**April 28, 2020** 

# CITY OF GUNNISON COUNCIL REGULAR SESSION MEETING MINUTES

5:30 P.M.

The City Council Regular Session meeting was called to order on April 28 at 5:30 p.m. by Mayor Jim Gelwicks with Councilor Jim Miles physically present in Council Chambers located at 201 W. Virginia Avenue, Gunnison, Colorado, along with City Manager Russ Forrest and City Clerk Erica Boucher. Councilors Boe Freeburn, Mallory Logan, and Diego Plata were remotely present along with City Attorney Kathy Fogo, Finance Director Ben Cowan, Public Works Director David Gardner, Police Chief Keith Robinson, Interim Parks and Rec Director Dan Vollendorf, 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 public hearing or for an agenda item. The press was present online. A Council quorum was present.

## **PUBLIC HEARING**

Mayor Gelwicks called the public hearing to order on April 28 at 5:31 p.m. in Council Chambers located at 201 W. Virginia Avenue. Mayor Gelwicks stated that the purpose of the public hearing was to receive input on the merits of a Major Change to a PUD application, ZA 20-1, to revise zoning designations and amend the Gunnison Rising PUD Development Standards. This hearing is to discuss the Zoning Plan, Land Use, and Dimensional and Design Standards. This is a continuation of the March 24, 2020 public hearing on the merits of a Major change to a PUD application, ZA 20-1, to revise zoning designations, and amend the Gunnison Rising PUD Development Standards. The mayor stated that staff will read comments submitted through the Chat feature into the record. This public hearing is scheduled to continue on May 12 and May 26.

Mayor Gelwicks stated that Councilor Logan, Freeburn, and Plata were present remotely along with City Attorney Fogo, Finance Director Cowan, and Community Development Director Anton Sinkewich. Councilor Miles was physically in Council Chambers along with City Manager Forrest and City Clerk Boucher.

The mayor confirmed with the Clerk that the public hearing was properly notified. He called for staff comments.

Community Development Director Sinkewich stated that due to the size and complexity of the Gunnison Rising application, it would be divided into smaller pieces for review and discussion. He introduced Alex Joyce of Cascadia Partners.

Alex Joyce thanked Council and looked forward to receiving feedback, reactions, and questions. He informed Council of the evening's agenda. It included discussion of the Zoning Districts Map, Neighborhood Districts, and Mixed Use and Special Purpose Districts. He first summarized the Guiding Principles for the Conceptual Plan. They are Traditional Design, Walkable & Connected, a Vibrant Place, Board Housing Options, Integrated Open Space, and Financial Feasibility & Resiliency. The key ideas of the Conceptual Plan were to have a continued street grid, Georgia Avenue serve as the "Main Street," preserve hilltops, integrate trails and parks, neighborhood variety, limit highway frontage sprawl, events/rodeo grounds, Maker's District, land management campus, and RV & "glamping." The PUD is meant to be an instructional manual.

Mr. Joyce explained the color key for the Zoning Districts. Georgia Avenue, the east-west street, is intended to be the primary road for Gunnison Rising and would also be used by bicyclists and pedestrians.

Councilor Logan asked if the County has been involved in conversations about possibly relocating the rodeo grounds to Gunnison Rising. Mr. Joyce said that Events and Conference district is flexible and allows for a variety of events or conference center uses, including lodging. It is a long-term idea. Conversations have occurred with the County about relocating the rodeo grounds to Gunnison Rising, which commonly circles back around about how to fund civil projects. There are no firm plans to move the rodeo grounds to Gunnison Rising.

Councilor Logan also asked about parking plans within Gunnison Rising. Would parking be parallel or diagonal and are large parking lots planned for the commercial centers? Mr. Joyce responded that minimum parking standards are included in the PUD and development could go above the minimum. All streets are anticipated to have some on-street parking. Georgia Avenue is expected to have some angled parking.

She also mentioned Enid Holden's written comments that included thoughts about pedestrian and bike-only accessed pathways. Those pathways would require a good snow removal plan. The important piece is to have a pathway where pedestrians and bicyclists can travel as safely as possible. Diagonal parking can be more dangerous for bicyclists. Mr. Joyce has discussed multi-modal transportation with City staff and those ideas will be presented at a future meeting.

