

MAY 25, 2021

**CITY OF GUNNISON COUNCIL
REGULAR SESSION**

5:30 P.M.

The City Council Regular Session meeting was called to order at 5:00 p.m. by Mayor Jim Gelwicks with Mayor Pro Tem Jim Miles, Councilor Boe Freeburn, Councilor Mallory Logan, Councilor Diego Plata present in Council Chambers along with City Manager Russ Forrest, Deputy City Clerk Cassie Mason, City Attorney Kathy Fogo, and Finance Director Ben Cowan. Parks & Recreation Director Dan Vollendorf, Public Works Director David Gardner, Senior Planner Andie Ruggera, Electric Superintendent Will Dowis, Water Superintendent Mike Rogers, Community Development Director Anton Sinkewich, and Recreation Center Manager Faith Saltmarsh were in remote attendance. Victor Tran, Ron Welborn, Joe Deluca, and Alex Joyce, representing Gunnison Valley Properties, were also in remote attendance. Several community members were in remote attendance. A member of the press attended remotely. A Council quorum was present.

PUBLIC HEARING

The public hearing was opened at 5:31 p.m. by Mayor Gelwicks. Gelwicks announced that present in Council Chambers were Mayor Gelwicks, Mayor Pro Tem Miles, Councilors Freeburn, Logan, and Plata, City Manager Russ Forrest, City Attorney Fogo, Finance Director Cowan, and Deputy City Clerk Mason, and that Senior Planner Andie Ruggera was in attendance remotely. Mayor Gelwicks stated that the purpose of the public hearing was to receive public input on the merits of Major Change to a PUD application, ZA 21-1, to revise zoning designations and amend the *Gunnison Rising PUD Development Standards*. Mayor Gelwicks asked for proof of publication from the City Clerk's Office. Deputy Clerk Mason confirmed that the public hearing was properly posted on the City's official posting places and in the *Gunnison Country Times* newspaper.

The Mayor asked for the staff report. Senior Planner Andie Ruggera provided background on the PUD application. Ruggera explained that Council had reviewed and approved a new PUD for Gunnison Rising in September 2020. Since that time, substantial survey and engineering work had been completed, mostly in relation to the government campus and planning out future phases for Gunnison Rising. That work drove the need for changes to the proposed street grid, access points, utility layout, zoning, and certain items within the PUD standards. Ruggera then introduced the Alex Joyce of the Gunnison Rising team for a presentation.

Alex Joyce of Cascadia Partners, representing the applicant Gunnison Valley Properties, gave an overview of the proposed changes to the Gunnison Rising PUD and reasons for the update. Joyce indicated that reasons for the update included lessons learned from the detailed Phase 1 work completed since September 2020, changing market dynamics related to live-work space needs driven by COVID, and minor clean ups. Joyce provided an overview and rationale of the proposed amendments to the PUD, including (1) a total unit and floor area cap; 2) plan map updates; 3) new live-work district; 4) live-work dwelling definition; 5) use table adjustments; 6) on-street parking credit; 7) recreation resort district minor changes; and 8) highway buffer modifications. Joyce provided an overview of permitted use changes in Gunnison Rising districts.

Ruggera highlighted a few points of discussion between the applicant and staff regarding the application. These discussion points included mini storage facilities – staff didn't want mini storage to be near the highway frontage. Mini storage would also have to meet non-residential design standards. Another item of discussion was the different uses allowed in zones, especially in the live-work zone. Within that zone, Ruggera explained, there is more focus on the physical form, treated with the design standards. Regardless of use, whether residence or commercial, it must meet the non-residential design standards. In the Recreational Resort district, Ruggera noted that manufactured housing is allowed, but has to be on a permanent foundation. This zone will support visitors to the area. It will include sites for tents, RVs and cabins.

Mayor Gelwicks then asked for public comments. There were none. The Mayor asked for written comments. Deputy Clerk Mason indicated that no comments had been received directly by the Clerk's office, but two letters to the editor related to Gunnison Rising has appeared in the May 21st edition of the *Gunnison Country Times* newspaper, which were included in the Council's packet material.

Mayor Gelwicks asked for questions from Council. Councilor Plata asked why, from a process standpoint, the proposed changes were not being considered one-by-one instead of as a package. Ruggera indicated that the applicant had been advised by City staff to bundle all proposed changes into one application so that they would go through one process rather than having an application and public hearing for each change. The City Attorney clarified that staff could approve, deny, or ask the applicant to modify, which would be a remand or an approval with conditions. The City Attorney explained to Council that a land use application such as this deals with a property right. When a land use application is pending before a governing body, it becomes a quasi-judicial process, and there are rules similar to court rules in the sense that Council may consider only what is introduced during the public hearing process, including the application, Council packet material, the applicant's presentation, and letters submitted as part of the public hearing process. Council cannot go out and seek feedback from constituents.

