



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
JUNE 4, 2020
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ZOOM INSTRUCTIONS

1. You are invited to a Zoom webinar.
When: **Jun 4, 2020 Work Session at 04:00 PM and Regular Meeting at 06:15 PM** Mountain Time (US and Canada)
Topic: 2020/06/04 Regular Council Meeting

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/88938575371>

Or iPhone one-tap :

US: +16699006833,,88938575371# or +12532158782,,88938575371#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

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Webinar ID: 889 3857 5371

International numbers available: <https://us02web.zoom.us/j/88938575371>

4:00pm	ITEM	WORK SESSION	ACTION
	2. Council Code of Conduct/Ethics Information/ Discussion		
		PRE-MEETING	ACTION
5:50pm	1. Review of Regular Session Agenda		Information/Discussion
		REGULAR SESSION	
6:15pm	3. Roll Call		Quorum
	4. Pledge of Allegiance		
	5. Agenda Changes & Conflicts		Information
	6. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)		Information
	7. Council Comments		Information
6:20pm	8. Consent Agenda		Discussion and/or Action
	<i>All matters under consent are considered to be routine and will be enacted by one motion and vote. The titles will not be read aloud. There will be no separate discussion on these items unless a Councilmember or Audience Member so requests.</i>		
	A. Materials Purchase for Phase 1 Broadband Fiber to Home Project		

- B. Approval of April 6, 2020 Special Meeting and April 9, 2020 Regular Meeting Minutes
- C. Acceptance of a Quit Claim Deed from the Peter M. Chovanec Trust and Joan F. Chovanec Trust, to clean up a discrepancy in a legal description for a property located in the NW ¼ SW¼ Section 15, Twp. 6S, R89W
- D. Ordinance 14, Series of 2020; An Ordinance of the City of Glenwood Springs, Colorado, Acting By and Through its's Utility Enterprlse, Approving a Loan, Evidenced by a Promissory Note, to Finance Broadband Capital Improvements for Use in its Electric Facility Activities; Approving the Note Form and Loan Repayment from the Operation of the Electric Facilities; and Providing Other Details and Approving Documents Relating to the Loan (SECOND READING).

ACTIONS AND/OR PRESENTATIONS

6:25pm	9. COVID-19 Update -Face Coverings	Discussion and/or Action
6:40pm	10. Ordinance 13, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 060.020.020 related to Solar Panel Fees (FIRST READING)	Discussion and/or Action
6:50pm	11. South Midland Improvements Project: Public Information Services	Discussion and/or Action
7:00pm	12. Consideration of a request to rezone property owned by Glenwood Meadows, LLC known as Lot 11 B Glenwood Meadows No 5, A Minor Re-subdivision of Glenwood Meadows No 4 Lot Line Adjustment, from RH Residential High Density to M2 Mixed-Use Core Zoning	Discussion and/or Action
7:10pm	13. Ordinance 16, Series of 2020 - An Ordinance of the City Council of the City of Glenwood Springs, Rezoning Property Owned by Glenwood Meadows, LLC known as Lot 11B Glenwood Meadows No 5, A Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, Glenwood Springs, Colorado from RH Residential High Density to M2 Mixed-Use Core Zoning (FIRST READING).	Discussion and/or Action
7:20pm	14. Ordinance No 17, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs Amending Section 120.040.020(11) of the Glenwood Springs Municipal Code (FIRST READING)	Discussion and/or Action
7:30pm	15. Ordinance No 18, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado temporarily amending section 040.010.04 of the Glenwood Springs Municipal Code (FIRST READING)	Discussion and/or Action
7:35pm	16. Report from City Administration A. City Manager B. City Attorney C. Correspondence Incoming/Outgoing	Information
7:40pm	17. Adjournment	

City of Glenwood Springs Summary of City Charter and Code and Open Meetings Law Code of Conduct Code of Procedure

Notes - Prepare by Charles H. Willman, Third Ward Councilperson - May & June 2020

Below is a summary of provisions of the City Charter and Municipal Code and Open Meetings law that address issues regarding Conduct etc. The highlighted portions are my thoughts on matters which we are not currently following and the Code may need to be amended.

Following that is a compilation that I have gathered using Codes of Conduct from several other cities and towns in Colorado. I am trying to acquire a more limited Code of Procedure rather than the cumbersome use of Roberts' Rules of Order.

I. Charter - Article III - City Council

- A. 3.1 - powers include "to preserve and enforce good government."
- B. 3.3 - Mayor - presiding officer and "required to vote"
- C. 3.5 Vacancies - created by
 - 1. Recall
 - 2. Death
 - 3. Incapacitation
 - 4. Resignation
 - 5. Missing three consecutive regular meeting of City Council
 - 6. Becomes a non resident of City
 - 7. Becomes a non resident of Ward for which Councilperson is elected
- D. 3.6 Oath of Office includes "faithfully perform the duties of his or her office."
- E. 3.10 Council-Administration Relations - conducted solely through the City Manager and no member "shall give orders to any of the subordinates of the City Manager"
- F. 7.1 - Boards and Commissions - shall operate in accordance with the rules of procedure set forth by Council
- G. 13.12 Violations of Charter and Municipal Code - misdemeanor with fine of up to \$1000 and imprisonment of up to one year.

II. Municipal Code 020

- A. 020.010 - Council
 - 1. .010 - powers as noted above - and to establish "policy for all boards and commissions per 020.020.010"
- B. 020.020 - Boards and Commissions
 - 1. .020 (15) - mayor may appoint up to two Council members to act as liaison between Council and a Board or Commission
 - 2. .040 (d) members shall be subject to removal, at any time, by City Council
- C. 020.030 - Conduct and Procedures for Meetings

1. .030 (1) work sessions are
 - a. to be “devoted exclusively to matters regarding which the interchange of information preliminary to taking action there is deemed to be essential.”
 - b. No formal votes are taken nor “shall any member enter into a commitment with another respecting a vote to be taken subsequently at a formal meeting.”
 - c. “To encourage the interchange of ideas at work sessions, it shall be standing policy that individual members not be quoted on ideas that they propose.”
 2. .030 (2) conference sessions seem to be the same as work sessions in definition
- D. 020.050 - Open Meetings - Executive Sessions
1. Open except Council may conduct executive sessions (note - no provision for Boards and Commissions to hold executive sessions).
 2. Executive Session
 - a. only during regular or special meeting of Council
 - b. No final policy decision, resolution, rule, regulation, formal action or approving a contract or to pay money can be made.
 - c. Limited to:
 - (1) Consider the appointment, employment or dismissal of the City Manager, Municipal Judge or City Attorney.
 - (2) Hear charges or complaints brought against the City Manager, Municipal Judge or City Attorney.
 - (3) Hear testimony and statements concerning persons proposed as members of a board or commission.
 - (4) Legal matters which come within the attorney-client privilege.
 - (5) Discussions with the Chief of Police, District Attorney or their appointed representatives on matters posing a threat to the security of public buildings, public services or facilities.
 - (6) To determine the City's position relative to issues that may be subject to negotiation, to receive reports on negotiation progress and status, to develop strategy and to instruct the City's negotiators.
- E. 020.070 - agendas -
1. Roll call
 2. “An agenda shall also include approval of minutes of previous meetings, reports from boards and commissions, old business, new business, communications, citizens appearing before the Council, introduction and adoption of resolutions and ordinances, departmental reports and adjournment.

3. Only matters on agenda may be considered at regular meetings unless a majority of council approves - (**Note** - cannot add items to special meetings.)
- F. 020.080 - Presiding officer is Mayor or in absence Mayor Pro Tem - provisions if both are missing
- G. 020.090 - Conduct of meetings
 1. 1.b. Every Council Member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
 2. 1.c. A member, once recognized, shall not be interrupted while speaking unless it be to call him/her to order or as may be otherwise provided. If a member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined; and, if in order, he/she shall be permitted to proceed.
 3. 2.c. Members of public limited to **five minutes** unless presiding officer grants an extension (Note - 2.e. - if council asks questions - not part of five minutes)
 4. 2.d. - comments must be addressed to council as a whole and not to any specific member and questions should be directed to Council through the presiding officer.
 5. 2.f. - after public comment is closed - all further debate is Council only
 6. 2.g. - prior to comment - presiding officer sees how many persons want to comment on an issue - if more than 5 members of public - can limit time to less than five minutes
 7. 3. - "Any person who makes personal, impertinent or slanderous remarks while Council is in session or who shall become boisterous while addressing the Council shall be forthwith barred from further audience before the Council by the presiding officer unless permission to continue is granted by a majority vote of the Council. The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be the sergeant-at-arms of the Council meetings. He/she shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon the instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to remove any person from the Council meeting who violates the order and decorum of the meeting." (**Note** - does not seem to be limited to public and could be implied to apply to council members.)
 8. 4 - Robert's Rule of Order applies

- H. 030.100 - Voting
 - 1. (1) The City Clerk calls the name of each Council Member and the “yes” or “no” of each shall be recorded in minutes
 - 2. (5) “Council Members not entitled to vote on a motion because of personal or private interest shall be deemed present for purposes of determining whether or not a quorum is present.”
 - 3. **(Note - does not seem to allow for abstaining)**
 - I. 030.110 - Board and Commissions meeting conducted the same except as it pertains to preparing agenda.
- III. Municipal Code 020.040 - Conflict of Interest - not summarized here
- IV. Open Meeting Law - Colorado Revised Statutes 24-6-401 et. seq.
- A. §402(1)(b) - “Meeting” means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.
 - B. §402(2)(b) - All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.
 - C. §402(2)(c) - Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.
 - D. §402(2)(d.5)(II)(C) & (D) -
 - 1. (C) If a court finds, upon application of a person seeking access to the record of the executive session of a local public body in accordance with section 24-72-204 (5.5) and after an in camera review of the record of the executive session, that the local public body engaged in substantial discussion of any matters not enumerated in subsection (4) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of subsection (4) of this section, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in subsection (4) of this section or the adoption of a proposed policy,

position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to section 24-72-204 (5.5).