Councilor Logan also asked if noise levels have been considered for the Maker's District next to a residential district. Noise concerns could be addressed through the application process. Mr. Joyce explained that residential is a secondary use in the Makers District; therefore, those living in the Maker's District would have to have some level of noise tolerance.

Mr. Joyce transitioned to specific design and dimensional standards within the PUD for Zone Districts and Design Standards. The presentation focused on Neighborhoods first. There are five primary neighborhood districts. They are Low Residential (R1-9600 sq-ft), Medium Residential (R1-4800 sq-ft), Traditional Neighborhood (R2-2400 sq-ft), Missing Middle (R2-1200 sq-ft), and Multifamily (R3-6250 sq-ft).

Mr. Joyce reviewed the permitted uses and housing types in each district. The Missing Middle district near Georgia Avenue allows for all varieties of housing types, single-family through multifamily. The Multifamily district is located in the west part of Gunnison Rising and offers multifamily dwellings, like apartment buildings. Some institutional resources (churches/schools) are limited uses in all districts. Commercial operations are limited and require a permit in the Traditional Neighborhood, Missing Middle, and Multifamily areas.

He next discussed the specific dimensional standards for each Neighborhood District. The R1 Low Residential neighborhood district is located north of the canal and has a minimum lot size of 9,600 sq. ft. The garage cannot dominate the street and the porch must be closest to the street. He reviewed the maximum housing height and minimum and maximum setbacks. This area now allows for AUDs. Senior Planner Andie Ruggera stated that the current R1 zone district, which is the lowest density district, is 8,000 sq. ft. and does not allow for AUDs. The Medium residential neighborhood, also R1, has a minimum lot size of 4,800 sq. ft. This area looks and feels like traditional housing and allows for AUDs. He reviewed the setbacks. This district could be compared to the current duplex district, with the biggest difference being the lot size. The proposed lot size is smaller. Traditional Neighborhoods (R2) allow for a similar set of uses to the proposed R1 zone and townhouses, but the minimum lot size is 2,400 sq. ft. The building units would look like a house but may have more than one unit in it. These units could be more financially affordable than single-family homes in the R1 zone. A comparable would be homes and lots sizes in Van Tuyl Village. This zone allows for a simple sub-division.

Ralph (Butch) Clark stated support for flexibility in the Traditional Neighborhood to allow for a variety of family units that could be offered at different price points. Mr. Joyce noted that one could also build a home larger than 2,400 sq. ft. in this zone as well.

Finance Director Cowan asked if the PUD addressed some of the issues that the City has experienced in a neighborhood like this related to parking, snow storage, and storage of refuse/recycling containers. Mr. Joyce replied that some of parking issues can be addressed through PUD standards, but others may need to be handled through enforcement. The best method that private developers have to offer homes at different prices points is offering a variety of size and scale. Mayor Gelwicks responded to the refuse/recycling pick-up issue that enough space needed for the collection to operate properly must be provided.

Councilor Logan noted that the community values solar use for warming homes and melting the snow from roofs; therefore, will the homes be orientated in a way that maximizes solar exposure for as many homeowners as possible?

My. Joyce said that Cascadia Partners have considered solar where possible but have not made strong efforts to include solar regulations in the PUD. They can investigate this topic and continue discussion at a future meeting.

He transitioned to the Missing Middle (R2), which are on the gateway streets and allow for all types of housing, including Multifamily. Examples are townhomes and stacked apartments. This is a more dense housing neighborhood that the R1 zones. Missing Middle is highly functional housing that is not as common as it once was in the US. This zone is ideal for people downsizing or people desiring some common, adjacent open space.

The small pocket of land adjacent to Western Colorado University is the Multifamily (R3) zone, which is mostly traditional single unit apartment buildings. The minimum lot size is 6,250 sq. ft. and a maximum density of 80 units/ac. The R3 zone is 13 acres or 2% of Gunnison Rising. This zone has a 48-foot maximum height. Mayor Gelwicks asked what the possible build-out for the area would be. Mr. Joyce projected 600 units if a complete build-out was done.

