

March 24, 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 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, Western Liaison Adam Engleman, Public Works Director David Gardner, Electric Superintendent Will Dowis, City Engineer Cody Tusing, Information Technology Director Mike Lee, Senior Planner Andie Ruggera, and Community Development Director Anton Sinkewich. Others who remotely attended the meeting were David Assad and Darcie Perkins from the ICELab and the press. Alex Joyce and Jamin Kimmell of Cascadia Partners were present online, as well as Peter Hurley and James Diffey of San Juan Strains, Inc. A Council quorum was present.

PUBLIC HEARING

Mayor Jim Gelwicks called the public hearing to order at 5:34 p.m., on Tuesday, March 24, 2020, in the Council Chambers of City Hall, 201 West Virginia Avenue in Gunnison, Colorado and electronically. Physically present at the hearing were Mayor Gelwicks, Councilor Miles, City Clerk Boucher, and City Manager Forrest. Councilors Logan, Freeburn, and Plata were participating in the public hearing remotely along with City Attorney Fogo and Finance Director Ben Cowan.

Mayor Gelwicks stated that the purpose of this public hearing was to receive input on the Transfer of Ownership Application from White Porch LLC dba Hashish Hut to San Juan Strains Inc. dba San Juan Strains Inc., located at 827 N. Main Street, Gunnison, CO, 81230.

Mayor Gelwicks asked for proof of publication for the hearing from the City Clerk who confirmed that the public hearing was published in the *Gunnison Country Times*, posted at the place of business, on the City bulletin boards and the City website.

The Mayor asked for the staff report and recommendation. City Clerk Erica Boucher stated that this transfer of ownership started in January 2020. San Juan Strains Inc. is based in Pagosa Springs, Colorado and has completed all of the State's and City's application requirements. No concerns were raised as a result of background checks. City Attorney Fogo has reviewed their application for completion and requirements.

Based on the Findings of Fact, the Clerk recommended approval of transfer of ownership to San Juan Strains, Inc. The Findings are:

1. There has been no denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishments. Hashish Hut currently operates in this location.

2. A Retail Marijuana Store, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

3. The building where the application proposes to operate a Retail Marijuana Store does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, principal campus of any college, university or seminary, or mental health facilities.

4. The needs of the neighborhood were addressed during the original licensing application process.

5. The City of Gunnison Police Department does not have concerns.

6. All fees necessary for the application have been paid.

Peter Hurley and James Diffey of San Juan Strains stated that they are looking forward to becoming a part of the Gunnison community. For the record, Mr. Hurley and Mr. Diffey live in Pagosa Springs, Colorado.

The Mayor made three requests for public comments. No one came forward to speak in person. City Manager Forrest confirmed that no one online indicated an interest in making comment on the transfer of ownership application.

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

Mayor Gelwicks called upon councilmembers individually to see if they had comments or questions. Councilor Miles said no. Councilor Freeburn said no. Councilor Plata wanted to confirm that this applicant began and had submitted a completed application prior to passage of Ordinance No. 2, Series 2020. The Clerk stated that was correct. Councilor Logan did not have any comments.

City Attorney Fogo noted that this transfer of ownership is for an existing establishment; therefore, the majority of adjacent landowners would not need to be notified.

With no additional comments made, the Mayor closed the public hearing at 5:42 p.m.

PUBLIC HEARING

Mayor Gelwicks noted that this public hearing will be continued and the date of the continued public hearing will have proper notification. The City Clerk stated that once the determination was made that this public hearing would be held remotely, she communicated the information to the adjacent property owners through mail, to interested parties through email, and also posted the remote access information online and on the City's official posting places.