2. (D) No portion of the record of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the local public body or as provided in sub-subparagraph (C) of this subparagraph (II) and section 24-72-204 (5.5).
- E. §402(2)(e) - does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.
- F. §402(4) - The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session, including specific citation to this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subsection (2)(d.5)(II) of this section, shall occur at any executive session that is not open to the public:
 - (a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;
 - (b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4).
 - (c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.
 - (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
 - (e) (as applicable to municipalities) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.
 - (f) (as applicable to municipalities) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have

requested an open meeting. The provisions of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in section 24-72-202 (6.5) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4)

Page 7 of 12
CODE OF CONDUCT
City of Glenwood Springs
Discussion Draft - June 1, 2020
Prepared by Charlie Willman
Ward 3 Councilperson

I. Purpose:

City Council Member at all times are held to the highest standards. Council members are agents of the public purpose and hold office for the benefit of the residents of the City. Debate and presentation of opposing views is part of the democratic process but it shall be conducted in a professional manner and in a manner which promotes the overall strategic goals of the City.

Proper democratic government requires that City Council members be independent, impartial and responsible to the residents of the City. Council members should work collaboratively to find a common solution that is in the City's best interest. City Council makes decisions that impact on all the residents of the City and should direct its discussion to that end. Once a decision is made, the members of Council should support the Council and the City and move forward with that decision.

Council members must exhibit appropriate behavior at all times, whether during Council meetings or outside Council meetings. All decisions and policies are made through proper procedures and shall not be made in executive session or outside of a public meeting.

II. General Rules Regarding City Council Members

A. The Three R's regarding Council Members

1. Role. Each Council member must understand and carry out his/her role in City government
2. Responsibility. Each Council member must understand and carry out his/her responsibilities in City Government
3. Respect, Each Council member shall respect all others at all times.

B. Role.

1. Each Council member is elected to represent the residents of Glenwood Springs whether or not from an individual Ward. Each Council member is one of seven leaders of the City and has a duty to act in the best interest of the City at all times.

C. Responsibilities

1. Council members shall attend all regular and special meetings and work sessions of Council absent exigent circumstances.
2. Council members shall be generally familiar with the City Charter and Municipal Code. If a matter comes before Council that impacts on the

Charter or Code, The Council members must take the necessary time to understand that matter in context of the overall Charter and/or Code.

3. Newly elected/appointed Council members shall attend and take part in orientation sessions so as to become familiar with City operations.
4. Council members shall be prepared for every meeting and work session including reviewing all packet materials
5. Council members must arrive promptly at all meetings and work sessions.
6. Council members shall not text during meetings or work sessions except during recesses.
7. Council members shall not work on personal - non City business - during meetings and work sessions except during recesses
8. Council members shall be engage in the meeting and/or work sessions at all times including actively listening and participating in meeting.
9. Council members shall not engage in side bar comments with other council members or staff during a meeting or work sessions except during recesses. Such comments could be a possible violation of open meetings law.
10. Council members shall not leave the dias (or remote meeting visual presence) during a meeting or must not leave a work session without permission of Mayor/Chair except during recesses.
11. Council members shall vote on all matters brought to a vote of the entire City Council unless excused from that portion of the meeting due to a conflict of interest. If a Council members announces "abstain" his/her vote should be considered an affirmative vote on the matter for which a vote is being taken
12. During meetings and work sessions Council members shall follow adopted Rules of Procedure and this Code of Conduct at all times.

D. Respect. Council members at all times shall

1. Be welcoming to speakers at all meetings at which the Public is participating.
2. Be courteous to members of the Public at all times and to not make any inappropriate comments to members of the Public.
3. Ask for clarification but do not debate with member of Public in any meeting.
4. If a Council member disagrees with a comment/email/phone communication with a member of the Public, he/she shall explain his/her position clearly and without argument.
5. Shall not disparage other Council Members or Staff to members of the Public. If a member of the Public expresses a concern about another member of Council or the Staff, the Council member shall advise that person that he/she will bring that concern to the attention of Council at its next regular meeting.
6. Shall respond to requests from a member of the Public in a prompt manner.

7. Use of social media by a Council member shall only represent that Council member's personal opinion and shall not be held out as representing the position of Council unless specifically authorized by Council. No Council member may otherwise violate this Code of Conduct while using social media.
8. Council members shall use the City email system for all City business. If a Council member receives an email on personal or other email that involves City business this shall be copied to that Council member's City email address.

III. General Decorum.

- A. During all meetings and at all other times, Council members shall follow the following Rules of Decorum
 1. All comments should be constructive.
 2. No personal attacks on other City Council members and/or City Staff.
 3. No belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments.
 4. No shouting or threatening behavior.
 5. Shall not make any promises on behalf of the City Staff or Council.
 6. Shall refrain from engaging in any conduct which threatens the public confidence in the integrity of City government including but not limited to illegal conduct, conduct which puts self interest before public interest, willful or persistent failure to perform the duties of a City Council Member, or any other conduct involving a dereliction of a Council Member's duties.
- B. Council members shall direct all comments to Staff during City Council meetings shall be directed to the City Manager or City Attorney. Staff may be asked questions about matters being presented to Council by that particular staff member. That staff member may be allowed to defer the answer to another staff person if appropriate or outside the expertise of the staff member responding to questions.

IV. Duty of Public during meetings

- A. Any member of the Public who makes belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments or who becomes disruptive during a meeting may be removed by the Mayor/Chair from the meeting.

V. Council Interactions with Staff.

- A. Council members shall
 1. Treat all Staff as professionals.

2. Limit contact with Staff, other than City Manager and/or City Attorney, unless the City Manager/City Attorney, authorizes such contact. A Council member may make reasonable inquires of the City Manager, City Attorney or Municipal Judge and may also make reasonable inquires of department heads so long as the City Manager is promptly advised of all inquires to department heads.
3. Insure that any materials requested from Staff shall be provided by Staff to all Council Members.
4. Not disrupt Staff from doing their jobs.No Council member shall individually direct the City Manager, City Attorney or Municipal Judge to take or refrain from taking action. Such must be given by the Council as a whole.

VI. Code of Conduct applies to Boards and Commissions,

- A. This Code of Conduct applies to all appointed members of Boards and Commissions
- B. Conduct during meetings
 1. Members of the Boards and Commissions shall attend all regular and special meetings of Boards and Commissions absent exigent circumstances.
 2. Council member(s) assigned as liaison to a Board or Commission shall attend all regular and special meetings of Boards and Commissions absent exigent circumstances.
 3. Members of Boards and Commissions shall comply with this Code of Conduct.
 4. Council members shall be respectful of diverse opinions presented by members of the Boards and Commissions.
 5. Council members do not speak for the Council at a meeting of a Board or Commission. Council members may indicate that his/her personal opinion and/or what he/she thinks Council may support or not support but the Council member must encourage the Board and Commission to make their independent recommendations to the Council. That is the purpose of the Boards and Commissions – to make recommendations to Council.

VII. Executive Sessions

- A. Purpose. Executive sessions are for purposes set forth in the Open Meetings law and include confidential attorney/client or other legal privilege.
- B. Non disclosure. Executive sessions are confidential discussions and no disclosure of matters presented or discussed during an executive sessions may be

revealed by any Council member without permission of the entire Council granted during an open meeting of Council. A Council member may not disclose to any person, including but not limited to, spouses, friends, family, residents and/or other persons any confidential communication whether or not received in an executive session. It is a violation of a Council member's fiduciary duty to the City to violate this requirement of confidentiality

- C. Waiver of confidentiality. No council member can, by him/herself, waive these privileged communications. Only the Council, as a whole, can do waive the confidential nature of these communications.
- D. Scope of executive sessions. All discussion/presentation of materials must pertain to the announced matters at the commencement of session and must be matters for which executive sessions are allowed pursuant to the City Code and/or Open Meetings law
- E. Duty to limit scope. If matters occur during an executive session that are outside of scope of announced matters at the commencement of session or which violate City Code and/or the Open Meetings law, each Council member has an affirmative duty to immediately bring this to the attention of the Mayor during the executive session.

