

May 26, 2020

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

5:30 P.M.

The City Council Regular Session meeting was called to order on May 26, 2020, at 5:32 p.m. in Council Chambers located at 201 W. Virginia Avenue, Gunnison, Colorado, by Mayor Jim Gelwicks. Councilors Jim Miles and Boe Freeburn were physically present along with City Manager Russ Forrest and City Clerk Erica Boucher. Councilors Mallory Logan and Diego Plata were remotely present along with City Attorney Kathy Fogo, Finance Director Ben Cowan, Public Works Director David Gardner, City Engineer Cody Tusing, Police Chief Keith Robinson, Interim Parks and Rec Director Dan Vollendorf, City Events Coordinator Andy Elfin, Community Development Director Anton Sinkewich, and Senior Planner Andie Ruggera. Public hearing applicant Alex Joyce of Cascadia Partners attended remotely. A handful of individuals attended the meeting online to participate in the public hearing or an agenda item. The press was present online. A Council quorum was present.

**PUBLIC HEARING**

Mayor Gelwicks called the public hearing to order on Tuesday, May 26 at 5:33 p.m. in Council Chambers located at 201 W. Virginia Avenue, Gunnison, Colorado. This is a continuation of the May 12, 2020 public hearing on the merits of a Major Change to PUD application, ZA 20-1, to revise zoning designations and to amend the Gunnison Rising PUD Development Standards. Mayor Gelwicks, Councilors Miles and Freeburn were physically present in Council Chambers along with City Manager Forrest and City Clerk Boucher. Mayor Gelwicks stated that Councilors Logan and Plata were present remotely along with City Attorney Fogo, Finance Director Cowan, and Community Development Director Anton Sinkewich. Mayor Gelwicks stated that the purpose of the public hearing was to receive input on the merits of a Major Change to PUD application, ZA 20-1, to revise zoning designations and to amend the Gunnison Rising PUD Development Standards. This hearing focused on transportation, phasing, and the Gunnison Sage Grouse.

The Mayor confirmed with the Clerk that the public hearing was properly noticed. Mayor Gelwicks called for initial comments from Council. Council had none. Community Development Director Sinkewich introduced the evening's topics. They were transportation, phasing, and Gunnison Sage Grouse.

Dick Bratton of Gunnison Valley Properties introduced Ron Welborn to Council. Mr. Welborn was brought onto Gunnison Valley Properties' team to enhance the development work and momentum for the project. Mr. Welborn introduced himself. He stated that he is excited to be a part of the project and that he is invested for the long term. He will be involved in all stages of the project, from development through execution.

The public hearing transitioned to Alex Joyce of Cascadia Partners who introduced his agenda. His agenda included transportation, the phasing process in the PUD, Gunnison Sage Grouse, a preview of minor changes to the PUD, and an update on solar access.

Mr. Joyce started his presentation with transportation. He reviewed the street network design that was introduced at the previous meeting. He reminded Council that the street network for Gunnison Rising is based on a hierarchy of streets and good connectivity. The critical connection between downtown Gunnison and Gunnison Rising is Georgia Avenue. Highway 50 is also an important road, as are the gateway streets. The gateway streets are the primary access points to Gunnison Rising from the highway and are the first points of contact for those traveling west into the City.

The fundamental idea and design for Georgia Avenue is its multi-use path on the north that connects to downtown Gunnison. It also possesses a variety of parking options. The gateway streets were designed to have room for snow storage, parking, and sidewalks. There is design flexibility with the local streets depending on the amount of traffic on those streets. A proposed amendment to the PUD is to have design flexibility in the pedestrian realm on the streets with approval by the City Engineer. The order and width of "behind the curb" landscaping, bike lanes, and sidewalks can be changed with approval from the City Engineer provided it meets ADA and snow storage requirements.