The Mayor asked for the staff report and recommendation. Community Development Director Sinkewich stated that this public hearing is for a PUD application submitted by Cascadia Partners representing Gunnison Valley Properties, LLC to revise the zoning designation within Gunnison Rising and amend the *Gunnison Rising PUD Development Standards*. This application had already been through the public hearing process on February 26, 2020 with the Planning and Zoning Commission, which recommended approval to Council based on the Findings of Fact included in the packet. Due to the size of this project and the complexity of the application, staff recommended that the review schedule be broken up into manageable sections. A tentative schedule is included in the packet, which outlines steps through June 2020.

Mayor Gelwicks called for the applicant to come forward. Alex Joyce and Jamin Kimmell of Cascadia Partners introduced themselves and began their presentation. They shared and referred to a visual representation of the project throughout the presentation.

Mr. Joyce began by thanking City staff for their collaboration throughout the process and for taking the time to hold the public hearing during this time. For Mr. Joyce's presentation, he plans to review the conceptual plan of the PUD amendments, go through the proposed changes, preview conversations they intend to have about amending the annexation agreement, and address questions brought up by the Planning and Zoning Commission.

Mr. Joyce started by reviewing the boundaries of the property. The purpose for changing the PUD is to fit the needs of the community and to better support infrastructure development. The development of the conceptual plan took eight to nine months to develop and was in partnership with the landowner, the City of Gunnison, Gunnison County, and Western Colorado University. The partnership process was important because it involved key stakeholders in the community to ensure the inclusion of a variety of ideas, goals, and values for the property. Mr. Joyce noted that Gunnison Rising is intended to be an extension of Gunnison and should not feel separate from the rest of the City. It is designed to be walkable a neighborhood. There was a focus to make the area vibrant and accessible to outdoor space. The opportunity to create a variety of housing options is a cornerstone of the design. Another important piece of the design includes integration with and access to open space. It must also be financially feasible and resilient.

There are specific areas where no development would be allowed in order to preserve hilltop views. Georgia Avenue would emerge as the Main Street of Gunnison Rising. The area would feature walkable commercial centers.

Key ideas of the conceptual plan are to keep large commercial activity near the gateway, which would be surrounded by beautification landscaping. Trail-orientated neighborhoods, all within a short walking distance to parks or accessible to regional trails, was another key idea. Also included was to maintain the Canal Trail as a centerpiece of the development.

For the land south of Highway 50, west to east, the key ideas are: a potential events center and rodeo grounds, a Maker's District, a public lands government campus, and a RV resort and campground. A Maker's District could fulfill a need to serve entrepreneurs needing light industrial workspace and manufacturing. The I-Bar would be the anchor for the Maker's District. Both the government campus and RV resort would provide a great interface with a possible Tomichi Creek State Park.

Jamin Kimmell took over the presentation to discuss the proposed development standards that would regulate future development in the PUD. The overall goal is to implement the conceptual plan that is based on a regulatory framework. The key document that would be replaced is the *PUD Development Standards*. It will also line up with the City's *Land Development Code*.

One of the key pieces of the package are the Zone Districts, which are consistent with the conceptual plan. The heart of the Gunnison Rising is the development south of the canal trail, which has a mix of commercial and residential areas and a mix of different residential types.

Mr. Kimmell reviewed the use regulations and summarized that each zone allows for residential units. The type of residential units depends on the zone type. Some small-scale commercial uses are allowed in a few of the residential zones. Next, he briefly discussed the dimensional standards for the zones. Mr. Kimmell stated that an appropriate variety of residential units would be allowed in the Main Street district. There would be limited residential units in the Maker District and event conference area. He reviewed the dimensional standards for the mixed-use district.

Councilor Plata noted that this PUD does not allow for industrial uses on the area's Main Street. He asked if this proposal lines up with current Main Street zoning. Community Development Director Sinkewich confirmed that industry is not allowed in the Central Business District and is only allowed in the downtown commercial district with a conditional use permit approved by the Planning and Zoning Commission.

Councilor Freeburn asked about the industrial zone being so close to Tomichi Creek. Director Sinkewich noted that the industrial uses are intended to be light. The Maker's District is not for heavy industry.

