

March 9, 2021

5:30 P.M.

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

The City Council Regular Session was called to order at 5:32 p.m. on Tuesday, March 9, 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, Councilor Diego Plata and City Clerk Erica Boucher were physically present in Council Chambers. Councilor Mallory Logan, Councilor Boe Freeburn, City Attorney Kathy Fogo, and Western Liaison Adam Engleman attended the meeting remotely. Additional City staff, Public Works Director David Gardner, City Engineer Cody Tusing, Parks and Recreation Director Dan Vollendorf, Police Chief Keith Robinson, Community Development Director Anton Sinkewich, Senior Planner Andie Ruggera, and Finance Director Ben Cowan attended the meeting remotely. Housing consultant Willa Williford and a few community members 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 23, 2021, Regular Session meeting minutes.** Councilor Miles moved and Councilor Plata seconded the motion to approve the February 23, 2021, Regular Session meeting minutes.

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

Roll call, no: None.

**Lazy K Housing Project Update.** City Attorney Kathy Fogo reminded Council that staff's presentation is an overview and update on the project to understand the financial connections. Senior Planner Andie Ruggera shared a visual image of the Lazy K housing project as it is currently. The current project contains 44 deed-restricted units and 21 free market units. She reviewed the added trails and sidewalks for access to the housing development. Lot 17 has been divided into two lots. On the south side of the property, off of Gunnison Avenue, Lot 23 is an access point. The City will remove snow from the streets in the development, but the residents will be responsible for removing snow from the sidewalks. City Manager Forrest added that the City is paying for the infrastructure and utilities. The City will retain one lot for the Gunnison Valley Fund. It was noted that the City does not have the budget to address the culvert on 3<sup>rd</sup> Street at this time. It is slated for a future improvement.

The conversation transitioned to the Pro Forma specifics with housing consultant Willa Williford. She stated that there has been a change to a mix of the units to include Lot 17. The 100% AMI units were replaced with 80%AMI and 120% AMI units. Today's 80% AMI is \$172,000 to \$352,906. The intention is for these units to be at a \$50,000 discount when compared to the free market. Council will need to be updated from time to time on the current AMI and evolving infrastructure costs for the project. The next steps are to bid out the project and have the final plat go before the Planning and Zoning Commission and City Council.

The updated pro forma with High Mountain Concepts includes 6 construction phases that enable the developer to productively work around the site. The developer must complete the deed-restricted units. Dividing the project into phases will help with the risk level for all parties involved. City Attorney Fogo confirmed that just one contract is needed for both the deed-restricted and free market units. The contract should also include clarification about what part of the development is related to the grant-funded work and is being sold and purchased through the developer.

On March 10, the Planning and Zoning Commission will review the final plat. After that, the final bid packet will be finished and placed on BidNet. On March 23, the subdivision plat and final application will go before Council for possible approval. A brief discussion occurred regarding the High Mountain Concept's profit percentage. That percentage has changed throughout the development and planning process of the project. The profit percentage will likely be an estimated 9.88% based on the sale prices of the deed-restricted and free market selling prices.

The City will be working with the Gunnison Valley Regional Housing Authority to put a lottery

system into place for selling the deed-restricted homes. This is a service the GVRHA provides Gunnison through Gunnison's annual funding contribution.

Parks and Recreation Director Dan Vollendorf gave a brief update on West Gunnison Park. Overall, the park project is on track. The Department is meeting with Design Workshop regarding field verification, working on tree removal, and improvements to the river landing and playground. The Department is finalizing the construction documents for them to go out to bid. Staff asked for \$42,000 from Council's Strategic Priority Fund to pay for additional survey and wetland work. Councilor Miles moved and Councilor Freeburn seconded the motion to approve additional funds in the amount of \$42,000 from Council's Strategic Priorities Fund to initiate a permit to the Army Corps and to pay both into the wetland bank and for additional survey costs.

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

Roll call, no: None.

