

May 23, 2023

**REGULAR SESSION
GUNNISON CITY COUNCIL**

5:30 P.M.

The Gunnison City Council Regular Session meeting was called to order on Tuesday, May 23, 2023, at 5:32 p.m. by Mayor Plata in Council Chambers, located at 201 W. Virginia Avenue in Gunnison, Colorado. The Regular Session was also available for remote attendance via Zoom. Present in Council Chambers were Mayor Plata, Mayor Pro Tem Logan, Councilor Gelwicks, Councilor Miles, Councilor Freeburn, City Attorney Fogo, City Manager/Finance Director Cowan, City Clerk Boucher and new Western Liaison Leah Taylor. Also present in Council Chambers were GIS Technician Starkebaum, City Engineer Tusing, Police Chief Robinson, Community Development Director Sinkewich, and Building Official Jansen. Public Works Director Gardner attended the meeting remotely. Members of the public and presenters attended in-person and online. The press was present. A Council quorum was present.

Public Input. Linda Pitt shared her concerns about a proposed RTA transit (bus) station at the Community Center. She listed the reasons she opposed a transit station being located there, which included the possibility of increased drug trafficking and crime. She thought the facility was larger in size than it needed to be and expressed frustration with the limited communication and notification about a proposed station prior to it coming before Council.

PUBLIC HEARING

Mayor Plata called the public hearing to order on Tuesday, May 23, 2023, at 5:37 p.m. in Council Chambers located at 201 W. Virginia in Gunnison, Colorado. The Mayor stated that the public hearing was also being conducted remotely. Present at the public hearing were Mayor Plata, Mayor Pro Tem Logan, Councilor Freeburn, Councilor Miles, Councilor Gelwicks, City Attorney Fogo, City Manager Cowan, Western Liaison Taylor, and City Clerk Boucher.

The Mayor stated the purpose of the public hearing was to receive public input on the merits of Zoning Map Amendment application ZA 23-3 submitted by the City of Gunnison to rezone a property from Industrial to R3 - Multifamily Residential.

Mayor Plata asked the City Clerk for confirmation of proper notification. Clerk Boucher stated that the public hearing was published in the newspaper, on the City's bulletin boards and on the City's website for the appropriate amount of time. The certified mailing was also completed.

Mayor Plata called for staff comments. Community Development Director Sinkewich said that the *Land Development Code (LDC)*, Section 10.2 (Initiation), specifies that an amendment to the official zoning map may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director or the owner of, or holder of, a recognized interest in that real property whose zoning is proposed to be amended. A zoning amendment shall be reviewed by the City of Gunnison Planning and Zoning Commission at a public hearing after 15 days of public notice. The Commission establishes a recommendation to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny, or remand the application back to the applicant with instructions for modification or additional information.

The Planning and Zoning Commission met and recommended approval to City Council to rezone a property currently zoned Industrial to R3 Multi-Family Residential. The legal description of the property is Parcel 2, Replat of the Fred R. Field Western Heritage Center, Sawtooth – Phase 1, Boundary Line Adjustment, City and County of Gunnison, Colorado. The site has historically been used for the carnival in association with Cattlemen's Days in July. During the remainder of the year, the parcel remains vacant of use. Gunnison County owns the parcel as well as land to the north. Housing projects have been discussed for these sites over the last two years. The R3 zone district allows for all housing types and a density of up to 80 units / acre, although 30-40 units are proposed for development.

Mayor Plata asked for input from the public.

Gunnison resident Loren Ahonen voiced his support for the rezoning the property from Industrial to R3-Multifamily Residential. He acknowledged that residents get accustomed to a certain level of activity in a neighborhood, but neighborhoods are also fluid and should evolve to help address the housing crisis. He supported converting the industrial area to residential, especially when it

can assist with high-density housing needs and is adjacent to both the business district and already established residential housing.

Molly Mugglestone, representing the Valley Housing Fund, noted that the organization submitted a letter to Council in support of the rezoning on May 15. She reiterated the Fund's support and stated that housing centrally located, near businesses, is an important aspect of affordable housing. She reminded Council that the letter noted the importance of having housing located near businesses, schools, grocery stores, and public transportation. Residents, workers, and employers would benefit from 30-40 affordable housing units. These units will not solve the housing shortage crisis, but is a step forward.