VIII. Remedies/Sanctions for violation of Code of Conduct

- A. Serious and/or continuing violations of this Code of Conduct should give rise to conscientious questions as to whether or not the Council Member should voluntarily resign.
- B. Sanctions may include remedial or educational training on the subject of the violation intend to prevent future violations of this Code of Conduct.
- C. If a Council member violates the Code of Conduct during a Council Meeting, either the mayor or another member of Council shall ask for "a point of personal privilege" and state the actual violation of the Code of Conduct. The Mayor shall determine the issue and if the Mayor finds the behavior violated the Code of Conduct, the Mayor shall ask the offending Council member to apologize. Egregious and continued inappropriate behavior during a meeting can result, with a two thirds vote of the members of council present, public censure by the Council and/or expulsion from the meeting at which the inappropriate conduct occurs.
- D. If a Council member violates the Code of Conduct outside of a City Council meeting, the violation shall be brought to the Mayor's attention by the City Manager, City Attorney or another City Council member. Any member of the public making such a complaint shall be directed to bring the complaint to the Mayor's attention, The Mayor shall attempt to resolve this matter before the next regular or special city council meeting. The Mayor if the matter is not resolved to the satisfaction or the Mayor or to the satisfaction of the offending Council member, this shall be placed on the next regular City Council agenda, or on the agenda of special Council meeting. At that Council meeting, this matter shall be

discussed and determined by the City Council who shall determine whether or not the offending City Council member shall be publicly censured or otherwise reprimanded. Such vote shall be by a vote of two thirds of the members of Council present at that meeting.

- E. Violation of Executive Session. If a Council member violates the sanctity/confidentiality of an Executive Session, he/she may be publicly censured and may be asked to resign. If such conduct continues, the City Council may seek injunctive or other relief from the Courts. Any public censor or request for resignation shall be by a two thirds vote of the members of Council present at that meeting.
- F. Violation of this Code of Conduct by an appointee of Council is grounds for removal from office and/or public censure which removal or censure may be made only by a two thirds vote of the members of City Council present at that meeting,
- G. If the violation of the Code of Conduct is by the Mayor, all references to the Mayor above, shall instead refer to the Mayor Pro Tem.
- H. The decision of the City Council is final on all sanctions for violation of the Code of Conduct



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item:	Materials Purchase for Phase 1 Broadband Fiber to Home Project
Action Requested:	Approval of the award of the materials purchase for the City wide fiber to home phase I project to Graybar Electric at a total of \$295,139.74 per bid BD2020-13.
Department:	Utilities
Presented By:	Matthew Langhorst, Public Works Director
Background Info:	The City of Glenwood Springs is moving forward with Phase I of the City wide fiber to home/business project in the summer of 2020. The design and labor portions of the project have already been bid out and awarded through City Council, but the materials for the project are being procured directly by the City instead of paying a contractor to acquire the materials for us. This process has taken time, but will be saving the City money overall. The Community Broadband Network has chosen Graybar as the winning bid in the Request for Bid: BD2020-13. The City has made this choice based on Graybar's materials availability being in alignment with the strategic goals of the City and the desired construction schedule and being the low bid on the RFP. The material availability times for materials from Graybar are shorter and will allow the City to be in a better position to begin the project on time and with the correct materials. Additionally, Graybar provided pricing in their proposal for every line-item in the bid allowing the fulfillment of the entire order versus other providers that were not able to provide all materials through one source. Pricing for Phase I materials through Graybar is \$295,139.74. The pricing for the materials set up within the project proforma from UpTown, project budget, was estimated at \$300,000.
Issues:	None
Staff Recommendation:	Approval of the award of the materials purchase for the City wide fiber to home phase I project to Graybar Electric at a total of \$295,139.74 per bid BD2020-13.



MINUTES
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL MEETING
APRIL 6, 2020
101 W. 8TH STREET
6:15 P.M.

1. Roll Call

Mayor Jonathan Godes called the meeting to order at 6:15pm. Due to the Town's Disaster Declaration on March 12, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Present at roll call: Charlie Willman, Rick Voorhees, Tony Hershey, Jonathan Godes, Shelley Kaup, Paula Stepp, Steve Davis.

Also present were Debra Figueroa; City Manager, Karl Hanlon; City Attorney, Steve Boyd, COO; Catherine Fletcher; City Clerk; Jenn Ooton; Assistant City Manager, Yvette Gustad; Finance Director, Terri Partch; City Engineer, Hannah Klausman; Public Information Officer, Matt Langhorst; Public Works Director.

2. Council Comments

Councilor Stepp summarized Governor Polis's order on wearing face coverings in public and social distancing.

Mayor Godes noted the face coverings is a consideration for fellow citizens that you may come in contact with.

Councilor Willman suggested that the City hold weekly meetings to give brief updates on COVID -19 to the public and if there were items that needed action taken.

Councilor Willman moved, seconded by Councilor Voorhees to hold regular special meeting's weekly at 6:15pm on the Thursdays that are not regularly scheduled meetings with the option to cancel the special meetings 24 hours in advance if there was not any material business to conduct until further notice.

Motion Passed Unanimously.

4. COVID-19 Update

Karl Hanlon, City Attorney gave a brief update on the Governors order and noted that local Jurisdictions could adopt more stringent rules under Title 31 and the Municipal code.

Donald Kaufman asked council to vote on approving face coverings in the city when leaving their home and also on RFTA bus service to be suspended.

Sharon Brady noted that her business has implemented curbside delivery and all staff are wearing face coverings.

Kevin Brady also mentioned that he would like the stores to be able to tell people that they need to wear face coverings to enter any store.

Krissy Clary commented on the on- line meetings and getting the word out to citizens.

Councilor Voorhees moved, seconded by Councilor Davis to make face coverings mandatory at 6 am April 7,2020 for all citizens in the City of Glenwood Springs when in an essential business and in a public setting where you can be in close contact with others.

Ayes: Stepp, Voorhees, Godes, Willman, Davis, Kaup

Nays: Hershey

5. Consider Emergency Order Terminating RFTA Service in Glenwood Springs

Karl Hanlon, City attorney presented this item to City Council. He gave a brief update on the Executive order and how it is related to RFTA services in Glenwood Springs.

Mayor Godes opened Public Comments.

Russ Arensman was concerned with closing down RFTA service but was ok with making things safer to ride the bus.

Don Kauffman was in favor of RFTA being closed temporarily in Glenwood Springs to get past the COVID -19 virus.

Mark Reinhart said he was on the Executive board for the Drivers Union and the organization is taking great measures to ensure that transportation companies are taking great measures to keep employees and bus riders safe and is not in favor of stopping the route in Glenwood Springs.

Zachary Parsons was not in favor to stop the RFTA service.

Dan Blankenship CEO of RFTA shared the precautions that RFTA had taken to protect the employees and also the citizens riding the bus.

Ed Cortez noted that he felt it would be a great disservice to the people who ride the bus to stop it in Glenwood.

Mayor Godes closed public comment.

Councilor Willman moved, seconded by Mayor Godes advise RFTA that they can work with City Staff and have until Thursday April 9, 2020 at 5:00 pm to have a better method in place with additional safety measures restricting access to buses, essential workers with face coverings in conjunction with the health Order 20-24 and this would not include the Traveler

Ayes: Davis, Stepp, Willman Godes

Nays: Hershey, Voorhees, Kaup

Motion Passed.

5. Adjournment

Meeting adjourned at 8:48pm.



MINUTES
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL MEETING
April 9, 2020
101 W. 8TH STREET
6:15 P.M.

1. Roll Call

Mayor Jonathan Godes called the meeting to order at 6:15pm. Present at roll call: Charlie Willman, Rick Voorhees, Tony Hershey, Jonathan Godes, Shelley Kaup, Paula Stepp and Steve Davis.

Also present were Debra Figueroa; City Manager, Karl Hanlon; City Attorney, Catherine Fletcher; City Clerk, Jenn Ooton; Assistant City Manager, Steve Boyd, COO; Yvette Gustad; Finance Director, Terri Partch; City Engineer, Matt Langhorst; Public Works Director, and Hannah Klausman; Acting Public Information Officer.

2. Pledge of Allegiance

Mayor Godes led in the Pledge of Allegiance.

3. Agenda Changes & Conflicts

None were noted.

4. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

5. Council Comments

Councilor Stepp

- Made note that the library district was hosting a virtual open mic poetry night on Tuesday, April 14, 2020.
- Noted there is a hotel in town with outdoor access to rooms and could possibly be involved for emergency accommodations.

Councilor Hershey

- Requested the Mayor limit councilors to one comment and one follow-up question during discussions.
- Noted the stranded motorists weren't from here. He stated the Council needed to take care of the people here first.

Mayor Pro Tem Kaup

- Thanked staff for gathering small business resources on the Economic Development page of the City website.
- Noted travelers are still passing through Glenwood Springs and I-70 in emergency situations and may be stranded.
- Commented that Debbie Wilde, from Debbie Wilde Consulting Ltd., believed money was available for emergency accommodations.
- Made note there was not a mandatory do not travel order.

