

JULY 13, 2021

CITY OF GUNNISON COUNCIL  
REGULAR SESSION

5:30 P.M.

The Gunnison City Council Regular Session meeting was called to order at 4:00 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. Also present in Chambers were City Manager Russ Forrest, City Clerk Erica Boucher, and City Attorney Kathy Fogo. Councilor Plata was absent. A Council quorum was present.

Mayor Gelwicks stated that an executive session was the first item on the Regular Session agenda.

Councilor Logan moved and Councilor Freeburn seconded the motion to go into executive session pursuant to C.R.S. §24-6-402 (4) (f), and not involving any specific employees who have requested discussion of the matter in open session, specifically to discuss the matter of City Attorney and City Manager compensation.

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

Roll call, no: None.

Mayor Gelwicks opened the executive session on Tuesday, July 13, 2021 at 4:02 p.m. in Council Chambers. He stated for the record that he, Mayor Jim Gelwicks, was the presiding officer. As required by the Open Meetings Law, the executive session was being electronically recorded. Present at the executive session were Mayor Pro Tem Miles, Councilor Freeburn, Councilor Logan, City Attorney Fogo, and City Manager Forrest for the purpose to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session, specifically to discuss the matter of City Attorney compensation. The Mayor cautioned each participant to confine the discussion 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 believed that the discussion was going outside the proper scope of the executive session, interrupt the discussion and make an objection. The Mayor asked the City Clerk to stop public presentation and leave the Chambers. The City Clerk departed Chambers.

Council asked the City Clerk to return to Chambers. The Mayor stated that the recording reflected the actual contents of the discussion at the executive session and had been made in lieu of any written minutes to satisfy the Open Meetings Law. The City Clerk shall retain the tape for a 90-day period.

The time was now 4:30 p.m. and the executive session was concluded. Participants at the executive session were Mayor Gelwicks, Mayor Pro Tem Miles, Councilor Freeburn, Councilor Logan, City Attorney Fogo, and City Manager Forrest. The Mayor stated for the record, if any person who participated in the executive sessions believed that any substantial discussion of any matters not included in the motion to enter into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, state their concern for the record.

No one spoke. The Mayor proceeded to the second executive session.

On Tuesday, July 13, 2021, at 4:32 p.m., Councilor Logan moved to go into executive session to consider personnel matters, pursuant to C.R.S. §24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session, specifically to discuss the matter of City Manager compensation. Councilor Miles seconded the motion.

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

Roll call, no: None.

For the record, the Mayor stated that he is the presiding officer. As required by the Open Meetings Law, this executive session was electronically recorded. Also present at the executive session were Mayor Pro Tem Miles, Councilor Freeburn, Councilor Logan, City Manager Russ Forrest, and City Attorney Fogo. He stated that the purpose of the executive session was to consider

personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session, specifically to discuss the matter of City Manager compensation. He cautioned each participant to confine all discussion 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 believed that the discussion went outside the proper scope of the executive session, please interrupt the discussion and make an objection. The Mayor asked the City Clerk to leave Council Chambers. The Clerk left.

The City Clerk returned to Chambers at 4:46 p.m. The Mayor attested that the recording reflected the actual contents of the discussion at the executive session and was made in lieu of any written minutes to satisfy the Open Meetings Law. Participants at the executive session were Mayor Gelwicks, Mayor Pro Tem Miles, Councilor Freeburn, Councilor Logan, City Attorney Fogo, and City Manager Forrest. The Mayor stated for the record, if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to enter into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, to state their concern for the record.

No one spoke. He stated that the City Clerk shall retain the tape for a 90-day period.

At 4:46 p.m., the executive session was concluded. Council continued with the Regular Session.

Councilor Logan moved and Councilor Miles seconded the motion to increase the City Attorney's hourly salary to \$200/hour effective July 2021.

Roll call, yes: Geliwicks, Logan, Freeburn, Miles. So carried.

Roll call, no: None.

The City Attorney must complete a performance review, every odd year beginning in 2023. The attorney's current hourly salary was \$185/hour.

Councilor Logan moved and Councilor Miles seconded the motion to allocate a one-time payment of \$6,349 to the City Manager in 2021 from 2021 budget.

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

Roll call, no: None.

At the conclusion of Council passing the two motions regarding the executive sessions, Finance Director Ben Cowan entered Council Chambers at 4:53 p.m. Mayor Gelwicks explained Council's decisions to Director Cowan. Director Cowan accepted Council's motions and stated that he would prepare Performance Action Plans for the Mayor to sign. The press entered Council Chambers. Mayor Gelwicks summarized Council's decisions in regards to the City Attorney's and the City Manager's salary adjustments and performance requirements for the press.

At 4:59 p.m., the Council went into recess. Council returned to the Regular Session at 5:30 p.m.

