

July 14, 2020

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

5:30 P.M.

The City Council Regular Session was called to order at 5:32 p.m. on Tuesday, July 14, 2020, in Council Chambers located at 201 W. Virginia Avenue, Gunnison, Colorado, by Mayor Jim Gelwicks. Councilor Jim Miles, City Manager Russ Forrest, City Clerk Erica Boucher, and Western Colorado University's Chief Finance Officer Julie Baca were physically present in Council Chambers. Councilor Mallory Logan, Councilor Diego Plata and City Attorney Kathy Fogo attended remotely. Community Development Director Anton Sinkewich, Senior Planner Andie Ruggera, Public Works Director David Gardner, City Engineer Cody Tusing, Police Chief Keith Robinson, and Finance Director Ben Cowan also attended remotely. Councilor Boe Freeburn was absent. The press and one interested resident attended remotely. There was a Council quorum.

Citizen Input: Mayor Gelwicks called for citizen input. No one came forward to speak with Council in person or remotely.

Action Items:

Consent Agenda: City Clerk Boucher informed Council that multi-day permit applicant, Bethany Church, asked for an extension of dates for their outdoor services at Legion Park. They would like to add dates August 9, 16, 23, 30, September 6, 13, 20, and 27. Bethany has already held two services at the park. They have been successful gatherings. Bethany's request does not change the intent of the event permit. Councilor Logan moved and Councilor Miles seconded the motion to approve the Consent Agenda with amended dates to the Bethany Church Service event permit.

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

Roll call, no: None.

Ordinance No. 5, Series 2020: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending Chapter 5.10 General Offenses of the Gunnison Municipal Code by the Addition of Section 5.10.071 Camping Prohibited.* Councilor Logan introduced and read Ordinance No. 5, Series 2020, aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 5, Series 2020 on second and final reading.

Councilor Logan stated that she had received a comment from a resident expressing concern that recreational vehicles (RVs) would continue moving from one location to another without any consequence. She will share with the resident that RVs cannot just move locations indefinitely. Police Chief Robinson stated that the ordinance embodied the direction of Council from the June 9th meeting and that no further changes were needed at this time.

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

Roll call, no: None.

Ordinance No. 6, Series 2020: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending Title 3 Finance, Chapter 3.10 to Authorize the City of Gunnison to Collect Taxes for Businesses that are only tied to the City of Gunnison with Economic Nexus and for Marketplace Facilitators to Collect Taxes on Behalf of Marketplace Sellers.* Councilor Logan introduced and read Ordinance No. 6, Series 2020 aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to pass Ordinance No. 6, Series 2020 on first reading. Finance Director Cowan summarized the process and reasoning behind the City participating in the state's GIS system for tax collection regarding online retailers. Participation in this program allows online retailers, who are not physically present in Gunnison but are selling to Gunnison residents, to pay state and city sales tax using an efficient portal. The program's portal will allow the online retailer to remit state and City sales tax as required by the State of Colorado through a single portal. This should make tax payment easier and more consistent. The State will then remit the appropriate taxes to the participating municipalities. Participation would result in another revenue stream for the City and create a more level playing field with local businesses. Due to the complexity of Colorado sales tax rules, there is some opportunity for the City to be sued; however, because many Colorado cities and municipalities are participating in this program, the likelihood of being sued is low and municipalities would have the support of the State. The City has been working on this program with the Colorado Municipal League (CML), who highly supports all Colorado municipalities' participation. The City can begin collecting the tax once the ordinance is passed. There is no direct financial cost for the City to participate in the program, but it will require

some administrative time and resources dedicated to the initial set-up. Discussion occurred about the City's liability for participation. Through research, conversations with CML and other finance directors, and legal advice, it was determined that the liability to the City is quite low. If the City participates in this program, online retailers do not have to pay the \$20 City sales tax license fee because they will be working directly with the state. The City is willing to forgo the online retailer paying the City license fee and having little to no contact with the vendor in exchange for receiving a regular tax payment from the State. Online retailers will have to integrate the software that will allow it to directly pay taxes to the State through the single portal into their organization. A vendor could claim that doing so causes a hardship and then sue the State. For that case to be effective, it would have to be an extremely large vendor to experience an impact. Because the language and the process for participating in this program is consistent across the State, CML, finance directors, and attorneys feel municipalities are quite protected from any lawsuits. If a third-party seller is working through Amazon, for example, for their selling platform, it is "Amazon" who is responsible for collecting the taxes from the third-party vendor for remittance.

