

February 23, 2021

5:30 P.M.

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

The City Council Regular Session was called to order at 5:30 p.m. on Tuesday, February 23, 2021, remotely and in Council Chambers located at 201 W. Virginia Avenue in Gunnison, Colorado, by Mayor Jim Gelwicks. Mayor Pro Tem Jim Miles, City Manager Russ Forrest, and City Clerk Erica Boucher were physically present in Council Chambers. Councilor Diego Plata, Councilor Mallory Logan, Councilor Boe Freeburn, and City Attorney Kathy Fogo attended remotely. Additional City staff, Public Works Director David Gardner, Electric Superintendent Will Dowis, Police Chief Keith Robinson, Community Development Director Anton Sinkewich, and Finance Director Ben Cowan attended the meeting remotely. Western liaison Adam Engleman attended the meeting remotely. A few community members who were a part of the agenda attended remotely. The press attended remotely. There was a Council quorum.

Citizen Input. Mayor Gelwicks called twice for citizen comments from members of the audience in Council Chambers and those attending remotely. There were none.

Council Action Items:

Approval of the February 9, 2021, Regular Session meeting minutes. Councilor Miles moved and Councilor Logan seconded the motion to approve the February 9, 2021, Regular Session meeting minutes.

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

Roll call, no: None.

Abstain: Plata.

Excuse Councilor Plata from the February 9, 2021, Regular Session Meeting. Councilor Logan moved and Councilor Freeburn seconded the motion to excuse Councilor Plata from the February 9, 2021 Regular Session meeting.

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

Roll call, no: None.

Abstain: Plata.

Lease Agreements for Parker Pastures. City Manager Russ Forrest introduced this agenda item. The purpose of the agenda item was to discuss two lease agreements, a four-year agricultural lease, which expired in April 2020, and a residential lease, which renewed annually until terminated. The key points for the discussion regarding the two leases were for Council to decide if they want to move forward with the leases with the Parkers and what, if any, changes they want to make to the agreements. City Manager Forrest shared that there is a large variation in how the amount for agricultural leases is determined. Both parties feel the agricultural lease amount is appropriate. The residential lease is at \$1300/month and the resident pays for utilities. The City handles maintenance for the house. Mr. Forrest also discussed the petition annexation agreement and mentioned possible long-term plans for the property which could include a water treatment plant and continued water storage. One of the key reasons the City acquired the property was for water storage. The City has water rights on the land. This area is a unique mix of ranching and recreational uses. The Parkers have been good stewards of the land.

Next, Kelli and Bill Parker presented a power point. They have been on the property since 2009. Primary topics of their presentation were the family's stewardship to the land, education, holistic land management, recreation, improvements to the soil, and that they are a local family business. The Parkers recommended that an agricultural lease renewal should occur in the spring so the rancher knows that they have the commitment for the season.

Overall, Councilmembers have been pleased with the Parkers use and care of the land and residential unit. Even though the residential lease amount is at 70% AMI, it is a reasonable rent given the amount work they do regarding management of the land, water, and irrigation. It was suggested that the residential and agricultural leases should both be renewed at the same time of year and maintain a four-year term for the agricultural lease. A longer lease seems appropriate because of the time and work that is required to run a ranch. It was re-stated that the primary reason the City purchased the land was to ensure the wells and water for the City. Results of the forthcoming water study may reveal different needs for the land. The Parkers are operating a

commercial business on the land. To be consistent with other commercial businesses on City-owned land, such as the campground in Taylor Canyon, a transparent and competitive RFP process should be considered. It was suggested that the leases between Calder Farms and the Parkers get into unison for renewal. The City owns the water rights, which needs to be clarified in the agricultural lease agreement. This property is essential for the City's well and irrigation system, aquifer and ground water.

After a bit more discussion, Council agreed upon the following points regarding the leases:

1. The agricultural lease will be renewed for the term of April 2021 through April 2025;
2. Have a corresponding residential lease term;
3. No change to the amount of the agricultural lease with the conditions that the Parkers continue to make improvements to the land and maintain the irrigation system;
4. No change to the amount of the residential lease with the conditions that the Parkers continue to maintain the home and update the fire extinguishers and CO2 monitors to meet code;
5. Clarify and clearly state that the City owns the water rights on the land; and
6. An appropriate timeframe of termination of the leases from either party.

