

AUGUST 24, 2021

CITY OF GUNNISON COUNCIL
REGULAR SESSION

5:30 P.M.

The Gunnison City Council Regular Session meeting was called to order at 5:33 p.m. by Mayor Jim Gelwicks with Mayor Pro Tem Jim Miles, Councilor Boe Freeburn, and Councilor Mallory Logan present in Council Chambers, located at 201 W. Virginia Avenue. Councilor Diego Plata listened online. Also present in Chambers were City Manager Russ Forrest, City Clerk Erica Boucher, City Attorney Kathy Fogo, Finance Director Ben Cowan, Community Development Director Anton Sinkewich, and Senior Planner Andie Ruggera. Public Works Director David Gardner and Water Superintendent Mike Rogers also appeared in Chambers. Members of the City's Planning and Zoning Commission attended in-person or remotely. About a dozen interested residents were present to participate in Citizen Input. Willa Williford attended remotely for the housing discussion. SheFly owners attended in-person and remotely. The current and former fire marshals were present. A Council quorum was present. The press was present.

Citizen Input. Mayor Gelwicks asked if there was anyone who wanted to speak to Council for three minutes.

Steven Schechter, 912 N. Blvd, went before Council. He spoke about environmental sustainability. He encouraged Council to focus on electric and energy efficient priorities to reduce any carbon impacts and to consider a carbon fee for RVs at the dump station. He also noted his concern about building a new fire station that is not carbon net-zero. He stated that the City should hire someone to focus on sustainability for the City.

Brenda Freeburn, 503 N. Wisconsin, came before Council. She focused on the Police Department's strategic goal to reduce speeding as evidenced by the data in the weekly traffic report. She spoke specifically about the numbers of drivers speeding on residential streets and the highways through town. In reviewing and analyzing the data, she concluded that over a thousand drivers are driving more than 10 mph over the posted speed limit daily. She also noted that for the number of drivers speeding daily, not enough tickets were issued.

Hap Channel, 601 N. Wisconsin, agreed with Brenda Freeburn's data analysis. He expressed the importance of enforcing ordinances. As a biker, he encounters speeders every day. Through enforcement, education, or police monitoring, the ordinances could be upheld better. He thanked Council for their service.

Ralph "Butch" Clark, 519 E. Georgia Avenue, seconded the previous comments and added that attention to speeding will need to be applied to Gunnison Rising. There is a lot of traffic and speeding along Georgia Avenue near campus and Escalante Drive.

Roanne Houck, 421 N. Blvd., supported the idea of a sustainability consultant for the City and a sustainability fee at the RV dump. Her reason for coming to Council was to speak about speeding. She suggested the "Click It and Ticket It" program. For her, the most important areas are Denver Ave., Spruce St., Virginia Ave., and the three highway entrances to the City. She encouraged City projects to be as carbon net-zero as possible.

Kathy Carr's, 422 S. 11th Street, comments to Council on speeding focused on how Gunnison's drain pans in the streets could be used to help reduce the speeds drivers travel. She used the drain pans on New York Avenue as an example of a way to slow drivers down. She also mentioned that she has seen drivers go through stop signs or stop in the middle of intersections because they were driving too fast to see the stop sign.

David Scheefer, 119 N. 14th Street, spoke about speeding on 11th Street and the little enforcement on that street. He also stated that he would like to see the noise ordinance enforced regarding compressed gas.

Mary Burt, 415 S. 14th Street #3, thanked Council for their work and noted that she is participating in Officer Danos' pedestrian safety group. She said that the police department is looking for creative ways to address the speeding issue, such as using the orange flags when crossing Tomichi or Main Street. However, still more could be done and residents want to see results and not just have more discussions.

Jody Coleman, 420 N. Blvd., thanked Council for their service and expressed appreciation for the Chief's data. Coleman, speaking on behalf of other citizens, felt that speeding is a major issue of concern within the community. She acknowledged budget limitations, but still felt that more action needs to be taken to slow drivers down. She also agreed with Mr. Schechter's comments.

Derek Chodorowski submitted a letter prior to the meeting to be read into the record. The City Clerk read the letter aloud. He also expressed concern about how fast drivers travel down N. Colorado St. and would like to see a four-way stop sign installed at the intersection of N. Colorado St. and Gothic Ave. N. Colorado is a busy street. It is used by many small children and university students.

Theresa and Robert Hanacek also penned a letter to be read to Council during Citizen Input. They live on S. Boulevard and wrote that vehicles speed and accelerate when driving through the residential area. They suggested installing four-way stop signs in the residential zone in an effort to alert drivers that they in a residential zone.