Mayor Gelwicks asked if Georgia Avenue ends at the cemetery. Mr. Joyce responded that the details of where that street ends are still in discussion, but it does not go into the cemetery. Mayor Gelwicks noted that with improvements, the street on the west side could connect to Escalante Drive. The street on the east side could connect to Tomichi Heights. These extensions further east and west, connecting the area to the north and south, should begin to be considered in conjunction with the 3-Mile Plan. Mr. Joyce said that they considered how the road connected with Western Colorado University via Escalante, but not the connection on the east side because of the topography and 60' easement.

Councilor Freeburn asked if the access roads off the highway were a quarter mile apart. Mr. Joyce said that they comply with CDOT standards and are not exactly a quarter mile apart. There intended to be only one additional stop light added as included in the Control Access Plan. Other traffic signs and lights will be determined as development occurs. Mr. Joyce shared that if the City wants to reduce the speed limit within Gunnison Rising, they should begin to discuss that with CDOT. Cascadia Partners supported making a recommendation for a reduction in speed in that area to CDOT.

City Engineer Cody Tusing explained that monitoring the flow of traffic will help determine which access points from the highway may be best for stoplights and signs. City Manager Forrest asked Mr. Tusing to share any significant impacts this project could have on existing infrastructure and level of service according to the 2006 Traffic Impact Analysis.

The Traffic Impact Analysis is a separate study from the Access Control Plan. The Traffic Impact Analysis was completed over 20 years ago. It was based on traffic counts, residential units, commercial space, and business parks. They looked at peak trips in the morning and in the afternoon and the average generation throughout the day. The peak hour was 5:00 p.m. Even with the changes to the current PUD, Mr. Tusing determined that the Impact Analysis is conservative. He noted that the Analysis has expired. It was finalized in 2007 with a 20-year projection. The level of service in the Analysis was based on signalized or un-signalized intersections. The Access Control Plan covered most of the city, from Hwy 135 to the Industrial Park. It identified one reduction in level of service, which was at Main Street and Tomichi. A reduction in level of service meant the wait time at the signal increased, but it was still acceptable. He said the Traffic Impact Analysis was still valid. Any recommendations to it would be extending its projection and possibly updating Table 3 with any modifications. The Traffic Impact Analysis recommended road improvements to maintain the level of service. The Engineer stated that the city could currently manage expansion but suggested that the access occur in a phased process.

Mr. Tusing responded to a question from Councilor Plata about public transportation. He stated that public transportation was not included in the Traffic Impact Analysis. The study was done in September and October. Public transportation would reduce the number of peak trips. City Manager Forrest noted that the City has begun preliminary discussions with the RTA about a circulator route. Georgia Avenue could accommodate a bus, and intersections B and C could support public transportation usage.

Mr. Joyce noted that the street design in the proposed PUD would reduce the number of auto-only trips. Others noted that less auto travel could occur because of the inclusion of more multi-modal travel lines and trails in Gunnison Rising. Transportation and how it works within the City's structure and will work for Gunnison Rising are essential pieces of this project. Council had no questions at this time.

Mr. Joyce transitioned to the topic of development phasing. The original PUD was very structured and required development of one zone before development could begin elsewhere. Development was very defined and heavily weighted toward commercial development. The new PUD included a Development Phase Review process, which allows for more flexibility of when areas can be developed. This new process allows for development to occur when specific triggers are met. Once a trigger is met, the Development Phase Process will be activated. Triggers would be a residential development of more than 20 units or a commercial development of more than 30,000 square feet. He referred to Section 2.5 of the new PUD Development Standards. Specific criteria must be met in the Development Phase Review process. This included that the development must be consistent with the overall conceptual plan, must identify needed transportation improvements, must identify

future utility needs, must comply with cultural resources protections, and must address stability slope and drainage. It also required identification and dedication of land for public facilities or affordable housing as described in the Annexation Agreement.