Senior Planner Ruggera said that the proposed Multifamily zone is very similar to Gunnison's current Multifamily zone in regards to the minimum lot size and maximum density. Rock Creek is a comparable for minimum lot size.

Mr. Joyce showed a variety of different lot sizes and home sizes as examples to demonstrate diversity of housing types, flexibility, and affordable price points. He showed examples from Gunnison and communities similar to Gunnison. These examples show the primary way the private market can offer homes at a variety of price points. Being able to offer a variety of home types on different lot sizes opens up the possibility of more people having the ability to purchase a home at price points they can afford. It is unknown what construction costs will look like with COVID-19. Construction costs have always been higher in Gunnison.

Councilor Plata asked where the cost of a studio apartment would fall on the price scale. Mr. Joyce responded that it would fall below the cost of a townhome, but would not go much below 100% AMI. It is very difficult for the private market to go below 100% due of the cost of construction, land, and materials.

With no other questions on dimensional standards, Mr. Joyce transitioned Neighborhood Districts Design Standards. The key design concepts for Gunnison Rising are Building Orientation, Articulation, Detailed Design, Materials, and Architectural Variety. The dimensional standards are the framework of a building and accompany the design standards. He spoke first about detailed designed standards. Examples of that are well-placed windows, garage access in the alley, and interesting facades created by articulation. The design standards require the use of six out of the ten listed Detailed Designs for the intent to encourage detailed, high-quality, and visually interesting facades. Number 10 of the Detailed Designs, "Other: feature not listed but providing visually relief or contextually appropriate design similar to options A-I, as approved by the City" allows for additional, City-approved creativity and flexibility.

Councilor Logan mentioned the importance of having appropriate roof angles to be able to handle heavy snow-years and ice build-up on roofs. She wanted to be sure that workable roof pitches were considered. Mr. Joyce said that roof pitches were considered and Cascadia Partners did discuss roof construction possibilities with builders throughout the process. Community Development Director Sinkewich also said that builders must show that they will meet snow- and wind-load roof requirements as established in the building permit application.

Councilor Logan asked if consideration has made been for homes with ADA accessibility, like patios with no stairs, for elderly or disabled residents. The PUD allows for all homes to be built with ADA accessibility.

City Manager Forrest reemphasized that the high-level goals of the design standards are to create attractive and functional homes. Mr. Joyce also said that another goal of the PUD was to have Objective Design Standards replace the current Discretionary Standards in order to give builders objective, clear standards to meet. Councilor Logan asked if builders give more push back when presented with Discretionary Standards or Objective Design Standards. Mr. Joyce said that builders would prefer to have objective standards to meet because they are clearer and certainty is

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important to builders.

City Manager Forrest asked if a Homeowner's Association would be created to regulate these standards. Mr. Joyce said the creation of a Homeowner's Association would be up to the developer, but those standards would be separate from the PUD process regulated by the City. Mayor Gelwicks confirmed that they would be equivalent to the *Land Development Code*. Through work with the Planning and Zoning Commission, Cascadia Partners also created the Exception Process that builders could participate in provided their buildings would still meet the Intent Standard.

Alex Joyce transitioned to Mixed Use and Special Purpose Districts. He reviewed permitted uses in the Residential, Institutional, Commercial, and Industrial zones. For example, residential use is a secondary use in the Maker's District. The Recreational Resort district is the most restrictive district in Gunnison Rising, where only permitted commercial use is allowed. Mayor Gelwicks asked why Institutional was excluded from the Recreational Resort area. He suggested that a non-profit organization could be appropriate for that area. Mr. Joyce responded that the Mayor's idea would more likely fit under a commercial use but is willing to explore the restrictiveness of the Recreational Resort area more if desired by Council.

The Main Street area is similar to downtown Main Street Gunnison today; however, it would allow for stand-alone homes. This area is intended to be neighborhood serving. Councilor Logan asked if there is land available for alleyways, uses for outdoor seating, and pocket parks. Mr. Joyce noted that the primary entrance must face the street, but the PUD would also allow for seating in the back.

The mayor asked if the Main Street in Gunnison Rising would be a direct competitor for the current Main Street. Mr. Joyce said the Gunnison Rising Main Street is not intended to be a direct competitor of the current downtown, but Georgia Avenue is to be the primary connector to Western and downtown. The retail on Georgia Avenue is meant to primarily serve the Gunnison Rising area.