**Update on Palisades Street Rehabilitation and Intersection Improvement.** Public Works Director David Gardner reviewed the need for the Palisades improvement project. The base road will be pulverized and repaved, the "Hollywood" curb will be replaced with a standard curb, and wider streets which will allow 8' for parking including the gutter pan. Also part of this work will be improvements to the Public Works parking lot drainage and adjustments to the intersection at 11<sup>th</sup> Street, Spencer, and Quartz near the new Gunnison Library location. The goal is to bring the intersection into alignment, which will improve traffic and drainage in the area. There would be room for an RTA bus spot on the northeast corner and a potential pocket park.

Public Works would like to bid this work on the same timeline as the Lazy K project. Though the projects would be separate contracts, the hope is that it would be more attractive as a larger project. Director Gardner asked Council for a short Special Session on Tuesday, April 20, to give bidders an additional week to prepare complete bids. It would be ideal to start the projects around May 1<sup>st</sup> to get the most out of the construction season. Council agreed to have a Special Session on April 20 to award the Public Works and Lazy K projects.

Public Works Director Gardner explained that a landscaping package is included in the original bid. The project also includes an Add-Alternate option for 4-foot sidewalks, which would take up the entire right-of way. There would be no landscaping with the sidewalk option because it would be all pavement, curb, gutter, and sidewalk. The bid alternate for sidewalks was included to see what the cost of that would be.

City Engineer Cody Tusing shared the communication plan that would be included in the contract. The plan includes weekly PIO updates, door hangers, communication with the residents, and notification of a two-week schedule to keep the public up-to-date. Council asked that wheelchair-bound residents also be directly communicated with regularly. Common mailboxes (steel and wood post) will be replaced and are part of the budget, but custom mailboxes will likely be lost.

Public Works has been working to coordinate plans for the 11<sup>th</sup> Street intersection with the civil engineers working on the Gunnison Library project. The Library District has offered up to a certain amount to cover up to one-third of the bid and the City is responsible for two-thirds of the bid. That agreement goes back to the annexation of the property. The Library has raised some legal questions that the City Manager hopes will be amicably addressed, particularly if a reasonable bid is received.

**IIOF Park Construction Agreement.** Parks and Recreation Director Dan Vollendorf presented to Council. He explained that the Department put the IIOF Park construction project out to bid with a requirement that five of the 11 projects be bid. After review of local and Front Range contractors who submitted bids, the Department decided on Trident Construction, Inc. from Littleton, Colorado. The company bid on eight of the 11 projects including the required base bid projects. Trident also bid on the construction management portion of the project, which was favorable to the Department. The landscaping portion of the project will be completed by the Parks Department, with much of the expenses for the landscaping portion being purchased with funds from the CDOT parklet grant. Trident's references came back favorable. The Department still has two projects, the fire boulder and electrical service, to be included in an Add Alternate. Construction dates are scheduled for April 25 through June 25, 2021, approximately 40 days. Councilor Plata moved and Councilor Miles seconded the motion to give the City Manager the authority to enter into a contract with Trident Construction Inc. in the amount of \$258,334 for their

construction services for the IOOF Park Renovation Project from the Recreation Fund.  
 Roll call, yes: Gelwicks, Logan, Plata, Freeburn, and Miles. So carried.  
 Roll call, no: None.

