

June 23, 2020

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

5:30 P.M.

The City Council Regular Session meeting was called to order on June 23, 2020, at 5:30 p.m. by Mayor Jim Gelwicks. Mayor Gelwicks, Councilors Freeburn, Logan and Plata as well as City Attorney Fogo who attended the meeting remotely. Physically present in Council Chambers were City Manager Russ Forrest, City Clerk Erica Boucher, and Community Development Director Anton Sinkewich. Council Chambers is located at 201 W. Virginia Avenue, Gunnison, Colorado. Additional staff who attended the meeting remotely were Senior Planner Andie Ruggera, Police Chief Keith Robinson, Interim Parks and Rec Director Dan Vollendorf, and Events Coordinator Andy Eflin. Alex Joyce of Cascadia Partners attended remotely along with Dick Bratton and Ron Welborn. A handful of interested citizens and guests attended the meeting online. The press was present online. A Council quorum was present.

PUBLIC HEARING

Mayor Gelwicks called the continuing public hearing to order, remotely, on Tuesday, June 23 at 5:30 p.m. This was a continuation of the June 9, 2020 public hearing. Mayor Gelwicks, Councilor Freeburn, Councilor Logan, Councilor Plata, City Attorney Fogo, and Senior Planner Ruggera attended the public hearing remotely. Physically present in Council Chambers were Councilor Miles, City Manager Forrest, City Clerk Boucher, and Community Development Director Anton Sinkewich. 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.

Community Development Director Sinkewich stated that City staff had received a revised version of the annexation agreement and a fiscal analysis for the project. However, the documents were not received in time for staff to thoroughly review them and present them to Council. Director Sinkewich recommended Council continue the public hearing to Tuesday, July 14, 2020.

City Manager Forrest added that Dick Bratton of Gunnison Valley Properties wanted to introduce his new team members to Council. Mr. Bratton stated that the project has engaged an engineering firm from Salida, CO. Mr. Bratton introduced Paul Crabtree and Joe DeLuca. He stated that they have experience with projects similar to Gunnison Rising, which possesses great complexity. Mr. Bratton is happy to have them be a part of the project. Mr. Crabtree thanked Mr. Bratton for the welcoming and stated that they are thrilled to be a part of the project. Mr. DeLuca is the project manager out of the Salida office.

Mayor Gelwicks asked Mr. Bratton if he was comfortable with Director Sinkewich's recommended date for the next public hearing. Mr. Bratton would like to have the hearing sooner, but understood that because of the complexity of the project, the date would give staff and Council an appropriate amount of time to review the documents. Director Sinkewich wanted staff and Council to each have at least a week to review the content. The next continued public hearing will require two to three hours. Mr. Bratton preferred a morning hearing on July 14.

Mayor Gelwicks asked for public comments. The public could submit comments through the online chat feature, or in writing to the Clerk, or at the next hearing. Ralph "Butch" Clark suggested that creating affordable housing should happen at the beginning of project to assist with an incoming workforce who will be working on the project.

The Clerk stated that she had not received any additional comments or emails on this topic.

Councilor Plata had no new comments at this time and would like the continued public hearing to be scheduled as soon as possible. Mayor Gelwicks asked Council if Monday, July 13 or Tuesday, July 14 would work better. Councilor Freeburn stated that he already notified Council that he will be unavailable on July 14. Council discussed meeting at 8:00 a.m. or 9:00 a.m. on July 14. There was consensus that the continued public hearing will occur on Tuesday, July 14 at 9:00 a.m.

Mayor Gelwicks called for final comments. Hearing none the Mayor continued the public hearing to the certain time and date of 9:00 a.m. on Tuesday, July 14, 2020. The public hearing was continued at 5:45 p.m.

Council went back into Regular Session.

Citizen Input: None.

Action Items:

Consent Agenda:

Approval of the June 1, 2020 Public Hearing meeting minutes and approval of the June 9, 2020 Regular Session meeting minutes. Councilor Logan moved and Councilor Miles seconded the motion to approve the June 1 Public Hearing meeting minutes and the June 12 Regular Session meeting minutes.

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

Roll call, no: None.

Appointment of Senior Center Advisory Committee (SCAC) Member. The City Clerk received one letter of interest to fill the SCAC vacancy. The letter of interest came from Karen Spence. Karen Spence introduced herself to Council and expressed her interest in serving on SCAC. She stated that she is an active and engaged person who believes she could be a contributing member to the committee. Council thanked Karen Spence for her interest in serving on the committee.

Councilor Plata moved and Councilor Miles seconded the motion to appoint Karen Spence to the Senior Center Advisory Committee.

