

January 28, 2020

CITY OF GUNNISON COUNCIL  
REGULAR SESSION MEETING MINUTES

5:30 P.M.

The City Council Regular Session meeting was called to order at 5:30 p.m. by Mayor James Gelwicks with Councilors Boe Freeburn, Jim Miles, and Diego Plata present, along with City Manager Russ Forrest, City Attorney Kathy Fogo, Finance Director Ben Cowan and City Clerk Erica Boucher. New Western Colorado University student liaison Adam Engleman was there along with Police Chief Keith Robinson, Community Development Director Anton Sinkewich, and Interim Parks and Recreation Director Dan Vollendorf. Faculty and students of Western Colorado University's Environment and Sustainability program were there as Pre-Scheduled Citizens. Also in the audience were representatives from the Gunnison County Chamber of Commerce, the Gunnison Arts Center, Gunnison County Substance Abuse Prevention Project, and Coldharbour Institute. In attendance were candidates for the Senior Center Advisory Committee and a handful of interested citizens. The press was present. Councilor Logan was absent. A Council quorum was present.

**Citizen Input:**

Mayor Gelwicks asked if there were any citizens who wanted to speak during Citizen Input. No citizens came forward.

**Pre-scheduled Citizens:**

Dr. John Hausdoerffer, Dean of the School of Environment and Sustainability came before Council to thank Council and the City for its support and assistance in the establishment of a Sister Cities International relationship between the City of Gunnison and Makjhali, India. Makjhali and Gunnison are similar in their landscape, sustainability and environmental concerns, and both are tourist economies and headwaters communities. The partnership between Gunnison and Makjhali, India is groundbreaking and innovative in the fact that is primarily student-driven and lead. Over the last two years, Western ENVS undergraduate students and MEM masters students have been traveling to India to build relationships with spiritual leaders, entrepreneurs, administrators, teachers, and individuals to exchange environmental, sustainability, business, and cultural ideas. In October 2019, Western students returned to Makjhali to further the four cornerstones of the partnership. They are a connection between Gunnison and Makjhali elementary students through a pen pal program, small business development with Umang and Hillcraft, a symbolic structure in Gunnison, and a student exchange program. At this time, the likely physical symbolic structure will be a water hand-pump at the Signal Peak trailhead behind Western. Western faculty and students intend to foster these initial programs, grow the Sister Cities relationship, and promote the partnership throughout the schools and community.

**Action Items:**

**City of Gunnison Public Service and Economic Development Grants.** Prior to Council making their final decisions on the 2020 Public Service and Economic Development grants, they asked for more information from the Gunnison County Substance Abuse Prevention Program (GCSAPP) and Coldharbour Institute. Finance Director Ben Cowan stated that the City budgeted approximately \$140,000 for Public Service grants and over \$240,000 was requested, in addition to a \$150,000 request from the Gunnison Arts Center for a capital project. The City budgeted \$23,817 for Economic Development grants and \$42,400 was requested. Council held a work session on January 14, 2020 to discuss all grant submissions and made preliminary awards.

Director GCSAPP Kari Commerford and Alyssa Ware came before Council to give an update on GCSAPP's recent programs and services. Director Commerford highlighted that substance prevention needs to start in early childhood and carried into the elementary and middle schools. GCSAPP's focus is making the greatest positive impact on youth, rather than maximizing the amount of people attending their events. More substance-free events are important for everyone in the community to have greater opportunities for connectivity. Director Commerford recommended Council to provide funding to Gunnison High School's Student Government class to help them with their programming, and noted that this programming isn't typically attended by all students. She announced that throughout the valley, youth are expressing more of a need and desire for mental health services.

Juvenile Services assistant and youth advisor, Alyssa Ware spoke about Youth Spaces and Sources of Strength. Youth Spaces or Gunny Hang-Outs have taken shape as a couple of different models, but should be youth-driven to be sustainable and successful. Sources of Strength has gained more momentum at the middle school and university at this time and continues to be an important and helpful organization for those involved. It was emphasized that the funding from the grant will not go toward administrative services, but for funding a mix of substance-free programming for all ages in the community.