The City Attorney, with review from the City's water attorney, will revise and clarify the language in the agricultural lease. The City Attorney will revise and clarify the language in the residential lease to make it more standardized. Bill and Kelli Parker agreed with these updates to the residential and agricultural leases.

Councilor Miles moved and Councilor Plata seconded the motion to update the agricultural and residential lease with said above conditions and give authorization for the Mayor to sign upon approval of the Parkers and the attorneys.

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

Roll call, no: None.

GCSAPP Presentation on Community Risk and Protective Factors. Juvenile Services Director Kari Commerford gave the Gunnison County Substance Abuse Prevention Project (GCSAPP) annual report regarding the community's risk and protective factors. This is the third year that this information has been shared with Council. The data in this report revealed that binge drinking amongst the youth and adults increased from 2019's data, there is a high availability of prescription drugs, and there is increased concern over mental health. The Community Report that was distributed in September/October 2020 to community residents revealed that locally there is a high acceptance of alcohol and marijuana use. The Health Coalition, under the guidance of GCSAPP, is also beginning a campaign on educating parents, adults, and the youth on social hosting. They are examining all three jurisdictions' social hosting ordinances and are working to update them for consistency. While there is an increase in binge drinking, Director Commerford made the point that more youths do not drink than do drink. Other concerns around drinking include increased forced sexual behavior and drinking and driving. There is a bit of a decrease in vaping use, as the dangers of those products have become more known over the last two years. For high school students, the trend is increasing upward regarding mental health issues. Youth are using substances to cope with mental health issues, as are adults. There is higher risk for suicide among LBGTQ students. Mrs. Commerford reviewed GCSAPP's approach, which consists of four inter-connection factors. They are the individual, relationships, the community, and society.

The presentation circled back to social hosting because, with COVID-19, there has been an increase in youths drinking in homes with parents and/or adults present. Council and Director Commerford further discussed highlights of her presentation. Council expressed concern for the overall mental health of the community and increased substance use. Mrs. Commerford noted that one thing adults can do is model asking for help regarding mental health, to help normalize it. Having increased community connectedness is another protective factor for youth and adults. Multiple organizations are working on a County-wide mental and behavior health assessment. Council encouraged Director Commerford to share this information with Youth City Council and Western and high school students across the valley. Development of a Peer Support Specialist program at Western is being discussed. Western liaison Adam Engleman asked if there was any planned outreach to Western from GSCAPP regarding the effects of COVID-19 on undergraduate students. Western is not a part of GSCAPP's scope of work, but she is willing to work with Western SGA and Scott Cantril on their strategic mental health and community connectedness planning as part of the Health Coalition. The youth have been using the Youth Wellness sessions that Council contributed funding towards in 2020. Council thanked Mrs. Commerford for all of her work and commitment to the community.

Annual Municipal Court Report. Municipal Court Judge McDonald gave a brief summary of the court's past year. He highlighted that court has transitioned to online hearings, which overall has been fine. He noted that the Court is preparing to hold its first jury trial in March 2021. While court has seen less activity than in 2020, the judge expressed concern about how residents will transition out of isolation, individually and as a community. He publically thanked former Court Administrator Melissa McLeod for her service to the City and Municipal Court. He shared three complimentary stories about Mrs. McLeod.

Council went into recess at 7:16 p.m. and returned to the Regular Session at 7:25 p.m.

Ordinance No. 2, Series 2021, Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Establishing a Rate for Electricity Consumed and Generated.* Councilor Miles introduced and read Ordinance No., 2, Series 2021, aloud by title only. Councilor Miles moved and Councilor Freeburn seconded the motion to adopt Ordinance No.2, Series 2021.