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

Roll call, no: None.

Mayor Gelwicks stated for the record that he was not wearing a mask for medical reasons.

Councilor Logan moved and Councilor Miles seconded the motion to authorize the City Manager to execute the appropriate agreements to utilize the Sales and Use Tax Software ("SUTS System"). City Attorney Fogo confirmed that the SUTS agreement required a one-time reading only.

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

Roll call, no: None.

Highway Access Control Plan for CO 135 and US 50. Public Works Director David Gardner stated that the City of Gunnison has been working to complete a Highway Access Control Plan (HACP) with CDOT. The plan would include an area four miles to the west and six miles to the north of the City. CDOT recently informed Gunnison that they are removing all non-essential projects from their budget, including a financial contribution of \$150,000 to pay for half of the HACP. Without a financial split with CDOT, the City would be responsible for the entire cost of the traffic study at this time. Staff explored doing a modified traffic study for the cost of \$144,532. However, due to the circumstances around COVID-19, Public Works expressed concerns about doing an in-depth traffic study now. It was noted that the HACP is intended to be valid for at least 15 years, with regular data updates. There was also concern about waiting a year to conduct a traffic study because of the closure of Little Blue Canyon in 2021. This closure will also have an impact on traffic in Gunnison. In order to move forward on some type of traffic study, CDOT recommended the City work with Stolphus on a smaller-scale traffic count study. Stolphus suggested getting some traffic data this year in an effort to keep this work moving forward. Stolphus, using Streetlight Data, can remotely count cars through Bluetooth. The information collected by Stolphus could be used as a base line and then be incorporated into a traffic analysis with CDOT in the future. City Manager Forrest reminded Council that a traffic study is a part of the Comprehensive Plan. This information is important to keep gathering in relation to the Three-Mile Plan as well. The traffic count by Stolphus for Council's consideration will include nine physical access points. The request for funding this study is \$18,000 and would be paid for out of Council's Strategic Fund. Traffic analysis studies could be adjusted as new information is gathered over the years and trends unfold. It was noted that the traffic count numbers have not changed dramatically over the years. Council asked staff to follow up with Stolphus and CDOT about the shelf life of this kind of information. A brief discussion occurred about using Blue Tooth technology for traffic studies in the future. The understanding is that the information gathered through Blue Tooth is not tied directly to an individual motorist but gathers overall speed data and available secondary routes. This software is currently being widely used. Staff will look more into the software.

Councilor Miles moved and Councilor Plata seconded the motion to authorize up to \$20,000 for a traffic analysis to support a future access plan. The City Attorney noted that the amount Council agreed upon during the discussion was \$18,000 for the traffic analysis. Mayor Gelwicks asked if Councilor Miles and Councilor Plata approved a friendly amendment to the motion. They agreed to the friendly amendment of \$18,000 for the traffic analysis.

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

Roll call, no: None.

Discussion on Georgia Avenue Alignment Portfolio. City Manager Forrest reminded Council that they have been analyzing a road template for Gunnison Rising. Western Colorado University received grant funding for road improvements in front of the Rady Building. There was an intention to include a Master Plan for Georgia Avenue. Staff walked the blocks under consideration for improvement with Council. It was also stated that there is a need for transition on the west side of Colorado. First up for discussion was Gunnison Rising to Colorado Street. Referencing a Power Point slide, Public Works Director explained that on Pitkin Street going east, crews are moving the new curb and gutter out into the street. There will be room for 8' parallel parking, 12' sidewalk, and 6' snow storage. However, it does not work to carry this sidewalk template down to Main Street; therefore, a transition is needed at Colorado Street down to Main Street. Western is paying for the changes to the block in front of the Rady Building and has funding available to do a couple of additional blocks this summer. Discussion occurred about the other blocks that will need to be adjusted for more consistency and required uses, and what entities will be responsible for that work in the future. This proposed road portfolio on Pitkin Street is consistent with Gunnison Rising.

