

April 11, 2023

**REGULAR SESSION
GUNNISON CITY COUNCIL**

5:30 P.M.

The Gunnison City Council Regular Session meeting was called to order on Tuesday, April 11, 2023, at 5:30 p.m. by Mayor Diego Plata in Council Chambers, located at 201 W. Virginia Avenue in Gunnison, Colorado. The Regular Session was also held online. Present in Council Chambers were Mayor Plata, Mayor Pro Tem Logan, Councilor Freeburn, Councilor Gelwicks, Councilor Miles, City Attorney Fogo, Acting City Manager/Finance Director Cowan, City Clerk Boucher, and Western Liaison KC Wenzel. Also present were Public Works Director Gardner, Parks and Recreation Director Vollendorf, Police Chief Robinson, and City Engineering Tusing. Community Development Director Sinkewich attended the meeting online. Meeting presenters and members of the public attended in-person and online. The press was present. A Council quorum was present.

Public Input. Aaron Drendel approached Council and spoke about the VanTuyl Ranch Management Plan to protect the ground water by protecting the infiltration on the ranch. He expressed opposition to the City developing a water treatment plant accompanied by a solar array and reservoir on the land. Mr. Drendel asked Council when the City will open up the public input process to rezone VanTuyl and when the cost details of building a water treatment plant will be available for public review. Council thanked Mr. Drendel.

Bill Nesbitt, 512 N. Colorado Street, handed staff and Council an outline of items that referenced the City Charter, Municipal Codes, resolutions and ordinances related to City-owned lands, zoning, and funding a community recreation center. He stated that he is concerned about the proposed location of the RTA transit center at the Rec Center. He noted that the Charter discussed "conveyance" in relation to City-owned property and he has concerns about putting a transit center in an area zoned R-1M and RMU. For him, other areas of concern were interactions between kids/seniors and traffic and the limited amount of parking at times.

Joe Dix, 312 N. Boulevard, read aloud a letter he wrote to Council. He started out by talking about clean energy and then he transitioned to street safety for bicyclists and pedestrians. He suggested Council consider diagonal pedestrian street crossings at busy intersections and gave feedback on the orange pedestrian crossing flags that are in use throughout the central business district. He gave a few suggestions on how the flag program could be more visible.

Mayor Plata called for other public input. There were no additional public comments in-person or online.

RTA Transit Station Proposal Presentation. Mayor Plata stated that this is the first time Council is seeing the Gunnison Valley Rural Transportation Authority's (RTA) proposal to build a transit station on City-owned property at the Rec Center. The purpose of this agenda item is to understand the RTA's proposal from their perspective. It is just an information gathering item and no action will be taken or decision made tonight. As legal counsel for both the RTA and the City of Gunnison, City Attorney Kathy Fogo excused herself from the dais and listened to the RTA's presentation from the audience. Council will be taking public input on the RTA's proposal at the April 25, 2023, Regular Session meeting and the public can submit comments online to the City.

RTA's Special Project Manager Leia Morrison came before Council. As a part of the RTA's presentation, images of the proposed site plans were displayed. Mrs. Morrison stated that this is the beginning of the process to determine a site for a transit station and an initial conversation. She started her presentation with a few facts about the increased use and ridership of RTA buses. The RTA runs the local transportation system in the Gunnison Valley and hosts the Bustang which transports riders from Crested Butte to Denver and Denver to Crested Butte daily. She transitioned to the proposal for a Gunnison transit center. The transit center would not be a storage facility. At its largest it would be around 2,000 square feet. It would be a two-story building that would house a small lobby, dispatch center, public restroom, exterior safety lights, and automatic locking doors.

A transit center would serve as a hub for people using a variety of modes of transportation. Ideally, a transit center is located near the center of town, near shopping, and near the campus for greatest accessibility. Mrs. Morrison presented the RTA's preferred site at the Gunnison Recreation Center. The preferred site included two parking areas that the RTA would build. The transit center would be built on the small soccer field on the southeast corner of the Rec Center along Spencer Avenue. The soccer field would need to be relocated. An option for youth field programming could be at the Gunnison Community School. At the Rec Center location, the buses would

continue to come in and out on Spencer Avenue as part of the RTA's regular route. The Bustang buses would be parked there for 15-20 minutes twice a day. For this preferred site, the RTA proposed leasing the land from the City for 50 years with an up-front lease payment of \$250,000. At the end of the lease, the City would own the building. RTA would ensure the street quality on Spencer Avenue and handle maintenance and make improvements as needed. Three additional bus stops could be added on N. Colorado Street in the future.