Councilor Logan indicated that she would like more time to digest the information presented. Mayor Gelwicks suggested a continuance of the public hearing to June 8th. Councilor Freeburn asked for clarifications on increases in density, building heights, dark skies, and buffering for the Recreational District. Ruggera explained that the current, approved PUD sets no maximum on numbers of dwellings and floor area. To provide predictability, this amendment would cap these at 1,700 dwelling units and 920,000 sf of non-residential use. The maximum height for buildings matches the existing City standards, which is up to 50 feet, except in the Marker Zone District/Avignation Easement, which will be capped at 35 feet. As for dark skies, any City Ordinance passed by Council will be City policy that would apply to Gunnison Rising. Regarding the buffer zone, there is 60-feet of CDOT right-of-way as well as a 50-foot utility easement on the south-side of Highway 50, which would include landscaping. Regarding Council's concern about the aesthetics of the Recreational District on the eastern entrance to town, Alex Joyce clarified that the existing, approved PUD permits the RV use and park model use and that this application just deals with some tweaks to the district. Joyce and Ruggera also brought Council's attention to the 50-foot wide landscape buffer from the highway for the Recreational Resort and 30-foot landscape buffer on the east and west-side district boundaries. In response to a question about the modifications to the landscaping requirements, Joyce explained that the reduced landscaping requirements in the highway buffer zone were made because the types of plants required were not climate appropriate and that the number of plants required were not necessary to achieve screening goals.

Joyce and Forrest encouraged Council to study the use table to ensure that the mix of permitted and conditional uses is appropriate. Mayor Gelwicks asked about the zones abutting the potential parks and wildlife areas. Joyce indicated that if a use abutting the area was a conditional use, the City could require mitigation of the visual impact from various points. Solar panels would be permitted in Gunnison Rising, just as they are in the rest of the City.

The Mayor again asked for Citizen input. Celese Helminski, attending remotely, entered a chat comment about noise from IBAR concerts possibly being heard in the Recreation District. Hearing no other comments, the Mayor continued the hearing to Tuesday, June 8, 2021, at 5:30 pm.

The Council's Regular Session resumed at 6:38 pm.

Citizen Input. The Mayor called for Citizen input from those in the audience and attending remotely. No one came forward.

Council Action Items:

Consent Agenda. Mayor Gelwicks read the items on the Consent Agenda aloud. Council made no motion to separate the items. Councilor Logan moved and Councilor Miles seconded the motion to approve the Consent Agenda with the following items: Approval of the May 11, 2021, Regular Session meeting minutes and Replacement of Unit #164-Water and Sewer Mini Dump Truck.

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

Roll call, no: None.

Ordinance No. 5, Series 2021: *An Ordinance of the City Council of the City of Gunnison Approving A Major Change to an Existing Planned Unit Development for the Gunnison Rising PUD Development.* Councilor Plata introduced by title only Ordinance No. 5, Series, 2021. Councilor Logan moved and Councilor Plata seconded a motion to table this agenda item pending the continued public hearing on the matter.

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

Roll call, no: None.

Supplement to Gunnison Rising Amended Annexation Agreement. Senior Planner Ruggera explained that the ability of Gunnison Valley Properties to create an electrical surcharge for costs that it has spent providing electrical service to the residents of Gunnison Rising had been mistakenly removed from the Amended Annexation Agreement and that this supplement would allow for that differential rate/surcharge. Council Freeburn moved and Council Logan seconded the motion to authorize the Mayor to sign the Supplement to Gunnison Rising Amended Annexation Agreement.

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

Roll call, no: None.

Call for Artists at IOOF Park. Parks & Recreation Director Dan Vollendorf and TAPP Board Member Jennifer Barvitski gave an update on a draft Call for Artists for a new mural at IOOF park. A license agreement has been secured with the building owner. TAPP will provide funding for a mural with a trails concept that incorporates mountain biking. A selection committee will be formed to evaluate artist proposals. Council discussed the draft RFP. Councilors expressed some reservations about the limited scope of the mountain biking concept in relation to the broad use and history of the land and people of the Gunnison Valley. Councilor Logan indicated that she would like to serve of the selection committee. Barvitski and Vollendorf indicated their openness to Council representation of the selection committee, and Council supported Logan's participation.

Approve Consulting Agreement and Power Purchase Agreement (PPA) with Pivot Energy Commercial Solar LLC. Public Works Director David Gardner explained that grant funds had been received to fund a 847 kW solar array project on Gunnison County owned land at the Gunnison-Crested Butte Regional Airport. Under the PPA, Pivot Energy will own the solar facility and generate power, which will be sold to the City at a fixed rate of \$0.029 per kWh for a 25-year term. At that point, the City will be able to purchase the facility from Pivot. The thought is for the City to buy the facility at the fair market value of \$38,000 at the end of the 25-year term. The City would likely enter into a maintenance agreement with a company like Pivot to maintain the facility after purchase. This is the first DOLA-funded PPA project in Colorado. The consulting agreement is needed to create a process to get the \$510,000 DOLA reimbursement to pay Pivot. The power generated by the solar project will cost the City less than what MEAN provides. Western and the County will enjoy a discounted rate. This energy will help get the City to a 72% fossil-free energy portfolio. A land use permit from the County will be needed when the City assumes ownership in 25 years. The life of the panels will be 30+ years.