Rich Stromberg of Coldharbour Institute and Equitable Solar Solutions Director at Western Colorado University presented to Council Coldharbour's grant request to install solar panels on the Jorgensen Ice Rink roof in partnership with Western MEM students and NABCEP certified installers. If funding is received, the installation work would be a partnership between the City of Gunnison, Western's Master in Environmental Management program, Coldharbour Institute and the Gunnison Valley Regional Housing Authority's GV-HEAT program. Two city locations were examined as possible installation sites. They were the roof of the Municipal Building and the roof of Jorgensen Ice Rink. Jorgensen's roof was determined to have better capability to handle 9kw of solar power and has better functional setup for snowmelt. The solar panels for the proposed installation were donated by the Bank of Colorado in Boulder, Colorado. They donated 44 panels. Solar panel specialists have inspected the donated panels and were deemed functional. Mr. Stromberg provided background information on the program and discussed the specific size, capabilities, and structure of the solar panels. Once installed the City would be responsible for the operations and maintenance of them. Overall, this project has high potential to be educational for MEM students, create an environmentally sustainable practice for Gunnison and benefit the GV-HEAT program and its customers.

No changes were made to Council's preliminary grants awards as discussed during the January 14, 2020 work session.

Councilor Miles moved and Councilor Plata seconded the motion to direct Finance Director Ben Cowan to prepare funding agreements according to Council's funding awards for the Mayor's signature.

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

Roll call, no: None.

**Approval of the January 14, 2020 Regular Session meeting minutes.** Councilor Miles moved and Councilor Plata seconded the motion to approve to the minutes of the January 28, 2020 Regular Session meeting as submitted.

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

Roll call, no: None.

**Appointment of Parks and Recreation Advisory Committee (PRAC) member.** Kristi Murtaugh's PRAC term expired on December 10, 2019. This is an at-large committee seat. City Clerk Boucher informed Council that the open seat was advertised appropriately in the papers and on social media. Kristi Murtaugh reapplied for the seat. She was the only candidate for the at-large seat.

Councilor Plata moved and Councilor Miles seconded the motion to appoint Kristi Murtaugh to the at-large seat on PRAC for another term.

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

Roll call, no: None.

**Appointment of Senior Center Advisory Committee members.** City Clerk Boucher reviewed the names of the 10 candidates who submitted letters of interest for the initial appointments to SCAC. The committee openings were advertised through the proper channels and for the appropriate amount of time. Four candidates applied for five City-resident openings. In addition to the four City resident candidates, Clerk Boucher stated that she had contact with City resident Jodie Casey, who expressed interest in the committee and noted that she intended to submit a letter of interest to Council; however, at the time of the Regular Session meeting Ms. Casey had not submitted a letter of interest. Council supported the appointment of the four City residents. They were Jody Coleman, Kathy Seitz, Gail Davidson, and Audrey Miller. Council gave Jodie Casey until Friday, January 31, 2020 at 5:00 p.m. to submit a letter of interest for consideration. If a letter of interest is not received by then, the Clerk will re-advertised the fifth City resident opening for SCAC.

Six candidates applied for the two open at-large positions. A brief discussion occurred regarding the candidates and a few engaged seniors in the audience expressed their thoughts about the potential candidates. Council took a straw poll. Cathie Elliott received a vote of support by all councilmembers. Sharon Mills and Bob Wegert received multiple votes. After a brief discussion, Council favored Sharon Mills.

Councilor Freeburn moved and Councilor Miles seconded the motion to appoint the four City resident candidates to SCAC and the pending appointment of Jodie Casey if she submits a letter of interest by January 31, 2020.

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

Roll call, no: None.

Councilor Miles moved and Councilor Plata seconded the motion to appoint Cathie Elliot and Sharon Mills as at-large committee members.

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

Roll call, no: None.

