

September 8, 2020

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

5:30 P.M.

The City Council Regular Session was called to order at 5:33 p.m. on Tuesday, September 8, 2020, remotely and in Council Chambers located at 201 W. Virginia Avenue in Gunnison, Colorado, by Mayor Jim Gelwicks. Mayor Pro Tem Jim Miles, Councilor Diego Plata, City Manager Russ Forrest, Community Development Director Anton Sinkewich, Police Chief Keith Robinson, City Clerk Erica Boucher, and Finance Director Ben Cowan were physically present in Council Chambers. Councilor Mallory Logan, Councilor Boe Freeburn, City Attorney Kathy Fogo, Senior Planner Andie Ruggera, Public Works Director David Gardner, Water Superintendent Mike Rogers, and Western Colorado University liaison Hannah White attended remotely. The press and a handful of interested residents attended the meeting in person and remotely. There was a Council quorum.

Mayor Gelwicks stated that he was not wearing a mask for the length of the meeting for medical considerations but wears a face covering entering and exiting the building and maintains social distance.

Citizen Input: Mayor Gelwicks called for citizen comments from members of the audience in Council Chambers and those attending remotely. After a second request for comments from the mayor, no one came forward.

Action Items:

Consent Agenda: Councilor Logan asked to separate the Consent Agenda in order to ask questions about the SCADA Fiber Project contract. The Consent Agenda was separated.

Approval of the August 25, 2020, Regular Session meeting minutes. Councilor Miles moved and Councilor Logan seconded the motion to approve the Regular Session meeting minutes of August 25, 2020. Council had no comments or amendments to the minutes. Councilor Plata had not arrived in Council Chambers at this time; therefore, he did not vote.

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

Roll call, no: None.

2020 Water SCADA Fiber Project contract. Public Works Director Gardner gave a background summary on the 2020 Water SCADA Fiber Project. Part of this project will install underground and overhead fiber optics wires to connect to the City's Water Wells, Community Center, GVH, and Region 10. Deeply Digital, a company out of Montrose, CO, will execute the work. This project is already a part of the 2020 budget and was green-lighted by Council at the May 26, 2020, Regular Session meeting. This project is budgeted as a CIP for \$200,000 for FY 2020. From this amount, \$175,000.00 will be used from the Water Departments 2020 CIP project fund, \$7,500.00 from the Community Center fund, and \$5,723.25 from the Fire Department fund.

Councilor Plata arrived in Council Chambers at 5:38 pm.

It was clarified by Director Gardner that 96 lines of fiber optic wires would be installed along the highway, which residents would have access to enhance their own broadband. Some of the lines would be owned by Region 10. The City would also own some lines of fiber. Companies, like XstreamInternet and IC Connex, would utilize the lines and could sell it to their customers for redundancy. Deeply Digital was chosen by Region 10 to perform this work through a competitive process. The overall Region 10 system links into Western Colorado University. The university is a supporting partner in this project along with GHV and Gunnison County.

Councilor Logan moved and Councilor Miles seconded the motion to authorize the execution of the 2020 Water SCADA Fiber Project contract.

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

Roll call, no: None.

Ordinance No. 8, Series 2020, Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Approving a Major Change to an Existing Planned Unit Development for the Gunnison Rising PUD Development and Map Amendment to Rezone the Pioneer Museum from PUD IM To C.* Councilor Logan introduced Ordinance No. 8, Series 2020, and asked that it be

read aloud by title only by the City Attorney. The City Attorney read Ordinance No. 8, Series 2020, aloud by title only. Councilor Logan moved and Councilor Freeburn seconded the motion to adopt Ordinance No. 8, Series 2020 on second and final reading.

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

Roll call, no: None.

Approval of Gunnison Rising Amended Annexation Agreement. Community Development Director Anton Sinkewich said that City staff has worked with the applicant on the Annexation Agreement to ensure that it is consistent with the updated PUD content. Updates included name and reference updates, removal of inconsistencies or past actions, the addition of affordable housing, modification to land dedications and a new affordable housing eligible area map. The length of the document was simplified and cut in half by referencing existing codes and taking out items that have already occurred. One of the additions was an updated aviation agreement, which the City and the applicant have been working on with the Gunnison County airport. Applicant Dick Bratton of Gunnison Valley Properties confirmed that he has worked through the agreement with all appropriate parties and everyone is in consensus on the document.