Currently, there is a three-step approval process for smaller developments (less than 19 residential units) which includes a sketch plan, preliminary plat, and a final plat. In the proposed PUD, once the trigger points are met, there is an extra layer of review, which is the Development Review Process. City staff is comfortable with this suggested process.

Mayor Gelwicks asked about the timeline for the large projects that would require the additional Development Phase Review process step. Much of the work could occur currently. Senior Planner Ruggera stated that the Development Review Process would be done currently with the subdivision process as outlined in Section 12 and would take about 9 months to a year to complete. A large development could take up to 18 months. The preliminary plat process requires the most time.

Mayor Gelwicks asked if there are provisions for variances from the PUD. He gave an example of expanding a street beyond what was included in the PUD. Mr. Joyce responded that the goal is to maintain the conceptual plan, but it allows for flexibility with the City's approval. The *Land Development Code* will still be a part of the PUD. This is a process and not a specific plan.

The next topic was the Gunnison Sage Grouse and the non-determination of a critical habitat for land south of the canal. A determination is expected from the federal government within the next two weeks on the area north of the canal. Community Development Director Sinkewich gave an overview of this topic. On September 24, 2019, Council was authorized to be the administrator of the Habitat Conservation Plan and permit holder for the Incidental Take Plan for Gunnison Rising. The city took on these roles in order for development to occur in Gunnison Rising. The Incidental Take Permit lasts 20 years and all building permit recipients will have to acknowledge in writing that they are building in an Incidental Take area. Community Development will be required to produce an annual report. This process was required to ensure that building timing was appropriate and consideration was given to the habitat. Director Sinkewich explained that an Incidental Take Permit acknowledges that activity is occurring in a potential habitat for wildlife and life may be taken in the process of lawful activity. However, every precaution would be taken not to harm the endangered species on the land. City Attorney Fogo expanded on Director Sinkewich's explanation of the Incidental Take Permit. She added that it protects the City and the developer in case a "take" occurred during lawful activity. No decision or action was required.

Next, Mr. Joyce reviewed proposed minor amendments to the PUD since the Planning and Zoning Commission's approval. They were avigation specifics in the Maker District and for the Events Center area related to height and lighting to ensure that there were no issues with FAA regulations. Another minor amendment is to add a map and statement to clarify that the parcel previously owned by Gunnison Valley Properties is now owned by the Pioneer Museum. The parcel will be removed from the PUD and rezoned in the City's Commercial zone. Staff requested that this was specifically included for the record. A new lift station would not be adjacent to the Pioneer Museum but closer to Teller Street. Another minor amendment included that conceptual designs identify the primary location of areas or the general placement of utilities, but the Sketch Plan Design goes into more detail. The fourth minor amendment was that Cascadia Partners recommended minor adjustments to zone district boundaries so they align with refined streets and block layout once the Sketch Plan Design work is completed. Zone districts should match street locations. Specific amendments will be included in the final PUD package.

Cascadia Partners is working to prepare a Sketch Plan application for the Planning and Zoning Commission to review that takes Solar Access design into the next level of detail. They are considering how solar access will impact block patterning and orientation to maximize solar access. This is currently a work in process. Cascadia Partners will follow up with how solar access will be included in the development standards.

Councilor Logan shared that Gunnison is working towards a Dark Sky Initiative and wanted to be sure that Gunnison Rising's lighting standards would follow the City's standards to the Dark Sky requirements. Senior Planner Ruggera confirmed that Gunnison Rising lighting standards meet the *Land Development Code* standards, which meet the Dark Sky standards. City Manager Forrest and

Mr. Joyce confirmed that the height of buildings would only be reductions, if needed to comply with FAA regulations. Council had no additional questions.