Residents in Council Chambers applauded after each speaker.

Council Action Items. Approval of the August 10, 2021, Regular Session meeting minutes. Councilor Miles moved and Councilor Freeburn seconded the motion to approve the August 10, 2021, Regular Session meeting minutes.

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

Roll call, no: None.

Roll call, abstain: Plata.

Public Consumption of Alcohol in City Parks. City Clerk Erica provided Council with a summary of the previous public consumption of alcohol in city parks discussions that have occurred. The current proposal was reviewed by stakeholders, the city attorney, and staff. Based on conversations with those groups, the most important adjustment made from the original proposal was to limit public consumption to just two locations, Legion and Jorgensen Parks. Also included in the newest proposal was a requirement for users to get issued a public consumption permit from the Clerk's Office. This permit would be for people or groups who are bringing in their own alcohol and reserving the park for private parties, such as a wedding reception or family reunion, or public events/activities. For events where alcohol would be sold, a Special Event Liquor Permit is required per state statute. The purpose of the public consumption permit would be so the police department was aware of groups who would be legally consuming alcohol at their event and be able to execute clear enforcement guidelines. If someone/group does not have a permit, then they are not allowed to consume alcohol in one of these parks. Public consumption is still not allowed in any of the other parks unless a Special Event Liquor Permit has been granted. The City decided that those applying for a public consumption permit will not be required to get insurance because of how cost prohibitive it would be for individuals, and the City has insurance.

Whether fees or deposits should be incorporated into both the new events policy and the public consumption permit is currently being discussed at the staff level. This will be a pilot program through December 31, 2023. It will go into effect once an ordinance for allowing public consumption in those two parks with a permit has been approved. Chief Robinson stated this suggestion to have a permit process is adequate for what his staff. The City Clerk will also be working with the Director of Juvenile Services to see what kind of effects this change will have on the community regarding uses or attitudes concerning alcohol.

Councilor Plata, who was previously attending the meeting online, entered Council Chambers at 6:09 p.m.

Council directed staff to develop an ordinance to amend Section 5.10.220 of the *Gunnison Municipal Code* to allow public consumption of alcohol in Jorgensen and Legion parks with a public consumption permit from the City. The Clerk's Office will create a permit. The City Clerk will also work with the Gunnison Valley Health Coalition to get clarity on benchmarks related to public consumption in parks.

SheFly Product Presentation. City Manager Russ Forrest and ICELab Director David Assad presented background information on why SheFly was before Council with a financial request. Mr. Assad reviewed the vetting process that SheFly experienced in order to receive acceptance into the Moosejaw Accelerator program. The two main goals for ICELab's involvement in the Moosejaw Accelerator program were to get Gunnison on the map as a place for start-up outdoor industry businesses and professionals, and that the ICELab is working to recruit companies to Gunnison as an agreed upon goal between the ICELab and the City. The City financially supports the ICELab at \$40,000/year. The goal for the ICELab was to recruit five companies in five years. The ICELab has recruited four companies to the Valley so far without any financial requests from the City. Director Assad also mentioned that they are trying to start an Angel Investment Fund with investments from the Office of Economic Development and International Trade (OEDIT) and from private individuals.

David Assad introduced SheFly owners Charlotte Massey and Georgia Grace Edwards. Ms. Massey attended the meeting remotely from her home in Washington State. Ms. Edwards attended in person. Ms. Edwards gave an in-depth overview of SheFly, including but not limited to their product, research and design, mentors, marketing, future products, and short-term and long-term goals for the product and business. Their patented design allows for women to relieve themselves in nature without having to expose their body to the elements and seek out privacy. The design is patented in 30 countries. Due to the high-tech materials of the product, they can only be manufactured overseas. SheFly has been recognized as an up-and-coming female-owned business by *Forbes* and *Outside Business Journal*. They have been selected into two accelerator programs and won over eight pitch competitions. They have sold 600 pants, have a waitlist for another 5,000 pairs of pants, and earned \$55,000 from crowdfunding. SheFly asked for \$75,000 from the City, which would be matched at 100% from OEDIT for a total of \$150,000. This amount would allow them to finalize the product order of 5,000. SheFly stated their five-year milestones. In addition to fulfilling the initial product order, they would explore adding more products, expand their IP portfolio, and generate jobs. Four part-time and 10 full-time jobs would be based in Gunnison by 2023 and 24 part-time jobs and two full-time jobs would be located in Gunnison by 2025. The company would also work with Western to create internships through the MBA program.