Rick Lamport, the Gunnison County Airport Manager, stated that the area surrounding the airport is a defined space established by the FAA. Gunnison's airport is considered a primary airport by the FAA, which means it is a key national airport. There are certain rules and requirements that needed to be cleared by the FAA for public safety. The aviation easement addresses and clarifies those requirements for public safety along with regulations for lighting, vegetation, wildlife, noise, and height of structure. The FAA has jurisdiction over the air space, not the airport. Because the agreement was so recently completed, as of 3:00pm on Tuesday, September 8, and Gunnison County has not officially signed off on the easement, City Attorney Fogo recommended that Council approve the annexation agreement that has been amended, but bring a final amended annexation agreement before Council at their next meeting for approval. This course of action would allow Gunnison Valley Properties to keep moving forward on the project. The mayor asked each councilmember if they had any follow-up questions. They had none. Councilor Logan moved and Councilor Plata seconded the motion to approve the Gunnison Rising Amended Annexation Agreement, dated September 8, 2020.

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

Roll call, no: None.

Mayor Gelwicks thanked Mr. Bratton and Mr. Lamport for attending the meeting and for their work on the project.

Councilor Plata stated that he lost power at his house due to the wind and snowstorm; therefore, he came into Chambers for the meeting. Finance Director Cowan noted that the City currently had over 700 power outages. Multiple trees are down throughout the City.

Ordinance No. 9, Series 2020, Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Adopting an Additional Appropriation for the Fiscal Year Ending December 31, 2020.* Councilor Miles introduced Ordinance No. 9, Series 2020, and asked that it be read aloud by title only by the City Attorney. The City Attorney read Ordinance No. 9, Series 2020, aloud by title only. Councilor Miles moved and Councilor Plata seconded the motion to adopt Ordinance No. 9, Series 2020 on second and final reading.

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

Roll call, no: None.

Councilor Freeburn lost connectivity during the vote at 5:53 p.m.; therefore, he did not vote.

Resolution No. 14, Series 2020: *A Resolution of the City Council of the City of Gunnison, Colorado, Adopting Strategic Plan, dated September 8, 2020.* Councilor Logan introduced Resolution No. 14, Series 2020, and read it aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Resolution No. 14, Series 2020. Council had no additional comments on the present Strategic Plan.

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

Roll call, no: None.

Councilor Logan lost connectivity at 5:56 p.m.; therefore, she did not vote.

Resolution No. 15, Series 2020: *A Resolution of the City Council of the City of Gunnison, Colorado, commending Adam Engleman for his semester of outstanding service as the Student*

Liaison on the Gunnison City Council, representing Western Colorado University from January 28, 2020 to May 12, 2020. Councilor Plata introduced Resolution No. 15, Series 2020, and read it aloud by title only. Councilor Plata moved and Councilor Miles seconded the motion to adopt Resolution No. 15, Series 2020.

This is a housekeeping item. At the August 25, Regular Session, the resolution commending Adam Engleman was passed under Resolution No. 13, Series 2020. Resolution No. 13, Series 2020 was already passed and recorded at the August 11, Regular Session meeting. This motion corrects the numbering of the resolution for Mr. Engleman.

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

Roll call, no: None.

2021 Grant Process. Finance Director Ben Cowan noted that in Council's packet was a summary of the awarded 2020 Public Service and Economic Development grants. Director Cowan wanted to have a discussion about 2021 grants with Council because one of Council's economic strategies was to increase funding for downtown businesses for items such as enhanced facades or business development. In the current COVID-19 environment, he requested direction from Council if they still wanted to proceed in that way. Finance Director Cowan provided Council with background information and the requirements for the two different types of grants offered and their funding sources. If Council wanted to make changes to the funding allocations for grants, they could discuss possible changes more during the budget process. City Manager Forrest reminded Council that putting more focus on enhancing the downtown area was a part of the *Gunnison Vibrancy Initiative* and a part of previous discussions and strategies. Director Finance Cowan mentioned that Council could return to this discussion at a later date when revenues may be more predictable. Nothing in the grant application process fully commits City to distributing funds. There is a clause that enables the City not to award the grant if funds are no longer available.

At 6:05 p.m. Councilor Freeburn arrived in Council Chambers. City Manager Forrest stated that the City is facing a significant number of power outages.