Andy Kadlec of the Gunnison Valley Regional Housing Authority also stated support for rezoning the land for Phase 2 of the Sawtooth property. As director of the Housing Authority, he has seen an increase the number of people looking for housing within the City of Gunnison. Within the last two months, 71% of people who have signed up to receive housing updates stated that they are looking for a rental unit within the City. The 30-40 units will offer housing diversity at the middle income range, between 80% and 120% AMI. There will be good quality control between the County and the Housing Authority. This rezoning aligns with the City's Comprehensive Plan as it promotes density, growth, and affordability. The central location is a benefit. The units would increase the supply of rental units for a healthy vacancy rate in the community. An ideal rental vacancy rate is around 5%. He agreed with the other comments previously stated.

Gunnison resident Jim Averill lives down the street from the proposed development. He seconded the earlier comments and supported the rezoning; however, he would also like to see traffic mitigation on the nearby streets to keep vehicle travel under control. He is concerned about a greater number of cars on the roads, but as an employer who has employees struggling to find housing, he supports the project overall.

Attending the public hearing online, Mary Burt was called upon to speak. As a homeowner who would be highly impacted by the housing development, she stated opposition to rezoning the land to R3. She does not oppose affordable housing, but disagreed with the proposed number of units to be built if the rezoning is approved. The proposed number of units has increased from 32 to 48. She called for just the minimum number of units to be built. The streets in the area are already highly used because of the location of the Public Safety building, new industries, and the fairgrounds. She is concerned about the impact more traffic and congestion will have on the area, especially on Evans. There are a limited number of sidewalks in the neighborhood which forces people to walk in the streets. She asked for assurances of sidewalks to be constructed in the area and the minimum number of units to be built. She is happy to discuss these concerns more. She called for safe and accessible passages for all pedestrians and residents.

John O'Neil, Crested Butte resident, board member of the Valley Housing Fund, and associate of Fading West spoke in support of the rezoning because of the housing crisis. He stated that every home is important and provides an opportunity for someone to build a life in Gunnison; therefore, every parcel is essential. He suggested that every parcel that could be zoned as R3-Multifamily should be. He shared a story about someone he knows who is having to move out of the town for the summer to find housing elsewhere. He suggested that the maximum number of housing units be built on the parcel, not the minimum number.

Gunnison County Commissioner Laura Puckett-Daniels thanked Council for their partnership in this project and their work on the affordable housing crisis. She commended the City for the leadership they have displayed regarding affordable housing through the Lazy K and Paintbrush projects and with outlining actions within the Strategic and Comprehensive Plans. Commissioner Puckett-Daniels also highlighted the need to address issues around under-housed residents. Some mobile homes units are old, crowded and nearly uninhabitable. If a development such as Sawtooth is completed, residents will have more housing options and landlords may feel the pressure to take care of their units better. Council's strategic plan includes goals to have greater in-fill and develop more multifamily units. She acknowledged that this project would bring changes to the neighborhood, like more traffic, and there may be the need to have sidewalk installation as part of the project. There are also benefits to the project, such as more people in improved quality and efficient homes, which leads to less stressed families, more kids on bikes, and more, closer neighbors and neighborhoods.

Mayor Plata asked the Clerk if the City had received any additional comments. Clerk Boucher stated that the City received a letter of support for the rezoning from Gunnison resident Brad Baca.

Many of his points of support were mentioned during the public comment portion of the public hearing.

Mayor Plata asked Council for any clarifying questions. Councilor Miles asked what 80%-120% AMI equated to in rent. City Attorney Fogo said that would be a topic discussed in the future. The Mayor asked for final comments. With no additional comments, Mayor Plata closed the public hearing at 6:00 p.m.

Council Action Items.

Approval of the May 9, 2023, Regular Session Meeting Minutes. Councilor Freeburn moved and Councilor Miles seconded the motion to approve the May 9, 2023, Regular Session Meeting minutes.

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

Roll call, no: None.

Resolution No. 9, Series 2023: *A Resolution of the City Council of the City of Gunnison, Colorado, Commending Greg Larson for his Contributions to the City of Gunnison Planning and Zoning Commission.* Councilor Gelwicks introduced Resolution No. 9, Series 2023, and asked that it be read in full by Mayor Plata. Councilor Gelwicks moved and Mayor Pro Tem seconded the motion to adopt Resolution No. 9, Series 2023. Commissioner Greg Larson stood before Council and Mayor Plata read Resolution No. 9, Series 2023, in full before the audience.

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

Roll call, no: None.

