

March 26, 2019

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

5:30P.M.

The City Council Regular Session meeting was called to order at 5:30 P.M. by Mayor Jim Gelwicks with Councilors Jim Miles and Bob Drexel present along with Western Liaison Max Oldham, City Attorney Kathy Fogo, City Manager Russ Forrest, Finance Director Ben Cowan, and City Clerk Erica Boucher. Additional City staff present were Public Works Director David Gardner, Electric Superintendent Will Dowis and Community Development Director Anton Sinkewich. Gunnison County Substance Abuse Prevention Program (GCSAPP) Director Kari Commerford was there to present to Council as well as Kevin Coblenz, president of Cattlemen's Days and Cattlemen's Days secretary Karla Rundell. A handful of interested citizens were present for the public hearing on the proposed modification to the B1 zone district. Celeste Helminski was there and the press was present. Councilors Mallory Logan and Leia Morrison were absent. A Council quorum was present.

PUBLIC HEARING

To receive public input on the Text Amendment which proposes modification to the B1 Zone District and Section 3.7 Accommodations, Retail, Service-Commercial Use Standards within the *City of Gunnison Land Development Code*.

Mayor Jim Gelwicks called the public hearing to order at 5:31 p.m., on Tuesday, March 26, 2019, in the Council Chambers of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at the hearing were Mayor Gelwicks, Councilor Miles, Councilor Drexel, City Manager Forrest, City Attorney Fogo, City Clerk Erica Boucher, Public Works Director David Gardner, Electric Superintendent Will Dowis, Community Development Director Anton Sinkewich and Western Liaison Max Oldham.

Mayor Gelwicks stated that the purpose of this public hearing was to receive input on the Text Amendment which proposes modification to the B1 Zone District and Section 3.7 Accommodations, Retail, Service-Commercial Use Standards within the *City of Gunnison Land Development Code*.

Mayor Gelwicks asked for proof of publication for this hearing from the City Clerk who confirmed that the public hearing was posted in the *Gunnison Country Times*.

The Mayor asked for the staff report and recommendation. Community Development Director Anton Sinkewich went before Council and summarized the staff's process and recommendation for the proposed text amendment. He read from the Staff Report: "The proposed text amendment is being driven by the following: Through the Gunnison Vibrancy Initiative, several engagement opportunities were offered to gather input on identifying strengths, opportunities, challenges and hopes for downtown Gunnison. From the input gathered, goal statements were created to define a successful downtown in the future along with a set of strategies, recommendations and an Action Plan to be pursued within the next five years.

In July, 2018 amendments were made to the LDC that primarily included changes to the height in the CBD and modification to the uses within the B1 zone district. After a diagnosis of the LDC was performed, the next phase of amendments was presented for adoption that were intended to address housing and development barriers. Modifications included increased height limits within all the non-residential zones and the multi-family residential zones, increased density allowances and reduced off-street parking throughout the City.

At the City Council public hearing on January 8, 2019, public comment was received with many neighbors surrounding the B1 zone district opposing changes in regard to the proposed height, use of a hotel/motel as a Conditional Use and potential mass and scale of future structures in the B1 zone. Several comments received were in favor of the modifications to the B1 zone district who were primarily property owners or business owners in the B1 zone.

At the City Council meeting on January 22nd, Council remanded the height dimensional standard and minimal design standards proposed for the B1 zone district back to the Planning and Zoning Commission for further discussion and modifications.

The Planning and Zoning Commission held a work session to discuss the B1 zone district on February 13, 2019. Of those present, there were mixed comments for and against a height increase within the B1 zone. The overall consensus of the public present was in favor of design standards for larger buildings."

Based upon feedback received at the public hearing on February 27th, staff, the Planning and Commission and members of the public worked together to edit and rewrite this section of the *Code* to achieve an effective compromise that would allow for potential increased density in the area while also considering the effects on surrounding residential neighborhoods.

Mr. Sinkewich summarized some of the specific proposed changes. The City decided to keep the maximum building height at 35', but gave applicants the potential to go up to 50' as long as they could meet conditional use standards. A primary requirement would be that a building with a height greater than 35' and up to 50' must have a minimum setback of 40' from the side or rear lot lines from any residential property. The purpose of this setback was so that applicants seeking to increase density in the area with a tall structure would have to be further away from adjunct residential property lines. This was a compromise to have the option to increase density without people directly seeing the height of the building.

Mayor Gelwicks called for comments from the public.