**Council went into recess at 6:41 p.m. and returned at 6:55 p.m.**

**Parks and Recreation Advisory Committee (PRAC) Membership Update.** Interim Parks and Recreation Director Dan Vollendorf came before Council to inform Council that PRAC's last committee meeting confirmed the final updates to the revised governance for PRAC. The committee, with staff support, would like to eliminate the July 31 deadline for their annual report and replace it for any time prior to the creation of the coming year's budget. They also supported removing the requirement for a councilmember to serve on the committee and wanted to remove the quorum provision. Concern was raised about removing the quorum requirement of City residents, because while the committee is not a decision-making body, part of their responsibility is to provide Council with recommendations on fiscal and resources matters. It was stated that minutes shall also be taken and retained for PRAC and SCAC. Council directed staff to make final adjustments to the drafted PRAC governance resolution and present it for adoption at an up-coming Regular Session meeting.

**Discussion on the Adoption of the 2020 Model Traffic Code.** Police Chief Keith Robinson approached Council to discuss the adoption of the 2020 Model Traffic Code. The last time the City of Gunnison officially adopted the Model Traffic Code was in 2010. Adoption of the Model Traffic Code must be done by ordinance. He sought direction on specific codes for better consistency throughout the state.

Below is a list of the Police Department's (PD) recommendations for the following codes and Council's direction on how to proceed.

1. **118, Use of motorized golf carts.** This code is consistent with the MTC and PD recommends no change. Council agreed.

2. **109(9), Restricted Use of Snowmobiles, Skis, Toboggans, Coasters, Skates, and Similar Devices.** Years ago, primarily the skateboarding community, spoke to Council about being able to ride on city streets. Council and the PD had no major objections to their request but did not adjust the language to conform to Model Traffic Code. PD recommends no changes. Council agreed.

3. **1203, Parking Not to Obstruct Traffic or Maintenance.** The City broke away from statute and modified this section to establish a time limit in which vehicles need to be move in order for non-emergency maintenance to occur on City streets. The time limit is not in statute to address non-emergency maintenance. Council supported keeping the time limit notification.

4. **1205, Parking at Curb or Edge of Roadway.** The wording in this section allows for the posting of signage to regulate diagonal parking and time-limited parking. PD noted that the language in this section is consistent with Model Traffic Code and recommends no changes so the City can have diagonal parking and post two-hour time limits. Council agreed.

5. **1206, Unattended or Idling Motor Vehicles.** Currently, cars are allowed to idle for up to 20 minutes, if locked, in a designated area. PD noted that the language in this section is consistent with state statute and recommends no changes. Council agreed.

6. **1804(4), Report of abandoned motor vehicles – owner's opportunity to request hearing.** This section deals with definitions and administrative processes when handling notification of abandoned vehicles that need to be towed. This section was modified in the 2010 MTC to what PD has been doing, which is consistent with the current 2020 MTC draft. PD recommends removing the previous amendment so it will align with the 2020 MTC. Council agreed.

Chief Robinson stated that he will be bringing all of these sections before Council again for final adoption.

This list below of 2020 Model Traffic Code are sections in which local control may be established by the local authority or MTC does not conform to current state statute. The Police Department proposes new language for these.

1. **612, When signals are inoperative or malfunctioning.** Current state statute allows for motorcycles to proceed when they are not recognized by signaling equipment, after an initial stop. The MTC does not match the state statute. PD recommends updating this code to match state statute. Council agreed.

2. **1205, Parking at Curb or Edge of Roadway.** Chief Robinson stated that a circuit courts deemed chalking tires to be a constitutional violation; therefore, local enforcement officers take pictures of parked vehicles and maintain a log to track the length of time someone is parked in a time-limited spot. Through research, the chief discovered the definition for handicapped parking in 1208(3)(B)(1) requires that the vehicle be moved to another handicapped spot at least 100 yards away. The thought by the PD is to adopt a similar definition for parking. Parked vehicles within the eight-hour time period would need to move their vehicle after the time limit of two hours is up and move to a new spot at least 100 yards away. People would have to move their cars to another block. This proposed system would help in monitoring and maintaining the two-hour parking time limit. A brief discussion occurred about the chalking of tires can be considered an illegal search and seizure. Council would like to see language requiring a vehicle to move at least 100 yards when the time limit is up within eight hours.