Council discussed maintenance and snow issues. The pitch of the solar panels will be almost flat and will hold snow. There will be days that power isn't generated. However, the modeling done anticipates these snow days and the estimates are conservative. When snow sheds, it will shed into lanes where it can be plowed.

Councilor Plata moved and Councilor Logan seconded the motion to authorize the City Manager to enter into Solar Power Purchase Agreement with Pivot Energy Commercial Solar LLC to design, engineer, install, commission, monitor, operate, own and maintain an approximate 847-kW-DC solar photovoltaic electric generating system at a fixed PPA rate of \$0.029 per kWh for a 25 year term to be located at the Gunnison/Crested Butte Regional Airport.

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

Roll call, no: None.

Councilor Plata moved and Councilor Logan seconded the motion to authorize the City Manager to enter into a Consultant Agreement with Pivot Energy Commercial Solar LLC dba Pivot Energy for the purpose of the development of a Power Purchase Agreement (PPA) for an approximate 847-kW-DC solar photovoltaic electric generating system power project located at the Gunnison-Crested Butte Regional Airport.

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

Roll call, no: None.

Council went into recess at 7:31 pm. Council returned from recess at 7:45 pm.

Resolution No. 8, Series 2021: *A Resolution of the City Council of the City of Gunnison, Colorado, Adopting Fees. This Resolution Supersedes Resolution No. 5, Series, 2021*

Councilor Plata introduced Resolution No. 8, Series, 2021 and moved to approve the Resolution. Logan seconded the motion. Finance Director Ben Cowan explained that the Resolution corrects the previous fee table, which had an error for the 6" water line fee. No users were affected by the mistake. A variety of WWTP tests are also now included in the fee table.

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

Roll call, no: None

Consideration for Full Implementation of the Compensation Plan. Finance Director Cowan explained that during the development of the 2021 budget, sales tax revenues were projected to be down as a conservative impact of the COVID-19 pandemic. Full-time and part-time wage costs were therefore frozen, with the exception that each full-time employee received an increase sufficient to cover the cost of increased health insurance so their paychecks weren't reduced. If revenues came in more favorably, Council had indicated that a mid-year implementation of the compensation system could be considered. Given that actual revenues are more than enough to pay for the wage increases from 6/12/21 to 12/31/21, bringing employee wages to the wage indicated by the relevant market analysis is recommended. A market analysis had been performed of wages that includes cost escalation, market adjustments based on 52 similar communities, and merit increases.

Councilor Plata moved and Councilor Miles seconded motion to authorize the Finance Director to fully implement the compensation system as proposed, effective June 12, and prepare the necessary adjustments to a future additional appropriations ordinance.

It was noted that the wage adjustment does not affect Council and does not apply to contract employees like the City Manager or City Attorney. Mayor Gelwicks noted that there would be an adjustment in 2022 for Council.

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

Roll call, no: None.

COVID-19 Update and Recovery. City Manager Forrest noted that the County would be moving to Green status on the local Coronameter, and public health orders would mostly be going away. However, there has been a mild increase in COVID cases recently and a new COVID-related death in Marble. The City is preparing plans for a community celebration when the County is done with health orders, which is expected on July 1st. Staff is requesting the use of \$4,000 in City Fest funds and \$4,000 from council strategic funds for a community celebration. A possibility is to beef up the City's July 4th celebration if we cannot celebrate in June. Early fall could also be an option, but there is a desire to "capture the moment" in the community. The Resiliency committee would like two-weeks of lead-time to plan.

Council discussed whether and how to continue to remotely hold public meetings after the end of public health orders. Council will need to move to rescind the City's emergency resolution after public health orders end, possibly at the start of July. The City could develop policies to allow for remote attendance of Council meeting by the public and, in some circumstances, for Council members, after the emergency resolution is rescinded.

Councilor Plata moved and Councilor Logan seconded a motion to approve the expenditure \$4,000 from Council's strategic fund to augment \$4,000 budgeted from City Fest, for a total of \$8,000 to support a public event when Public Health determines that we are at the finish line with public health orders.

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

Roll call, no: None.

Forrest and Cowan proceeded to give an update on the status of American Rescue Plan funds in the pipeline, estimated at \$1.4 million for the City of Gunnison.

Public Works Semi-Annual Report

Public Works Director David Gardner summarized key accomplishments by the Public Works Departments over the past 6 months.

Council and staff gave brief reports.

With no further business, Mayor Gelwicks adjourned the Regular Session at 8:57 pm.

Cassie Mason
Deputy City Clerk



Jim Gelwicks
Jim Gelwicks, Mayor