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

Roll call, no: None.

Sundays at Six Multi-Day Permit. Mayor Gelwicks asked Gunnison Arts Center Executive Director Carlie Kenton to speak on behalf of the Sundays at Six multi-day permit. Executive Director Kenton stated that the Gunnison Arts Center (GAC) is trying to hold Sundays at Six this year. GAC submitted their event proposal to Gunnison County Health and Human Services (GCHHS) for approval and is waiting to hear back. They plan to push the start date from July 5 to July 12. The proposal has been well received by the County, but they are running into an issue with the number of people allowed for the event. If the County's variance of 250 people at an outdoor event is approved by the state, the concerts make sense. However, it seemed unreasonable to hold the concerts if only 50 people could attend the event. GAC wanted to receive City approval to hold Sundays at Six and be ready to proceed if all other factors fall into place. Ms. Kenton mentioned that GAC has been working with KBUT to broadcast the concerts if the event moves forward. Live streaming on Facebook is another option. GAC's ultimate goal is to have the concerts in the park.

Councilor Miles moved and Councilor Freeburn seconded the motion to approve the Sundays at Six Multi-Day Permit.

Updates on the event proposal that GAC submitted to the County should be shared with the Clerk who will update Council. City Clerk Boucher noted that the City's event permit required both Gunnison County HHS's approval and the applicant's acknowledgment that the event could be cancelled or reconfigured in order to remain in compliance with the current public health orders.

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

Roll call, no: None.

Update on Lazy K Housing Project. Mayor Gelwicks stated that there was a housing presentation given by Willa Williford, Russ Forrest, and himself at the last Valley Housing Fund meeting to request financial assistance for the Lazy K Housing Project. City Manager Forrest wanted to give Council an update on the Lazy K Housing Project as parts have changed. He also wanted to discuss the conditions from the Valley Housing Fund to receive their award. Staff is also working to sequence the work for Phase 1 of the West Gunnison Neighborhood Park and the Lazy K Housing Project.

Willa Williford gave an update on the Lazy K Housing Project since January 9, 2020. Update highlights included reducing the number of phases from three to two phases, which allows the City

to retain ownership of the lots on the southern edge of the property. A more detailed development strategy will be determined in the future. Housing developer High Mountain Concepts (HMC) supported the removal of the third phase. HMC wanted to move forward with renovation of the cabins and the large restaurant building on site. They also modified the unit mix, shifting some of the units from 100% AMI and 120% to 80% AMI. For the grants, the State requires that 50% or more of the sites be deed restricted, serving households below 80% AMI. Two market rate units were added to Phase 1 to balance out the higher AMI units. The overall revenue should remain the same. The AMI is up 6% over the 2019 figures. The AMI increase will help cover some of the increased construction costs. The increase in construction costs, high cost of infrastructure, and a portion of City funds redirected towards COVID-19 recovery motivated the City to apply for grants from the Colorado Division of Housing and the Valley Housing Fund. The grant request from the Colorado Division of Housing was for \$1,230,000 (\$30,000/deed restricted unit), which would cover infrastructure costs and tap and permit fees. The grant request from the Valley Housing Fund (VHF) was for \$283,000 (\$7,000/deed restricted unit). The Valley Housing Fund placed three conditions on the City in order to receive the grant. They were: 1) the award is proposed to be structured as a forgivable loan, with the forgiveness occurring when 75% (31 units) of the housing is complete; 2) the funds are anticipated to be awarded in three increments, \$50,000 in 2019 for architecture, \$139,000 in 2020 for construction, and an additional \$139,000 in 2021; and 3) the Valley Housing Fund is requesting that the funds be secured by a parcel within the site, once the subdivision is complete. The award is also contingent on the City receiving the Colorado Division of Housing grant.

Mrs. Williford elaborated on these three conditions from the Valley Housing Fund and discussion ensued. She clarified how the security on the parcel would work with the VHF and that a reasonable definition of completion could be a certificate of occupancy. Staff will return with an agreement with VHF after attorney vetting for Council approval. Next steps will be to draft a timeline. The mayor stated that he removed himself from the discussion and vote on the grant for Lazy K but sensed a strict timeline for completion would not be of immediate concern. Mrs. Williford recommended the agreement having a five to ten-year completion timeline that could be adjusted if necessary. Concern was expressed about the 25% construction cost increase and 12.5% building cost increase. Mrs. Williford added that based on what she has seen recently for vertical construction, the increase seemed reasonable, but was not formally audited. The increase in construction costs reflected both Public Works incorporating the complexity of the infrastructure and an average of materials costs from previous few years. The supply chain for materials is not stable due to COVID-19; however, these costs could change if the economy changes. She noted a stabilization in labor costs which could be favorable for the budget in the future. A next step will include a Development Improvement Agreement. The concept plan process has been completed with the Planning Commission. Other next steps in the process include the preliminary plat and a PUD, which will be discussed at a public hearing in August.