**City Events Discussion.** City Clerk Boucher introduced the City events discussion and requested feedback from Council on alcohol consumption in City parks. She reviewed the drafted events code that the Clerk's department wrote to give clarity and guidance to when residents and guests need to fill out an online events permit for the City. Key points of the drafted code were the definition of "Event," "Extraordinary Services," and Exemptions. "Extraordinary Services" mean when City resources or services are required, such as traffic control and closing of right-of-ways. An "Event" permit is also required when there will be impacts on the site or to the surrounding area, which include visual, noise, or environmental impacts. The Event code is primarily putting current practices and processes into code. The discussion transitioned to alcohol restrictions. Currently, alcohol is not allowed in public parks or City right-of-ways. This is challenging for police enforcement at community events, such as Sundays at Six, and for small family gatherings/celebrations at rented City parks. The previous City attorney interpreted the code that if a family rented a City park, then the area was no longer "public" for that rented amount of time; therefore, the party could consume alcohol. However, renters rarely identified the rented space with fencing. The Clerk presented three options on how Council could proceed. The City could proceed with status quo and allow adults and small family gatherings to consume alcohol in parks without enforcement on the act of consumption. Enforcement could and would still occur for underage drinking, disorderly conduct, etc. with any option. The City could adopt a Private Occasion Liquor Permit Process where events held on public property by families for a graduation, wedding, etc. could get a Private Occasion Liquor Permit and follow specific guidelines to serve and consume alcohol in that area. The third option is for the Clerk's office to draft an ordinance repealing 5.10.220 of the *Gunnison Municipal Code* allowing for consumption of alcohol in public parks with certain parameters. Council discussed and suggested restrictions such as time of day and not in playgrounds. The event permit process should be as clear and easy as possible for customers to understand and comply; therefore, Council suggested lifting the prohibition of alcohol in all parks and allow no glass on the premises. Council directed staff to draft an ordinance removing the prohibition of alcohol in parks with parameters. The goal is to have the law be in line with practice and help the police department provide clear direction and enforcement. The City Clerk also requested direction on whether or not Council would like to be a part of an appeal process. After discussion on the difficulty surrounding the timing of an appeal and the role and responsibility of staff mitigating problems, they agreed that an appeal process does not need to go before Council.

**Inclusive Communication Plan Update.** City Clerk Erica Boucher shared a draft of an inclusive communication plan. The plan is intended to create a systematic and inclusionary communication plan, in alignment with Council's Strategic Priorities, and for the City to enhance its two-way engagement with all of Gunnison's residents including but not limited to, the LatinX population and Western students. Clerk Boucher stated the 5 primary goals of the plan are:

1. To increase awareness of Council's Strategic Goals and City programs/programming through translation services and formats that are accessible to more people.
2. To increase engagement by meeting with residents in settings where they are most comfortable.
3. To encourage accessibility and reinforce the credibility of City Council and City staff by developing professional relationships with individuals who have the most access to and are highly trusted within the community's diverse populations. Through these partnerships, a communication bridge may be built with student/residential leaders so that City information can be shared and then spread among all sections of the City.
4. To provide transparency to all residents by communicating in a timeframe and through methods that are most accessible to ensure that residents are receiving the same message and accurate information in a timely fashion.
5. To partner with organizations to expand cultural events of significant importance through financial support, cross-promotion, and increased attendance.

The City of Gunnison is setting these goals as a commitment to all residents to assure they know that:



-Everyone is a valued, contributing member of the community who will receive City information and communication about its public programs and policies;

-Everyone in this community has the opportunity and right to communicate with their elected officials and city staff to work through problems and collaborate on solutions; and

-Everyone is welcomed in Gunnison and treated equitably and fairly.

Clerk Boucher also highlighted next action steps that staff will be taking to put the inclusive communication plan into action. Those highlights are meeting with diverse community leaders to build communication bridges, providing a recap of Council meeting in English and Spanish on Facebook, and assigning up to 40% of the Clerk's time to enhance all communications and outreach throughout the City. Council gave City Clerk Boucher feedback on the drafted inclusive communication plan. Staff will be requesting additional financial resources for written and oral translation services at the next Regular Session meeting. Council expressed initial support for this request. Western Liaison Adam Engleman stated that Western Student Government Association was also working on enhancing its communication to the student body through the creation of a website. The City Clerk will be working with SGA to expand City communication at Western. Council directed staff to proceed with the drafted inclusive communication plan.

Council went into recess at 7:33 p.m. and returned to the Regular Session at 7:42 p.m.