Any grant budget adjustments made in 2020 remain in that budget year. Grant funds typically do not roll over to the next fiscal year. About 95% of the grant requests are from the same organizations year after year to help support operational costs. The COVID-19 Business Relief Grant was financed out of Council's strategic fund. There is a high likelihood that the City will be reimbursed for that program. Councilor Plata suggested reaching out to downtown businesses to understand the most effective ways the City could assist them through COVID-19 and as they move into the fall and winter seasons. Because the City requires goals and objectives for Public Service and Economic Development grants, the Finance department typically has the applications available by September 1 with an October 31 submission deadline. This timeline allows for discussion and changes to the allocations, if needed. If Council wanted to establish more of a cash-flow program, they could do so at a later time. Staff could also provide Council with examples of successful business relief programs.

Council directed staff to make no changes to the Public Service and Economic Development grants' timeline, processes, and criteria at this time and to do more research on how to assist downtown business in conjunction with their Strategic Plan in the time of COVID-19.

At 6:13 p.m., Councilor Logan returned to the meeting remotely.

At 6:15 p.m., City Manager Forrest announced the City is setting up an Emergency Operation Center to address the mass power outages that the City and County are experiencing. He asked for Police Chief Robinson be excused from presenting his semi-annual report in order to help establish the EOC and to address developing street safety concerns. Council had no objections to that request. Chief Robinson departed the Regular Session meeting.

November 2020 Ballot Initiatives. City Manager Forrest listed the ballot initiatives that staff thought would be worthwhile for Council to discuss. They were SCR20-001: Repeal Gallagher Amendment, Initiative #306: State Income Tax Rate Reduction, and HB20-1247: Cigarette Tobacco and Nicotine Products Tax. He also noted both the Initiative #295: Voter Approval Requirement for Creation of Certain Fee-Based Enterprises Exempt from TABOR and Initiative #283: Paid Family and Medical Leave Insurance Program. The Mayor stated that neither one of these two initiatives would have any or very little impact on the municipality; therefore, they did not need to be discussed. City Manager Forrest also mentioned the Colorado River Water

Conservation District question on increasing property tax to protect western slope water rights. CML will not state its position on issues until October 1. With mail-in ballots starting to go out in the mail in 10 days, if Council, as a group, wanted to take a position on an issue, they will need to give direction to staff tonight. The Mayor briefly discussed the Gallagher Amendment and noted that it continually places a higher tax burden on commercial properties than on residential properties. This action can negatively affect small business owners. City Manager Forrest stated that under state law, a City Council can pass a resolution in support of or in opposition to a ballot initiative. Council directed staff to draft a resolution in support of repealing the Gallagher Amendment.

Initiative #306 was discussed next. Mayor Gelwicks shared that this initiative is to help counter-act the tiered income tax. Council directed staff to draft a resolution in opposition to state income tax reduction rate. Council directed staff to draft a resolution in support of the Cigarette Tobacco and Nicotine Products tax.

A brief discussion occurred regarding Initiative #295 and Initiative #283 as Mayor Gelwicks provided background information about them. Council did not direct staff to draft resolutions on either of these two initiatives. Council discussed no other ballot initiatives.

Colorado Outdoor Recreation and Economy Act (CORE) Act. Councilor Logan moved and Councilor Plata seconded the motion to direct the Gunnison City Council to sign the letter of support for the CORE Act addressed to Senator Cory Gardner. It was mentioned that the author of the letter, The Mountain Pact, has done a good job in reaching out to diverse groups to support the CORE ACT. It was also stated that one of the most important parts of this Act is that it will formally establish a boundary for Curecanti National Recreation Area. The boundary line has always been vague, which caused land management confusion between agencies such as the National Park Service and the Bureau of Land Management.

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

Roll call, no: None.

COVID-19 Update. City Manager Forrest informed Council that the One Valley Leadership Council has been working with Buttery Communications on a lighter marketing campaign for COVID-19. City Clerk Boucher thought the ONE Valley messaging with the eagle, bear, and raccoon would best suit Gunnison. Council gave staff feedback.

Staff, Council and Western Liaison White gave brief reports.

Reports. The Police Department Semi-Annual report was moved to the next meeting.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 6:56 p.m.

Attest:

E. Boucher
City Clerk



Jim Gelwicks
Mayor