City Attorney Fogo noted that the City would be providing SheFly with a forgivable grant, rather than a loan. If certain benchmarks were not met within an established timeframe, the company would be subject to repayment to the City. The City could issue a grant legally and not be in violation of the Charter. This would be a one-time payment. Mr. Assad further explained that the State of Colorado has a program where they can match local funds. Therefore, if the City issues SheFly a grant for \$75,000, then the company can receive matching funds from the State. SheFly has been receiving offers of support from other states as well but would prefer to be in Gunnison.

Ms. Edwards explained that the technical manufacturing work must occur in Asia and design work would likely be done by out-of-state employees located in more urban areas. Manufacturing of leggings and shorts could happen in the US in the future. Headquartered in Gunnison, jobs in the Valley would be operations, bookkeeping, and web design. Finding housing for employees is a concern. Discussion occurred regarding why the packet information included an ask for \$50,000, but the company stated they need \$75,000 to complete the order and proceed to relocation and headquarter set-up. City Manager Forrest mentioned that the charge given to the ICELab by Council was to bring well-paying jobs to the City.

SheFly has an approaching deadline to receive a commitment of funding from a local government in order to receive matching funds from the state. A few Council members expressed concern about providing SheFly with funding when local, established businesses did not have a similar opportunity to make such an ask. It was also mentioned that a process for releasing such funding needed to be developed. Comments came up through Chat from the public about giving all

businesses the opportunity to receive funding of this size from the City. City Manager Forrest stated that it would not be sustainable for the City to provide such grants over time without an Angel Fund, but the City is paying the ICELab to vet businesses that could be successful in Gunnison. This financial request would not be a regular occurrence.

Ms. Edwards explained that they and their business would be contributing to the economy and community of Gunnison. Finance Director Cowan told Council that if they agreed to the \$75,000 grant, which would be paid from their strategic fund, \$131,130 would remain. From that \$130,130, Community Development would use about \$70,000 for the Access Plan.

Council again discussed the pros and cons of supporting SheFly and stated that any agreement for a grant should include conditions. Attorney Fogo and City Manager Forrest suggested that they work on developing an agreement between SheFly and the City that could be reviewed and discussed at the Special Session scheduled for September 1.

Councilor Plata moved and Councilor Miles seconded the motion to authorize the City Manager to develop a contract with conditions for SheFly in an amount up to \$75,000. A drafted agreement will be presented to Council on September 1 for discussion. City Clerk Boucher read aloud the residents' comments that came in online. Residents wrote that Council needs to consider giving local businesses this opportunity and develop a process to issuing the resources. They stressed supporting local businesses.

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

Roll call, no: None.

Paperwork for the OEDIT funding is due September 10, 2021. A letter stating the City's intent to provide funding would give the State enough reason to review the application. Council, staff, and the attorney highlighted desired conditions for the grant. It was stated that if SheFly were to receive funding from another State and they decided to relocate there, the City would expect a return of the money.

Council went into recess at 7:16 pm and returned at 7:30 p.m.

RV Dump Station and Bulk Water Fill Station Funding. The City initially invested \$240,000 to improve the RV dump station. Now with some additional funds, more work could be done to increase the longevity of the station and serve the community better by adding a bulk water filling station. The additional funding would come from savings from the Wastewater Treatment Plant. There is \$137,000 available from the WWTP project. At this time, the scope of work for the dump station could be expanded to make it more compatible for larger RVs. There is also fiber access at the dump station, which would allow for a billing software system to be added. There were also additional electrical costs and a larger splash pad needed.

Public Works also determined that this would be a good time to add a bulk water filling station to the location. Both of these services would benefit residents, guests, and businesses. It would generate some revenue for the City at \$5/water fill up. Adding a water filling station would centralize this service and reduce the amount of water being taken without compensation. Staff asked for \$143,000 to fund adding a bulk water filling station to this location. Staff recommended charging \$10/dump at the RV station, which is similar to what is charged in the north end of the Valley. Based on the average number of uses at the RV station, the cost should be recouped in approximately two years. The time to collect the expense of the water fill station would be about six years. Director Gardner and Water Superintendent Rogers further discussed the finances behind this additional scope of work and additional fill station, and how the revenue would pay for the upgrades and protect the waste system. If approved, staff would proceed with budget revisions and update the scope of work. Discussion occurred about the possibility of charging more than \$10/dump at the RV station. No final decisions were made, but staff explained how the new billing software could be adjusted to charge by volume rather than a flat rate, if desired. Staff will return to Council with more information and data on the best amount to charge for RV and commercial dumps and water fills.