Councilor Willman - Noted the Downtown Development Authority met earlier that day and allocated \$200,000; \$150,000 immediately and \$50,000 in reserve to assist with the local economy.

Mayor Godes and Mayor Pro Tem Kaup – Suggested directing staff to work with Debbie Wilde Consulting Ltd. and organizations with an existing relationship to the City to discuss solutions for stranded motorists.

ACTIONS AND/OR PRESENTATIONS

6. COVID-19

A. RFTA in Glenwood Springs

Pro Tem Kaup – Noted new information from the RFTA meeting held earlier that day. RFTA has been monitoring traffic at Thunder River Market. In one day, there were 15,600 vehicle trips on Hwy 82 in both directions. On the same day, the number of RFTA riders was around 400. She also noted that the RFTA ridership is less than 3% of the trips on Hwy 82.

Mayor Godes opened the item for public comment.

Sandy Wade expressed her concerns with allowing RFTA service to continue in Glenwood Springs. Although she appreciated the essential services RFTA provides, she doesn't understand waiting for a spike in infections to make a change.

Mayor Godes closed the item for public comment.

Councilor Willman moved, seconded by Mayor Pro Tem Kaup to allow RFTA service to continue within the City of Glenwood Springs. Such permission may be revoked should COVID-19 numbers rise significantly and/or if RFTA does not follow its current restrictions regarding passenger usage of RFTA buses (Phase III) in compliance with the Public Health Order 20-24. Plus requiring all passengers entering RFTA buses to wear face coverings upon entering busses and while being conveyed on the buses. Such face coverings shall be consistent with the City's current directive approved on Monday April 6th, 2020. These requirements shall continue until removed by the City Manager in accordance to the City Manager's current emergency authority or until further action by City Council.

Ayes: Kaup, Stepp, Hershey, Willman

Nays: Davis, Godes, Voorhes

Motion passed.

B. Distancing at Stores

City Attorney, Karl Hanlon - Presented background on this item. He made note of stores within Glenwood Springs and the potential restrictions they were discussing; limiting capacity by square footage, advising on facemasks, social distancing of six feet, etc. He noted these stores were working hard to do the right thing. He recommended providing guidelines for stores on capacity limits and giving retailers time to work with that.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Willman moved, seconded by Mayor Godes that it is the City of Glenwood Springs' guidance on social distancing that retail stores should be at no more than four per 1,000 square feet; maintaining a strict six-foot social distance. If this is unsuccessful, the next step council will take is a mandate to enforce that.

Ayes: Stepp, Davis, Willman, Godes, Voorhes, Kaup

Nays: Hershey

Motion passed.

C. Car-pooling in Glenwood Springs

City Attorney, Karl Hanlon – Presented on this topic. He suggested making a strong recommendation against carpooling.

Councilor Willman moved, seconded by Councilor Voorhes, that we adopt a City policy that carpooling with non-household members is strongly discouraged.

Ayes: Willman, Stepp, Davis, Voorhes

Nays: Hershey, Godes, Kaup

Motion passed.

D. Nonessential Interior Construction

Jenn Ooton, Assistant City Manager - Presented an update on the building department. She noted the City had focused primarily on residential projects and essential projects (such as a leaking roof). She made note that the building official felt that Glenwood Springs was quieter with nonessential projects (such as painting) that he has noticed while doing inspections. The building department is doing photo or video inspections when possible. If there are concerns with the photos or videos, a physical inspection can then be performed.

Mayor Godes opened the item for public comment.

No comments were made.

Mayor Godes closed the item for public comment.

Councilor Voorhes, seconded by Councilor Davis, moved for a Public Health Order that there should be no unnecessary interior construction during the period of the Stay at Home Order up to April 26, 2020. Further, there should be no non-permitted interior construction by third parties during that same time period.

Ayes: Voorhes, Davis, Godes

Nays: Stepp, Kaup, Hershey, Willman

Motion failed.

7. Items Added

Councilor Hershey, seconded by Mayor Pro Tem Kaup moved to end weekly City Council meetings. Meetings should be held on the first and third Thursdays of each month. Special meetings could be scheduled as necessary.

Ayes: Godes, Kaup, Hershey

Nays: Stepp, Voorhes, Willman, Davis

Motion failed.

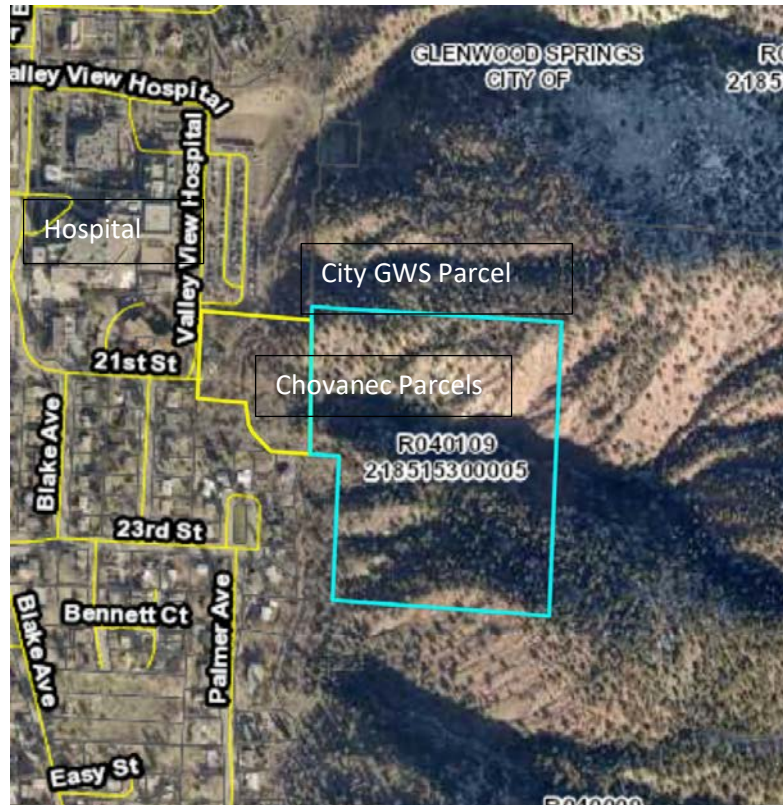
Mayor Godes – Made note of a community webinar on April 10, 2020 at 11:00 AM with the Vice President of the Denver Federal Reserve.

Adjourned at 7:55pm

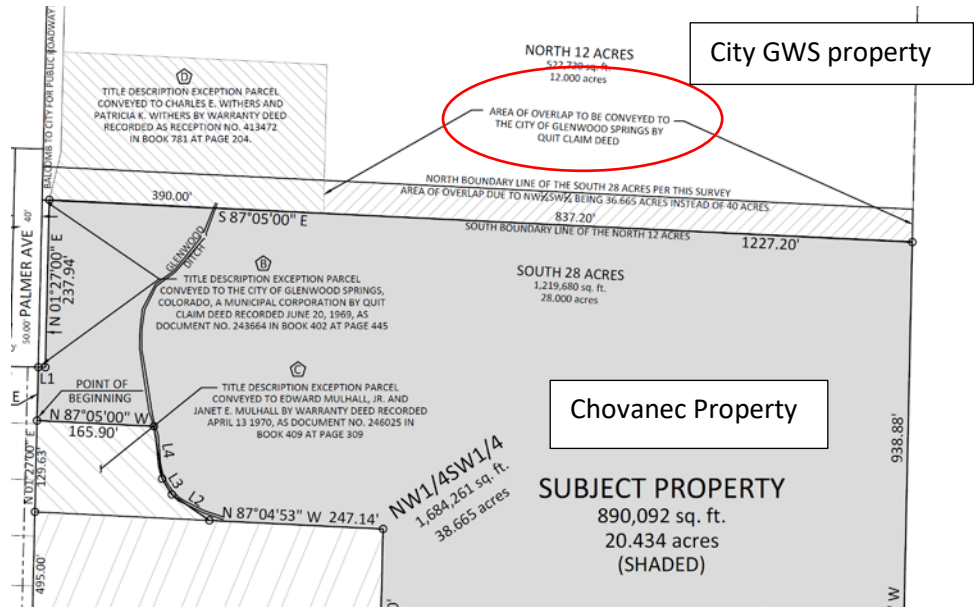


City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item:	Planning File #41-19- Quit Claim Deed-Peter & Joan Chovanec to City of Glenwood Springs
Action Requested	Acceptance of a Quit Claim Deed to rectify an error in a survey description
Department:	Economic & Community Development Department
Presented by:	Gretchen Ricehill, Assistant Director
Background Information:	Peter and Joan Chovanec own two parcels of land immediately south and east of Valley View Hospital. The western parcel is 3.37 acres and the larger, eastern parcel is 28 acres. The Chovanec's are in the process of subdividing the smaller of the parcels into two additional lots (an administrative review). While preparing the survey, it became evident that there was an issue with the description of the larger parcel, which shares a northern border with land owned by the City of Glenwood Springs- see aerial below.