Councilor Logan moved and Councilor Miles seconded the motion to accept the Valley Housing Funds grant of \$328,000, per conditions proposed.

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

Roll call, no: None.

City Clerk Boucher updated Council that staff has been working with Design Workshop on a scope of work for Phase 1 of the Lazy K Park. Staff would like to present that scope of work to Council at the July 14 meeting. The scope of work would include an on-site visit, meetings with staff and High Mountain Concepts, a geotechnical investigation, and schematic design work. Council will receive a sole-source request because Design Workshop worked with the City on the initial park design in 2018. Council expressed no concerns.

July 4th Celebration Discussion. City of Gunnison Events Coordinator Andy Eflin joined the Council meeting. Mr. Eflin stated that staff submitted an event proposal to Gunnison County Health and Human Services (GCHHS) and the City Clerk's office. He has been working through HHS's comments with staff and resubmitted the proposal. Mr. Eflin summarized the high points of the proposal to get approval. They included closing Jorgensen and Legion parks. The restrooms would remain open with additional frequency of cleaning. The Parks crew will likely run the sprinkler zones in the parks to help reduce the gathering of people in the parks. A live music cruise is planned. City Manager Forrest stated that other towns and cities are having fireworks shows. The Fire District said that Jorgensen is a safe and manageable location for a fireworks show, even in drier conditions. A trial run of the live music cruise occurred the previous Saturday with overall success and it showed people following the public health orders. A brief discussion occurred about

parking. Parking will remain open at Western and on the streets. There will be no road closures. In order to maintain the firework safety zone, there would not be parking at the Jorgensen Ice Rink. Council encouraged staff to promote Census 2020 on July 4th. The fireworks show will be more vertical for people to see it from longer distances and from their homes. By having a professional fireworks show, staff, and the Fire District hope that fewer people will light fireworks at their homes, which can be unsafe.

Ordinance No. 5, Series 2020, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending Chapter 5.10 General Offenses of the Gunnison Municipal Code by the Addition of Section 5.10.071 Camping Prohibited.* Councilor Logan introduced and read Ordinance No. 5, Series 2020 aloud by title only. Councilor Logan moved and Councilor Plata seconded the motion to pass Ordinance No. 5, Series 2020 on first reading and ordered it to be published.

Police Chief Robinson came before Council remotely. He reviewed the key points from the memo. They stated that this ordinance: 1) would apply to all property under City ownership or control; 2) would establish that camping in anything but a licensed vehicle is prohibited, unless in an established campground or as part of an event either sponsored by or expressly permitted by the City; 3) would establish that camping in a licensed vehicle is restricted to 7 days in a 30 day period, in the city right of way. The definition of camping was expanded to include any vehicle set up for camping, whether being used for that purpose or not, e.g. slides out, connected to utilities, etc. The ordinance includes enforcement flexibility, ranging from ordinance violations to parking tickets. City Attorney Fogo added that staff intended to make the definition of camping as broad as possible to address as many residents' complaints as possible. However, the ordinance does not address large vehicles if RV slides are not out or connected to a vehicle for departure. Councilor Freeburn thanked the Chief and Attorney for their work on this issue.

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

Roll call, no: None.