Councilor Miles moved and Councilor Logan seconded the motion to authorize an amount not to exceed \$143,000.00 to pay for the septic receiving and RV dump station project and utilizing the

water fund balance to add a bulk water filling station.

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

Roll call, no: None.

Councilor Miles moved and Councilor Logan seconded the motion to authorize an increase to the septic receiving and RV dump station project budget from \$240,000.00 to \$377,590.00 using a portion of remaining WWTP project funds to offset the cost difference.

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

Roll call, no: None.

Housing Policy Discussion Continuation. Community Development Director Anton Sinkewich continued the housing discussion. Tonight's discussion was to generate feedback and ideas from Council and the Planning and Zoning (PZ) Commissioners. He started with recommendations from the last Council meeting. First, he reviewed project pipeline development and what private/public partnerships the City could work on next. Ideas were the Gunnison County Fairgrounds, studying and leveraging what land is available within the City, such as Gunnison Rising and West Gunnison, and having discussions with the school district, Gunnison Valley Hospital, and Western. Other pipeline projects are to debrief the Lazy K and DOLA grant process and continue working with the County on the 3-Mile Plan. Staff wanted to hear Council's and PZ's priorities. Council expressed a desire to learn more about what land is available for development based on infrastructure readiness. The Access Control Plan was also discussed.

Next, Director Sinkewich focused on mobile home parks (MHP). Staff is interested in supporting MHP and creating stabilization efforts, but staff capacity must be considered. The Gunnison Valley Regional Housing Authority (GVRHA) may be available to assist in this effort. He acknowledged the importance of maintaining these homes as the City's lowest AMIs. Staff should also look at the funding pool for assistance and could work on identifying land for new development or the purchase of existing parks, and address basic health and safety needs, such as code enforcement and abandonment/removal. The final point he made related to mobile homes was the practice of resident-owned community structures for future acquisitions. Sinkewich's points resulted in discussion about private investors in mobile home parks and what a mobile home park stabilization effort would look like in Gunnison. An important part of MHP stabilization is delaying any change of use, if that is the direction the new owner may be considering.

Land Use Regulations was the next topic. The first point was the desire to complete *Land Development Code* updates to better align with the housing goals in the comprehensive and strategic plans. Another idea was a fee structure package for deed-restricted units, which would be paid into an enterprise fund to incentivize developers to create deed-restricted housing. This would assist developers with cost predictability. Additional points to consider were expanding residential uses into more zone districts, looking at the size of the central business district (CBD) and commercial zone districts, and the possibility of limiting demand for commercial space. This idea led into a conversation about height restrictions in the CBD to allow for residential units on top of commercial spaces. Council did just raise the maximum height of CBD commercial buildings, industrial buildings and the B1 zone from 35 feet to 50 feet. This change was made to reduce a potential barrier to increasing affordable housing. Council supported ideas for ways to add more residential units if the infrastructure can support it. The City's sewer system is the pinch point.

An annexation policy and a major subdivision policy could be used to set standards for a major development related to affordable housing, such as land dedications. The last two items Director Sinkewich mentioned were a reduction in parking requirements in a RTA service area and tiny homes. Currently, the City allows for tiny homes/apartments. From this topic, a discussion on setbacks occurred. On a corner lot, there are two setbacks. One at the back of the lot and the other on the side of the lot, which limits the possibility of building an ADU on the lot. Encouraging density and in-fill would be a benefit. A couple of PZ commissioners suggested a reduction in price for TAP fees on ADUs as an incentive for building them. Council was reminded that they recently reduced TAP fees on ADUs by 25%.

Gunnison County Commissioner Jonathan Houck contributed to the discussion by supporting a reduction in TAP fees for ADUs in exchange for the property owner making the ADUs a long-term rental. Assessing the City's large setbacks should also be examined to allow for new construction or ADUs, especially since the streets are so wide.

There are grant dollars available from DOLA related to analyzing the housing policy. The last topic of discussion under Land Use Regulations was inclusionary zoning considerations. Director Sinkewich cautioned against this idea at this time because it could result in the loss of the middle-income bracket for housing if developers only focus on building workforce and free market housing.

The next topic was funding. Ideas related to funding were where to leverage limited City funds to support housing infrastructure, how to utilize funds to leverage housing grants, the continuation to invest in and work with the GVRHA, and supporting initiatives to develop a joint funding source. Local housing expert Willa Williford stressed the advantages of working with the GVRHA.

Sinkewich also introduced the topic of protecting existing inventory, but the full discussion of short-term rentals will occur at the next meeting. Short-term rentals is emerging as a pressing issue. Staff will also return to Council in September or October to give an update on the consideration for the City to participate in a regional deed-restricted purchase program.