The Chovanec property was described as the NW1/4 SW1/4 of Section 15, consisting of 28 acres. The City parcel was originally described as the North 12 acres of the NW1/4 SW1/4 of Section 15. These two properties sum to a total of 40 acres. However, the actual survey recently performed by Sopris Engineering, showed that NW1/4 SW1/4 of Section 15 actually only contained 38.665 acres. The area of overlap illustrated below is the difference between the deeded acreage and the actual acreage. A complete copy of the image, sheet 3 of the proposed subdivision plat, is attached to this report for general reference.



To clear the title, the Chovanec's propose to Quit Claim any interest in title that they have to the North 12 acres of the NW1/4 SW1/4, the area of overlap. This results in no physical change to the property originally conveyed to the City. A copy of the Quit Claim Deed is attached along with relevant deeds of record.

Issues:

There are no issues related to this conveyance. Municipal Code section 070.060.060 *Subdivision Procedures* provides that any subdivision requiring dedication of right-of-way or other tracts to the City shall be submitted to the City Council for acceptance or denial of the dedication.

Staff

Recommendation:

City Council may accept or deny the dedication.

Staff recommends that Council accept the dedication. As noted above, the Quit Claim Deed simply clears up a discrepancy in property descriptions. It does not result in any physical change to the property owned by the City of Glenwood Springs.

QUIT CLAIM DEED

The Peter M. Chovanec Trust and the Joan F. Chovanec Trust, Grantors, for good and valuable consideration, in hand paid, hereby quit claim to the City of Glenwood Springs, Colorado, whose address is 101 8th Street, Glenwood Springs, Colorado 81601, all right, title and interest it may have in and to the following real property in the County of Garfield, State of Colorado, to wit:

That portion of Parcel 2 as described in reception number 261170 of the Garfield County records as the North 12 acres of the NW1/4SW1/4 of Section 15, Township 6 South, Range 89 West of the Sixth Principal Meridian.

DATED this _____ day of _____, 2020.

Owner: The Peter M. Chovanec Trust and the Joan F. Chovanec Trust

By, _____
Peter M. Chovanec
As: Tenants in Common

By, _____
Joan F. Chovanec
As: Tenants in Common

State of Colorado)
) ss.
County of Garfield)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Peter M. Chovanec and the Joan F. Chovanec, as Tenants in Common, of the Peter M. Chovanec Trust and the Joan F. Chovanec Trust.

Witness my hand and official seal.

My commission expires: _____

Recorded at 4:33 o'clock P. M. DEC 27 1973
 Reception No. 261170 *Ella Stephens* Recorder.

THIS DEED, Made this 20th day of December 19 73, between

Kenneth C. Balcomb, Jr.

Recorder's Stamp

STATE DOCUMENTARY FEE
 DEC 27 1973
EX

of the county of Garfield and State of Colorado, of the first part, and the City of Glenwood Springs, a Municipal corporation organized and existing under and by virtue of the laws of the State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One (\$1.00) and other good and valuable consideration ----- DOLLARS, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and QUIT CLAIMED, and by these presents does remise, release, sell, convey and QUIT CLAIM unto the said party of the second part, its successors and assigns forever, all right, title, interest, claim and demand which the said party of the first part has in and to the following described lands situate, lying and being in the County of Garfield and State of Colorado, to wit: All those portions of the following three described tracts of land lying easterly of the eastern city limits of the City of Glenwood Springs, Colorado, and not including those portions thereof conveyed previously to the City of Glenwood Springs and to the Public Service Company of Colorado, to wit: Parcel 1-The SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15, T. 6 S., R. 89 W., 6th P.M.; Parcel 2-The south 13 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the north 12 acres of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15, T. 6 S., R. 89 W., 6th P.M.; Tract 3-A tract of land situate in Sec. 15, T. 6 S., R. 89 W., 6th P.M., more particularly described as beginning at a point whence the West Quarter Corner of Sec. 15 bears S. 1°25' W. 908.30 feet; thence S. 87°09' E. 188.09 feet to the point of beginning; thence S. 87°09' E. 1048.41 feet; thence S. 1°25' W. 450.05 feet; thence N. 87°09' W. 1006.50 feet; thence N. 6°20' W. 304.32 feet; thence N. 1°25' E. 150.05 feet to the point of beginning. The above 3 parcels of land contain, in all, 102.04 acres, more or less. This conveyance is made for public purposes only and is limited in use to pedestrian and equestrian travel. No motorized vehicular ways shall ever be constructed or use allowed in the area conveyed. Any violation of this limitation, whether condoned by the Grantee or not, shall cause the title to the property to immediately revert to the Grantor, if living, otherwise to his heirs.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Kenneth C. Balcomb, Jr. [SEAL]

[SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF COLORADO,
 County of GARFIELD

ss.

The foregoing instrument was acknowledged before me this 20th day of December 19 73 by KENNETH C. BALCOMB, Jr.,

My commission expires

MY COMMISSION EXPIRES JULY 25, 1974

Witness my hand and official seal.

ACCEPTED AND APPROVED
 CITY OF GLENWOOD SPRINGS,
 COLORADO

By

James Curtis
 Mayor

Mayor

James Duprey
 Notary Public.

*If by natural person or persons here insert name or names; if by person acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact or other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.—Statutory Acknowledgment, Session 1927.

No. 522. QUIT CLAIM DEED TO CORPORATION.—Bradford Publishing Co., 1824-46 Stout Street, Denver, Colorado—2-72

NO DOCUMENTARY FEE REQUIRED - C.R.S. 1963, 173-14-4 (1), as amended.



651279 04/30/2004 02:15P B1583 P219 M ALSDORF
1 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO

ERE

SPECIAL WARRANTY DEED

Peter M. Chovanec and Joan F. Chovanec, Grantors, for good and valuable consideration, in hand paid, hereby sell and convey to the **Peter M. Chovanec Trust and the Joan F. Chovanec Trust**, Grantees, as tenants in common, whose legal address is 2018 Palmer Avenue, Glenwood Springs, Colorado 81601, the following real property in the County of Garfield and State of Colorado, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference;

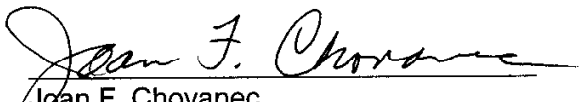
also known as 2018 Palmer Avenue, Glenwood Springs, Colorado 81601;

with all its appurtenances, and warrants the title to the same against all persons claiming under the Grantors.

NO DOCUMENTARY FEE REQUIRED: Transfer for estate planning purposes with consideration less than \$500.00.

SIGNED this 6 day of April, 2004.

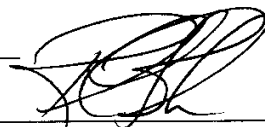

Peter M. Chovanec

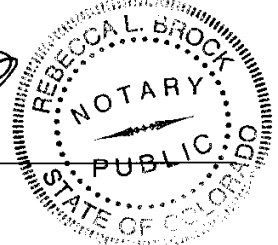

Joan F. Chovanec

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 6th day of April, 2004, by Peter M. Chovanec and Joan F. Chovanec.

WITNESS my hand and official seal.
My commission expires: 10/31/2007


Notary Public



AFTER RECORDING RETURN TO: SCHENK, KERST & DEWINTER
302 8TH ST., STE. 310, GLENWOOD SPRINGS, CO 81601

C:\ALC\Chovanec\SWD.fm

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(2)

PI	651279 04/30/2004 02:15P B1583 P220 M ALSDORF	E
	2 of 2 R 11.00 D 0.00 GARFIELD COUNTY CO	

EXHIBIT "A"

All of the South 28 acres of the NW1/4SW1/4 of Section 15, Township 6 South, Range 89 West of the 6th P.M., less and excepting a parcel in the Southwest corner thereof as conveyed to Lewis Bailor by Warranty Deed recorded October 25, 1912, as Document No. 45346 in Book 88 at Page 412, also less and excepting a parcel in the NW1/4SW1/4 as conveyed to the City of Glenwood Springs, Colorado, a municipal corporation by Quit Claim Deed recorded June 20, 1969, as Document No. 243664 in Book 402 at Page 445, also less and excepting a parcel in the NW1/4SW1/4 as conveyed to Edward Mulhall, Jr. and Janet E. Mulhall by Warranty Deed recorded April 13, 1970, as Document No. 246025 in Book 409 at Page 309 and excepting a parcel conveyed to Charles E. Withers and Patricia K. Withers by Warranty Deed recorded as Reception No. 413472 in Book 781 at Page 204.