Butch Clark spoke about the traffic flow on Georgia Avenue and that it may be impeded by parking lots. He noted that Virginia Ave may be a better street for pedestrian and bicycle flow because it is a wider street and would be separated from the vehicle traffic on Georgia Avenue. Mr. Joyce said that there are three primary east-west connectors. They are the highway, Georgia Avenue and Virginia Avenue. Virginia Avenue is missing a block for it to be a direct route. They discussed the missing block. Transportation and the design and functionality of Georgia Avenue will be further discussed at future public hearing.

Mayor Gelwicks asked that council and the public only submit written comments at this point to keep the hearing moving forward. Mr. Joyce stated that the Maker's District is flexible like the Main Street zone and its primary use is an employment use. There are four distinct zones south of the highway. They are the events center, Maker's District, government campus, and RV resort. The RV resort district is a specific district with more requirements and a more customized zone. Mr. Joyce asked for feedback on the Use Table. The next meeting can start with the Commercial District Design Standards.

The mayor continued the public hearing to 5:30 p.m. on Tuesday, May 12, 2020. Written comments should be sent to the City Clerk. Council should send any follow up questions to staff for follow-up on May 12. At 7:20 p.m., the mayor continued the public hearing until Tuesday, May 12, 2020, at 5:30 p.m.

# Citizen Input:

Lou Costello of Cabin Cannabis and Cabin Cultivation submitted a letter to Council and asked that it be read aloud by the City Clerk during Citizen Input. The City Clerk summarized Mr. Costello's points of concern to Council. Mr. Costello's letter informed Council that the marijuana industry is not eligible for federal or state assistance for issues related to COVID-19. He also requested that Council review the special tax placed on the industry and encouraged its removal. He stated that the intention of the special tax was to be used to address any negative impacts of retail marijuana in the city and on its residents. Since no lasting negative impacts have been clearly identified, the collection of the special tax should no longer be required.

## **Action Items:**

Approval of the April 14, 2020, Regular Session meeting minutes.

Councilor Logan moved and Councilor Miles seconded the motion to approve the April 14, 2020, Regular Session meeting minutes.

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

Roll call, no: None.

Council recessed at 7:25 p.m. and returned at 7:34 p.m.

Contract for Taylor Canyon Campground Host. After distribution of Council's e-packet, which included a contract for the Taylor Canyon campground host, it was determined that more clarification was needed on the term of the agreement prior to the mayor signing it. The mayor noted that members of the public have called in to give comment on this topic. The mayor recommended that Council discuss the contract at the next meeting. Councilor Miles moved and Councilor Logan seconded the motion to table any action being taken on the contract for the Taylor Canyon campground host until May 12, 2020.

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

Roll call, no: None.

Ryan Birdsey, one of the owners of Taylor Canyon Marina, called in to express a few concerns he had prior to speaking with Interim Parks and Rec Director Dan Vollendorf about sports rental equipment, the traffic flow in the area, and public access. Sam Degenhard of Campfire Ranch confirmed to Mr. Birdsey that Campfire Ranch would not be renting watercraft or sports equipment and that the public would still be able to access the area as they have done in the past. Mr. Degenhard responded to the public's concerns about parking. J Wenum of Colorado Parks and Wildlife spoke about impacts to wildlife, pet control, and public interactions with wildlife. He was made aware of the change in campground hosts and of Campfire Ranch within the last day or two. The City was not required to specifically provide notice this agenda item beyond its standard postings. City Manager Forrest stated that Campfire Ranch is responsible for gathering all permits to operate.

Dustin Brown, owner of Scenic River Tours, submitted a letter to Councilor Logan noting that the business had used a site at Taylor Canyon campground in the past for their raft guides at a reduced seasonal rate. Interim Director Vollendorf had previously spoken with another Scenic River Tours owner about the use of a long-term campsite and said the issue was resolved. Scenic River Tours will pay the going rate for a site at Taylor Park campground. Staff will work with Campfire Ranch to update and revise the contract to operate the campground this summer for Council's consideration at the next meeting.