Mayor Gelwicks called for public comments. Susan Kerns, a resident of Crested Butte, is interested in Gunnison Rising and thought it contained many possibilities. She expressed appreciation for Council addressing lighting, solar access, multi-modal transportation, and affordable housing. She thought the phasing of development may occur through public/private partnerships. She asked if developers from outside of the state have expressed interest in the project. Mr. Bratton stated that they have received interest in most parts of the projects, especially housing. They have had discussions with the BLM and Forest Service. City Manager Forrest has had conversations about the Maker District. No discussions have occurred about the commercial areas. Once the infrastructure begins to be put into place at Gunnison Rising, more developers will recognize the project is real and is moving forward. It was confirmed to Susan Kerns that a market demand and a housing needs assessment have been completed. Housing is needed for all income levels. She congratulated Gunnison on Lot 22 and GardenWalk but noted that focus must continue to be given to affordable housing. Council and Ms. Kerns thanked each other.

The mayor called for additional comments. Mr. Joyce thanked Council. He stated that he is looking forward to the discussion on June 1.

City Manager Forrest asked for the public hearing to be continued on June 1, 2020, at 2:00 p.m. to discuss affordable housing and the key points of the PUD and Annexation Agreement.

Councilor Freeburn noted that previous conversations had included housing for seniors and he would like to see follow up on that topic. Council had no additional comments or thoughts.

Mayor Gelwicks asked if the City had received any additional comments. City Clerk Boucher stated that the City received a written comment earlier in the day from Susan Kerns. For the record, Clerk Boucher summarized the comment. Mrs. Kerns asked that the housing planned for Gunnison Rising be inclusive of all people and their diverse physical abilities, ages, and economic status. She also encouraged the developers to take aging into account with the design process and emphasized that the housing units should be financially affordable to the workforce. She is interested in seeing more discussion take place on public/private partnerships.

The Mayor called for final comments. Hearing none, the Mayor went into recess on this public hearing at 6:58 p.m. and continued the public hearing until Monday, June 1, 2020, at 2:00 p.m.

#### **Citizen Input:**

Mayor Gelwicks reminded the audience that Citizen Input is reserved for the public to speak with Council about non-agenda items. He called twice for citizens to speak. No one came forward.

#### **Action Items:**

**Approval of the May 12, 2020, Regular Session meeting minutes.** Councilor Freeburn moved and Councilor Miles seconded the motion to approve the May 12, 2020, Regular Session meeting minutes as submitted.

Roll call, yes: Freeburn, Miles, Gelwicks, Logan, and Plata. So carried.

Roll call, no: None.

**Gunnison Farmers Market Multi-Day City Event Permit.** City Clerk Boucher summarized the multi-day event permit process and stated that a multi-day permit requires Council's approval. Clerk Boucher noted that she had been working with Barbara Frase, one of the organizers of the event, for this presentation to Council. Mrs. Frase explained to Council that she and Beth Coop had worked closely with Gunnison County Health and Human Services Director on their event proposal to ensure that the event will meet public health orders. She highlighted that vendors will be required to spread out, customers must travel through the market in one direction and facemasks will be required. The market will extend into Iowa Street to give vendors more room. Council thanked Mrs. Frase for the organization's hard work on the proposal and event permit.

Councilor Freeburn moved and Councilor Miles seconded the motion to approve the Farmers Market multi-day city event permit and authorized the Mayor to sign the permit.

Roll call, yes: Miles, Gelwicks, Logan, Plata, and Freeburn. So carried.

Roll call, no: None.



