

December 15, 2020

5:30 P.M.

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

The City Council Regular Session was called to order at 5:32 p.m. on Tuesday, December 15, 2020, remotely and in Council Chambers located at 201 W. Virginia Avenue in Gunnison, Colorado, by Mayor Jim Gelwicks. Mayor Pro Tem Jim Miles, City Manager Russ Forrest, and City Clerk Erica Boucher were physically present in Council Chambers. Councilor Diego Plata, Councilor Mallory Logan, Councilor Boe Freeburn, Western Liaison Hannah White and City Attorney Kathy Fogo attended remotely. Additional City staff, Public Works Director David Gardner, Electric Superintendent Will Dowis, WWTP and Water Superintendent Mike Rogers, Parks and Rec Director Dan Vollendorf, Police Chief Keith Robinson, Community Development Director Anton Sinkewich, Senior Planner Andie Ruggera, and Finance Director Ben Cowan attended the meeting remotely. The press was present. There was a Council quorum.

**Prescheduled Citizens:**

Marketa Zubkova of the Hispanic Affairs Project and Brianda Aguilar attended the Regular Session to receive the International Day of the Migrant proclamation from City Council. The annual International Day of the Migrant is December 18. Mayor Gelwicks and Councilor Plata alternated reading the proclamation phrase by phrase in English and Spanish. Pictures were taken and appreciation was shared.

**Citizen Input.** Mayor Gelwicks called for citizen comments from members of the audience in Council Chambers and those attending remotely. There were none.

**Council Action Items:**

Mayor Gelwicks confirmed with City Clerk Boucher that the minutes from the December 8, 2020, Regular Session meeting will be included in the January 12, 2021, Regular Session packet for approval.

**Ordinance No. 14, Series 2020, First Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, Fixing the Amended Rates to be Charged for Water Service within the City of Gunnison, Colorado, and Amending the Rate Tables in section 12.40.020 of the City Code of the City of Gunnison to Reflect the New Service Rates.*

Councilor Logan introduced and read Ordinance No. 14, Series 2020, aloud by title only. Councilor Logan moved to adopt Ordinance No. 14, Series 2020, and Councilor Miles seconded the motion on first reading.

City staff confirmed with Council that corrections to the title of Ordinance No. 14, Series 2020, were completed and proposed water rates for 2021 are accurate.

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

Roll call, no: None.

**Ordinance No. 15, Series 2020, Second Reading:** *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending the Monthly Rates for Sewer Service and the Fees Charged for Recreational Vehicle, Septic Tank, and Portable Toilet Waste Treated by the City of Gunnison, Colorado, and Amending the Rate Tables in section 12.40.020 of the City Code of the City of Gunnison to Reflect the New Service Rates.*

Councilor Freeburn introduced and read Ordinance No. 15, Series 2020, aloud by title only. Councilor Plata moved and Councilor Logan seconded the motion to adopt Ordinance No. 15, Series 2020, on second reading.

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

Roll call, no: None.

**Ordinance No. 16, Series 2020, Second Reading:** *An Ordinance of the City Council of the City of Gunnison Amending the Monthly Rates Charged by the City of Gunnison Public Works Department for Refuse and Recycling Services.*

Councilor Logan introduced and read Ordinance No. 16, Series 2020, aloud by title only.

Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 16, Series 2020, on second reading.

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

Roll call, no: None.

**Authorization for Scope of Work Expansion with ESC Engineering for Transformer Design Work.** Public Works Director David Gardner explained to Council that Public Works would like to amend the current contract with ESC Engineering to include the replacement of a 60-year-old plus transformer on the substation at Public Works. This is a project that the department has been planning and financially preparing for the last five years. Public Works is ready to prepare and proceed with the bid process. Director Gardner also requested that Council give authorization for Public Works to commission ESC Engineering to complete an electrical distribution study for Gunnison Rising, which may include a second transformer and electric feeders to service that housing development. The cost for the work directly related to Gunnison Rising will be reimbursed by the developer, Gunnison Valley Properties (GVP). The City wants to manage the contract and the expanded scope of work to ensure that it is compatible with City infrastructure. Additionally, Public Works wants to understand how the electric feeders will service Gunnison Rising in order to connect all of the infrastructure. GVP would be responsible for \$89,000 for the transformer work and \$15,000 for the electrical model work to determine how the additional feeders will interact with City infrastructure. The City would be financially responsible for \$77,000 of the expanded scope of work. Director Gardner confirmed that the City would receive the payment from GVP prior to the start of the work.