Ordinance No. 4, Series 2020; First Reading: An Ordinance of the City Council of the City of Gunnison, Colorado, for the regulation of traffic by the City of Gunnison, Colorado; adopting by reference the 2020 edition of the "Model Traffic Code for Colorado"; repealing all ordinances in conflict therewith; and providing penalties for violation thereof

Police Chief Keith Robinson appeared before Council to discuss Ordinance No. 4, Series 2020. He noted that Ordinance No. 4, Series 2020 did not address the speed limits or bicyclists obeying stop signs. Bicyclists are required to slow down and then proceed with caution. Changing the law would require bikes to stop at stop signs. The overall issue with this part of the law is consistent enforcement. For now, more education would be the most effective action the City could take. For council, enhancing safe multi-modal transportation and reducing speed limits throughout town is to be an important issue. Chief Robinson stated that the speed study required by CDOT to reduce the speed limits on state highways can not be done at this time or this summer. Much of the equipment needed to conduct the study has been redirected to addressing COVID-19. Additionally, the current traffic patterns are different than normal and the results could be ineffective. It was recommended to wait until the fall, when traffic may be more normal, to conduct the traffic flow study in an effort to get CDOT's approval to reduce the speed limits. The police department could possibly look at reducing the speed on selected City streets, with more frequent review.

Councilor Logan introduced Ordinance No. 4, Series 2020, and asked that it be read aloud by title only. The City Attorney read Ordinance No. 4, Series 2020 aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt and ordered to publish Ordinance No. 4, Series 2020 on first reading.

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

Roll call, no: None.

City of Gunnison Weed Advisory Board Appointment. City Clerk Boucher stated that the purpose of this agenda item is to appoint the City of Gunnison Weed Advisory Board. The previous City Council passed Ordinance No. 16, Series 2020, which codified Chapter 5.50 Undesirable Plant Management in the Gunnison Municipal Code. This Chapter outlined policies and regulations for the City to manage undesirable plants by the Weed Advisory Board. However, the previous council did not formally appoint a City of Gunnison Weed Advisory Board. The Clerk presented three options to Council to appoint a Weed Advisory Board as they are outlined in the Code. One, the City Council could appoint itself as the Weed Advisory Board. Two, appoint the Gunnison Basin Weed Commission as the City's Weed Advisory Board and designate a City staff member to participate in the Weed Commission. Three, create and appoint a City Weed Advisory Board from selected landowners and individuals living in the vicinity of the city. The Clerk shared with Council that Gunnison County Weed District Manager, Jon Mugglestone, recommended that Council appoint themselves as the Weed Advisory Board as they know best their city's undesirable plants and priorities. The councils of Crested Butte and Mt. Crested Butte also serve as their own weed advisory boards. A brief discussion occurred about the council serving as its own Weed Advisory Board.

Councilor Plata moved and Councilor Miles seconded the motion to appoint Gunnison City Council as the City's Weed Advisory Board.

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

Roll call, no: None.

Council directed the Parks and Recreation Director or his/her designated assistant to serve as the City's liaison to the County's Gunnison Basin Weed Commission to enhance communication and collaboration on the issue of undesirable weeds throughout the valley.

COVID-19 Response and Recovery. City Manager Russ Forrest recognized staff and the work they have done to maintain their normal jobs in addition to handling COVID-19 issues. Staff has reached out to the nine industry subgroups and the Community Foundation to develop ideas and ways the City could best support businesses and residents. Staff suggested that Council could use up to \$250,000 of its Strategic Priority Funds from the General Fund to reinvest back into the community. Originally, the Strategic Fund appropriation was \$504,280. From that amount, \$30,000 has been committed for Lazy K design work and \$150,000 has been tentatively set aside for the Highway Access Control Plan with CDOT, leaving \$324,280 available. The \$250,000 would come out of Council's Strategic Fund. Staff acknowledged that different businesses within the City have different immediate needs and they continue to change as new public health orders are released. The key is to be impactful and responsive, as not all businesses have received their federal support funding.