**Council recessed at 7:06 p.m. and returned at 7:15 p.m.**

**Financial Update and Capital Project Discussions.** Finance Director Ben Cowan gave a local financial update since his initial financial update presented to Council on March 24, 2020, about the impacts COVID-19 has had on the local economy. He noted that the City has not experienced any major financial surprises and what has happened has been in-line with the financial forecast he presented in March. His financial update included points on the City's immediate response to COVID-19 by reducing expenditures, unemployment rates, sales tax collection, and the COVID-19 Business Relief Grant program. A brief discussion occurred about the Wayfair Decision and the City's intention to draft policy to be a part of the State's centralized collection and distribution of online retail sales tax returned to municipalities. Finance Director Cowan presented options to Council regarding use of City's fund balance based on different projections of revenue losses. The remaining amount of funding available in Council's budget for strategic priorities was discussed. Conversation occurred about what April sales tax figures may look like since many businesses were closed during that month. Council agreed to allow the Finance Department to send out "payment pass due" letters to customers with outstanding bills. The region's energy assistance programs were mentioned as avenues for renters, homeowners, and property owners to save money on future utility bills. It was asked if Gunnison had done budget comparisons with other similar municipalities. Gunnison had not because each municipality is different in how its community is able to react to situations based on their anchor businesses. The City will have more information in mid-August about how COVID-19 affected the economy this spring and the city will take time to make good, measured decisions.

The discussion transitioned to 2020 large capital projects and a request from staff for Council to identify which projects, if any, should proceed. City Manager Forrest explained to Council that staff had already decided to postpone some projects and that some projects must move forward because of grant dollars, safety needs, or commitments already in place. First up for discussion was Parks and Recreation's request for the Ice Shavings Building Project. Events Coordinator Andy Eflin and Interim Director Dan Vollendorf spoke in favor of this project going forward. Mr. Vollendorf mentioned that the Parks and Rec Advisory Committee deemed this project to be a high priority. Not having a place to contain ice shavings and ice melt that contains tobacco products and biohazard substances is a safety issue for the community. The bid for the project from Stryker & Company, Inc. came in \$4,000 under the budget amount and could be completed in 11 weeks. Staff also requested \$16,150 to be used for fiber connectivity to the Rec Center. These expenses would be paid for from the restricted Rec Fund Balance and not from the General Fund. After discussion on the safety issues surrounding ice melt and shaving, the intended use of restricted Rec funds, and the acceptable bid from Stryker & Company, Council directed staff to return at the next meeting with the contract to review and potentially approve.

Public Works Director David Gardner and City Engineer Cody Tusing recommended that Council give direction to staff to proceed with the slurry seal surface treatment project for \$650,000 and drainage improvement at the Public Works facility for \$175,000. Staff stressed the importance of the slurry seal project and that it needs to be done this year in order to preserve some city streets. The longer the city delays this work, the worse the streets will get. They will get to a point where complete rehabilitation will be required and that is extremely costly. Public Works has rolled over funds from previous years to finance this project; however, due to the current world economic situation, there was concern expressed about spending such a large amount of money. Council agreed to have Public Works attend the next Regular Session meeting on June 9 with the actual bid and final project cost.

Discussion ensued about the need to improve the drainage at the Public Works facility. With some concerns about spending money on the Public Works facility, an invitation was given to bring Council to tour the facility to see the needed improvements. Maintenance has not been done to the facility lot in 25 years. The cost of the drainage improvements is \$175,000. Staff suggested a 75/25 split between enterprise funds and the General Fund to pay for this project; \$43,750 would come from the General Fund. Council directed Public Works staff to move forward with improvements to the Public Works parking lot. It was noted that the other capital projects that Public Works needs to execute this year will be financed from enterprise funds.

Discussion transitioned to the rehabilitation work needed on Loveland Street due to significant destruction caused to the east side of the road as part of the Rady Building construction. The cost of this work would be a 50/50 split with Mesa Properties. By collaborating with Mesa Properties

as this time, the rehabilitation work could be completed all at once by one company poised to do the work. It was clarified for the record by City Attorney that the contract for Council's consideration was not an emergency contract, but a sole source contract. The United Companies was the only bidder on this project and Public Works Director Gardner confirmed that it is a competitive price. Finance Director Cowan noted that by working with Mesa Properties now on Loveland Street, the City can leverage General Fund dollars on a project that must be done at a better cost for the City. Council was comfortable with staff moving forward on recommended capital projects.