### **PUBLIC HEARING**

#### **WILDERS'S ORGANIC MARKET RETAIL FEMENTED MALT BEVERAGE OFF-PREMISES LIQUOR LICENSE**

The public hearing was opened at 5:30 p.m. by Mayor Gelwicks. He announced that this public hearing was being conducted in-person and remotely. Present in Council Chambers were Mayor Gelwicks, Mayor Pro Tem Miles, Councilors Freeburn and Logan, City Manager Russ Forrest, City Attorney Fogo, Finance Director Cowan, City Clerk Erica Boucher, and Community Development Director Sinkewich. Mayor Gelwicks stated that the purpose of the public hearing was to receive input on a Fermented Malt Beverage Off-Premise Liquor License application from Wilder's Organic Market LLC dba Wilder's Organic Market located at 300 N. Main Street, Gunnison, Colorado 81230.

Mayor Gelwicks asked for proof of publication from the City Clerk's Office. City Clerk Boucher confirmed that the public hearing was properly noticed. He asked for the staff report.

City Clerk Boucher stated that this is a concurrent review liquor application that has been reviewed by City staff. Clerk Boucher went through the listed conditions for the application. They were:

- (1) There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the State or the local Liquor Licensing Authority of the City of Gunnison within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing outlets.
- (2) The Notice of Public Hearing concerning the subject application was published in the *Gunnison Country Times* newspaper on July 1, 2021. The premises was posted on June 29, 2021. The notice of Public Hearing was provided in the manner required by law.
- (3) It appears from the evidence submitted with the application that the applicant is in legal possession of the premises by virtue of a lease from Gunnison Wolf QOF, LLC.
- (4) Selling fermented malt beverages by the drink for off-premises consumption as proposed in the license application is not in violation of the zoning, fire and other applicable codes of the City of Gunnison or the laws of the State of Colorado. On February 24, 2021, the City of Gunnison Planning and Zoning Commission approved the conditional use of a retail grocery store at 300 North Main Street within the Central Business District.
- (5) The building where the application proposes to sell fermented malt beverages for off-premises consumption is not located within 500 feet of a principal campus of a college, university or seminary.
- (6) Within the City limits, there are 46 existing liquor licenses:
  - 3 - Beer and Wine Licenses
  - 17 - Hotel/Restaurant Licenses
  - 5 - Retail Liquor Store Licenses
  - 1 - Arts License
  - 1 - Art Gallery Permit
  - 5 - Retail Liquor Store Licenses
  - 1 - Brew Pub License
  - 5- Tavern Licenses
  - 1- Lodging/Entertainment License
  - 1 - Club License
  - 5 - Fermented Malt Beverage
  - 1- Campus Liquor Complex License with 4 related facility permits
- (7) The application shows the owners of Wilder's Organic Market LLC as Cassia Montgomery (50%) and Donald Montgomery (50%). There are no findings to suggest that the owners are not of good moral character. The Gunnison Police Department has performed records checks in reference to these individuals. Both individuals have filed a DR 8404-I Individual History Record with the State Liquor Enforcement Division, including fingerprinting and background investigation.
- (8) Upon issuance of conditional approval by the State, the City will conduct an inspection of the proposed premises to ensure that the applicant is in compliance and aware of liquor code provisions affecting their class of license.
- (9) All fees necessary for the application have been paid.

City Attorney Fogo confirmed that it was a complete application and well executed.

Mayor Gelwicks asked for applicant comments. The City Clerk stated that the applicant, Cassia and Don Montgomery, was not present in the room or online. Mayor Gelwicks made the statement that the applicant must be knowledgeable of and possess an understanding of Colorado Liquor Laws.

Mayor Gelwicks asked for comments from the audience. There were none. He asked if there were any written comments to be entered into the record. Clerk Boucher stated that there were none. Mayor Gelwicks asked for final comments from staff or Council. There were none. He closed the public hearing at 5:37 p.m.

**Citizen Input.** The Mayor called for comments from the public. Steven Schechter, 912 N. Blvd., came forward. Mr. Schechter shared with Council his concerns that the City of Gunnison is only taking MEAN, as a single grid supplier, into consideration. He encouraged Council to incorporate a multiple source grid into the system to have essential services available to power emergency services during natural disasters.

**Council Action Items:**

**Approval of the June 22, 2021, Regular Session Meeting minutes.** Councilor Freeburn moved and Councilor Miles seconded the motion to approve the June 22, 2021, Regular Session meeting minutes.

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

Roll call, no: None.

**Decision on Fermented Malt Beverage Off-Premise Liquor License Application for Wilder's Organic Market.** Councilor Logan moved and Councilor Miles seconded the motion to approve the Retail Off-Premises Fermented Malt Beverage Liquor License application from Wilder's Organic Market LLC dba Wilder's Organic Market, located at 300 N. Main Street Gunnison, Colorado, with listed conditions.