Downtown Parklet Discussion and Resolution No. 11, Series, 2020: *A Resolution of the City Council of the City of Gunnison, Colorado Regulating the Use of Public Rights-of-Way and Certain Park Areas within the City of Gunnison to Encourage and Permit Outdoor Dining to Assist Local Businesses in Response to the City's Local Disaster Emergency Regarding COVID-19.* Staff and Council engaged in a discussion about downtown parklets to be located in the west-bound lane of East Virginia Avenue next to IOOF Park and part of South Main Street adjacent to the Gunnison Arts Center. This would include the right turn lane and two parking spaces. The idea of parklets started in 2018 with the *Gunnison Vibrancy Initiative* and became an immediate need with COVID-19. Staff communicated internally and with the Gunnison County Chamber of Commerce and downtown businesses to determine the areas for the parklets and their possible effectiveness. Discussion occurred about the temporary infrastructure for parklets, which included event fencing, tables, umbrellas, planters, and flowers. Signage is needed to explain public consumption rules in the parklets if Resolution No. 12, Series 2020 is passed. A CDOT grant is available to help financially support the development and maintenance of the parklets. Resolutions No. 11 and No. 12, Series 2020 are working in conjunction with the parklets to allow for flexibility. The City Manager can make administrative changes to the parklets in case adjustments need to be made to accommodate a city event permit, a special liquor event permit, or changing public health orders. City Clerk Boucher explained that residents and visitors can only consume take-out alcohol from a business that possesses an on-premises liquor license and drink it in the public consumption area. Alcohol must be accompanied by food. If these parklets are well received by the community, they could become more permanent with Council approval. Discussion occurred about the flexibility and locations of the parklets as well as communication with businesses about their customers' ability to use them. Carlie Kenton, Executive Director of the Gunnison Arts Center (GAC), noted the importance of keeping the parklet areas clean. She shared with Council how the GAC cannot use the space for GAC events because of its public consumption designation. The GAC possesses an Arts License, which does not allow for liquor in a public consumption area. They would still need to get a special liquor events permit at a cost of \$50/permit to have liquor on the sidewalk in front of the GAC. She asked for more discussion to occur with staff about the GAC's specific space and limitations and how the GAC could work with the designated public consumption area. The current and overall purpose of the parklets and the designation of public consumption is to allow for more social distancing. The City is trying for the maximum flexibility that the governor has granted to municipalities regarding public consumption areas.

Mayor Gelwicks stated that residents will express concerns about having East Virginia closed because it limits accessibility to Gunnison Family Physicians and patients' ability to use the traffic light when they are departing the doctor's office. Discussion occurred that there may need to be some flexibility around the East Virginia parklet regarding access to the doctor's office and the Saturday Farmer's Market. The parklets are currently a pilot program for the City.

The City's Parks and Rec crew will go through parklets during the day to do a quick cleaning and sanitation stations will be installed. Director Sinkewich noted that the City has shared the proposed parklets with GCHHS and will follow any recommendations given to the City. The Clerk's Office will communicate with downtown businesses and inform them of the rules surrounding the public consumption areas.

Councilor Logan introduced and read Resolution No. 11, Series 2020 aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Resolution No. 11, Series 2020.

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

Roll call, no: None.

Resolution No. 12, Series 2020: A Resolution of the City Council of the City of Gunnison, Colorado Implementing the Provision of State Colorado Executive Order D 2020 093 Allowing Local Suspension of Laws Prohibiting Consumption of Alcoholic Beverages Within Limited Areas of the City of Gunnison and Only as to Takeout Alcoholic Beverages

Councilor Plata introduced and read Resolution No. 12, Series 2020 aloud by title only. Councilor Plata moved and Councilor Freeburn seconded the motion to adopt Resolution No. 12, Series 2020. Councilor Plata asked that the closing hour for public consumption in the parklets as stated in Resolution No. 12, Series 2020 be clarified to midnight. Council agreed to adjust the language in the resolution from 12:00 p.m. to midnight. This is a friendly amendment to Resolution No. 12, Series 2020.

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

Roll call, no: None.

CARES Act Funding Collaboration Agreement. City Manager Forrest requested Council to authorize the City Manager to sign the Cooperative Letter Agreement that would outline a plan for how \$1.5 million received by Gunnison County could be distributed. The money is coming from the CARES Act and can be used to reimburse municipalities for costs related to COVID-19. Gunnison County municipalities are in agreement on the redistribution of the funding. Gunnison's primary COVID-19 costs have been the COVID-19 Business Relief Grants and the parklets for a total of \$221,187. The distribution of the \$1.5 million would be 55% to Gunnison County and the remaining 45% split between the municipalities (Gunnison, Crested Butte, Marble, Mt. Crested Butte, and Pitkin). The funding could pay for contact tracing, an economy recovery consultant, and employment payments to build trails. The remaining amount of \$284,235, after the redistribution to the County and municipalities, could be used for food or mortgage assistance or other needs as determined and discussed by the leaders of the municipalities. The use of the funding must comply with eligibility guidelines outlined in the CARES Act. Mayor Gelwicks suggested using some of the funding be used to support the 2020 Census outreach that was postponed or cancelled due to the COVID-19. Having a strong census response from Gunnison County is very important for the financial health leading into the next decade.

Councilor Miles moved and Councilor Logan seconded the motion to give authorization to the City Manager to sign the Cooperative Letter Agreement.

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

Roll call, no: None.


Reports: Staff and Council gave brief reports.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 7:48 p.m.

Attest:


City Clerk




Mayor