Due to the time, Council agreed to move the discussion on **City of Gunnison Right of Way Uses** to the June 9, Regular Session meeting. Council will email Police Chief Keith Robinson with any questions about this agenda item to be discussed at the next meeting.

**Authorization to Contract Rehabilitation Work on Loveland Street.** To clarify again, the contract for rehabilitation work on Loveland Street would be a sole source contract. Director Gardner stated that a sole source contract is allowed by City Charter when it has been determined that there is only one good or service that can reasonably meet the need or when it is in the city's best interests to do so. The City Attorney agreed that a sole source contract is appropriate in this situation due to delays and financial considerations related to COVID-19. Director Gardner requested authorization for the City Manager to enter into a sole source contract with United Companies for rehabilitation work on Loveland Street at a 50/50 split with Mesa Properties for a total \$144,068.75 plus a 10% contingency. He also requested authorization to pay SGM \$8,800 for survey work. The City's responsibility for the Loveland Street work would be \$80,000. Mayor Gelwicks clarified that the request of Council to enter into a sole source contract with United Companies for rehabilitation work on Loveland Street for a total amount not to exceed \$160,000. The amount of this contract would be split 50/50 with Mesa Properties. Councilor Miles so moved the clarification and Councilor Freeburn seconded the motion to authorize the City to enter into a contract with United Companies for an amount not to exceed \$160,000 to rehabilitate Loveland Street at a 50/50 split with Mesa Properties.

Roll call, yes: Gelwicks, Logan, Plata, Freeburn, and Miles. So carried.

Roll call, no: None.

Councilor Logan moved and Councilor Plata seconded the motion to authorize \$8,800 to SGM for survey work on Loveland Street.

Roll call, yes: Logan, Plata, Freeburn, Miles, and Gelwicks. So carried.

Roll call, no: None.

**Council agreed to defer Public Work's semi-annual report to the next meeting.**

**City of Gunnison Appointment to the Gunnison/Hinsdale Combined Emergency Telephone Service Authority.** Councilor Logan moved and Councilor Freeburn seconded the motion to approve City Police Chief Keith Robinson to serve as the primary representative on the GHCETSA Board of Directors.

Roll call, yes: Plata, Freeburn, Miles, Gelwicks, Logan, and Miles. So carried.

Roll call, no: None.

Councilor Plata moved and Councilor Freeburn seconded the motion to approve City Finance Director Ben Cowan to serve as the alternate representative on the GHCETSA Board of Directors.

Roll call, yes: Freeburn, Miles, Gelwicks, Logan, and Miles. So carried.

Roll call, no: None.

**COVID-19 Update and Discussion.** It was announced that \$43,000 was left in the COVID-19 Business Relief Grant program after the deadline on May 22, 2020. The City Manager recommended using \$10,000 of that remaining amount to invest in the building of street parklets by Parks and Rec crews and to purchase Personal Protection Equipment (PPE). Parklets, raised platforms in a few parking areas on South Main and Virginia Avenue, would provide customers with more outdoor seating in the downtown area. It was suggested that staff also follow up with the Meadows shopping area (North Main) to gauge their interest in having parklets. The parklets would be temporary and be located in areas not to interfere with ADA sidewalk accessibility and parking.

City Clerk Boucher shared with Council that on-premise liquor license holders may temporarily modify their premises to have more outdoor seating with liquor service if they receive state and local licensing approval.

Councilor Logan moved and Councilor Miles seconded the motion to authorize the City to use \$10,000 from Council's strategy priorities fund (COVID-19 grant) to purchase PPE and materials to build parklets for city commerce areas.

Roll call, yes: Miles, Gelwicks, Logan, Plata, and Freeburn. So carried.  
Roll call, no: None.

**Reports.** Staff and council gave brief reports.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session Meeting at 9:43 p.m.



*Jim Gelwicks*  
Mayor

Attest:

*E. Baucher*  
City Clerk