Prior to voting, City Clerk Boucher clarified that the listed conditions were the items she listed during the public hearing.

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

Roll call, no: None.

The City Clerk notified Council that she received a phone text from the applicant, Cassia Montgomery. Clerk Boucher shared with Council that Mrs. Montgomery and her husband fully intended to attend the public hearing, but applicant Don Montgomery, was injured during a running incident preceding the hearing and could not physically attend the meeting. They sent their apologies for not being present. Council acknowledged the message.

**RRC Community Survey Results.** City Clerk Boucher introduced Chris Cares of RRC Associates and thanked him and his team for their work on the 2021 Community Survey for Gunnison. Mr. Cares began his presentation, which was accompanied by a slide show, by explaining their methodology, weighted process, and an overview of comparisons to the 2018 survey results. In 2021, the survey received 826 statistically valid responses compared to 734 in 2018. Most respondents were from Area 4, on the east side of town, near the university. Two of the biggest take-a-ways from the survey were that Gunnison has a higher numbers of renters than homeowners and there is a substantial amount of people who answered "Don't Know" to many questions. This suggested that more communication and outreach needs to be done. Additionally, staff received confirmation that Gunnison lacks a clear identifiable brand and residents feel Gunnison is a healthy and sustainable community. There were over 1000 open comment responses, which were thoughtful and insightful. The community confirmed that the lack of housing is a major issue within Gunnison. All departments experienced a .1-.3 decrease in approval of services; however, part of that is likely a result of COVID-19 and that newer residents may be less familiar with City services. RRC did not find the decrease to be alarming, but it should not be ignored. Jake Jorgenson, also of RRC Associates who attended remotely, spoke to some of the survey results that he had the most direct involvement with reviewing. More residents than not feel that Gunnison is on the right track and are supportive of Council's five priorities. They are Economic Prosperity and Housing, COVID-19 Recovery, Environmental Sustainability and Resiliency, Multi-Modal Transportation, and Infrastructure and Public Safety. Increasing reliable broadband continues to be important to the community.

The survey provided staff and Council with information related to potential ballot initiatives questions. It was revealed that the community believes that all three potential questions on streets improvements, a new fire station, and funding for recreation are important, with the first two listed rising to the top. More people support a sales tax increase over a mill levy increase. The survey reflected the need for Council and staff to begin reaching out to residents again in-person to ensure open lines of communication. Mr. Cares highlighted the survey's take-a-ways. They were: 1) most residents see Gunnison going in the right direction, but there are many who do not know what all is happening; 2) Gunnison's departmental ratings are overall still positive, but there was a slight

decrease compared to 2018; 3) residents continue to prioritize housing and reliable high-speed internet as major initiatives; 4) trails are still seen as one of the most important park and recreation facilities in the community; and 5) regarding the potential ballot initiatives, the fire station and roads were seen as the highest priority. Council shared some thoughts and engaged in a brief discussion about the key take-a-ways. Council thanked Mr. Cares for his presentation.

**Ordinance No. 5, Series 2021:** *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.* Councilor Logan introduced Ordinance No. 5, Series 2021, and read it aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 5, Series 2021, on second reading. There were no additional comments.

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

Roll call, no: None.

**Ordinance No. 6, Series 2021:** *An Ordinance of the City Council of the City of Gunnison, Colorado, Denying PUD Application ZA 20-3 Submitted by ABC Suites, LLC.* Councilor Logan introduced Ordinance No. 6, Series 2021, and read it aloud by title only. Councilor Logan moved and Councilor Freeburn seconded the motion to adopt Ordinance No. 6, Series 2021, on second reading. There were no additional comments.

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

Roll call, no: None.

**Ordinance No. 7, Series 2021:** *An Ordinance of the City Council of the City of Gunnison, Colorado, Authorizing a Loan, Evidenced by the Issuance of a Note, for the Purpose of Refunding the City's Sales and Use Tax Revenue Refunding Bond, Series 2017, at a Lower Interest Rate; Providing for the Form, Delivery and Payment of the Note; and Making Covenants and Approving Documents Relating to the Loan.* Councilor Logan introduced Ordinance No. 7, Series 2021, and asked the City Attorney to read it aloud by title only. The City Attorney read Ordinance No. 7, Series 2021, aloud by title only. Councilor Logan moved and Councilor Miles seconded the motion to adopt Ordinance No. 7, Series 2021 on second reading. Finance Director Cowan shared with Council that the City's will be ready to redeem July 29, 2021. The interest rate will be 1.9%. There will be an expense of approximately \$40,000 in fees to create the private placement. After that cost, the total savings is about \$242,000 over 10 years or about \$20,000/year. This money can be used for recreation projects.