City Manager Forrest suggested that staff capture key issues that they want Cascadia Partners and staff to follow-up on for future work sessions and a public hearing. This is a good opportunity to identifying issues that require more focus and discussion.

City staff will collate all questions received during the public hearing, whether they be submitted electronically or in person, for Cascadia Partners to review and prepare answers for. Those questions will be recorded into the record at the end of the presentation.

Mr. Kimmell returned to discussing dimensional standards for mixed-use districts. He transitioned from dimensional standards to design standards for the different districts. The residential design standards focused on walkability and pedestrian-friendly elements throughout the districts. They included design standards so Council could visualize density and lot sizes.

Mr. Kimmell highlighted the design standards for nonresidential districts as well. It was recommended that the building have a bottom, middle, and top floor, each with windows, and a diversity of facades to display active storefronts on the street. The commercial design standards can also be met by large, commercial retail stores. These standards should also allow for some flexibility in the non-residential and industrial districts.

To address the Planning and Zoning Commission's concerns about costs of compliance for meeting certain design standards, Cascadia Partners suggested an exemption process.

Next, Mr. Kimmell discussed the transportation issues. First, he discussed streets. All of the streets that will connect to Highway 50 will be in compliance with CDOT standards. He reviewed the proposed cross sections for the PUD. Georgia Avenue, as a Main Street, would have a 100' of right-of-way. The gateway streets, which access Highway 50, would have a 90' right-of-way, and local streets would have 70' right-of-way. Street design would include either landscaping or parallel parking between the driving lines and bike lanes. This is different from the current street designs. Public Works approved the new design proposed by Cascadia Partners.

Mr. Kimmell then discussed parks, open spaces, and trails. This new PUD suggests that parks and open space be located throughout the area whenever possible. This is a change from the current PUD. Mr. Joyce clarified that the existing trail around Gunnison Rising interfaces with the current trail system. Linking Gunnison Rising to the current trail system is the foundation of the plan.

Mr. Kimmell reviewed the electric trunk lines, which tie into the existing lines. It noted that 1000 new units could trigger the need for a new substation. The key water lines were highlighted and could serve the PUD through gravity fed lines. For sewer, the trunk lines come from Georgia Avenue, which could serve an additional 200 units now. The rest of the new units would be serviced by a new trunk line on the south side of the PUD and would connect to San Juan where a new lift station would be installed. The development of infrastructure would occur over time. Cascadia Partners submitted a Phase Review Process, where the City could approve one phase at a time.

Mr. Joyce transitioned to the work Cascadia Partners has done on the PUD in combination with the annexation agreement. These two documents work in partnership and are closely linked to each other. In a phase 2, conversations will need to occur about the costs for public infrastructure and long-term housing affordability. These two items must be addressed at the same time and amendments will need to be made in the future to make that happen.

Mayor Gelwicks called for comments from members in the remote audience. No one came forward to speak through the chat feature. Dick Bratton said hello.

Jennifer Kermode, director of the Gunnison Valley Regional Housing Authority, stated for the record that she finds the revamped PUD for Gunnison Rising to be very attractive and is excited to see what it can do for affordable housing. She encouraged Mr. Bratton and Cascadia Partners to reach out to GVRHA when appropriate.

No online participants asked to speak. City Manager Forrest restated the comments and questions that were asked during Zoom's chat feature for the record. They were: Councilor Plata asked about the industrial uses; Councilor Logan asked about solar standards for energy effectiveness. She noted also the interesting façade displayed in the presentation but also expressed concerns that the flat style roof could result in snow shed and load issues. It was asked if the current Signal Peak trail system would be preserved. The answer was yes. Western Liaison Engleman noted that Western recently discovered issues with the bedrock of that area and asked if they have thought about the environmental effect of placing an RV camp and small industrial area in that area. The mayor stated that those issues and questions can be addressed in a continuation of the public hearing.