Mr. Larson thanked Council and looks forward to new endeavors. Andy Tocke, vice-chair of the Planning and Zoning Commission, seconded the sentiments stated in the resolution and commended Mr. Larson for always making residents and participants before the Planning and Zoning Commission feel comfortable to speak and ask questions.

Ordinance No. 5, Series 2023, Second Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Repealing Ordinance No. 7, Series 1992.* Councilor Gelwicks introduced Ordinance No. 5, Series 2023, and read it aloud by title only. Councilor Gelwicks moved and Mayor Pro Tem Logan seconded the motion to adopt Ordinance No. 5, Series 2023, on second reading. Council did not have any questions for Police Chief Robinson.

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

Roll call, no: None.

Ordinance No. 6, Series 2023, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Changing the Zoning District Classification of Parcel 2, Sawtooth-Phase 1 Boundary Line Adjustment from Industrial to R3 (Multifamily) and Amending the Official Zoning Map of the City of Gunnison, Colorado.* Mayor Pro Tem Logan introduced Ordinance No. 6, Series 2023, and read it by title only. Mayor Pro Tem moved and Councilor Freeburn seconded the motion to adopt and ordered to publish Ordinance No. 6, Series 2023, on first reading.

Community Development Director Sinkewich restated public sentiment that this proposal is in service to the Comprehensive Plan, Council's Strategic Plan, and Gunnison County's Strategic Plan. Director Sinkewich stated that this rezoning allows for high density within the City limits. City Attorney Fogo stated that tonight's application is for the rezoning only and that other items, such as the site development plan process, traffic, cost of rentals, and sidewalks, will be discussed and reviewed in the future, if the rezoning is approved.

Councilor Freeburn stated that there is a need for affordable housing and this project will help to limit urban sprawl. He expressed concern about increased traffic and the speed of traffic in the area. Overall, he thinks rezoning the area to R3 is a good fit.

Councilor Miles stated concerns. They were that the land under consideration for rezoning was originally designed and donated for the fairgrounds and its growth. Gunnison Rising is area where this project could occur and should be considered. He asked that the County make it clear to the public that the County has overall control of this project and can proceed without the City's approval, if it desires. He opposes the rezoning and the project at this specific location, but understands there is a need for more housing. He stated that other locations could have been workable if more thought and consideration for the community's heritage was included throughout

the process. The fairgrounds is an important part of Gunnison's heritage and should be respected as such.

Mayor Pro Tem Logan agreed with parts of both previous statements and believes housing and housing density is important at this time. She has questions about the site development aspects of this project. Because housing is such a crisis and there is limited land available, maximum density must be a part of the conversation and forthcoming projects.

Mayor Plata thanked the County for working with the City. He thinks this project, while not perfect, is a positive step forward in addressing the housing needs in Gunnison.

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

Roll call, no: Miles.

Ordinance No. 7, Series 2023, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Approving a Lease Purchase Financing to Provide Funds to Finance Utility Cost-Savings Measures and Facility Improvement Measures and, in Connection Therewith, Authorizing and Approving a Site Lease, a Lease Purchase Agreement and Other Documentation Relating to the Financing; and Providing Other Details in Connection with the Financing.* Councilor Gelwicks introduced Ordinance No. 7, Series 2023, and read it aloud by title. Councilor Gelwicks moved and Mayor Pro Tem Logan seconded the motion to adopt and ordered to publish Ordinance No. 7, Series 2023, on first reading.

City Manager/Finance Director Cowan reminded Council that the City has been working on the energy conversation measures for the past year as it finalizes the investment grade audit to be in compliance with State Statutes, which allows the City to enter into a purchase lease agreement that is funded by avoided energy costs as a result of the energy efficiency improvements. The energy efficiencies for the project include solar arrays, new LED lights, retro-fitting HVAC systems, and weatherization projects. The debt that the City would enter into, if approved by Council, would be financed by avoided operational costs and utility savings. The parameters for the City to enter into a purchase lease agreement are outlined in Ordinance No. 7, Series 2023, where the range of debt is identified. The final rates and costs for this scope of work will be presented at the June 13 Regular Session with the ordinance's second reading. The City is hoping for a 4.5% interest rate. In this situation, rather than the bank using multiple small projects for collateral to issue the debt, the City is putting forth facilities for the collateral to simplify the process. The Police Station and the City Shop are listed as collateral. The City will have the funds to pay the debt through cost savings. If savings are not realized the City will be reimbursed by McKinstry. The State of Colorado Energy Office has reviewed the related documents including the energy performance contract. The process and work has been vetted by multiple sources. If for some reason the City could not make the payments, the bank would lease the City facilities back to the City or could lease them out to another organization. As payments are made, the facilities will be released back to the City. Troy Bernberg of Northland Securities and representatives from McKinstry attended the meeting online. This debt would not have a negative impact on grant funding in the future.