Sharon Schlegel, who resides at 423 N. Iowa and owns a building in the central business district, approached Council. She presented Council with a petition opposing the height changes in the B1 zone district. Six residents signed the petition and the petition was entered into the record. Sharon Schlegel asked Council a series of questions. First, she asked for clarification on what the process is for a conditional use application to be considered. Director Sinkewich explained that a conditional use permit application gets submitted to the Planning and Zoning Commission who reviews the application, provides feedback, and eventually approves or denies the conditional use application. The Community Development department places a notice of the public hearing in the local newspaper when a conditional use application is to be reviewed by the Planning and Zoning Commission. Immediate adjunct property owners are also notified in writing. City Manager Forrest also mentioned that the Planning and Zoning Commission and the conditional use permit applicant use the public meeting to discuss the specific requirements of a conditional use permit application for a specific area for a specific purpose if specific criteria is met. Conditional use permit applications only go before the Planning and Zoning Commission.

Second, Mrs. Schlegel asked if the health, welfare, and safety (fire, parking, snow removal) of the neighborhood and citizens are considered by the Planning and Zoning Commission. City Manager Forrest stated that the application has to meet building and safety standards as outlined in the *Land Development Code*. City Attorney Fogo confirmed that the Commission focuses on conditional use standards for review such as building height and design standards and that health, welfare and safety considerations are a part of any application.

Next, Mrs. Schlegel questioned how a 50' building would fit into the B1 zone district as the neighborhood currently is because this area is composed of smaller one and two level structures. A brief discussion occurred.

Third, Mrs. Schlegel asked at what point is egress considered and if the alley behind a proposed building is considered an exit and if so, what does that mean for street and alley maintenance? Mr. Forrest couldn't give specific answers to these questions because they need to be considered on a case-by-case basis throughout the application review process.

Fourth, she asked how a proposal for a hotel ended up on the Colorado Economic Development website when community concerns have not been addressed. City Manager Forrest explained that Gunnison was one of eight cities asked by the Colorado Office for Economic Development and International Trade Center to present Gunnison two potential investors as part of the Colorado Opportunity Zone program. Gunnison was asked to share a large scale project and a potential project on Main Street. They spoke about Gunnison Rising and a possible Main Street hotel. City Attorney Fogo confirmed that there is no pending application for a hotel on Main Street.

Discussion returned to Mrs. Schlegel's desire to understand how a 50' building would fit into the already established B1 zone district where the buildings are not taller than 35'. City Manager Forrest stated that a building in the B1 zone district would only be approved for a height above 35' if conditional use standards are met. A brief discussion occurred about the one historic 50' building in the central business district and if and how it fits into the neighborhood and downtown.

Mrs. Schlegel asked if there were any safety concerns about having a 50' building located in the B1 zone district next to residential homes and landscaping. Discussion ensued about possible fires and mitigation. Lastly, Mrs. Schlegel spoke about off-street parking and snow removal in that area with

the possible increase in density. City Attorney Fogo stated that issues like those would be addressed throughout the conditional use permit process. Mrs. Schlegel noted that off-street parking has been difficult this winter for her and the surrounding residents on Iowa Street. She thanked Council for addressing her questions and concerns.

Hilary Mayes, 405 N. Iowa Street, urged Council to be cautious about the conditional use allowance in the B1 zone district as taller buildings will look awkward surrounded by historic one and two story buildings. Mrs. Mayes thinks that allowing for a 50' building may encourage other investors to come into the downtown area and build more structures without consideration for the current character of the area. She asked Council to consider limiting the building height in the B1 zone district to 35', for now, considering there are not any 35' tall building in the B1 zone district at this time. Additionally, there was concern for how 35' high structures could change the feel of the area. She noted that the sight line for building mass above 35' would not be noticed by adjunct site property lines, but the height would be noticeable from adjunct properties. Council thanked Mrs. Mayes.

Paula Swenson is a 33-year business owner in Gunnison and owns commercial property on Main Street and Tomichi. She stated that she thinks the proposed changes to the B1 zone district are an appropriate method to extend the central business district beyond the first three blocks of Main Street. She expressed a need for Gunnison to have better density throughout the commercial and residential areas. She stated support for fill-in development and redevelopment and believed the proposed changes would maintain the character of Gunnison's downtown neighborhood.

Don Smith, owner of the property at 404 N. Main Street, stated his support for the proposed text amendment to the B1 zone district. He also noted his support for fill-in development and believed these proposed changes present a good balance between the R2 and B1 districts. He strongly supported the proposed text amendment.

Mayor Gelwicks asked if the City had received any additional comments. The City Clerk stated that the City had not received any additional comments for the record.

