

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Miller, Harriman, Houck, and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Finance Director Hanson, WSC Liaison Moyer, many interested citizens and the press. A Council quorum was present.

Consideration of Minutes:

Special Session Meeting Minutes of December 15, 2009. Councilor Harriman moved and Councilor Miller seconded the motion to approve the Special Session Meeting minutes of December 15, 2009, as submitted.

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

Roll call vote, no: None.

Regular Session Meeting Minutes of December 8, 2009. Councilor Nesbitt had several questions regarding his comments regarding Ordinance No. 12, on page five, third paragraph, of the minutes. He stated that he had mentioned all of the dates of the water rights being discussed. He also questioned using the term "heavy water". City Clerk Davidson reminded Council that the minutes are not verbatim minutes, like in public hearing testimony, but are modified action minutes. If Councilor Nesbitt would like them changed, she would do so. Council did not feel including the dates was necessary. Councilor Miller asked that the word State be changed to Staff on page five in the fourth paragraph. Councilor Houck requested that on four, second paragraph, the two sentences in line 14 be joined, they were a single statement. City Clerk Davidson stated she would make the changes.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the Regular Session Meeting Minutes of December 8, 2009, as amended.

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

Roll call vote, no: None.

Pre-Scheduled Citizens:

Gunnison-Crested Butte Tourism Association Quarterly Update – Director Jane Chaney. Ms. Chaney and Tourism Association (TA) Board President Stephen Pierotti addressed Council. Ms. Chaney asked Council if they had any questions regarding the information that was included in their packets. City Manager Coleman stated that Crested Butte lodging is looking good. Ms. Chaney stated the July and August bookings were on par with 2007. Ms. Chaney went on to discuss consumer trends and the statistical information obtained from the Governor's State Tourism Office Conference. The tourism study by Peter Yasowich discussed tourism industry trends and information. The TA website users and trends were discussed. Ms. Chaney stated the website is being used as an information portal to the TA's partner's websites. The website is also used for geo-target messages. These messages differ in the different geographic areas. Information for users in Texas may be different than information targeted for users on the Front Range or back east. Council thanked Ms. Chaney and Mr. Pierotti.

Unfinished Business: None.

New Business: None.

Ordinance and Resolutions:

Ordinance No. 10, Series 2009, Re: Authorizing Renewal of the Existing Cable Franchise Agreement Held by Time Warner NY Cable LLC, 2nd Reading. Councilor Nesbitt introduced Ordinance No. 10, Series 2009, asked that copies be made available to the public, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Miller seconded the motion that Ordinance No. 10, Series 2009, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AUTHORIZING THE RENEWAL OF THE EXISTING CABLE FRANCHISE AGREEMENT HELD BY TIME WARNER NY CABLE LLC, DOING BUSINESS AS TIME WARNER CABLE; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY OF GUNNISON, THE CABLE FRANCHISE AGREEMENT,** be introduced, read, passed and adopted on second and final reading this 22nd day of December, 2009.

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

Roll call vote, no: None.

Ordinance No. 11, Series 2009, Re: Additional Appropriations to 2009 City Budget, 2nd Reading. Councilor Nesbitt introduced Ordinance No. 11, Series 2009, and it was read by title only by the City Attorney.

Mayor Ferguson informed the audience that this Ordinance covers items that were not included in the initial 2009 Budget planning process, so this Ordinance appropriates the funds for unanticipated expenses and for grants that are received during the year that were not declared in the original adopted 2009 Budget.

Councilor Nesbitt moved and Councilor Miller seconded the motion that Ordinance No. 11, Series 2009, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009**, be introduced, read, passed and adopted on second and final reading this 22nd day of December, 2009, and that copies be made available to the public.

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

Roll call vote, no: None.