With no questions asked, Mrs. Morrison summarized the RTA's second option, which was also at the Rec Center. This option would place the transit center on the southwest corner of the Rec Center, where no activities take place. There are drainage issues with this area and additional north-end parking would be near the pool. In this scenario, the RTA proposed leasing the land from the City for 50 years, with an up-front lease payment of \$50,000. This is a less desirable location than the first option. There would be three bus stops on Spencer Avenue. With this location, the City would have to commit to never building on the southeast corner of the lot in order to protect the line of sight for the buses and travelers.

Next, she gave a high-level overview of funding sources for this project and stated that there are a lot of federal funding opportunities available at this time with deadlines approaching. She summarized a preliminary timeline. She summarized the RTA's analysis, criteria, and preferred location study that was adopted by the RTA Board. Multiple sites throughout the City were considered. Some of the most important factors when deciding where to place a transit center were: placement near its users and to be within walking/biking distance from at least one area of affordable/workforce housing, near the University, near essential shopping, and have space for loading and unloading buses. It is not in the RTA's mission to provide a permanent fixed bus route in Gunnison. In the future, the City would need to provide that service in the City as Crested Butte does.

Mrs. Morrison summarized the results of the four sites studied for a transit center and the RTA concluded that the Rec Center is the preferred location. The Bustang arrives in Gunnison around 6:00 a.m. and departs Gunnison at 6:40 p.m. One possible challenge could be long-term parking. Mrs. Morrison mentioned that if the transit center was located at the Rec Center, the valley buses would stop there twice a lap rather than just once a lap. Council asked if the RTA had considered paid parking for long-term parking. RTA had not discussed that idea at this time but would be willing to do so. Staff would like some time and the opportunity to further review the RTA's proposal to better understand the impacts of having the transit center located at the Rec Center, especially regarding the electrical grid, increased parking and traffic, youth programming, safety for patrons, and crossing at HWY 135 and Spencer. It was also stated that rezoning or a conditional use permit would have to take place for the project to move forward. The RTA is seeking a publicly owned space to utilize. Staff and Council encouraged the public to submit comments on this topic.

ICELab Update. ICELab Manager TJ Taylor came before Council. As part of his presentation to Council he went through a power point presentation. He started by thanking Council and the City for its support and partnership. He emphasized that the success of the ICELab is the result of the success of the businesses and entrepreneurs they work with. The first topic Mr. Taylor highlighted was the ICELab's metrics and goals. The ICELab has met or exceeded all of the goals for the fourth year in a row. Businesses are developing products and/or services within the Gunnison Valley and exporting them out. It was clarified that the goal information Mr. Taylor shared was accumulative of the previous four years. The next topic Mr. Taylor spoke about was their programming. The flagship program is the Moosejaw Accelerator. The fourth cohort will begin in May and has been successful in recruiting new companies to the Gunnison Valley. Out of the eleven companies that have gone through the program, two have relocated to the Valley. A new program that was started in February was the Outdoor Industry Funding Summit. The ICELab invited seven outdoor industry founders and seven outdoor industry investors to meet for the possibility of an early-stage investment partnership. The next Outdoor Industry Funding Summit will occur in August. In the third topic, Mr. Taylor reviewed other programming and partnerships the ICELab is involved in. Specific item highlights were that the ICELab Director teaches a New Venture Creation course at Western, involvement in the Spanish-speaking Business Idea Lab with the Rocky Mountain Micro Financing Institute, and the Incubator program. Mr. Taylor acknowledged the variety of funding sources the ICELab receives to support its work. They include funding from Gunnison County LMD Fund, the City of Gunnison, grants, and sponsorships. He finished his presentation with another expression of gratitude to the City for its support. He then shared that the ICELab sublets the Coffee Lab to Rocky Mountain Biological Lab who runs the operations. The Coffee Lab is fully staffed by Western students. Once a month

the ICELab hosts a Coffee with Co-Workers at the Coffee Lab. Council asked about the number of businesses and entrepreneurs who have remained in the Valley after going through an ICELab program. While no specific numbers were discussed, Mr. Taylor shared that a majority of them remain in the Valley, but there is always some turnover. Council thanked Mr. Taylor for the presentation update on the ICELab.