Councilor Logan shared with Council that she heard concerns that the avoided cost rate change addressed in Ordinance No. 2, Series 2021, may discourage large generator solar. It was shared that the new avoided cost rate came from MEAN and was passed by their Board, which is only for large generator providers. If Council did not pass the ordinance with the updated avoided cost rate, then the previous rate would be still be used and the City would have to subsidize the difference. Public Works Director David Gardner added that this change only impacts one customer who has a large solar array. The City pays the customer for energy generated above 25kW from its payment from MEAN. This is a pass through from MEAN to the City to Gunnison County. Outside auditors determined the amount of the avoided cost rate that MEAN adopted. A statement was made about the importance of maintaining transmission lines related to electricity and how important it is that communities are mindful of their connection to the grid and to maintain good infrastructure to increase utility resiliency.

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

Roll call, no: None.

Power Transformer Purchases. Public Works Director Gardner recommended that Council approve the purchase of two power transformers. One transformer would replace the current GMAIN transformer located at Public Works. This substation was purchased, used, in the 1960s. The Electric Department has been saving for five years to purchase the transformer replacement. This is a 2021 budgeted amount. The second transformer would be for Gunnison Rising. This transformer would be purchased by the developer. Public Works put out bids for both transformers in effort to get better pricing. 12 bids were received, ranging from \$500,000 to \$1.2million dollars per transformer. The City is willing to purchase the transformer for Gunnison Rising on the condition that the City first receives financial security from the developer for the purchase. There will be no financial risk to the City. The developer requested to work directly with the transformer provider for the purchase. The City is willing to agree to this as long as the transformer is purchased in the City's name and that the City has ownership of the Gunnison North substation. The transformers are made to order and typically take 25-30 weeks from order to delivery. Once the transformer arrives, it will take a few days to replace the old one at Public Works. No power should be lost during the replacement. The old transformer will likely be recycled and the copper will be removed.

Councilor Plata moved and Councilor Freeburn seconded the motion to authorize the purchase of the Gunnison Main (GMAIN) substation electric power transfer in an amount not to exceed \$506,872.00 to replace the City's existing KY2A transformer in the GMAIN substation.

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

Roll call, no: None.

Councilor Freeburn moved and Councilor Miles seconded the motion to authorize the purchase of a second transformer in the amount not to exceed \$506,872.00 for new installation in the Gunnison North substation, contingent upon the City receiving a form of financial security from the Gunnison Rising developer acceptable to the City Attorney and City Manager by March 4th, 2021.

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

Roll call, no: None.

Police Department Semi-Annual Report and Update on Speed Data. Chief Police Keith Robinson asked Council if they had any questions about the 2020 annual report that he included

in the packet. Council had no follow-up questions. Chief Robinson proceeded by summarizing the department's updated strategic plan for 2021. He read the department's purpose statement and stated their three primary priorities. The three priorities are Response Time, Criminal Case Management, and Multi-modal Transportation. These were chosen as priorities because they allow for many different responsibilities and the departmental structure to be measured. In regards to the multi-modal transportation, the department acknowledged that traffic safety remains to be a priority. However, just traffic enforcement is not viewed as the only way or best practice to manage traffic. Voluntary compliance, education, and community involvement are also important elements.

Chief Robinson reviewed the limited traffic study data collected in 2020. Since the residential speed has been reduced to 25mph, more communication and education needs to be done in order to solidify 25mph as the norm. He spoke about the new speed signs that have been installed on HWY 50, 135, and 11th Street and how the City has worked with CDOT to make the speed signs more visible and effective in slowing traffic down. The department made a direct effort to increase traffic enforcement in 2020. Officers were offered overtime and shifts were adjusted to have overlap during peak travel times. He noted that the speed data collected in 2020 is not as consistent as in previous years because of the COVID-19 shut-down from mid-March through the end of May. The department is fine-tuning the settings and locations of the five speed signs in order to obtain the most consistent and accurate data collection possible in 2021.