AND

A parcel of land situated in the NW1/4SW1/4 of Section 15, Township 6 South, Range 89 West of the Sixth Principal Meridian, County of Garfield, State of Colorado, said parcel being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 15; thence South 87°05'00" East 25.01 feet; thence South 01°27'00" West 354.35 feet; thence South 14°03'26" West 68.72 feet to a rebar and cap L.S. #16842 in place for the Southwest Corner of Reception No. 413472 as recorded in the Garfield County Clerk and Recorder's office, the true point of beginning; thence South 87°05'00" East along the southerly line of said Reception No. 413472 390.00 feet; thence North 01°27'00" East along the easterly line of said Reception No. 413472 45.24 feet; thence leaving said easterly line South 87°04'24" East along the northerly line of the South 28 acres of said NW1/4SW1/4 836.90 feet; thence South 01°23'00" West along the easterly line of said NW1/4SW1/4 985.98 feet; thence North 87°04'24" West along the southerly line of said NW1/4SW1/4 743.05 feet to the Southeast Corner of Crestwood Park Subdivision, a rebar and cap L.S. #19598 in place; thence North 01°27'00" East along the easterly line of said subdivision 495.09 feet (plat = 495.00 feet), a rebar and cap L.S. #19598 in place; thence North 87°05'00" West along the northerly line of said subdivision 247.16 feet to the Southeast Corner of Reception No. 246025 as recorded in the Garfield County Clerk and Recorder's office, also being a point in the centerline of the Glenwood Ditch; thence North 55°14'00" West along the easterly line of said Reception No. 246025 64.70 feet; thence continuing along said easterly line North 31°30'00" West 26.26 feet; thence North 08°55'00" West 75.39 feet to the Northeast Corner of said Reception No. 246025; thence North 87°05'00" West along the northerly line of said Reception No. 246025 165.90 feet to the Northwest Corner of said Reception No. 246025, a rebar and cap L.S. #3317 in place; thence North 01°27'00" East along the westerly line of said NW1/4SW1/4 76.90 feet to the Southwest Corner of Reception No. 243664 as recorded in the Garfield County Clerk and Recorder's office, a rebar and cap L.S. #19598 in place; thence South 88°34'01" East along the southerly line of said Reception No. 243664 10.00 feet; thence North 01°27'00" East along the easterly line of said Reception No. 243664 238.84 feet to the true point of beginning.

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AFTER RECORDING RETURN TO: SCHENK, KERST & DEWINTER
302 8TH ST., STE. 310, GLENWOOD SPRINGS, CO 81601

FINAL PLAT OF:

CHOVANEC PROPERTIES

A PARCEL OF LAND SITUATED IN THE NW¹/₄ OF THE SW¹/₄ SECTION 15
TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6th P.M.
COUNTY OF GARFIELD, STATE OF COLORADO
SHEET 3 OF 4 TITLE PROPERTY

SURVEYED PROPERTY DESCRIPTION

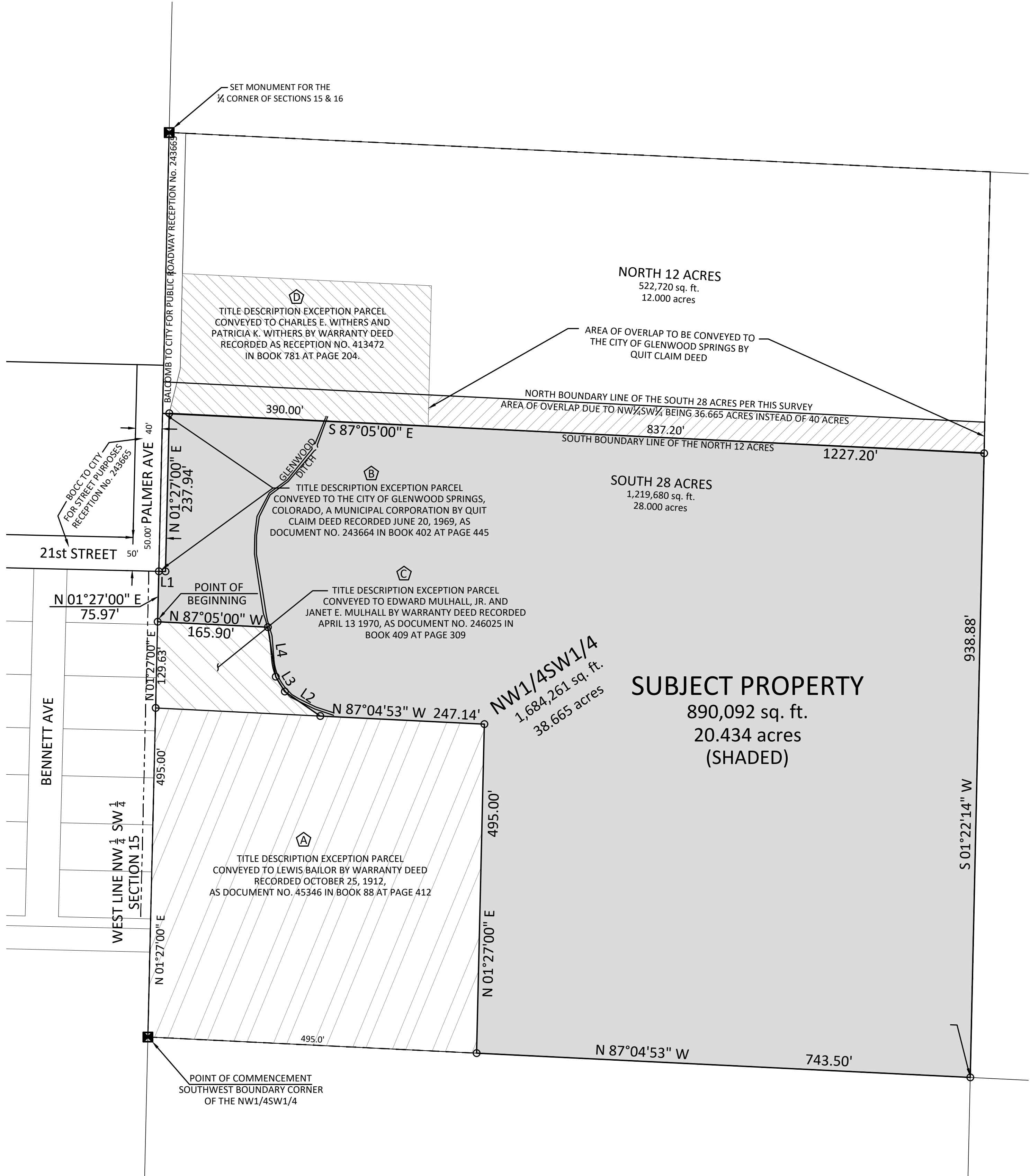
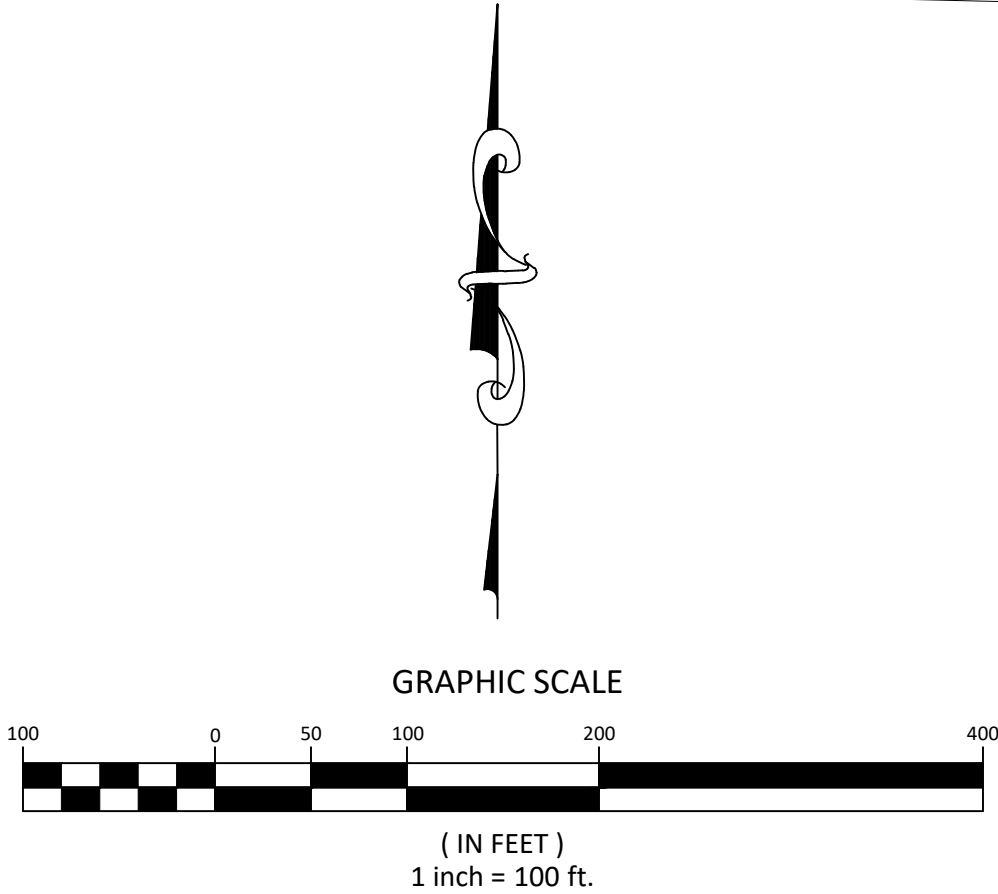
A PARCEL OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION No. 423987 OF THE GARFIELD COUNTY RECORDS SITUATED IN THE NW1/4SW1/4 OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW1/4SW1/4, POINT ALSO BEING THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED OCTOBER 25, 1912 IN BOOK 88 AT PAGE 12 AS RECEPTION No. 45346; THENCE N 01°27'00" E ALONG THE WESTERLY BOUNDARY OF SAID NW1/4SW1/4 AND THE WESTERLY BOUNDARY OF SAID RECEPTION No. 45346, 495 FEET TO THE NORTHWEST BOUNDARY CORNER OF SAID RECEPTION No. 45346, POINT ALSO BEING THE SOUTHWESTERLY BOUNDARY CORNER OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED APRIL 13, 1970 IN BOOK 409 AT PAGE 309 AS RECEPTION No. 246025; THENCE LEAVING THE WESTERLY BOUNDARY OF SAID RECEPTION No. 45346 AND CONTINUING ALONG SAID WESTERLY BOUNDARY OF THE NW1/4SW1/4 N 01°27'00" E ALONG THE WESTERLY BOUNDARY OF SAID RECEPTION No. 246025 129.63 FEET TO THE NORTHWESTERLY BOUNDARY CORNER OF SAID RECEPTION No. 246025, THE TRUE POINT OF BEGINNING; THENCE LEAVING THE WESTERLY BOUNDARY OF SAID RECEPTION No. 246025 AND CONTINUING ALONG THE WESTERLY BOUNDARY OF SAID NW1/4SW³/₄ N 01°27'00" E 75.97 FEET TO THE SOUTHWESTERLY BOUNDARY CORNER OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 20, 1969 IN BOOK 402 AT PAGE 445 AS RECEPTION No. 243664; THENCE LEAVING SAID WESTERLY BOUNDARY OF SAID NW1/4SW1/4 S 88°34'00" E ALONG THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 243664 10.00 FEET TO THE SOUTHEAST BOUNDARY CORNER OF SAID RECEPTION No. 243664; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 243664 N 01°27'00" E ALONG THE EASTERLY BOUNDARY OF SAID RECEPTION No. 243664 237.94 FEET TO THE NORTHEAST BOUNDARY CORNER OF SAID RECEPTION No. 243664, POINT ALSO BEING THE SOUTHWESTERLY BOUNDARY CORNER OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 13, 1990 IN BOOK 781 AT PAGE 204 AS RECEPTION No. 413472; THENCE LEAVING SAID THE EASTERLY BOUNDARY OF SAID RECEPTION No. 243664 S 87°05'00" E ALONG THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 413472 390.0 FEET TO THE SOUTHEASTERLY BOUNDARY CORNER OF SAID RECEPTION No. 413472; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 413472 S 87°05'00" E ALONG A LINE BEING THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 413472 EXTENDED 837.20 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID NW1/4SW1/4; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID RECEPTION No. 413472 EXTENDED S 01°22'14" W ALONG THE EASTERLY BOUNDARY OF SAID NW1/4SW1/4 938.88 FEET TO THE SOUTHEAST BOUNDARY CORNER OF SAID NW1/4SW1/4; THENCE LEAVING THE EASTERLY BOUNDARY OF SAID NW1/4SW1/4 N 87°04'53" W ALONG THE SOUTHERLY BOUNDARY OF SAID NW1/4SW1/4 743.50 FEET TO A THE SOUTHEAST BOUNDARY CORNER OF SAID RECEPTION No. 45346; THENCE LEAVING SAID SOUTHERLY BOUNDARY AND SAID NW1/4SW1/4 N 01°27'00" E ALONG THE EASTERLY BOUNDARY OF SAID RECEPTION No. 45346 495.0 FEET TO THE NORTHEAST BOUNDARY CORNER OF SAID RECEPTION No. 45346; THENCE LEAVING THE EASTERLY BOUNDARY OF SAID RECEPTION No. 45346 N 87°04'53" W ALONG THE NORTHERLY BOUNDARY OF SAID RECEPTION No. 45346 247.14 FEET TO A POINT ON THE CENTERLINE OF THE GLENWOOD DITCH, POINT ALSO BEING THE SOUTHWESTERLY BOUNDARY CORNER OF SAID RECEPTION No. 246025; THENCE LEAVING THE NORTHERLY BOUNDARY OF SAID RECEPTION No. 45346 ALONG SAID DITCH CENTERLINE AND THE NORTHEASTERLY BOUNDARY OF SAID RECEPTION No. 246025 THE FOLLOWING THREE COURSES:

- 1.) N 55°14'00" W 64.72 FEET
- 2.) N 31°30'00" W 26.26 FEET
- 3.) N 08°55'00" W 75.39 FEET TO THE NORTHEAST BOUNDARY CORNER OF SAID RECEPTION No. 246025; THENCE LEAVING SAID DITCH CENTERLINE AND THE NORTHEASTERLY BOUNDARY OF SAID RECEPTION No. 246025 N 87°05'00" W ALONG THE NORTHERLY BOUNDARY OF SAID RECEPTION No. 246025 165.90 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND CONTAINING 20.434 ACRES, MORE OR LESS.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 88°34'00" E	10.00'
L2	N 55°14'00" W	64.72'
L3	N 31°30'00" W	26.26'
L4	N 08°55'00" W	75.39'



TITLE PROPERTY DESCRIPTION

ALL OF THE SOUTH 28 ACRES OF THE NW1/4SW1/4 OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE 6TH P.M.,

- A LESS AND EXCEPTING A PARCEL IN THE SOUTHWEST CORNER THEREOF AS CONVEYED TO LEWIS BAILOR BY WARRANTY DEED RECORDED OCTOBER 25, 1912, AS DOCUMENT NO. 45346 IN BOOK 88 AT PAGE 412,
- B ALSO LESS AND EXCEPTING A PARCEL IN THE NW14SW1/4 AS CONVEYED TO THE CITY OF GLENWOOD SPRINGS, COLORADO, A MUNICIPAL CORPORATION BY QUITCLAIM DEED RECORDED JUNE 20, 1969, AS DOCUMENT NO. 243664 IN BOOK 402 AT PAGE 445,
- C ALSO LESS AND EXCEPTING A PARCEL IN THE NW1/4SW1/4 AS CONVEYED TO EDWARD MULHALL, JR. AND JANET E. MULHALL BY WARRANTY DEED RECORDED APRIL 13 1970, AS DOCUMENT NO. 246025 IN BOOK 409 AT PAGE 309
- D AND EXCEPTING A PARCEL CONVEYED TO CHARLES E. WITHERS AND PATRICIA K. WITHERS BY WARRANTY DEED RECORDED AS RECEPTION NO. NO. 413472 IN BOOK 781 AT PAGE 204.

COUNTY OF GARFIELD
STATE OF COLORADO

SOPRIS ENGINEERING - LLC

CIVIL CONSULTANTS
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NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: Ordinance 14, Series of 2020; An Ordinance of the City of Glenwood Springs, Colorado, Acting By and Through its's Utility Enterprise, Approving a Loan, Evidenced by a Promissory Note, to Finance Broadband Capital Improvements for Use in its Electric Facility Activities; Approving the Note Form and Loan Repayment from the Operation of the Electric Facilities; and Providing Other Details and Approving Documents Relating to the Loan (SECOND READING).

Action Requested: Award Broadband Financing

Department: City Administration

Presented By: Steve Boyd, COO
Matthew Langhorst, Public Works Director

Background Info: We issued an RFP for this financing in February. We selected a bank but were not able to come to acceptable terms for the financing. Bank of Colorado, our primary bank, submitted a term sheet that is acceptable to the City. The basic provisions of the loan we have described to Council are the same, key changes are summarized here:

-Lender is Bank of Colorado instead of Alpine Bank.

-Rate went from 2.25% fixed to 1.99% for 10 years with a re-set after 10 years to the then-current 10-year treasury bond plus 1.35%.

-Prepayment fee was 2% of outstanding balance in the first 5 years, there is no prepayment fee in the Bank of Colorado loan at any time.

-Minimum debt service coverage ratio of 1.4 to 1.0 is imposed.

-City agrees to leave a minimum of \$2.0 million on deposit with Bank of Colorado, there is no requirement to keep any operating account(s) at BOC.

Issues: None.

Staff Recommendation: Approve Ordinance awarding broadband funding.

ORDINANCE NO. 2020 - 14

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, APPROVING A LOAN, EVIDENCED BY A PROMISSORY NOTE, TO FINANCE BROADBAND CAPITAL IMPROVEMENTS FOR USE IN ITS ELECTRIC FACILITY ACTIVITIES; APPROVING THE NOTE FORM AND LOAN REPAYMENT FROM THE OPERATION OF THE ELECTRIC FACILITIES; AND PROVIDING OTHER DETAILS AND APPROVING DOCUMENTS RELATING TO THE LOAN.