Consent Agenda. Mayor Pro Tem Logan moved and Councilor Gelwicks seconded the motion to approve the Consent Agenda, which included the following items: Approval of the March 28, 2023, Regular Session Meeting minutes and excuse Councilor Miles from the March 7th and March 28th Regular Session meetings. Councilor Miles abstained from the vote because he did not attend the March 7 and 28, Regular Session meetings.

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

Roll call, no: None.

Roll call, abstain: Miles.

Approval of the April 4, 2023, Session Special Meeting Minutes. Mayor Pro Tem Logan moved and Councilor Miles seconded the motion to approve the April 4, 2023, Special Session Meeting minutes.

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

Roll call, no: None.

Purchase of New Utility Maintenance Vehicle. Wastewater and Water Superintendent Mike Rogers came before Council. The cost of this new utility maintenance vehicle was approved in the 2023 budget and will accommodate the four employees in the department and their equipment. Having room for staff and their equipment in one vehicle will result in faster response times. With limited vehicle supply in the market, Superintendent Rogers issued a Request for Proposals for this purchase. Only one bid was received and it included the required specifications. This truck is an addition to the fleet as the department hired another water operator to keep up with the work load. The bid came in approximately \$30,000 below budget.

Councilor Miles moved and Mayor Pro Tem Logan seconded the motion to authorize the Acting City Manager to approve the purchase of a 2023 Chevy 2500 HD utility truck in an amount not to exceed \$56,652.

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

Roll call, no: None.

11th Street and Quartz Landscaping. Parks and Recreation Director Dan Vollendorf approached Council. Landscaping the small triangle of space at 11th Street and Quartz first came before Council in September 2022. At that time, the landscaping price was higher than Council was comfortable with. Director Vollendorf shared with Council that the same plan is before Council, but staff secured a nearly \$23,000 grant from the Upper Gunnison Water Conservatory District to help pay for half the costs. The landscaping will also include educational aspects to inform people about the importance of water conservation in the West. Any vegetation installed will be drought resistant. Council members thanked the director for taking the time to seek out funding for the project and the educational aspects it contains. Acting City Manager Cowan shared that the State of Colorado has announced funding for programs that included water conservation components, and the Upper Gunnison Water Conservatory has been the recipient of some of the funding. They are looking for opportunities to help fund water-wise gardens and open space that are not heavily water dependent. The City of Gunnison and the Water Conservatory have the potential to develop a strong partnership.

Mayor Pro Tem Logan moved and Councilor Miles seconded the motion to authorize the Acting City Manager to enter into a contract with Alpine Landscapes in an amount not to exceed \$48,995 to xeriscape the space at 11th Street and Quartz.

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

Roll call, no: None.

Ordinance No. 4, Series 2023, Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending the City of Gunnison Land Development Code Sections 13 and 16 and Improve Incentives and Definitions for Workforce and Affordable Housing.* Councilor Freeburn introduced Ordinance No. 4, Series 2023, and read it aloud by title only. Councilor Freeburn moved and Mayor Pro Tem Logan seconded the motion to adopt Ordinance No. 4, Series 2023, on second reading.

Acting City Manager Cowan emphasized to Council that this change coupled with the previously enacted reduction of tap fees and waiver of building permit fees on affordable and workforce housing effectively cuts the costs from the City. The intention is to help make deed-restricted housing more accessible.

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

Roll call, no: None.

Resolution No. 6, Series 2023: *A Resolution of the City Council of the City of Gunnison, Colorado, Opposing Statewide Land Use and Zoning Preemptions in Senate Bill 23-213.* Councilor Gelwicks introduced Resolution No. 6, Series 2023, and read it aloud by title only. Councilor Gelwicks moved and Councilor Miles seconded the motion to adopt Resolution No. 6, Services 2023. The City drafted the included resolution to ensure that it reflected our rural, home rule perspective. Amendments will be made to the bill by the state based on legal and municipal feedback. Continued opposition to the bill was recommended. Council asked the clerk to forward the City's resolution stating opposition to the bill to the Governor's Office and legislature leaders.

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

Roll call, no: None.

Council went into recess at 6:48 p.m. and returned to the Regular Session at 6:59 p.m.