Mayor Gelwicks called for final comments. With no additional comments made, he closed the public hearing at 6:04 p.m.

PUBLIC HEARING

To receive public input on the Text Amendment to propose amending Section 5.4 E. Wetland and Streams Corridor Protection, Buffer/Setback Areas within the *City of Gunnison Land Development Code*.

Mayor Jim Gelwicks called the public hearing to order at 6:05 p.m., on Tuesday, March 26, 2019, in the Council Chambers of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at the hearing were Mayor Gelwicks, Councilor Miles, Councilor Drexel, City Manager Forrest, City Attorney Fogo, City Clerk Erica Boucher, Public Works Director David Gardner, Electric Superintendent Will Dowis, Community Development Director Anton Sinkewich and Western Liaison Max Oldham.

Mayor Gelwicks stated that the purpose of this public hearing was to receive input on the Text Amendment to propose amending Section 5.4 E. Wetland and Streams Corridor Protection, Buffer/Setback Areas within the *City of Gunnison Land Development Code*.

Mayor Gelwicks asked for proof of publication for this hearing from the City Clerk who confirmed that the public hearing was posted in the *Gunnison Country Times*. He asked for the staff report and recommendation.

Community Development Director Anton Sinkewich shared with Council that during the RPF process for the Lazy K property, it came to the attention of Community Development that Section 55, Natural Resource Protection Standards of the City's *Land Development Code* requires a setback from a delineated edge of a wetland. The way the ordinance is currently worded is misleading and confusing and would apply to all City lots except for single-family residential lots built before 2014. After researching and reviewing past memos and drafts of the *Code*, Community Development believes there was an error in the language of the final adopted *Code*. The original intent was geared around protection of Tomichi Creek (within the Gunnison Rising Annexation) and the Gunnison River. Director Sinkewich read the proposed text amendment aloud to fix the language error in the current *Code*. He also confirmed that the Planning and Zoning Commission held a public hearing on February 27, 2019 and unanimously voted to recommend approval of Text Amendment, ZA 19-2 to City Council.

Mayor Gelwicks called for comments from the public. No one came forward to speak before Council on the proposed text amendment.

Mayor Gelwicks asked if the City had received any additional comments. The City Clerk stated that the City had not received any additional comments for the record.

Mayor Gelwicks called for final comments. With no additional comments made, he closed the public hearing at 6:09 p.m. and Council went into Regular Session.

Citizen Input:

Steve Schechter, 912 N. Blvd, came before Council to suggest that before Gunnison completes another electric rate study that the public should be able to come to Council and staff to discuss rate changes before they are made. A collective examination of rates will allow for new perspectives and could encourage more solar energy production. Mr. Schechter stated support for the City generating energy locally rather than the City purchasing power from Nebraska. He encouraged Council to re-examine the rate structure and to seek out and gather public feedback prior to hiring a company to complete Gunnison's next rate study. Mr. Schechter also requested more transparency and the ability view to view MEAN's minutes and agendas. City Manager Forrest stated that the City will find a place on its official website to post MEAN agendas and minutes.

Director of the Gunnison County Chamber of Commerce, Celeste Helminski, went before Council to invite Council to two up-coming events. They were the Chamber's Business After Hours and Storytellers with Kelly Osness and Craig Beebe at the ICELab on Wednesday, April 3.

Council Action Items:

Consent Items:

With no motion to split the Consent Agenda, Councilor Drexel moved to approve the Consent Agenda which included authorization to amend the contract with Veris Environmental to initiate Alternate A and B for the oxidation ditch solids removal project and to approve a contract with Browns Hill Engineering & Controls which may include the additional purchase of SCADA licensing software in the amount not to exceed \$80,000. Councilor Miles seconded the motion.

Roll call, yes: Miles, Gelwicks, and Drexel. So carried.

Roll call, no: None.

Councilor Drexel moved to excuse Mayor Gelwicks from the March 26, 2019, Regular Session meeting. Councilor Miles seconded the motion.

Roll call, yes: Drexel and Miles. So carried

Roll call, no: None.

Abstain: Gelwicks.

Councilor Drexel moved to table the approval of the March 12, 2019 Regular Session meeting minutes until April 9, 2019. A Council quorum was not present at the March 26, 2019 meeting to vote on the March 12, 2019 Regular Session meeting minutes. Councilor Miles seconded the motion.

Roll call, yes: Miles, Gelwicks, and Drexel. So carried.

Roll call, no: None.