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

Roll call, no: None.

**Lazy K Workforce Housing Project Grant Funding.** City Attorney shared with Council that the Valley Housing Fund is requesting security for the \$328,000 grant to support the Lazy K Housing project. She stated that the City of Gunnison has already received \$50,000 from the Valley Housing Fund in support of the project. In order to secure the two releases of \$139,000 in 2021 and 2022, a letter of agreement was drafted outlining the next steps and identifying responsibilities of each party. It is accompanied by a Deed of Trust for Lot 27 that will be recorded with the County. It is a free market unit and will be held in Trust by the Valley Housing Fund until the time of its release is appropriate, which will be once the workforce housing is complete. Councilor Logan moved and Councilor Freeburn seconded the motion to direct the Mayor to sign the letter of agreement with the Valley Housing Fund regarding the grant funding for Lazy K Workforce Housing Project, including the Deed of Trust for Lot 27, Lazy K subdivision.

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

Roll call, no: None.

**Council went into recess at 6:40 p.m. Council returned from recess at 6:48 p.m.**

**Resolution No, 13, Series 2021:** *A Resolution of the City Council of the City of Gunnison, Colorado, Directing the City Clerk of the City of Gunnison to Conduct a Regular Municipal Election Scheduled for November 2, 2021, Coordinated with the County of Gunnison, Colorado.* Councilor Freeburn introduced Resolution No. 13, Series 2021, and read it aloud by title only. Councilor Freeburn moved and Councilor Miles seconded the motion to adopt Resolution No. 13, Series 2021.

City Clerk Boucher reviewed the key dates of the election schedule with Council. The Mayor must sign the IGA with Gunnison County to participate in a coordination election prior to the August 24, 2021, deadline. Ballot language must be approved by resolution by the August 24, Regular Session meeting and be certified to the County by Friday, September 3, 2021.

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

Roll call, no: None.

**Ballot Initiatives Discussion.** City Clerk Boucher started the discussion by summarizing staff's actions towards placing a question on November ballot. Staff is continuing to work with Slate Communications on an educational campaign around the needs for street improvements and a new fire station. Finance Director Ben Cowan gave an overview of the drafted ballot language. It is not finalized at this time. The language may include a collection ceiling of \$2.5M. The TABOR requirements were also included. It was noted the need to include drainage improvements in the language because that work is often connected to street projects. The draft language does not specifically include ditches, but street drainage issues. The drafted language does include emergency services in relation to the fire district along with the fire station. The intention is to have the language in the educational campaign reflect the language in the ballot for ease of understanding. City Manager Forrest also mentioned that staff is fine-tuning the financial request for clarity and flexibility. Council agreed with the drafted language.

Education and discussion are still occurring around needs and wants for the two infrastructure projects at the staff level. The educational campaign around the ballot initiatives will begin with internal staff and then expand out into the public.

Public Works Director David Gardner presented a slide show highlighting the need for revenue for street improvements and how the \$1.4M will be spent. His presentation started with statistics about the streets and that currently the City is experiencing an \$850,000 deficient in street maintenance alone, based on the 2018 pavement analysis. He expressed the importance of addressing the streets and decaying alleys as soon as possible because as more time goes on, the more expensive the infrastructure will be to fix. His presentation included an explanation of pavement lifecycle and typical unit costs. The current cost to rebuild a street is \$43/SY of asphalt pavement. The current cost to perform routine maintenance on a street is \$22.50/SY. He made the point that it is less expensive to perform street maintenance or habitation than it is to reconstruct or rebuild roads. He shared pictures of how much streets and alleys can deteriorate in just a few years. He also presented an outline of how the department would spend the \$1.4M in revenue for the first 10 years to improve streets, alleys, and sidewalks.

Former Fire Marshal Dennis Spritzer and current Fire Marshal/Chief Ferchau attended the Regular Session to address Council's questions. Additional discussion occurred about the educational information for the ballot initiatives.

**The City Clerk gave the department's semi-annual report.** Highlights of the report were: 1) the Clerk's Department held its Business Retreat on July 1, 2021; 2) the department is fully staffed as of May 17, and has added an interim Outreach Liaison who provides translation and interpretation services; 3) the increased use of social media; 4) starting to redesign the website; 5) return of City event applications; and 6) focused work on records management and retention. Municipal Court held its first jury trial in over 20 years and has resumed in-person court sessions. Youth City Council members presented topics of interest to Council in May.

**Staff and Council gave reports.**

**With no further business, Mayor Gelwicks adjourned the Regular Session at 8:15 p.m.**

*E. Boucher*  
City Clerk



*Jim Gelwicks*  
Jim Gelwicks, Mayor