to conditional use review, within the Industrial District.**

Mayor Houck opened the Public Hearing at 7:02 P.M. He stated the date is Tuesday, January 24, 2012, at 7:02 P.M. in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado, and present are all of the members of City Council except Councilor Bill Nesbitt, City Attorney Rod Landwehr, City Manager Ken Coleman, City Clerk Gail Davidson, Community Development Director Steve Westbay, Finance Director Wendy Hanson and Police Chief Keith Robinson. The purpose of the Public Hearing is pursuant to Section 15.150.030(F) of the City of Gunnison, Colorado Land Development Code to receive public input on the merits of Text Amendment Application ZA-11-3, submitted by the Church of the Good Samaritan to amend Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts) of the City of Gunnison Land Development Code to allow retail sales establishments, subject to conditional use review, within the Industrial District.

Mayor Houck asked for Proof of Publication. City Clerk Davidson stated she has the affidavit demonstrating proof of publication and that will be entered into the record.

Mayor Houck called for City Staff Comments and Recommendation. Community Development Director Westbay stated that this is a text amendment application to change the Land Development Code to allow with conditional use retail sales in the Industrial Zone. The applicant is the Church of the Good Samaritan. On December 21<sup>st</sup> the Planning Commission met and voted to recommend approval of the application to the City Council for this text amendment and that is what is being considered tonight at this Public Hearing. A text amendment can be initiated by the City Council, by the Planning & Zoning Commission, by himself as the Community Development Director, or by a resident or real property owner of the City of Gunnison. A couple of points he would like to make are associated with Staff observations. The Staff observations include observations both in favor of the application and against the application. In favor observation include: there will be a diversification of the sales tax base; there will be an opportunity for additional business development in a sector of the City that already includes utilities; and there is a historic use in the Industrial District that has included retail sales as a component of other uses, primarily unique shops, such as rental companies, electrical service supplies, the airport, and other retail components, so there is some retail going on already in the District. Traffic impacts should be small if the retail outlets are small in size. Obviously if a big box were placed in the Industrial Zone then traffic and parking would be an issue. However, these types of big box development typically locate in Industrial type locations. There is no provision to deny a big box as a conditional use in the Industrial District. Staff feels like the conditional use will serve the niche-type retail business, like an artisan that does industrial-type work, or a small thrift store for example. These are the types of uses that are anticipated and they are fairly small in content. Many modern codes promote mixed use development. This is what's referred to as a form-based process. They look upon the design and utilization of the property rather than types of uses that are being involved. Some of the consideration for potentially opposing the proposal might be the reduction in the amount of land available for purposes of the Industrial District. The Industrial District does serve a very key purpose in the community to provide a location for businesses that might generate noise or possible odors and those types of issues. The Planning Commission considered this proposal. From that meeting's minutes, Commissioner Szymansky stated that allowing retail in the Industrial District could have value. The Opportunity Shop is already established in the Industrial District and it makes sense to continue that use. He doesn't see a lot of people wanting to do retail in the District. Commissioner Ferchau feels that businesses that are going to thrive in that area are not going to take away from the existing Commercial or CBD Districts. Commissioner Ferguson feels the request is really appropriate and the proposal makes good sense. He feels the utilization in the area would be appropriate and allows opportunity for businesses. The Findings

that were approved by recommendation from the Planning Commission are in the report. Finding #2 states that the Planning & Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments in Section 15.150.050 of the Land Development Code. The previous pages identify four review standards that are required to be assessed for any potential text amendment. Finding #3 states that those review standards have been reviewed and the Planning Commission finds compliance with those. Finding #4 is: the Planning & Zoning Commission finds that a Conditional Use review will ensure the compatibility of surrounding uses and that adequate parking is provided. So the Conditional Use review will point out to any potential retailer that there may be an industrial area adjacent to their property that might not be desired and they would have to be aware of it and live with it. The Planning Commission also made a Finding that the text amendment promotes diversification of the sales tax base, and increases opportunities for additional business development for new business. The Planning Commission finds that it will likely be limited to smaller businesses with minor traffic demand.

Community Development Director Westbay introduced Sue Ruffe of the Church of the Good Samaritan who is the applicant for the text amendment. She went through the process with the Planning Commission. Mayor Houck asked Ms. Ruffe if she had any further comments. She had nothing further to add for Council.

Mayor Houck then opened the Public Hearing to Public Comment. Dwight Don Weaver, City resident, stated his name for the record and his address is 811 W. New York Avenue, signed in and addressed Council. Mr. Weaver stated he lives a half a block north of the Op Shop. He spent most of the afternoon contacting the businesses and people who live within a four block radius of the Op Shop. Nobody has any complaints about keeping the Op Shop as it is or any concerns about parking or any business disrupting. The Op Shop has been there for fifty years and everybody likes it, mostly the trailer parks around it because the people like to shop there. That's the way we would like to keep it with that kind of business there. He sees no impact on any of the commercial lots around the building and if there was it would probably be for the best. He would like to work with anybody and everybody around there. He lives there and he has been there his entire life. That's the way he wants it. We should grow and accept any growth we can. His book is open to all of the names and addresses he collected in his survey. Mr. Weaver removed the pages from the book and these were entered into the record of the Public Hearing. Mayor Houck thanked Mr. Weaver for bringing in the pages and for giving comment at the Hearing.