Councilor Miles moved and Councilor Logan seconded the motion to authorize the City Manager to enter into a contract for \$181,000 with ESC Engineering for an amended scope of work contingent upon \$104,000 being reimbursed by Gunnison Rising.

It was noted that in the future, with the transformer upgrades to the City's infrastructure, a large solar array could be physically integrated, but that complete execution would require negotiations with WAPA.

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

Roll call, no: None.

**WWTP Modernization & Energy Efficiency Improvements-Disinfection Building UV Piping Modifications Project.** Public Works Director David Gardner reminded Council of the UV disinfection installation issue that the City had with Tetra Tech. Tetra Tech is paying for the redesign to correct the issue. Tetra Tech received three price bids for the work, and Hydro Construction Company came in with the lowest cost. Before the City can enter into a contract with Hydro Construction, it first needs to complete a settlement agreement with Tetra Tech to outline their financial and construction responsibilities. The City is still working through negotiations with Tetra Tech, which could be completed in the coming days or weeks. Public Works wants to have authorization from Council for the City Manager to sign the agreements, after review by the City Attorney, as soon as all issues are resolved, to proceed with the corrections. As part of the modifications to the project, parts of the project will need to be reassigned to different companies. Additional discussion needs to occur with Filanc regarding the contingency log and final payment of all completed work. The modifications to the WWTP Modernization and Energy Efficiency project requires further negotiations and finalization between the City of Gunnison and the CMAR/Hydro Construction, Tetra Tech, and Filanc. The most efficient way to continue to move forward with these agreements and the completion of the project would be for Council to give authorization to execute any and all documents as they are reviewed and approved by the City Attorney; this was the recommendation of City staff. City staff will be meeting with Filanc on Monday, December 14, to discuss the final details of the settlement, including warranties and liabilities. There is \$500,000 in outstanding contingency billing from Filanc. Due to delivery timing of equipment, the City and Filanc will be working together into the spring of 2021. Full project completion of the WWTP is still scheduled to be completed mid-summer 2021.

Councilor Plata moved and Councilor Miles seconded the motion to authorize the City Manager, contingent upon review and approval by the City Attorney, to execute any or all documents related to the Sole Source CMAR contract between Hydro Construction and the City of Gunnison.

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

Roll call, no: None.

Councilor Plata moved and Councilor Freeburn seconded the motion to authorize the City Manager, contingent upon review and approval by the City Attorney, to execute any and all documents related to the settlement agreement between Tetra Tech Inc. and the City of Gunnison.

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

Roll call, no: None.

Councilor Plata moved and Councilor Miles seconded the motion to authorize the City Manager, contingent upon review and approval by the City Attorney, to execute any and all documents related to the settlement agreement between Filanc and the City of Gunnison, provided that the settlement agreement does not cause the project to exceed the authorized budget of \$12,374,992.

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

Roll call, no: None.

**Scope of Work for Phase Two of Lazy K Park.** Parks and Recreation Director Dan Vollendorf explained that he has been working with Design Workshop on Phase 2 of the West Gunnison Park design. In addition to Design Workshop, Director Vollendorf recommended hiring SGM Engineering as a sole source purchase to handle the civil engineering aspects of the project, which include the parking lot, restroom building, playground and lawn, and paths. A proposal for SGM's scope of work was included in the packet. City Manager Forrest confirmed that these two allocations for the West Gunnison Park will result in construction drawings so that the City will have accurate numbers to issue an RFP. Council previously allocated \$21,800 to Design Workshop for Phase One of the park. Staff is confirming that Council is comfortable with allocating \$43,500 to Design Workshop and \$19,500 to SGM for civil engineering work. These amounts were included in the Additional Appropriations ordinance, Ordinance No. 11, Series 2020, that Council approved during the December 8, 2020, Regular Session meeting. This funding is coming from the Recreation Improvement Funds.