Ordinance No. 12, Series 2009, Re: Approving the Annexation to the City of Gunnison the Property Described in the Gunnison Rising Annexation Petition Submitted by Gunnison Valley Partners, LLC and Others, and Approving the Gunnison Rising Annexation Agreement; 2nd Reading. Councilor Miller introduced Ordinance No. 12, Series 2009, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Ordinance No. 12, Series 2009, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ANNEXING THE PROPERTY COMMONLY KNOWN AS “GUNNISON RISING” INTO THE CITY OF GUNNISON, COLORADO, AND APPROVING AND AUTHORIZING THE EXECUTION OF THE “GUNNISON RISING ANNEXATION AGREEMENT”**, be introduced, read, passed and adopted on second and final reading this 22nd day of December, 2009.

Discussion: City Attorney Landwehr informed Council, that after examining the State Statutes and City Charter regarding a potential referendum process regarding passage of this ordinance, that he recommends amending the ordinance to include the effective date of the ordinance being 30 days after publication of the ordinance. Section 5 has been added to the ordinance to reflect this publication and effective date clarification. This conforms to the State Statute requirement for a 30 referendum petition submission period. Publication of the ordinance is anticipated on December 31st. The ordinance will become effective 30 days after publication.

Vote on Ordinance Amendment:

Councilor Miller moved and Councilor Nesbitt seconded the motion to amend Ordinance No. 12, Series 2009, to include Section 5, regarding the publication and effective date of the Ordinance.

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

Vote on Ordinance motion:

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

Roll call vote, no: Harriman, Houck.

Ordinance No. 13, Series 2009, Re: Subjecting Newly-Annexed Parcel of Property Known as the Gunnison Rising Annexation to the City Land Development Code; Approving the Gunnison Rising PUD Development Standards and Establishing Zoning Districts of Said Parcel; Amending the Zoning District Designation of a Parcel of Approximately Three Acres; Granting Vested Rights Therein; and Amending the City Zoning Map, 2nd Reading. Councilor Miller introduced Ordinance No. 13, Series 2009, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Ordinance No. 13, Series 2009, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, SUBJECTING A NEWLY-ANNEXED PARCEL OF PROPERTY LOCATED IN SECTION 1, TOWNSHIP 49 NORTH, RANGE 1 WEST, SECTION 36, TOWNSHIP 50 NORTH, RANGE 1 WEST, SECTIONS 5 AND 6,**

TOWNSHIP 49 NORTH AND SECTIONS 30 AND 31, IN TOWNSHIP 50 NORTH, RANGE 1 EAST, NEW MEXICO PRINCIPAL MERIDIAN (THE GUNNISON RISING ANNEXATION), CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, TO THE LAND DEVELOPMENT CODE OF THE CITY OF GUNNISON, COLORADO; APPROVING THE GUNNISON RISING PUD DEVELOPMENT STANDARDS AND ESTABLISHING THE ZONING DISTRICTS OF SAID PARCEL AND AMENDING THE ZONING DISTRICT DESIGNATION OF A PARCEL WHICH IS APPROXIMATELY THREE ACRES; GRANTING VESTED RIGHTS THEREIN; AND AMENDING THE ZONING MAP OF THE CITY OF GUNNISON, COLORADO, be introduced, read, passed and adopted on second and final reading this 22nd day of December, 2009.

Discussion: City Attorney Landwehr informed Council, like Ordinance No. 12, he recommends amending Ordinance No. 13, to include the effective date of the ordinance being 30 days after publication of the ordinance. Section 6 has been added to the ordinance to reflect this publication and effective date clarification. Again, publication of the ordinance is anticipated on December 31st. The ordinance will become effective 30 days after publication.

Vote on Ordinance Amendment:

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

Roll call vote, no: Houck.

Vote on Ordinance motion:

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

Roll call vote, no: Houck.

Councilor Houck stated his vote reflects his concerns with some of the zoning issues.

Mayor Ferguson stated that of all the things he's seen while he has been in Gunnison, the conduct of everyone involved in this issue has been commendable. Discussion has been carried out in a courteous, civil manner and he thanks all who have participated in this process. It reflects well on our community.

City Attorney: Rod Landwehr. Nothing further to report.

City Manager: Ken Coleman. Reported on the following: training is on-going on the new refuse trucks and there is an issue with some of the container diameters that is requiring some adjustments; the last of the roof piping insulation for the solar panels is taking place at the Community Center and the heat exchangers are on-site. There should be hot water from the panels on approximately January 20th; the ice rinks have been very active with 10 out of town teams here last weekend for a Mites Tournament.