Mayor Houck asked for any other comments. There were none. He then asked City Clerk Davidson if there were any letters, emails or other comments received to be entered into the record. Clerk Davidson stated none were received. Director Westbay stated that he had not received further comments. He did enter the Staff Recommendation and the Planning & Zoning Commission meeting minutes, containing their comments, into the Public Hearing record.

Mayor Houck called for any further comments, and hearing none, closed the Public Hearing at 7:12 P.M.

**Consideration of Minutes:**

**Regular Session Meeting Minutes of January 10, 2012.**

Councilor Harriman moved and Councilor Seymour seconded the motion to approve the Regular Session Meeting minutes of January 10, 2012, as submitted.

Roll call vote, yes: Harriman, Houck, Seymour. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Drexel.

**Pre-Scheduled Citizens:** None.

**Unfinished Business:** None.

**New Business:**

**Action to Excuse Councilor Nesbitt from This Evening's Regular Session Meeting.**

Councilor Seymour moved and Councilor Drexel seconded the motion to excuse Councilor Nesbitt from this evening's Regular Session.

Roll call vote, yes: Harriman, Houck, Seymour, Drexel. Motion carried.  
 Roll call vote, no: None.

**Action to Authorize Mayor's Signature on 2012 Contracts for Service and Continuing Challenge Grants and Authorize Release of 2012 Budgeted Funds.** Finance Director Hanson stated these memorandums of agreement and continuing challenge grant contracts were approved in the 2012 budget. They outline the requirements the entities must follow to receive the funding. This evening she is requesting authorizing the Mayor to sign the agreements and contracts. Most entities will receiving payment within 30 days, however the Chamber receives their payment in 2 checks, one now and one in July. There are two applications that are not included in this action, Habitat for Humanity and the Gunnison Valley Animal Welfare League. The agreements with these organizations are still being formalized and will be brought to Council for approval at a later date.

Councilor Harriman moved and Councilor Drexel seconded the motion to authorize the Mayor's signature on the 2012 Continuing Challenge Grants and Contracts for Service Agreements and authorize the release of the budgeted 2012 funds for these programs:

- Chamber Holidays - \$2,000
- Cattlemen's Days - \$7,500
- Gunnison Kiwanis Fishing Tournament - \$750
- Gunnison Car Show - \$500
- Gunnison Rotary Fireworks - \$6,000
- Safe Ride - \$3,500
- Gunnison Council for the Arts - \$15,000
- Spay/Neuter Services - \$1,000
- Literacy Action Program - \$750
- Pioneer Museum - \$3,000
- Water Workshop - \$500
- Jubilee House - \$1,000
- Six-Points Program - \$2,500
- Gunnison Nordic Club - \$1,000
- Gunnison Chamber of Commerce - \$13,500
- WSC Recruiting Services - \$9,000

Roll call vote, yes: Houck, Seymour, Drexel, Harriman. Motion carried.  
 Roll call vote, no: None.

**Real Estate Offer, Re: Communications/Dispatch Center Relocation.** City Attorney Landwehr stated that the City's offer of \$190,000.00, based on the City's appraised value of the VanTuyl Village lot, was countered by the owners for \$220,000. The owners would also like to be able to comment on the City's building plans prior to construction. The closing date remains the same; however, the sellers request a response date of tomorrow, January 25<sup>th</sup>. There are three options: say no thanks to the offer; accept the counteroffer; or counter the counteroffer. City Manager Coleman explained the sellers have no covenants or subdivision provisions that allow them to review and approve or deny building plans. The City doesn't anticipate building an ugly building or the Taj Mahal. It will be a stick-built building for the Communications Center that has the capacity to be expanded in the future. There will also be an auxiliary building constructed to house the Emergency Command Center, the highway message trailer and other types of emergency equipment. A lengthy discussion ensued. Topics included: the need not to rush into a decision; an adjacent 4.8 acre lot has a per square foot cost that is less than this property; the appraisal that was paid for by the City; the additional proposed \$20,000 is taxpayer money that could be used to accomplish the lot preparation work; and Councilor Nesbitt has not had an opportunity to view the offer. Consensus was for each of Councilor to read the appraisal, review the counteroffer and to discuss the issue at a future Council meeting. Mayor Houck thanked City Attorney Landwehr for his work on the project.

#### **Ordinances and Resolutions:**

**Resolution No. 1, Series 2012; Re: Supporting Creative District Designation.** Councilor Harriman introduced Resolution No. 1, Series 2012, and it was read by title only by the Mayor. \* This item was discussed at last week's Council Work Session meeting.

Councilor Harriman moved and Councilor Drexel seconded the motion that Resolution No. 1, Series 2012, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUPPORTING THE CREATION OF A DESIGNATED GUNNISON COUNTY CREATIVE DISTRICT**, be introduced, read, passed and adopted this 24<sup>th</sup> day of January, 2012.