Councilor Logan moved and Councilor Freeburn seconded the motion to authorize the City Manager to negotiate and execute a contract with SGM as a sole source purchase to execute the Civil Engineering Designs for the Lazy K Park buildout in an amount not to exceed \$19,500.

City Manager Forrest shared with Council that a suggestion was made to have 80' of the southern edge of the park plan be a rectangle that will work as a natural buffer between the park and private property directly east of the park. This idea was presented to the Planning and Zoning Commission, which is working through the idea. The area would not be developed with the rest of the park in spring 2021 and could be used for housing, park expansion, or park access in the future. Mayor Gelwicks' thought is to hold the four acres of land in reserve for the time being. The City could later sell in this section, if desired, in five to ten years. Holding this land in reserve now would not have an impact on the current park and housing development projects.

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

Roll call, no: None.

Councilor Logan moved and Councilor Plata seconded authorizing the City Manager to negotiate and execute a contract with Design Workshop for the Phase 2 Scope of Work for the Lazy K Park in an amount not to exceed \$43,500.

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

Roll call, no: None.

**2021 Distribution of Grants.** Finance Director Ben Cowan told Council that they received a summary of the grant requests in their packet and received an email from Mr. Cowan with the detailed descriptions of the grant requests and application forms. Wednesday, January 6, 2021, was confirmed as the date for a work session to discuss grant requests. Director Cowan recommended that Council email the Finance Department with their initial allocations prior to the work session to make the meeting on the 6<sup>th</sup> more efficient. City Clerk Boucher and Director Cowan will also be meeting with Youth City Council to receive their recommendations and allocations on the grants. The suggested time for the work session was 11:00am-2:00pm. The meeting will occur via Zoom.

**Discussion of Marijuana Revenue.** Finance Director Cowan started the discussion by presenting the revenue that the City has collected from the operation of marijuana establishments within the City. The total amount collected from marijuana sales has been over \$1.2 million dollars. Currently, \$311,839.77 is in the Marijuana Mitigation Fund and available for use as outlined in the 2014 ballot language. Marijuana revenues have been increasing annually. City staff has worked

to ensure that there is a connection between the use of the revenue and the ballot language. Funds have primarily been spent on social, educational, and recreational programs and law enforcement. Police Chief Keith Robinson confirmed the revenue is going towards law enforcement support and that the department has a good working relationship with the DEA and the Drug Taskforce out of Montrose. Discussion transitioned to the need to assist and support mental health providers and detox resources besides the jail and hospital, which have traditionally been used as detox or holding areas for those highly intoxicated or impaired. There is a need for immediate care and longer-term monitoring. Chief Robinson explained to Council that the Mental Health Center out of Montrose has typically been Gunnison's resource to handle substance abuse and mental health issues. Over the last couple of years, there has been an effort to transition substance abuse and mental health issues out of law enforcement. Chief Robinson presented Council an informational sheet from the Mental Health Center prior to the meeting highlighting their services, including its crisis mobile response service. They have a walk-in center and staff that helps with substance abuse and mental health stabilization that allows them to refer people to long-term care facilities. The Center serves the seven surrounding counties and can be available to Gunnison residents within two hours. This houses Gunnison's current service abilities. The Center would also continue to be supported by the DOLA's Peace Officer Mental Health Support Grant program that the department applied for in October 2020 and hopefully will be awarded.