Acting City Manager/City Clerk: Gail Davidson. Asked Council if they had any questions regarding her semi-annual departmental report in their packets. They had no further questions.

WSC Intern: Rodney Moyer. Stated the College Center Theater is now open and movies are playing. He thanked Council for allowing him this opportunity to work with the City Council.

Non-Scheduled Citizens:

Dick Bratton, County Resident and Annexation Applicant, thanked Council.

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

Councilor Miller and Councilor Harriman: nothing to report.

Mayor Ferguson: nothing to report.

Mayor Pro Tem Houck: reported he attended the Valley-wide Energy meeting last week. The State has awarded the Energy Coordination Grant to ORE. They will be the State representatives in the area. At the meeting, the other entities acknowledged the good job the City and WSC have been doing. They are leading the way in the Valley.

Councilor Nesbitt: reported there was an issue with the seniors earlier in the week but he and City Manager Coleman had resolved the problem. The Pueblo Chieftain Newspaper has been running articles on water issues and Gunnison has been mentioned more than once. Westword, the Denver magazine, has also had articles on water wars. We are in the crosshairs. He will be attending the Water Congress meeting in January. There is a vacancy on the Region 10 Business Loan Fund Board if any local business owners are interested in serving in that capacity.

City Manager Annual Review: City Manager Coleman informed Council he provided a list of what he worked on from the 2009 Business Plan. Also included in their packets is a copy of the proposed 2010 Employment Agreement. There were a few minor changes, such as the dates, but there is no change in the compensation. He is maintaining the status quo of the other employees. City Manager Coleman stated that the City is not in as bad an economic position as some municipalities but we are still at a depressed level. He and all of management staff are looking at City finances in a fiscally prudent manner. All of the employees have put forth a good effort. He asked City Council for feedback and for any adjustments they would like to see. Mayor Ferguson commented the list is a short summary; he has done a lot more work. Councilor Nesbitt brought up a recent incident that occurred with a local business owner and repercussions about an article in the CB News regarding the Snodgrass Expansion. A lengthy discussion ensued. The City Manager explained about the misquoting and misconceptions presented in the article. He reiterated that he feels we should rise above on how we behave. That is why he didn't write a rebuttal to the paper. Discussion on taking a more active role in these types of issues took place. The City Manager stated he, like Council, is supportive of the public process. Councilor Houck feels the City Manager is a good source to disseminate information in the community. He keeps in touch with City Council and gets that information out to the citizens. He is happy with Ken's ability to speak for Council. Councilor Miller's concern is that an individual said the City Manager said the City doesn't care about Snodgrass. Councilor Miller thinks we need to set the record straight. Misquoting or misleading is wrong, and a tactful, re-directed letter is imperative. Councilor Nesbitt agreed that a short letter could be written to clarify the issue. Councilor Houck stated he too has been misquoted and he feels if you keep going on it, it is not productive. However, he doesn't object to a clarification letter being written. City Manager Coleman will write a draft letter and get it to Council to read. City Manager Coleman further stated that we, the government, need to look out for the food of the entire community and sometimes this is a fine line. This is the political side not the administrative side. Councilor Houck stated it would be helpful for him to see a list of upcoming 2010 priorities. The rest of Council concurred. The City Manager will get that to Council. Councilor Miller brought up the Mayors'/Managers' meetings. He would like that group to refocus and have more organization to discuss and solve common problems and issues. It shouldn't just be a social meeting. At this point, he questions the validity of the meeting. City Manager Coleman stated he also would like more focus and has suggested a Valley-wide economic summit. The suggestion was not met with much enthusiasm. He has met with the other managers and hopes to continue these more focused meetings.

Councilor Nesbitt moved and Councilor Houck seconded the motion to retain Kenneth R. Coleman as City Manager for the next year, approve his Employment Agreement and have all of Council sign said Agreement.

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

Roll call vote, no: None.

Adjournment: Mayor Ferguson called for any further comment and, hearing none, the Regular Session meeting was adjourned at 8:20 P.M.

Mayor

City Clerk