Ordinance No. 3, Series 2019; First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending Sections: 2, Table 2-5, Nonresidential Zone District Dimensional Standards and 3.7, Accommodations, Retail, Service – Commercial Use Standards of the City of Gunnison Land Development Code.* Councilor Drexel introduced Ordinance No. 3, Series 2019 and asked that it be read by title only by the City Attorney. The City Attorney read Ordinance No. 3, Series 2019 by title only. Councilor Drexel moved to approve Ordinance No. 3, Series 2019 on first reading. Councilor Miles seconded the motion.

A brief discussion occurred to confirm that staff had taken into consideration residents' concerns about proposed changes to the B1 zone district and that staff had thoroughly worked with the Planning and Zoning Commission and citizens to make adjustments. Director Sinkewich confirmed that he is confident in the recommendation of this text amendment based on all of the input they received and reviewed. Mayor Gelwicks thanked the Planning and Zoning Commission for their additional work on this issue. He acknowledged that this text amendment does not have unanimous community support, but believes the community as a whole can live with the changes as the ordinance is presented. A second reading of the ordinance will occur on April 9, 2019.

Roll call, yes: Gelwicks, Drexel, and Miles. So carried.

Roll call, no: None.

Ordinance No. 2, Series 2019; Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado Amending the Rates to be Charged by of the City of Gunnison Electric Department for Electricity Consumed.* Councilor Drexel introduced Ordinance No. 2, Series 2019 and asked that it be read by title only by the City Attorney. The City Attorney read Ordinance No. 2, Series 2019 by title only. Council Drexel moved to approve Ordinance No. 2, Series 2019 on second reading. Councilor Miles seconded the motion.

Mayor Gelwicks stated that anyone within the electrical system in Gunnison can directly purchase wind power. Interested individuals can purchase wind power through the City Finance department or online.

Roll call, yes: Drexel, Miles, and Gelwicks. So carried.

Roll call, no: None.

Ordinance No. 4, Series 2019, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending Section 5.4 E.2., Wetland and Streams Corridor Protection, Buffer/Setback Areas, Wetlands of the City of Gunnison Land Development Code.* Councilor Drexel introduced Ordinance No. 4, Series 2019, and asked that it be read aloud by the City Attorney by title only. The City Attorney read Ordinance No. 4, Series 2019 aloud by title only. Councilor Drexel moved to approve Ordinance No. 4, Series 2019 on first reading. Councilor Miles seconded the motion.

Roll call; yes: Miles, Gelwicks, and Drexel. So carried.

Roll call; no: None.

Resolution No. 2, Series 2019: *A Resolution of the City Council of the City of Gunnison, Colorado, Acting by and Through Its Enterprise Fund, Declaring Its Official Intent to Reimburse Itself with Proceeds of a Future Borrowing for Capital Expenditures to be Undertaken by the City; Identifying the Capital Expenditures and the Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith.* Councilor Miles introduced Resolution No. 2, Series 2019, and asked that it be read aloud by the City Attorney. The City Attorney read Resolution No. 2, Series 2019 aloud. Councilor Drexel moved to approve Resolution No. 2, Series 2019. Councilor Miles seconded the motion.

Public Works Director David Gardner approached Council and informed them that the state requires approval via a resolution for the City to use its own proceeds to reimburse itself. The Mayor briefly reviewed the state revolving loan fund process and Director Gardner confirmed that the City will receive two loans. One loan will be for 9.8 million dollars at a low interest rate for 20 years and the second loan for 3 million dollars is under the Green Reserve Fund for an interest rate around 5%. The WWTP project qualifies for the Green Reserve Fund loan because of its planned energy efficiency improvements. Finance Director Cowan informed Council that in order to qualify for these loans the City had to incur a great deal of expenses upfront in engineering and design costs to get the project moving forward. The City will be reimbursed once the loan is received. If there are cost savings in this project the Green Reserve Fund loan will be reduced to equal the amount of expenses.

Roll call; yes: Gelwicks, Drexel, and Miles. So carried.

Roll call; no: None.

GCSAPP Presentation on Community Risk and Protective Factors. Gunnison County Substance Abuse Prevention Program (GCSAPP) Director Kari Commerford came before Council to share the results of a community report based on data from Healthy Kids Colorado Survey, the CTC supplemental questions, Colorado Behavioral Risk Factors Surveillance System, Gunnison County Community Survey and Community Health Needs Assessment 2016. Director Commerford discussed risk and protective factors in youth and adults. Risk factors, such as the availability and acceptability of drugs and alcohol in our community, extreme economic deprivation or toxic stress can lead to unhealthy behaviors in youth and adults. In order to combat risk factors, it is important that a community and families have protective factors in place. Protective factors or “assets” are conditions that buffer children and youth from consistent exposure to prolonged risk factors. Four primary protective factors are being in nurturing relationship, living in safe, equitable environments, engaging in social/civic activities that develop a sense of connectedness and developing social and emotional competencies. She also stated that education across all sectors is a strong protective factor as well for helping the population make healthy decisions. GCSAPP offers and supports such programs as Gunny Hangouts, the Choice Pass, and Sources of Strength as protective factors for the youth. She hopes that GCSAPP can continue to include the adult population in their data collection and program offerings.