The Gunnison Valley Hospital (GVH) is beginning the process of developing a similar program locally. GVH wants to be able to provide crisis treatment and recommend long-term treatment as needed. The Mental Health Center has struggled with hiring qualified providers who live in Gunnison. GVH thinks they can overcome this challenge. All programs regarding substance abuse and mental health require a more consistent stream of funding. This work has always been grant-dependent, which can make it inconsistent. It was suggested that using a portion of the Marijuana Mitigation Fund to consistently financially support the Mental Health Center or GVH's emerging program to stabilize this work locally. The Gunnison Valley has seen an increase in alcohol and marijuana use and mental health issues. Discussion occurred about helping those in need and applying current practices and procedures regarding those struggling with drug or mental health issues. Council directed staff to invite representatives from the Mental Health Center and the Gunnison Valley Hospital to present their programs to Council to provide additional information, answer questions, and discuss the services they could each provide the local community. Both groups will be invited to Council in the early spring.

**Discussion on Vacant Dwellings – Property Maintenance Incentive Program.** Community Development Director Anton Sinkewich reminded Council of the previous action taken by Council regarding substandard dwellings and property. Council allocated \$35,000 in November 2019 to offer property owners \$400/structure to cover the cost of asbestos inspection and testing or \$1000/structure for voluntary removal and replacement or renovation of a substandard dwelling. In the year that this program has been available, only one person has utilized the program and received the \$1000 incentive. This property owner's application was excellent. Sinkewich stated that letters were specifically sent to property owners whose property would qualify for the program and that the program was promoted multiple times throughout the year. With so few people using this good-will program, staff now recommended exploring enforcement options and using the remaining \$34,000 to support enforcement. Action to be taken on substandard structures will need to occur on a case-by-case basis. Staff has identified three dwellings that they would like to use as models to develop a cost-benefit analysis on upgrading these dwellings. City staff would like to begin with vacant dwellings and structures that are within the legal authority of the City. Council supported this plan as a way to look at fill-in versus sprawl. Council is not interested in removing families living in substandard housing at this time, but rather focus on vacant dwellings where enforcement may need to occur. Staff will ask the one applicant using the program if they can share their story to help promote the program in a positive way. Mayor Gelwicks noted that the Colorado Municipal League is looking into ways to assist municipalities on sub-standard housing issues and finding ways to improve housing availability.

Council Plata moved and Councilor Miles seconded the motion to authorize staff to reallocate \$34,000 from the Program Maintenance Incentive Program into a cost-benefit analysis on the three vacant dwellings to fully understand the costs and evaluate the enforcement process.

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

Roll call, no: None.

**Council went into recess and returned from the recess at 7:08 p.m.**

**Resolution No. 25, Series 2020:** *A Resolution of the City Council of the City of Gunnison, Colorado, Waiving Eligible Liquor License Fees for the Period December 7, 2020, through December 7, 2021.* Councilor Miles introduced and read Resolution No. 25, Series 2020, aloud by title only. Councilor Miles moved and Councilor Logan seconded the motion to adopt Resolution No. 25, Series 2020.

City Clerk Boucher shared with Council that during the Colorado Legislative Special Session in December 2020, the legislature passed SB20B-001, which waived liquor license fees for many, but not all, annual liquor licenses. As a COVID-19 relief measure, Senate Bill SB20B-001 was signed into law by Governor Polis on December 7, 2020, providing a one-time waiver of state liquor license fees, new applications fees, annual renewal fees, and late fees for certain license types for the period December 7, 2020, through December 7, 2021. Retail liquor stores were not included and on-premises consumption licenses were included. To be of assistance to local restaurants, taverns, and on-premises liquor establishments, the Clerk recommended that Council follow the State's lead and waive similar local license fees for the same time period. The cost to the City if not collecting these local license fees for one year would be \$3,738.75.

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

Roll call, no: None.

**COVID-19 Update and Recovery.** Mayor Gelwicks shared COVID-19 updates with Council. They were: 1) the National Guard will be in Gunnison on Friday, December 18, to provide free COVID-19 testing to the community; 2) 900 plus COVID-19 vaccinations were delivered to Gunnison County to be split among Gunnison, Chaffee, and Delta Counties. Gunnison County will receive 300 vaccinations to be distributed to medical staff; and 3) a summary of the most recent County COVID-19 briefing was given. Mayor Gelwicks thanked Council members who gave initial suggestions for the community letter and asked that all Council contributions be reviewed by the end of the year for a first week of January printing. The letter needs to be shortened and include some cautionary language. The letter should include the Gunnison County COVID-19 website as the best single source for local information. The letter should be mindful of messaging to Western students as well. Chief Robinson noted that law enforcement continues to work with Public Health on enforcement.