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

Roll call, no: None.

Roll call, abstain: Miles.

Councilor Gelwicks moved and Mayor Pro Tem Logan seconded the motion to accept the Investment Grade Audit Report presented by McKinstry.

City Manager Cowan thanked McKinstry for attending tonight's meeting and all of the work they have invested on this project. They will be attending Council's next meeting in person.

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

Roll call, no: None.

Roll call, abstain: Miles.

Ordinance No. 8, Series 2023, First Reading: *An Ordinance of the City Council of the City of Gunnison, Colorado, Amending the Work in the Right-of-Way Permit Provisions Contained in Section 9.10.010, and Making Corresponding Amendments to Sections 12.10.030 and 12.20.030 of the Gunnison Municipal Code.* Councilor Gelwicks introduced Ordinance No. 8, Series 2023, and read it aloud by title. Councilor Gelwicks moved to adopt Ordinance No. 8, Series 2023. City Attorney Fogo noted that the title read by Councilor Gelwicks aloud was missing Section 12.20.030; therefore, he amended his motion to include Section 12.20.030. Mayor Pro Tem Logan

seconded the motion to adopt and ordered to publish Ordinance No. 8, Series 2023, on first reading.

GIS Technician Lisa Starkebaum explained to Council that the City would like the authority to charge a fee for an expedited right-of-way permit and hold a bond for contractors to ensure that they return the right-of-way surface to its pre-dig condition. If this ordinance is adopted and the contractor does not return the surface to a proper pre-dig condition then the City could call in the bond to cover the costs of labor and materials for the City to correct the area. For the expedited right-of-way permit fee, those who have an emergency situation, like no water or sewer, would be exempt. The expedited fee would be for those who want to begin their project within the 7-day calendar permit review period. Four or five superintendents and the Public Works Director need to review the right-of-way permit application, which can be difficult to accomplish within a short time period. When a permit application is received, Public Works begins the review process, but should not be expected to drop other projects or processes to review late submissions. Contractors should plan and prepare properly. GIS Technician Starkebaum clarified that there is no proposed change to the right-of-way permit fees already in place. Typically, it takes the department three to four days to review and turn a permit around. GIS Technician Starkebaum reviewed the current permit fee costs and timeline with Council. The expedited fee would only apply to contractors asking for a review of their application and permit prior to the allotted seven calendar days. If the work is not completed in an acceptable manner, the City can call in the bond.

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

Roll call, no: None.

Resolution No. 10, Series 2023: *A Resolution of the City Council of the City of Gunnison, Colorado, Rescheduling the June 27, 2023, Regular Session Meeting to June 20, 2023.* Councilor Freeburn introduced Resolution No. 10, Series 2023, and read it aloud by title. Councilor Freeburn moved and Mayor Pro Tem seconded the motion to adopt Resolution No. 10, Series 2023.

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

Roll call, no: None.

Roll call, abstain: Miles.

Funds to Study a Non-Dam Feature Impacting the Floodplain Map. Community Development Director Sinkewich, now attending the meeting online, City Engineer Tusing and Building Official Jansen came before Council. They asked Council to consider the need for funding to facilitate a feasibility study of an existing dam-like structure located past the west end of Spencer Avenue on County Rd. 15. This structure was built in the floodplain next to the Gunnison River almost 40 years ago. The feasibility study is necessary before it can be considered for "certification" by FEMA and then incorporated into the new Flood Insurance Rate Maps (FIRM's) that are currently being created. If this dam-like structure can be certified, it will directly benefit approximately 100 properties downstream in the City of Gunnison by removing them from the 1% annual chance floodplain (100-year floodplain) on the new Flood Insurance Rate Maps. The City received an engineering evaluation proposal for the necessary assessment work for \$49,500.00. Engineer Tusing shared that starting in 2019 and 2020, FEMA began updating its flood map through two processes. One is a base level engineering process and two is a physical map revision process. The revision map will be for the City of Gunnison and Crested Butte. FEMA is using new information and technology to accurately update flood maps. Through this process, a structure was identified. The non-dam levy has not been certified by FEMA because it was built under distress to no specifications. Since it is not certified, FEMA removed the feature from its maps putting 100 additional properties into a floodplain. In order for the feature to be included on FEMA's map, the feature must be reviewed, studied, and hopefully certified. If not directly certified, FEMA would outline the actions needed to be taken by the City to reach certification. If the feature could get certified within the next 16-18 months, it could be included on the new physical map, and the nearby properties would not be required to acquire flood insurance if they have a federally backed mortgage. Building Official Jansen noted that it is a substantial feature and is worthy of certification. That designation would exclude those properties from a designated floodplain. A first step is to complete survey work to determine if the feature is on City property or the Meldrum's property. The feature has protected life and property for nearly 40 years. If Council approves this expense from their Strategic Fund, there would be \$182,180 remaining. FEMA will take the lead on communication and outreach to residents as the process progresses. Overall, certification of the non-dam feature would benefit homeowners in that area and the City. Updated maps, data, and information in FEMA's system is needed.