He asked the City Clerk if the City had received any additional comments. The City Clerk confirmed that the City had not. Mayor Gelwicks stated that he received one about affordability of housing, a topic already included in the document.

Mayor Gelwicks called for questions or comments from councilmembers, one at a time. Councilor Freeburn had nothing to add. Councilor Logan had nothing to add. Councilor Plata asked if the City had received feedback or input from the RE1J School District or the Gunnison Valley Hospital since this development could increase the population of school-aged children and have impacts on medical resources. It is important to gauge their understanding of the development. City Manager Forrest stated they had reached out to Superintendent Nichols and invited her to review the development plans. Mr. Forrest stated that the City could reach out again to key stakeholders whose operations would be affected by an increase to the population. Mr. Joyce responded by saying that the plan would provide for inclusion of neighborhood schools.

Councilor Miles had nothing to add. Mayor Gelwicks stated that he would like to discuss at a future meeting how fire mitigation and snow storage will be integrated into the plan.

Mayor Gelwicks noted that this is an open hearing and asked the City Attorney to confirm how Council should respond if they are asked about Gunnison Rising outside of this format. City Attorney stated that since this is a quasi-judicial hearing, all oral and written comments should be referred to the City Clerk and Council should not engage or respond to constituents on this topic.

City Manager Forrest shared that staff plans to intermix work sessions and public hearings on Gunnison Rising to continue the process. Topics still needing further discussion are infrastructure and the affordability of housing. Director Sinkewich recommended that the public hearing be continued until Tuesday, May 12, 2020. Mayor Gelwicks stated that the continuation date is tentatively set for May 12 and will need to be properly noticed.

Mayor Gelwicks continued the public hearing. The time was now 6:58 p.m.

Citizen Input:

Mayor Gelwicks called three times for citizens to speak. No one came forward to speak, in person or remotely.

Consent Agenda:

Approval of the March 10, 2020 Regular Session meeting minutes and the March 16, 2020 Special Session meeting minutes.

Councilor Logan moved and Councilor Miles seconded the motion to approve the Consent Agenda, which included the minutes of the March 10, 2020 Regular Session meeting minutes and the minutes of the March 16, 2020 Special Session meeting minutes.

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

Roll call, no: None.

Action Items:

Action on the Transfer of Ownership Application for the Retail Marijuana Store from White Porch LLC dba Hashish Hut to San Juan Strains Inc. dba San Juan Strains.

Councilor Logan moved and Councilor Freeburn seconded the motion to approve the Transfer of Ownership for Retail Marijuana Store License Application from White Porch LLC dba Hashish Hut to San Juan Strains Inc. dba San Juan Strains, 827 North Main Street, Gunnison, Colorado, 81230, based on staff findings.

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

Roll call, no: None.

Appoint Member to the Planning and Zoning Commission. City Clerk Boucher informed Council that currently there is one vacancy on the Planning and Zoning Commission due to Erich Ferchau's resignation in February 2020. This term expires in May 2021. The Clerk was also notified on March 19, 2020, that Commissioner Darin Higgins will be resigning with his last day of service being April 22, 2020. This term expires in April 2024. It was recommended to Council that they appoint one candidate to fill the current vacancy on Planning and Zoning Commission and appoint a second candidate to fill the seat that will become vacant on April 23, 2020. There were four candidates for the two appointments. The candidates were Enid Holden, Geoff Oros, Travis Scheefer, and Matt Schwartz. The mayor asked each candidate to share their interest in serving on the Planning and Zoning Commission. Enid Holden spoke first. She noted her support of Gunnison 2030 and would like to help implement those actions. She spoke about how her experience with and knowledge of art history and architecture would be a benefit to the Commission and that she wants to help address issues of affordable housing for the community through this work. Matt Schwartz spoke second. He reminded Council of his previous experience as a former Gunnison City Councilor. He stated that he knows the *Land Development Code* and would be able to jump into the work immediately. Geoff Oros spoke third. He stated that his interest in serving on the Planning and Zoning Commission is his desire to help balance the growth of Gunnison while preserving the charm and history of the City for future generations. Travis Scheefer spoke last. He stated that he has a strong desire to contribute to the community as it continues to evolve. As a licensed architect, he could be an asset to the Commission. He noted that

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

Roll call, no: Freeburn.