Chief Robinson shared a few charts that he and the City Manager developed to report traffic data back to Council and the public on a regular basis. The first chart displayed the data collected over a 6-day period of five key locations and an average of the speeds. Using an average of the speeds should help remove some of the oddities from year to year, such as a heavy snow year. The second chart displayed the percentage of vehicles traveling 10 plus mph over the posted speed limit. The third chart showed the number of traffic contacts that the department had in a month and the number of tickets issued. Officers have been asked to focus enforcement on drivers travelling 10mph or more over the speed limit. Lastly, he reviewed the department's educational and enforcement specific activities for 2021.

Councilor Freeburn thanked the Chief for the comprehensive report. Councilor Freeburn expressed how important the issue of reducing the number of speeders and slowing down traffic is to him and for the safety of the community. Follow-up questions were asked and discussion occurred about how traffic warnings work and if they are effective. Chief Robinson stated that when the department was working to increase the number of traffic warnings, just business cards were handed out. Now with SB20-217, the department is returning to given written warnings. Discussion ensued about the number of travelers who exceed the speed limit by 10mph. It was shared that people throughout the community would like to see enforcement of the speed limits, as posted on Facebook in August 2020, when the residential speed limit was reduced from 30mph to 25mph. Western liaison Engleman mentioned that many Western students were not aware of the change in the speed limit on the residential streets. It was suggested that the speed signs on HWY 135 be made more visible by putting them in easier places to see. Council encouraged the department to complete another speed study similar to the one conducted in 2020 so data can be compared from year to year. Council expressed appreciation for all of the work the police department does to keep the community as safe as possible and supports more public communication and enforcement of traffic laws, as well as data collection related to speeding, so the department can continue to make effective and strategic decisions.

COVID-19 Update and Recovery. Staff shared that Gunnison County's current COVID-19 positivity was at 4%; however, it is important that residents and visitors continue to keep their guard up against the virus. Community vaccinations are going well. One Valley Leadership Council is working with Community Builders on long-term recovery efforts.

Staff and Council Reports. Staff, Council, and Western Liaison gave brief reports and committee updates.

Executive Session. Mayor Gelwicks stated that Council desired to enter into an Executive Session and stated that no action or motions would be put forth after the executive session. Councilor Miles moved and Councilor Freeburn seconded the motion to go into an executive session pursuant to §C.R.S. 24-6-402(4)(e)(I): Negotiations: Discussion on Gunnison Rising regarding infrastructure and utilities.

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

Roll call, no: None.

Council went to recess and went into an executive session under a new Zoom link.

Mayor Gelwicks stated that it was February 23, 2021, and the time was 9:37 P.M. For the record, Mayor James Gelwicks is the presiding officer of the executive session. As required by the Open Meetings Law, the executive session is being electronically recorded.

Physically present at this executive session in Council Chambers were Mayor Gelwicks, Mayor Pro Tem Miles and City Manager Forrest. City Attorney Fogo, Councilors Freeburn, Plata, and Logan, and Public Works Director Gardner were attending the executive session remotely.

This executive session was for the purpose of having a negotiations discussion regarding the infrastructure and utilities related to Gunnison Rising pursuant to CRS Section 24-6-402 (4) (e) (I). The Mayor reminded participants that each participant must confine all discussions to the stated purpose of the executive session, and that no formal action may occur in the executive session. If, at any point in the executive session, any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

He asked the public to email City Clerk Erica Boucher if they wanted to be notified when Council returned from the Regular Session. City Clerk Boucher was excused from Council Chambers.

City Clerk Boucher returned to Council Chambers at 10:21 p.m. on Tuesday, February 23, 2021, at the request of the Mayor. Mayor Gelwicks restated that physically present in the Executive session in Council Chambers were himself, Mayor Pro Tem Miles and City Manager Forrest. City Attorney Fogo, Councilors Freeburn, Plata, and Logan, and Public Works Director Gardner attended the executive session remotely.


The Mayor attested that the recording reflected the accurate contents and discussion of the executive session in lieu of any written comments. The City Attorney will retain the recording for 90 days. The Mayor stated that if at any point in the executive session any participant felt that the discussion went out the proper scope of the executive session, to please make their objection known now. No one made any objections.

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 10:22 p.m.

Attest:


City Clerk




Mayor