Council was presented with two options about how to distribute the \$250,000 to assist businesses. The first option was to distribute the funds through a loan program, which would enable the City to receive some of the money back in the future. Gunnison County contributed \$250,000 to Region 10's small business loan program for Gunnison County residents. Residents can apply for a Region 10 loan for up to \$7,500. Delta County is also working with Region 10 to issue loans for \$5,700 in their county. Discussion occurred about loan details, deferral processes, and the number of businesses that could be served through Region 10's loan program, and what kind of businesses can or cannot be served through a loan program versus a grant program. If the City decided to issue loans, they would be administered through Region 10. It would take at least three weeks for a loan to be issued.

The second option would a grant program. The City Charter does not allow the City to directly give money to individuals through charitable donations but can reinvest in businesses for economic development. The City would use sales tax to reinvest in sales tax revenue. Conversations with businesses revealed that a \$5,000 grant would be helpful. Crested Butte recently started a grant program for \$2,500. A grant program would not require businesses to repay the funding. Finance Director Cowan laid out the eligibility for businesses to receive a grant. It was recommended that the money be distributed on a first come, first serve basis through an objective process. Grants would be available to businesses that are open "most of the year," to business owners that are residents of the City of Gunnison or Gunnison County, are in good standing with the City, and have experienced at least a 20% loss since March 16, 2020. The funds will be the lessor of \$5,000 or the amount of City of Gunnison sales tax paid in 2019.

Discussion occurred regarding the meaning of "opened most of the year," about the number of businesses that could be served with a grant of up to \$5,000, and what kind of businesses would or would not be eligible. It was noted that service industries, such as salons or gyms, would not be eligible because of those industries have small sales tax contributions. Finance Director Cowan suggested that businesses must be classified as one of the following industrial sectors to be eligible. They are: accommodations (excluding short-term rentals and vacation homes by owner), food services and drinking places, miscellaneous retail, sporting goods, hobby, musical instrument retail, and book stores. Council discussed if retail marijuana establishments should be included. Mr. Cowan noted that marijuana establishments do pay a 4% city sales tax, a 5% special tax, and 15% tax to the state, 10% of which comes back to the City. If marijuana retail is included, then retail liquor stores should also be eligible for the grant program. Council debated these inclusions and opted to include them in the eligibility. Discussion transitioned to whether or not the business owner must be a resident of the City or County or reside in the area. They decided that the business owner must reside in the City or County to be eligible, but does not have to be a resident. Council and staff removed all subjectivity, such as receiving a narrative statement from the business asking how they contribute to the community, out of the application process and eligibility criteria to make it as objective as possible.

Council continued to discuss pros and cons and eligibility requirements of the grant program. It was decided that recipients must acknowledge that they received a grant by placing a decal in their place of business. No reporting requirement was made. The goal of the program is to be impactful, not cumbersome. Recipients in the online application must agree to use the funds appropriately, like on payroll, rent or operating expenses and acknowledge that by submitting their financial information, it may be subject to public inspection or disclosure.

There will be an announcement of the grant program in Spanish and Councilor Diego will be available to assist Spanish-speaking business owners. The online application will open on Friday, May 1, 2020 at 1:000 p.m. The City may be asked to make contributions in the future to non-profit organizations supporting the community. If a construction firm wants to request a waiver for a building permit fee or TAP fee, they can use the already established process and it can be reviewed on a case-by-case basis.

The program will be promoted through a press release, ad in the newspaper, social media, website, and a direct email to businesses. The director of the Gunnison Chamber of Commerce will also directly contact their members.

Councilor Miles moved and Councilor Logan seconded the motion to authorize the mayor to sign contracts in accordance with the Finance Department's grant program of \$250,000 from Council's Strategic Reserve, in amounts up to \$5,000.

Roll call, yes: Plata, Freeburn, Miles, Gelwicks, and Logan. So carried. Roll call, no: No.

## Reports:

Community Development Director Anton Sinkewich presented Community Development's semi-annual report.

City Attorney Fogo confirmed with Council and staff that the contract for Campfire Ranch to operate the Taylor Canyon campground is only for one year. However, if the camping season is severely limited in 2020 due to COVID-19, Campfire Ranch would be allowed to operate in 2021. Remaining staff and Council gave brief reports.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session at 10:04 p.m.

Mayor

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City Clerk