Councilor Logan asked the Chief about the recent increased theft from unlocked cars at night. The police department is further investigating the incidents and follow-up on reports.

Council will continue working on the letter and the Mayor will submit it when the letter is completed. The letter will be submitted for publication in the *Gunnison Country Times* and the *Crested Butte News*.

**Council and staff gave brief reports.**

**Executive Session.** Council and staff needed a recess in order to access the Executive Session link. The Mayor stated that anyone in the public who wanted to be notified when Council exited the Executive Session should contact the City Clerk. Mayor Gelwicks stated that no formal action would take place during the Executive Session and there were no anticipated motions to come out of the Session. The Executive Session would be to gather information only.

Councilor Logan moved and Councilor Miles seconded the motion to go into Executive Session pursuant to C.R.S. §24-6-402(4)(e)(I) – Negotiations – discussion regarding the development of the Gunnison County Library within the City of Gunnison.

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

Roll call, no: None.

At 7:55p.m. Council went into recess to change Zoom links to begin the Executive Session at 8:00p.m.

At 8:02p.m. Council came out of recess.

Mayor Gelwicks stated that it was Tuesday, December 15, 2020, that the time was 8:02p.m., and that the Executive Session was being recorded. Participants physically present in the Council Chambers for the Executive Session were presiding officer, Mayor Gelwicks, Mayor Pro Tem

Miles, and City Manager Russ Forrest. Participants attending the Executive Session remotely were Councilor Plata, Councilor Freeburn, Councilor Logan, Senior Planner Andie Ruggera, and Community Development Director Anton Sinkewich. Mayor Gelwicks indicated that Council may be joined later in the Executive Session by City Attorney Kathy Fogo,

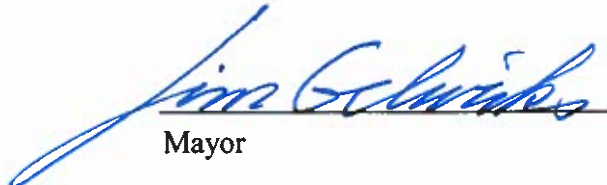
Mayor Gelwicks stated that the purpose of the Executive Session was to have negotiations-discussion regarding the development of the Gunnison County Library within the City of Gunnison pursuant to C.R.S. §24-6-402(4)(e)(I). The Mayor cautioned each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If, at any point in the executive session, any participant believes that the discussion is going outside the proper scope of the executive session, the Mayor asked Council to please interrupt the discussion and make an objection.

At the request of the Mayor, the City Clerk departed Council Chambers.

The City Attorney joined the Executive Session at 9:16p.m.

Council returned from the Executive Session at 9:28p.m. The City Clerk returned to Council Chambers. Mayor Gelwicks indicated that hysically present participants in the Executive Session were Mayor Gelwicks, Mayor Pro Tem Miles, and City Manager Russ Forrest. Participants attending the Executive Session remotely were Councilor Plata, Councilor Freeburn, Councilor Logan, City Attorney Kathy Fogo, Senior Planner Andie Ruggera, and Community Development Director Anton Sinkewich. The Mayor attested the recording of the Executive Session in lieu of written minutes to satisfy the Open Meeting Law requirements and stated that the City Attorney would retain the recording for 90 days. For the record, the Mayor requested that if any participant of the Executive Session believed that any substantial discussion of matters not included in the motion took place during the Executive Session, or that any improper actions occurred in violation of the Open Meetings Law took place, that they please state the concern for the record. No business came from the Executive Session.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 9:30p.m.

  
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 Mayor

Attest:

  
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 City Clerk