In sharing the data with Council, it was revealed that Gunnison overall has a high acceptance of

alcohol and marijuana use. Tobacco less so. Alcohol consumption and marijuana use, through smoking, by the youth has remained within 1-2 percentage points between 2015 and 2017. The greatest spike in substance use over that same time period has occurred in marijuana edibles and vaping. In most categories of substance use, Gunnison is lower than state and national averages except in the area of heavy alcohol use daily. Gunnison at 19.5% was reported to be six and a half percentage points higher than the national average regarding heavy alcohol use daily.

GCSAPP is actively engaged in offering and supporting programs that provide the youth and adults with healthy, positive activities. In addition to Gunny Hangouts and the Choice Pass, GCSAPP supports Positive Vibes Day at the high school, programming at the Gunnison Arts Center, the Out of Darkness Walk, and special events like Arcade Night.

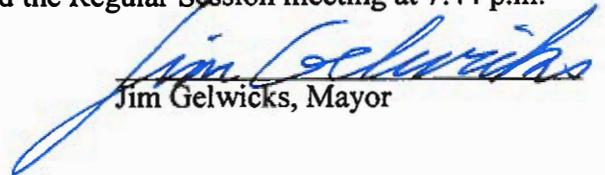
Director Commerford reported that GCSAPP's financial support primarily comes from grant funding and in-kind contributions from Gunnison County. Council thanked Director Commerford for her presentation.

Cattlemen's Days Grant Discussion. In 2019, the Cattlemen's Days organization plans to survey visitors, participants, and attendees of Cattlemen's Days to get a clear understanding of where the guests are coming from, where they are staying/eating in town, and why they attending this event in order to determine if they are promoting the event in the best ways possible. President of Cattlemen's Days Kevin Coblenz and Cattlemen's Days secretary Karla Rundell also spoke about the how Cattlemen's Days used City grant funding to support the event annually. Mr. Coblenz discussed the two primarily goals of Cattlemen's Days are to promote the City of Gunnison and the surrounding areas by bringing as many people to the City as possible and to execute one of the best medium size rodeos in Colorado and the US. In the past, Cattlemen's Days has used funding from the City to promote the rodeo in surrounding towns and to bring in the best performers, contestants and entertainers as possible to participate in the rodeo. City funding makes up about 10%-12% of Cattlemen's overall budget. Mr. Coblenz noted the distinctions the rodeo has received throughout the years and shared the make-up of Cattlemen's Board, Advisory Board, and Voting Board.

Community Development Semi-Annual Report. New City of Gunnison Community Development Director Anton Sinkewich gave his first semi-annual report to Council. He presented to Council the highlights of Community Development's work over the past six months. Highlights included, but not limited to, the hiring of Hugo Ferchau as Fire Marshall, the initiation of Gunnison 2030, the City's comprehensive plan, the hiring of High Mountain Concepts to begin the development of housing on the Lazy K property, text amendments to the *Land Development Code*, the issuing of 30 building permits, the continuation of construction on the Rady building, and the completion of the UPS distribution facility, City Market remodel, and the Gunnison Valley Senior Living Facility. Director Sinkewich noted that initial steps and discussions are starting to take place for the projects on North Colorado, LIHTC, and Lot 22. He also mentioned up-coming Community Development events. They were the Community Clean-Up scheduled for April 27th and annual Bike Rodeo and Safety week at the Gunnison Community School in early May. Lastly, Community Development Director Sinkewich shared with Council that the Gunnison Valley Fire District has a full roster for the first time in years and as a whole the firefighters have engaged in and completed a variety of trainings. Finally, he reviewed the professional development the Community Development staff has completed or will be completing this spring. He noted that he is happy to be a part of the City's team and is excited about the work he is doing for Gunnison.

City staff and Council gave reports.

With no further business, Mayor Gelwicks adjourned the Regular Session meeting at 7:44 p.m.


Jim Gelwicks, Mayor

Attest:


Erica Boucher, City Clerk