Traffic Safety Projects Update. Council welcomed Police Chief Keith Robinson and Public Works Director David Gardner to the podium and acknowledged Community Development Director Anton Sinkewich who attended online. Acting City Manager Cowan reminded Council that they have \$500,000 in their Strategic Fund with \$150,000 currently ear-marked for a possible Sustainability Coordinator. Community Development Director Anton Sinkewich started off the presentation. He first explained that the grant submitted to CDOT for temporary curb extensions on Main Street and Tomichi and Main Street and Wisconsin was denied because they were not permanent improvements. CDOT is only awarding funding for permanent capital improvement projects. Director Sinkewich included the budget amount for the curb extensions in Council's packet in case Council wanted to use some of their priority funds for implementation of the curb extensions.

The presentation transitioned to Police Chief Robinson and driver feedback signs. Chief Robinson met with the current CDOT official who recommends approval of permits for appropriately installed sign locations. The Chief presented Council with a recommendation and two options for driver feedback signs. He proposed installing the two additional signs that were purchased in 2022. They could both be installed on HWY 135, but can not be installed on a current CDOT post. They must be on a separate post shortly after an existing CDOT-owned post; therefore, one sign could be installed for north bound traffic on Main St in the 600 Blk N Main St. and for south bound traffic another sign could be placed on Main St., just north of CR 13. These placements would serve to reduce speed coming into town and in both directions. If Council approves these locations, then they have the option to purchase two more signs for placement on HWY 50. Discussion occurred to clarify the specific locations for the signs on HWY 135, especially for north bound traffic near the stoplight. The Chief suggested that he could request approval to place a driver feedback sign after Ohio Avenue to slow drivers down by the crosswalks, closer to town, and before the light. He previously requested permission to put another sign before City Market. Council directed the Police Chief to follow up with CDOT on permitting two more driver feedback signs on HWY 135, south bound near County Road 13 and north bound after Ohio Ave.

The discussion on signs transitioned to HWY 50. There are two ways the City could proceed for signs on HWY 50. The two options for Tomichi Ave (Hwy 50) are: Option 1) To move the existing signs currently located in the 200 Blk E Tomichi (Hwy 50), west bound traffic, and 600 Blk W Tomichi (Hwy 50), east bound traffic. Signs would be installed on E Tomichi Ave just east of Adams St (near McDonalds) for west bound traffic, and W Hwy 50 just south of Bidwell Ave for east bound traffic (before the curve coming into town). The cost would be approximately \$2,000 for materials for new posts. Option 2) To leave the two signs currently on Tomichi Ave (Hwy 50) where they are because they do affect traffic entering the central business district and purchase and install two new signs at the locations reflected in Option 1. The cost to purchase would be \$4,160 per sign and materials, based on 2022 prices. The Chief is seeking direction from Council whether to move the existing signs or to purchase two additional signs. Council discussed the placement of new locations or if the existing signs could be placed in more visible locations. Council directed Chief Robinson to proceed with the permitting process with CDOT to install two additional signs towards the east and west ends of town on HWY 50 and to purchase two more signs and materials.

This expense will come out of Council's Strategic Priority Fund. Finance Director Cowan will include this expense in the next additional appropriation ordinance.

Acting City Manager Cowan directed the conversation by asking Council if they would like staff to invest time in exploring closure of the first block of South Main Street, which is included in Council's Strategic Plan. Closure of South Main would reduce the number of turning movements at that intersection and the number of pedestrian and vehicle interfaces. Another result of a South Main closure could be the addition of bulb-outs, which could help increase safety perception since there would be less highway to cross. Such a project requires a lot of public input and capital costs.

It was concluded that the painted cross-hatch in the right lane of Tomichi at Main Street has not been effective in preventing drivers from moving adjacent to the sidewalks and turning right. An installation of temporary delineation posts could help test if they would be effective. It was mentioned that installation of permanent medians would create snow plowing challenges. Snow plowing could continue as it primarily does with the installation of bulb-outs. Community Development Director Sinkewich noted that the temporary bulb-outs could be completed this spring. Council directed staff to proceed with temporary installation of delineators in the right-turn lanes on Tomichi and Main, and Tomichi and Wisconsin. Design work for the delineators could be done in-house by staff.