Mayor Pro Tem Logan moved and Councilor Freeburn seconded the motion to approve funding in an amount not to exceed \$49,500 for the evaluation of a non-dam structure from Council's Strategic Implementation Fund.

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

Roll call, no: None.

Mayor Pro Tem Logan moved and Councilor Freeburn seconded the motion to authorize the City Manager to execute an agreement with Wright Water Engineers, Incorporated.

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

Roll call, no: None.

City Stormwater Master Plan. City Engineer Cody Tusing informed Council that the City does not have a single comprehensive stormwater master plan. There are some smaller regional plans, but nothing that examines the City as a whole. The City also has the Stormwater Management Manual that is utilized for all developments and is referenced in the *Land Development Code*. City Engineer Tusing stated the need for the City to fully evaluate how stormwater runs through the system, including the flow into the irrigation ditches and what the City's stormwater capacity is. Public Works also thinks it is important to begin evaluating the Stormwater Management Manual and how the manual could be improved and be more comprehensive to serve the public. Having an updated Stormwater Master Plan will prepare Gunnison for growth and future permitting needs as required by the Environmental Protection Agency. Included in the scope of work for the Master Plan will be to identify areas or flows of concern and how to incorporate best practices for the future.

Mayor Pro Tem Logan moved and Councilor Gelwicks seconded the motion to authorize the City Manager to execute a contract for professional engineering services with HDR Engineering, Inc. for \$149,667 as budgeted.

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

Roll call, no: None.

Council went into recess and returned to the Regular Session at 7:24 p.m.

Timeline of Dates Related to the Coordinated Election, November 7, 2023. Council and staff had discussion about dates related to the next election for Council, which will occur on November 7. Councilor Miles intends to resign from Council before his term expires in 2025 and before the next election. The City Clerk shared with Council Section 4.7 of the *Charter* which outlines the timeframes and processes for vacancies to be filled. Councilor Miles wants the fulfillment process of his seat to be as transparent as possible and a vote of the people. If he resigns after August 9, which is 90-days before the next election, his seat will be vacant until it is filled at the election. This was the preferable option, rather than the remaining councilmembers appointing a new councilor who would only serve until the next election. The appointee would then have to run for Council and be elected to continue service as outlined by the *Charter* and explained by Councilor Gelwicks and City Attorney Fogo. With Councilor Miles' resignation there will be four open seats for Council. Councilor Miles told Council that he would be absent the month of June for personal reasons, but would be available in July and August. Council expressed appreciation for Councilor Miles being transparent and having an open dialogue with them, and they assured him that he should take steps that are the best for him.

Staff and Council gave brief reports. Council and the new City Manager Amanda Wilson will hold a work session on Tuesday, July 11, from 11:00 a.m. to 1:00 p.m. to discuss strategic priorities, transitions, and work expectations. Council gave direction to Councilor Gelwicks, who is interested in working with MEAN to conduct a free feasibility study to construct a solar array and production facility in the community, to present the results back to Council.

With no additional business to come before Council, Mayor Plata adjourned the Regular Session at 8:05 p.m. Council went into recess and opened the Work Session at 8:15 p.m.

Work Session on Streets Funding: Direction for Strategy. Council discussed the variety of options and public input presented to them over the last few months on different strategies to address funding for streets improvements and maintenance. Council directed staff to schedule a work session on June 13, at 11:00 a.m. in Council Chambers to further discuss streets funding options and provide direction to staff on next steps regarding the topic.

Council adjourned the Work Session at 9:13 p.m.

(Seal)



E. Brucher

City Clerk

[Signature]

Mayor