Council directed staff to follow up on the Opportunities Menu from GVRHA and continue working on the ideas and topics that were discussed today as they relate to affordable housing. Council thanked PZ for their participation in these meetings.

Ordinance No. 8, Series 2021, Second Reading: *An Ordinance of the City Council of the City Of Gunnison, Colorado, Amending the City of Gunnison Land Development Code Including Sections 3, 4, 10 And 12 to Correct Conflicting or Typographical Errors.* Councilor Logan introduced Ordinance No. 8, Series 2021, and read it aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 8, Series 2021, on second reading. No discussion occurred.

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

Roll call, no: None.

Ordinance No. 9, Series 2021, 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, 2021.* Councilor Logan introduced Ordinance No. 9, Series 2021, and read it aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 9, Series 2021, on second reading. No discussion occurred.

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

Roll call, no: None.

Resolution No. 14, Series 2021: *A Resolution of the City Council of the City of Gunnison, Colorado, Adopting Fees.* Councilor Logan introduced and read Resolution No. 14, Series 2021, aloud by title only. Councilor Logan moved and Councilor Plata seconded the motion to adopt Resolution No. 14, Series 2021. No discussion occurred.

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

Roll call, no: None.

Resolution No. 15, Series 2021: *A Resolution of the City Council of the City of Gunnison, Colorado, Authorizing Staff to Submit a Grant Application to the State of Colorado Division of Local Affairs (DOLA) Main Street Open for Business Grant Program.* Councilor Logan introduced Resolution No. 15, Series 2021, and read it aloud by title only. Councilor Logan moved and Councilor Freeburn seconded the motion to adopt Resolution No. 15, Series 2021. It was confirmed that the City is not making any financial contributions to the grant application. The City's support will be administrative. DOLA requires confirmation from the governing body that they are aware and support the grant application. Six local businesses submitted a grant application and represented a variety of business owners from the central business district.

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

Roll call, no: None.

Ballot Language Update and Discussion. Finance Director Ben Cowan explained to Council that this memo included the final ballot language, which must be submitted to the County by September 3. Council will vote on the language at their September 1 Special Session. It was noted that staff decided to increase the amount from \$2.5M to \$2.9M to estimate conservatively high to avoid a TABOR refund. This decision was made with guidance from bond counsel. The City does not expect to collect \$2.9M in 2022. If the City exceeds the amount in 2022, it would face challenging penalties, such as a refund through property tax and a reduced rate in the future. The final language also removed redundant language. If Council chooses to proceed, bond counsel will develop the TABOR notice for the Blue Book and draft the ordinance that would be necessary to distribute the taxes and restrict them for use. Those restrictions are to construct and maintain a fire station, and maintain and improve streets, alleys, and sidewalks. The City needs \$600,000 to pay the bond annually for the fire station and \$1.4M for streets infrastructure. The Fire District will have a general idea of how much a property tax could be generated in the first year, whereas with a sales tax, the City has to predict two years out. Sales tax is a volitional revenue stream. City Manager Forrest reviewed the next steps for staff to complete, which included focus group meetings and completing informational materials. Council directed staff to proceed with drafting the ballot language resolution.

PD Semi-Annual Report. Police Chief Robinson came before Council to give the department's semi-annual report. He stated that the department's citation numbers have been similar to previous years, but they are seeing more calls that involve mental health issues. The department has been short one to three officers all year and are offering overtime or power shifts to ensure coverage. The department is continuing to meet its strategic goals regarding response time and follow-up calls to victims. His report transitioned to the work the department has done to slow drivers down. There have been some continuing challenges around this work, but the department is committed to more education, monitoring, and enforcement, as necessary. Councilor Freeburn expressed support for officers writing more tickets in an effort to slow drivers down and sending the message that speeding in Gunnison is not acceptable. City Manager Forrest reviewed the actions the Police Department has taken to address this issue, including a reduction of speed to 25mph on residential streets, a 1% decrease in the number people driving 10 or more mph over the speed limit, and additional signage throughout town. There was also some support from Council about adding stop signs on certain streets where speeding is a regular occurrence. Council discussed this issue amongst themselves. While this is a very important issue, Council also noted the essential work and time the department invests in drug and domestic violence related cases as well. Enforcement of all ordinances is a community effort and the department will continue to be focused on methods to hold speeders accountable and slow drivers down.

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

With no further business before Council, the Mayor adjourned the Regular Session at 10:41 p.m.



City Clerk


 Mayor