Roll call vote, yes: Seymour, Drexel, Harriman, Houck. Motion carried.

Roll call vote, no: None.

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

**City Manager:** Ken Coleman. City Manager Coleman informed Council he had received a request letter from ORE regarding the City participating in the Southwest Solar Transformation Initiative. This is a partnership to facilitate solar installations and applications and participation could assist with DOE Energy grants. This is the initial regulatory piece and there is no cost to the City. There is 20 to 40 hours of training available. The outcome will be an evaluation of City regulations and policies regarding solar installations. This was discussed with Staff this morning and Tex Bradford stated he would participate. This may be an opportunity for the City to get training and information and the program is in-line with Council priorities regarding enhancing energy efficiencies. Tex is also very knowledgeable about the City's MEAN electric contract with the City. Councilor Harriman asked if ORE could be involved in the future. The City Manager indicated there is no clear cut role for them at this time but that doesn't discount their involvement in the future. Council consensus was for the City Manager to sign the letter and get the City involved in the program. City Manager Coleman reported on the following: the Streets crews have been doing snow removal and sanding; the snow blower is still down so the crews are bucket loading the snow; three candidates have been interviewed for the City's WSC intern program and the City wants to guarantee a full learning experience for the students as well as gaining a viable end-product; the City has received word that CEBT Insurance, our health insurance provider will be raising rates for the City by approximately 17% starting July 1<sup>st</sup>; 16 people from Gunnison attended the USAPCC Symposium in Colorado Springs last week and they obtained some good information for the Local Organizing Committee (LOC) to start work on the event; Versus was bought out by NBC Sports for coverage of the USAPCC so there will be extended coverage this year; the final routes have not been announced at this time; there will be a LOC meeting this Thursday; the Nuggets Skills Challenge sectionals will take place this Sunday at the Community Center; and the UGRWCD has sent the City a copy of their request to change the conditional water rights at the Gunnison Whitewater Park. We will not be opposers on this issue.

**Acting City Manager:** Police Chief Robinson. Chief Robinson reviewed the report he included in Council's packet. Topics covered included: the PD and Dispatch are at full staffing; training is being accomplished with POST and ADAD funds; there were 674 animal calls in 2010 compared with 664 calls in 2011; work continues with GVAWL regarding the new animal shelter facility agreement; transports were up over prior years for alcohol or mental health holds; out-of-state extraditions are typically contracted out; the Department has a clearance rate of 37%; Communications is preparing for narrow banding of radio frequencies; the 911 phone system is being examined; violent crimes are up slightly but criminal activity is fairly consistent with previous years; and the Department is preparing for all of the upcoming events taking place in the City. Council thanked the Police Chief.

**City Clerk:** Gail Davidson. Asked Council for their future schedules. At least three Councilors will be gone during spring break, so the March 20<sup>th</sup> Work Session meeting will be cancelled. Mayor Pro Tem Harriman stated she would not be available on March 6<sup>th</sup>, Caucus night. Mayor Houck and Councilor Seymour will not be available as well, so the March 6<sup>th</sup> Work Session with the Planning and Zoning Commission will be rescheduled for Wednesday, March 7<sup>th</sup>. Mayor Houck and Councilor Seymour both indicated they will not be at the February 7<sup>th</sup> Work Session but we will still have a quorum. Also, Staff discussed their 2012 Workplans and Council will be receiving a copy of those in the next week or so.

**WSC Liaison:** Nicholas Edwards. Nick reported that both the men's and women's basketball teams will be playing at home this weekend. The Board of Trustees will meet in Denver on February 10 regarding the name change. Discussion is continuing on the proposed 2-year on-campus residency requirement. Mayor Houck suggested Nick talk with Councilor Nesbitt about

the rental market in Gunnison and how this proposal may impact property management companies and rental unit owners.

**Non-Scheduled Citizens:** None.

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

**Councilor Drexel:** reported he interviewed with the County Commissioners regarding appointment to the Region 10 Business Loan Fund. He will be attending a Region 10 meeting in Montrose on Thursday.

**Mayor Pro Tem Harriman:** reported she has no meetings last week but has several this week. She will be attending the Firemen's Pension Board meeting on Thursday evening and the Tourism Association informational meeting on Thursday morning. She participated in the Gunnison High School Speech Festival last week and there are some truly talented young people participating in that program.

**Mayor Houck:** informed Council he will not be in attendance at the February 7<sup>th</sup> meeting as he will be in Washington D.C. for a meeting. He attended the RTA meeting last Friday and Chris Morgan is the new Board Chair. RTA revenues are increasing slightly and they are looking at future air service needs, especially with United. Ridership on the 8 bus trips per day continues to be strong. Additional buses are called out to supplement as needed.

**Councilor Seymour:** reported he will be attending the Planning & Zoning Commission meeting tomorrow evening. He spoke with Tex Bradford today and he will be attending the Public Works Department meeting tomorrow morning.

**Adjournment:** Mayor Houck called for any further discussion, and hearing none, adjourned the meeting at 8:36 P.M.

  
Mayor

  
City Clerk