Review and Direction on Large Capital Projects. City Manager Forrest invited Public Works Director David Gardner to Council to discuss large, up-coming projects now through the lens of COVID-19. He has not yet signed the contract with United Companies for the Palisades project. Staff is seeking direction on large capital projects for 2020. Staff will return to Council at a future meeting with recommendations after a comprehensive review of all capital projects for 2020.

Director Gardner shared with Council the extensive time, planning effort, and resource accumulations that goes into a project like Palisades. From this discussion, he would like to know what funds Public Works has available in 2020 for street maintenance and improvement projects. He noted that delaying street improvement projects, such as Palisades, will make the cost of maintenance or rehabilitation of streets even more expensive in the future. City Engineer Cody Tusing joined the conversation and summarized the primary financial and maintenance points of the IMS Street Management report from May 2019. He referred specifically to Palisades and its low street rating. The City has a backlog for streets that need maintenance and Public Works wants to prevent further backlog as costs will continue to increase. Public Works staff recommended that they stay on course with addressing street improvement projects or the City may never be able to keep up with street improvement needs.

Director Gardner ranked street maintenance priorities and explained their costs and what funds the money is coming from. The needs include paint striping, slurry seal, crack sealing, Palisades and Public Works parking lot, and asphalt sampling and drilling. The Palisades project is important because it is part of a multi-agency project. He explained the additional equipment costs that are associated with all projects. Mr. Gardner recommended not delaying the Safe Routes to Schools project as it is in partnership with CDOT and is receiving \$350,000 in government funds. The City can not delay on this project, even in today's environment. A decision on Palisades must be made by April 14.

Discussion continued about how City funds could possibly redistribute if capital projects were cut or delayed. They also discussed the timing of these projects as well as the pros and cons regarding those decisions. It was recommended that the City hold off on spending discretionary funds, except in areas where a legal contract or grant dollars are committed, for a couple of weeks to have a better understanding of the timeline and impacts of COVID-19. Council should consider the value of these projects, if the City will have the revenue to support them, and how the funds can be most wisely spent. Council favored options that give the City more time to better assess the situation, putting people and the community first. These are uncertain times and more time before committing large amounts of funds would feel the most comfortable to Council. On April 14, Public Works could present multiple scenarios for different dollar amounts (\$250,000, \$500,000 and \$750,000) in order to still make progress on some capital projects.

It was determined that the Safe Routes to School project should proceed. Finance Director Cowan spoke about Gunnison's sales tax revenue history and current predictions to give Council some financial perspective. He noted some concern about cash flow as the City is allowing for deferrals.

Councilor Logan moved and Councilor Plata seconded the motion to direct the City Manager to hold off signing the contract with United Company for the Palisades project until further direction by Council.

Mayor Gelwicks stated that he could call a Special Session if necessary to address timing regarding execution of the contract.

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

Roll call, no: None.

Council did not have any change of direction for staff regarding the Safe Routes to School contract and project. City Manager Forrest will keep Council updated on the timeline of Safe Routes to School contract execution.

Resolution No. 7, Series 2020: *A resolution of the City Council of the City of Gunnison, Colorado, approving the adoption of the Gunnison 2030 Comprehensive Plan*

Councilor Logan introduced Resolution No. 7, Series 2020 and read Resolution No. 3, Series 2020

his previous experience of living and working in quickly growing communities throughout the West would be beneficial as Gunnison begins to address some of those same issues. He is also familiar with how the planning process works. Council did not have any follow-up questions for the candidates.