**3. 1412, Operation of bicycles and other human-powered vehicles.** State statute allows municipalities to restrict class 1 or class 2 electrical assisted bicycles on their local bike or pedestrian pathways. Class 1 and class 2 electric bikes are the slower class of electric bikes and require human assistance. The City Manager recommended giving this issue more time to determine the desires of the community and give time for the Sustainable Tourism Outdoor Recreation committee to investigate it and weigh in. Council agreed.

**4. 1412.5. Local adoption of alternative regulation of bicycles and electric scooters approaching intersections - alternative regulation described - validity of existing local ordinance or resolution.** This statute allows for local government to pass an ordinance allowing bicycles and electric scooters to yield at stop signs and traffic signals, when other traffic permits. Under this statute, a complete stop would not be required by the rider. Current law requires bikers to stop fully; however, locally, there is not dedicated enforcement to requiring riders to come to a complete stop at intersections. Council was split on this issue and discussion occurred. Some of council supported an ordinance to allow bikers to yield at an intersection stop sign if traffic permits as this is currently what is in practice and realistic for most riders. Other council members supported requiring all riders to fully stop at stop signs. It was acknowledged that enforcement is difficult on this issue, but the City could do a better job with education and stress "rules of the road" to visitors and residents. Council expressed concerns for safety and the need to educate bikers and motorists on how to behave at stop signs, depending on the code. Council suggested not changing the local ordinance at this time, which requires bikers to come to a complete stop at stop signs.

This list of codes below is for Council's consideration to regulate. State statute does not specifically grant enforcement to the local government but allows it.

**1. 1102. Altering of speed limits.** Chief Robinson informed Council that the City would have to ask CDOT to conduct a survey to determine if speed limits should be adjusted on state highways. In CDOT's standard survey, if 85% of the vehicles are driving a certain speed that becomes the new speed then it is the City's responsibility to prove to CDOT is the speed is too high or too low based on other criteria such as number of accidents, use by walkers and bikers, etc. The Chief referred to the Apply Basic Speed Law as described in CRS 42-4-1101(2)(g). If Council wants to change speed limits on City streets, an investigative study should be conducted first to determine the appropriate speed for the streets. The Chief recommended doing an in-house study later this spring using our own standards, equipment and information the city already has available, and then make a fact-based decision. This investigation could also include perspectives from pedestrians and cyclists as to what certain speeds feel safe to them, especially since the City does not have sidewalks throughout town. Council directed staff to come up with a methodology to conduct an investigation of speed on city streets. Council could support a 25mph speed limit throughout town unless otherwise posted. Ohio Avenue is intended to be a safe travel route for pedestrians and cyclists.

**Part 18: Vehicles Abandoned on Public Property.** Modifications to this section involve using the City right-of-way regarding camping, storage of vehicles, and repairing private vehicles. First, vegetation in the right-of-way was discussed. In 2017, CDOT conducted a study on vegetation in Gunnison and it concluded that all vegetation should be 30 feet back on a diagonal around every corner for visibility. The *Land Development Code* requires vegetation to 2 feet back. Chief Robinson will be working with Community Development to address the issue of vegetation in City right-of-ways as it affects visibility and return to Council with a recommendation. The Chief is working on addressing the issue of people camping/living on streets in RVs. Another issue that the PD would like to look into is the use of city streets for vehicle repair. Council directed staff to draft language addressing businesses' use of the right-of-way in the streets for clarification regarding maintenance and length of stay.

The topic of reducing speed limits on state and city streets was revisited. City Manager Forrest will do some additional research on this topic with CML and reach out to the Region 3 CDOT contact to gather additional information.

**Comprehensive Plan Update.** Community Develop Director Anton Sinkewich reviewed the recent community outreach events with Council since their last Regular Session meeting. Staff will be working with Houseal Lavigne Associates to incorporate feedback from the January 17, 2020, Gunnison Valley Climate Action Conference, especially as it relates to solid waste and water resources. No major issues of concern have been identified in the current draft of the Plan. Council has until February 11, 2020 to submit final comments to Community Development Director Sinkewich.