**Letter to the State of Colorado on Little Blue Canyon.** City Manager Forrest summarized the situation related to construction on West Highway 50 in Little Blue Canyon. The US Department of Transportation has been working with Colorado Department of Transportation (CDOT) on executing this project for multiple years. This project will address a stretch of highway that is dangerous for travel. In 2019, after much public engagement, it seemed the best solution was to complete the project as quickly as possible, which was a second option that was presented to the public. The project will require the highway to be closed to traffic multiple times throughout the day for a two-year period. The highway would be open during the winter months. Another option to closing the highway completely for an extended amount of time was not feasible to those who must travel the road daily for work. City staff was invited to attend a meeting on February 26, to reaffirm the construction schedule. At that meeting a third option was presented by Senator Coram that would add another year and \$8.6 million dollars to the projects and have the road open for an additional hour in the morning, at lunch, and in the evening. Work has been scheduled to begin April 1, 2021. Funding for an extra year of work would come from regional funding, not federal funds. Regional road projects would be delayed. Council still favored the approved and scheduled second option with construction starting on April 1, 2021 for the project budgeted amount. Mayor Gelwicks reviewed and clarified the minor changes he and the City Manager made to the draft.

An extra year of highway closure would have negative financial impacts on restaurants and retail shops. The City of Gunnison will be hosting two meetings on March 10. One meeting will be between Emergency Services and the Central Federal Lands Highway Lands Division. The second meeting will be between the Division and stakeholders. Both meetings will give the Division the opportunity to discuss the project and receive feedback. Another meeting will be held in Montrose on March 24.

Councilor Miles moved and Councilor Logan seconded the motion to authorize the Mayor to sign a letter to Director Lew regarding the timing of the construction project on the Little Blue Canyon with corrections.

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

Roll call, no: None.

**Discussion on HB21-1117.** Mayor Gelwicks and City Manager Forrest provided Council with background information on HB21-1117. This bill was initiated by the Colorado Municipal League (CML) and has legislators who were willing to sponsor it. Mayor Gelwicks, as the CML policy representative for Gunnison, supported the bill. Currently, the state statute of Colorado prohibits rent control. This bill would allow for a community and municipality to have inclusionary zoning, which would allow for a municipality to insert a provision into a development stating that if a certain number of rental units are built, then a certain number of those units need to meet workforce or affordable housing costs. This would work best when a developer circulates the profit they made from one residential unit into an "affordable" residential unit. This situation does not really exist

in Gunnison at this time, but passage of this bill could be an effective tool to have in the future and could be useful in the North Valley. Discussion occurred about how inclusionary zoning has worked in other regional ski towns and how it could be applied to Gunnison or Crested Butte. The bill is currently drafted with some universal guidelines for Home Rule municipalities to use and should be flushed out in the future. For Gunnison to use the guidelines drafted in the bill, an ordinance would need to be passed. It would be applied to new buildings or existing annexations that would go through rezoning. This bill is most helpful for primarily tourism-based economies. The Mayor shared the likely schedule for the bill moving through committee over the next two to three weeks.

Council directed staff to draft a letter of support of passage of HB21-1117 for the Mayor to sign. Councilor Logan moved and Councilor Miles seconded the motion to authorize the Mayor to sign a letter in support of passage of HB21-1117.

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

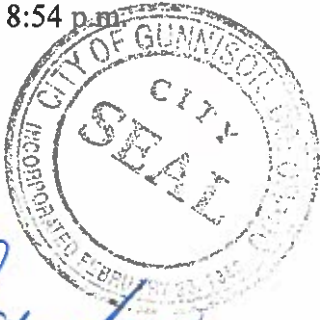
Roll call, no: None.

**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. Councilor Plata volunteered at the vaccination clinic directed towards the LatinX community on Saturday, March 6. Overall, the event was well attended and received positively. It was a good event because the LatinX were not required to fill out the online vaccine interest form or show identification.


**Firemen's Pension Board Semi-Annual Report.** Finance Director Ben Cowan presented the semi-annual Firemen's Pension Board report to Council as required by the by-laws. Director Cowan reported that there has been 6.55% growth in the investment fund since inception, and 6.5% growth is used in the actuarial studies. The Board decided to keep the pension benefits the same for the first half of 2021. Once the actuarial study is received, a change may be made. Council had no additional questions.


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

With no further business for the Regular Session, Mayor Gelwicks adjourned the Regular Session meeting at 8:54 p.m.



Attest:

  
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City Clerk

  
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Mayor