Overall, Council supported looking into the engineering design and plaza possibilities with a closure of South Main. This idea has been a part of community discussions since the early 1990s. A few concerns were raised about the bulb-outs and if they create a false sense of safety. Council discussed the pros and cons of bulb-outs at that intersection. The closed area could be designed so the parking spaces would still be available on South Main, as people would enter from the south side of the street.

City Engineer Cody Tusing approached Council to speak about the closure of South Main and delineators. It was noted that closure of South Main would eliminate six turning movements, but it is a long-term and expensive project. At the Transportation Planning Regional meeting Engineer Tusing submitted closure of South Main as a priority project to improving safety on HWY 135 and 50. This is a ten-year project pipeline with CDOT. Staff spoke about the challenges truck drivers have making a right turn at Main Street and Tomichi going north. Engineer Tusing sent a request to CDOT to evaluate the southbound and eastbound protected left turns, the southbound protected right turns, longer leading walk intervals, and No Turn on Red signage at Tomichi and Main to reduce pedestrian and vehicle conflicts. The requests are under review.

Gunnison resident Bryan Miller approached Council and encouraged Council to take actions to make the streets safer, especially with the increasing amount of traffic within the City. Reduction of pavement (making the streets narrower) throughout the City could help to improve pedestrian safety as people tend to drive slower on narrower roads. He favored narrower streets and more greenspace throughout the City.

Kyle Balch also approached Council and asked if Council had considered reducing the speed limit between Denver and Spruce to 30 mph. Staff responded that to do so would require a traffic/speed study with CDOT which could lead to an increase in speed allowance based on CDOT standards of the 85th percentile.

The next topic of discussion was traffic enforcement. Police Chief Robinson followed up on questions about police department policies 500.4 and 500.4.1 that were asked about at the March 28th meeting. He explained that department policy is developed using a service provided by Lexipol. Lexipol provides attorney created base policy language that is reflective of best practices, federal law, state law, and court case decisions. The department may modify the recommended policy when it does not fit our specific application but must keep in mind legal suggestions for criminal and civil liability concerns to reduce injury in general to the governments which police departments work for. In August 2022, the department included the specification that the department would use or would be encouraged to use when issuing tickets to drivers driving ten mph more than the speed limit as a policy for officers to follow. Chief Robinson shared that as of March 24, the department has issued 142 traffic citations for a variety of violations. This represents a 42% citation rate to traffic stops made. Until the last few years, the department had been encouraged to issue more warnings than tickets. A discussion occurred about when and in what situation officers act with discretion for writing a ticket. It was articulated that if the department's policy was changed from writing tickets for drivers driving 10 mph over the speed limit to 5 mph over the speed limit that officers would continue to have discretion. Officers appreciate having discretion. Some conversation occurred about the lag time it takes between a change in policy and

a change in driver behavior. The department working to message the new guidelines as education is important but many of those who need to be informed about Gunnison’s speed limits are visitors to the community. It was mentioned that the behavior and actions of pedestrians and bicyclists can be dangerous and careless as well, especially as e-bikes become more popular.

City Clerk Boucher confirmed the motion from Councilor Freeburn to amend the Police Department’s Policy 500, Traffic Function and Responsibility, to issue written warnings and citations for violations of five miles per hour or more over the speed limit. It was discussed again that if the policy is changed to issuing written warnings and citations for violation of five mph over the posted speed limit then the police still maintain discretion on final action taken. Mayor Pro Tem Logan seconded the motion. Council shared differing views on how effective changing this policy would be for eliminating speeding and/or penalizing speeders to a point that they would no longer speed in Gunnison.

Before voting on the amendment to the Police Department’s Policy 500 Traffic Function and Responsibility made by Councilor Freeburn and seconded by Mayor Pro Tem Logan, a Gunnison resident, Cori Dobson spoke to Council via zoom. She shared experiences about when she called the police to follow up with traffic violators, and in other situations when a ticket was written, but could have been. Enforcement of violated traffic laws should be occurring to help ensure safety and awareness of traffic laws.

- Roll call, yes: Plata, Logan, and Freeburn. Motion carried.
- Roll call, no: Miles.
- Roll call, abstain: Gelwicks.

Staff and Council gave brief reports.

With no additional business to come before Council, Mayor Plata adjourned the Regular Session at 8:30 p.m.

(Seal)


Deputy Clerk




Mayor