**Draft: Intergovernmental Agreement for Emergency Telephone Authority.** City Manager Forrest identified a few key modifications to the Intergovernmental Agreement (IGA) for Emergency Telephone Service to ensure that Gunnison City Council supports the changes. First, there are two boards. There is a Communication Board and there is the Gunnison Hinsdale Combined Emergency Telephone Service Authority (GHCETSA). This is the E911 board and is responsible for telephone

surcharge money and for applying it back to communications centers as required by state statute. The Communication Board has been where decisions are typically made by consensus. This Board has been run by Dispatch, but Gunnison City Council has the final authority. The other partners who contribute a significant amount of money (\$75,000-\$100,000) would also like a say in final decisions. After meeting with the Montrose Dispatch Center and taking some of their best practices following a trial shift in operations, a new IGA was drafted. In the new agreement, GHCETSA would continue to handle the surcharge, but also take over responsibility for the Dispatch Center. The dispatch manager would report directly to the Authority and not the Gunnison Police Chief. Dispatch employees would work under the umbrella of City employment benefits and personnel policies.

The signers of the IGA would remain the same as in the past. The members of the Board are the main users of the system. The by-laws will identify who are the main and non-member users. Non-member users typically use less than 1% of the system and will not be a voting member but can participate in the meetings.

Finance Director Cowan confirmed that CIRSA will allow the City to sponsor Dispatch employees and provider workers compensation and liability insurance to them, but they would be employees of the Authority.

Council discussed the pros and cons of this drafted IGA and different scenarios regarding the amount of control over the Authority, possible future leadership decisions, safeguards for the City, and availability of space or location for Dispatch. The current location of Dispatch was intended to be the communications hub considering the amount of fiber it contains. The goal with the new IGA is for Authority to be collaborative. This new structure provides accountability and ownership among all members and inserts checks and balances for the entities. Council directed staff to proceed with the drafted IGA.

**Council went into recess at 8:58 p.m. and returned at 9:05 p.m.**

**Letter of Support for SB20-010.** To show support for SB20-010: Repeal Ban on Local Government Regulations of Plastics, staff drafted a letter of support for Council to sign. The repeal of the ban would give local municipalities the flexibility and option to legally ban plastic bags or one-time use items in their communities. Senator Kerry Donovan is a sponsor of this bill.

Councilor Freeburn moved and Councilor Plata seconded the motion to direct Council to sign a letter of support for Senator Kerry Donovan in support of SB20-010: Repeal Ban on Local Government Regulations of Plastics.

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

Roll call, no: None.

**Update on Marijuana Retail Establishments.** City Clerk Boucher, to follow up with direction given at the October 22, 2019 Regular Session meeting, presented Council with two possible buffer zones that would limit the availability of new retail marijuana establishments to open in the commercial zones on the west and north sides of the City. Council was presented with maps showing a 300' buffer and 500' buffer zone between existing and potential locations for new retail establishments. The buffer zones would highly limit the number of available locations for new establishments. The buffer zones would not prohibit new retail establishments from opening near residential homes if they were in a properly zoned location. Changes to create a new buffer zone could also have future consequences as boundary lines would need to be continually readjusted as stores opened and closed. Retail marijuana establishments are a permitted use in the commercial zone as long as they are the appropriate distances from schools, day care center, etc. No further direction was given to proceed with establishing new buffer zones. Council favored enhancing public notification methods for new retail marijuana establishments. Similar to the public notification process for land development changes, notification of a public hearing for a new retail marijuana establishment will need to be mailed to adjacent property owners and residents within 100' of the proposed location.

Council directed staff to draft ordinance language to include more public notification requirements by the applicant and staff. Council also directed staff to revise Chapter 8.50, Marijuana Business Licensing Regulations, Section 8.50.080, Transfer of Location of License and Section 8.50.090, Transfer of Ownership of *Gunnison Municipal Code* for consistency between the two. It was determined that transfer of ownership and transfer of location applicants are not required to have a public hearing unless staff deems it appropriate to do so. In cases of transfer of ownership and location, Council will be given an update by the City Clerk. Council approved the Statements of Understanding document for transfer of ownership applicants for marijuana and liquor licenses to include as part of their local application process.

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

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session Meeting at 9:47 p.m.



*Jim Gelwicks*  
Mayor

Attest:

*E. Baucha*  
City Clerk