Second topic for discussion was the transition from Colorado Street to Main Street. City Engineer Tusing described the current sidewalk design from Colorado Street to Main Street. That design includes an 18' setback from the back of the curb and a contiguous sidewalk from Colorado to the 100 block and then switches to an attached sidewalk at the alleyway. The majority of the sidewalk is the 18' detached sidewalk. If the current sidewalk was replaced with Western's template, it would impact many residents' yards. If the City maintains the north edge of the sidewalk and projects south with a 12' multi-modal path, there would be less impact to residents. This option would offer ample room for snow storage. The Mayor noted possible confusion for bicyclists as they travel west towards downtown, which is when they are about needing to dismount. Council is comfortable with the 12' road portfolio going from the Rady Building to Colorado Street as proposed by Western. This road portfolio includes the whole block from Loveland Street to Pitkin Street. It will cost around \$153,000 for all of the work.

Councilor Logan moved and Councilor Miles seconded the motion to authorize Western Colorado University to modify the right-of-way on Georgia Avenue from Pitkin to Loveland Street, and on Pitkin from Georgia Avenue to the Western Colorado University property.

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

Roll call, no: None.

Julie Baca stated that she would be willing to include the middle block in Western's design process with the agreed upon design template for consistency. Council and staff thanked Mrs. Baca.

Approval for Lazy K Engineering Design Work from SGM. Public Works Director Gardner reminded Council that the City has a MOU with High Mountain Concepts to fulfill engineering responsibilities, such as building a road and parking lot for the Lazy K housing project. The City needed outside assistance to meet these obligations because of their current workload. The City reached out to SGM for South 5th Street and parking lot designs. SGM's cost for this work would be \$17,500. SGM would work with the City's engineer. If approved, payment for this contract would come out of Council's Strategic Fund.

Councilor Logan moved and Councilor Miles seconded the motion to authorize the Public Works Director to utilize an amount not to exceed \$17,500 from Council's Strategic Fund to enter into a contractual agreement with SGM for engineering design of 5th Street, Phase 2 parking lot improvements, and other site grading reviews for the Lazy K development.

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

Roll call, no: None.

Approval of Phase 1 Lazy K Park Scope of Work from Design Workshop. City Clerk Boucher requested Council to approve the hiring of Design Workshop as a sole source purchase and to execute the scope of work for Phase 1 of the West Gunnison Neighborhood Park for \$21,800 from the Rec Fund. This was a sole source purchase request because Design Workshop was hired in 2018 to develop the conceptual design for the park based on their analysis of previous studies and public input. It would be most efficient to continue the working relationship with Design Workshop, which has been productive. If Council approves this contract, Design Workshop will be in Gunnison on Thursday and Friday for a site visit and meetings with key consultants and staff. City Clerk Boucher shared that the City of Gunnison received a \$1.2 million dollar grant from the Division of Housing of DOLA for infrastructure for the Lazy K Housing project.

Councilor Logan moved and Councilor Miles seconded the motion to hire Design Workshop as a sole source purchase to execute to Phase 1 Scope of Work for the West Gunnison Park in an amount not to exceed \$21,800.

Mayor Gelwicks noted that the Garden Club would be interested in discussing some use of land on the property with staff and Design Workshop.

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

Roll call, no: None.

Council went into recess and returned at 6:55 p.m.

COVID-19 Update. City Manager Forrest reviewed the City's expenses and reimbursements related to COVID-19. The City has spent about \$3,500 out of the \$10,000 that Council authorized from their Strategic Fund. Most of the \$3,500 has been spent on the materials for the parklets, masks, and communication. The City is handing out masks to businesses at City Hall. City Manager Forrest requested an additional \$2,556 from Council's Strategic Fund. This additional funding, along with the remaining \$6,500, would be used to purchase more masks, \$5,000 would go towards a match for a CDOT Revitalization Downtown grant, and a portion would be used to buy Gunnison Greenbacks. Included in the CDOT grant is funding for bi-lingual communication and replacement of equipment, lighting, and furnishings. It was suggested that distribution of Greenbacks could be an incentive or thank you for businesses following the state and local public health orders. City Attorney Fogo stated that the Action Requested of Council, which included language that additional appropriations could be made if determined necessary by Council, covers Council's ability to make additional appropriations for COVID-19 recovery. Overall, the community has supported the parklets, but a few businesses have expressed concerns with losing loading and parking access.

Councilor Miles moved and Councilor Logan seconded the motion to authorize an additional \$3,000 from Council's Strategic Fund, bringing the total amount authorized for COVID-19 recovery to \$13,000.

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

Roll call, no: None.

Reports. Staff gave brief reports. Mayor Gelwicks stated that Council and staff needed to revisit the topic of sub-standard housing within the City of Gunnison. Council gave brief reports.

Attest:

E. Boucher

City Clerk



Jim Gelwicks
Mayor