Council briefly discussed the candidates' strengths and took a quick poll. Mr. Oros received four nods of support. Mr. Scheefer received three nods of support and Mrs. Holden received one. All council members thanked the candidates for their interest in serving on the Planning and Zoning Commission and acknowledged that each candidate would bring unique talents and skills to the Commission. For the record, Mayor Gelwicks stated his support for Enid Holden. In the future, when Council appoints new members, they would like to see a brief bio of existing members in the memo to help ensure that a variety of perspectives and professional experiences are represented on the Commission.

Councilor Miles moved and Councilor Plata seconded the motion to appoint Geoff Oros to the Planning and Zoning Commission to the term that begins immediately and expires in May 2021.

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

Roll call, no: None.

Councilor Plata moved and Councilor Freeburn seconded the motion to appoint Travis Scheefer to the vacancy, which begins April 23, 2020.

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

Roll call, no: Gelwicks.

ICELab Update and Request for Funding. David Assad and Darcie Perkins of the ICELab spoke to Council remotely. ICELab Director Assad noted that the ICELab acknowledged the City of Gunnison as one of its supporting partners based on the funding the City provided the organization in 2019. He gave a quick review of the ICELab and its programs. It continues to support existing businesses and recruit new businesses to Gunnison. He reviewed the measurable matrix and noted that they are accumulative results. Based on preliminary results from 2019, the ICELab reached or exceeded all of the assigned goals.

City Manager Forrest told Council that the City has \$40,000 budgeted this year to support the ICELab in their work of economic prosperity. He also acknowledged the leadership of the ICELab during this time and with businesses throughout the valley. The ICELab has also become a contact point for the state to reach out to and is also helping market Gunnison to prospective businesses. Councilors continued the discussion in which they expressed their appreciation and acknowledgment of the economic recovery work the ICELab has started, but also noted a possible need for the City to maintain its financial resources. The issue of timing of the funding was discussed. The point was also made that the City needs to be ready for business when the COVID-19 crisis lifts. Mr. Assad responded that without this funding, some ICELab programming would stop and adjustments would have to be made that could delay recovery in the future. Darcie Perkins spoke about the skilled and highly technical work that ICELab members have done for the community without hesitation. Discussion ensued about funding the ICELab as a reflection of the City's confidence in their work and as an essential partner in Gunnison's future economic recovery. City staff supports the funding the ICELab for \$40,000 to continue as an economic leader throughout the valley.

Councilor Logan moved and Councilor Miles seconded the motion to direct the City Manager to sign a contract with the ICELab for up to \$40,000 in 2020 to support the economic recovery of Gunnison.

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

Roll call, no: None.

Council took a recess and returned at 8:00 p.m.

Ordinance No. 3, Series 2020; Second Reading: *An ordinance of the City Council of the City of Gunnison, Colorado, amending the rates charged by the electric department for electricity consumed*

Councilor Miles introduced Ordinance No. 3, Series, 2020 and asked that it be read aloud by title only by the City Manager. The City Manager read Ordinance No. 3, Series 2020 aloud by title only. Councilor Miles moved and Councilor Logan seconded the motion to adopt Ordinance No. 3, Series 2020 on second and final reading.

It was confirmed that an error on the first reading for the Time of Day On-Peak rate has been corrected for the final reading to \$0.1120/kWh. Councilor Freeburn noted concerns about raising rates at this time and indicated a desire to delay the increase.

aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Resolution No. 7, Series 2020.

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

Roll call, no: None.

Reports. Councilmembers who were present in Council Chambers lost audio functionality with those remotely attending the meeting at the beginning of Reports.

With no further business for the Regular Session Mayor Gelwicks adjourned the Regular Session Meeting at 9:10 p.m.

Attest:

E. Bauser

City Clerk



Jim Gelwicks
Mayor