WHEREAS, the City of Glenwood Springs, Colorado, is a municipal corporation duly organized and operating as a home-rule city under Article XX of the Constitution of the State of Colorado and the Charter of the City (unless otherwise indicated, capitalized terms used in this preamble shall have the meanings set forth in Section 1 of this Ordinance); and

WHEREAS, as codified in Article 080.070 of the Municipal Code, the City has established its Utility Enterprise, which constitutes an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and includes, but is not limited to, business activities used in and as part of the acquisition, generation and delivery of electricity and used in and as part of a fiber optic strand or related network in the provision of fiber optic services; and

WHEREAS, during the 2019 fiscal year the Utility Enterprise received under ten percent of its annual revenue in State and local grants and, during the current fiscal year, it is reasonably anticipated that the Utility Enterprise will receive under ten percent of its revenue in State and local grants as provided in Section (10)(a) of Article 080.070.030 of the Municipal Code as the City's standard to issue bonds or other multiple fiscal year obligations without voter approval; and

WHEREAS, the City Council is acting hereunder as the governing body of its Utility Enterprise; and

WHEREAS, in order to finance broadband Capital Improvements for use in its Electric Facility Activities, on or about January 6, 2020 the City issued a Request for Proposal Funding for Community Broadband #BD 2020-004 seeking funding in the amount of \$9,000,000 net of any closing fees and costs and, with the assistance of North Slope Capital Advisors as financial advisor to the City, the City staff has made recommendations to the City Council based upon the qualified responses received; and

WHEREAS, the City Council has determined that proceeding with the Loan proposal from Bank of Colorado is in the best interests of the City and the residents thereof, and that a promissory note be issued to evidence the repayment obligation for the Loan; and

WHEREAS, the Note shall be a revenue obligation of the City payable solely from the Net Revenues derived from Electric Facility Activities accounted for in the Electric System Fund; and

WHEREAS, none of the members of the City Council have any potential conflicting interests in connection with the authorization, issuance and delivery of the Note, or the use of the proceeds thereof; and

WHEREAS, there have been presented to the City, and made available to the members of the City Council, the Term Sheet for the Loan and forms of other documents relating to the Note; and

WHEREAS, the City Council desires to authorize the Loan to be evidenced by the Note.

THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. Definitions. The following terms shall have the following meanings as used in this Ordinance:

“Authorized Denomination” means the outstanding principal amount of the Note issued and delivered pursuant to this Ordinance.

“Business Day” means any day other than (a) a Saturday or Sunday or (b) a day on which banking institutions in the State are authorized or obligated by law or executive order to be closed for business.

“Capital Improvements” means the acquisition of land, easements, facilities, and equipment (other than ordinary repairs and replacements), and the construction or reconstruction of improvements, betterments, and extensions, for use by or in connection with Electric Facility Activities which, under Generally Accepted Accounting Principles for governmental units as prescribed by the Governmental Accounting Standards Board, are properly chargeable as capital items.

“Charter” means the Glenwood Springs Home Rule Charter.

“City” means the City of Glenwood Springs, Colorado.

“City Council” means the City Council of the City.

“Combined Maximum Annual Principal and Interest Requirements” means, with regard to the Note and any Parity Lien Obligations, the maximum annual payments of principal of and interest on all of said issues, excluding redemption premiums, to become due during any fiscal year while the Note is outstanding; provided that such computation shall assume the redemption and payment of principal subject to mandatory redemption for the Note and any Parity Lien Obligations, but shall be made without regard to any right of optional redemption which has not been exercised. In the event that the calculation is made prior to July 1, 2030, the assumed Interest Rate for the Note as reset on and after July 1, 2030, shall be calculated as the greater of 1.99% or the published 10-year U.S. Treasury Rate plus 1.35% (one hundred thirty-five basis points) on the date on which such calculation is to be made.

“Dated Date” means the date of the issuance and delivery of the Note.

“Electric Facilities” means any one or more works and improvements of the City, now owned or hereafter acquired, whether situated within or without the City boundaries, used in and as part of the generation or distribution of electricity for the beneficial uses and purposes for which

electricity has been or may be appropriated, or used in and as part of a fiber optic strand or related network in the provision of fiber optic and related broadband services, including all present or future improvements, extensions, enlargements, betterments, replacements, or additions thereof or thereto.

“Electric Facility Activities” means the acquisition, generation and delivery of electricity and provision of fiber optic and related broadband services through the Electric Facilities in accordance with the applicable provisions of the Charter, the Municipal Code and State law.

“Electric System Fund” means that special fund previously established by the City to account for and report the financial operation of Electric Facility Activities.

“Enabling Law” means collectively, the Charter, the Municipal Code, Part 4 of Article 35 of Title 31, Colorado Revised Statutes, the Supplemental Act, and all other State laws enabling the actions taken pursuant to this Ordinance.

“Event of Default” means any of the events specified in the section hereof entitled “Events of Default.”

“Federal Securities” means bills, certificates of indebtedness, bonds, notes or similar securities which are direct non-callable obligations of the United States of America or which are fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America.

“Gross Revenue” means (a) all rates, fees, charges and revenues directly or indirectly derived by the City for the services furnished by, or use of, Electric Facility Activities, or any part thereof, including all income attributable to any future dispositions of property or rights or related contracts, settlements, or judgments held or obtained in connection with Electric Facility Activities or its operations, (b) all gross income and revenue derived from the investment of any of the funds established or reaffirmed herein, except as otherwise provided in this Ordinance and (c) all gross income and revenue hereafter pledged by the City Council to the payment of the Note which is derived from the operation of any other activity of the Utility Enterprise or from any other City revenues provided that prior to such pledge the City receives a written opinion from Note Counsel to the effect that such pledge does not adversely affect the validity of the Note or the exclusion of the interest on the Note from gross income for federal income tax purposes; provided however, that there shall be excluded from Gross Revenue (i) moneys borrowed and used for providing Capital Improvements, (ii) any money and securities, and investment income therefrom, in any refunding fund, escrow account, or similar account pledged to the payment of any bonds, notes or other obligations for the purpose of defeasing the same, and (iii) any moneys received as grants or appropriations from the United States, the State of Colorado, or other sources, the use of which is limited or restricted by the grantor or donor to the provision of Capital Improvements or for other purposes resulting in the general unavailability thereof, except to the extent any such moneys shall be received as payments for the use of Electric Facility Activities, services rendered thereby, the availability of any such service, or the disposal of any commodities therein.

“Interest Payment Date” means the first day of each month, commencing on the month following the Dated Date, or such other dates as set forth in the Note.

“Interest Rate” means the per annum rate of interest for the Note as set forth in the Note, provided if the Dated Date is prior to July 1, 2020, such rate shall be fixed at 1.99% until July 1, 2030 and, on and after July 1, 2030, will reset to the greater of 1.99% or the published 10-year U.S. Treasury Rate plus 1.35% (one hundred thirty-five basis points). In the event that the Dated Date is on or after July 1, 2020, the initial interest rate shall be determined by the Loan Delegate at a rate no greater than the published 10-year U.S. Treasury Rate as of July 1, 2020 plus 1.75% (one hundred seventy-five basis points).

“Interest Sub-Account” means a sub-account of the Note Account established by the provisions hereof for the purpose of paying the interest on the Note.

“Lender” means Bank of Colorado, the initial registered owner of the Note.

“Letter of Instructions” means the Letter of Instructions, dated the Dated Date and delivered by Note Counsel to the City, as it may be superseded or amended in accordance with its terms.

“Loan” means the loan extended by the Lender pursuant to the terms established in the Term Sheet and this Ordinance and evidenced through the issuance and delivery of the Note by the City.

“Loan Delegate” means the Mayor or, in the absence of the Mayor, the Mayor Pro Tem of the City.

“Maturity Date” means the date set forth in the Note for the final payment of the principal of and unpaid accrued interest on the Note; provided such date shall be no later than twenty years and one month after the Dated Date.

“Municipal Code” means the Glenwood Springs Municipal Code.

“Net Revenues” means Gross Revenue after deducting Operation and Maintenance Expenses.

“Note” means the Electric Revenue Promissory Note, dated as of the Dated Date, which will be issued and delivered pursuant to this Ordinance.

“Note Account” means the “2020 Note Account” established in the Section hereof entitled “Reaffirmation of Electric System Fund; Establishment of Accounts.”

“Note Counsel” means (a) as of the date of issuance of the Note, Kutak Rock LLP, and (b) as of any other date, Kutak Rock LLP or such other attorneys selected by the City with nationally recognized expertise in the issuance of municipal obligations.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City, paid or accrued, for operating, maintaining, and repairing Electric Facilities, including without limitation legal and overhead expenses of the City directly related to the administration of Electric Facility Activities; provided however, that there shall be excluded from Operation and Maintenance Expenses any allowance or transfers for depreciation, expenses

incurred in connection with Capital Improvements, and payments due in connection with any notes, bonds or other obligations issued to provide Capital Improvements.

“*Ordinance*” means this ordinance which authorizes the issuance of the Note, including any amendments or supplements properly made hereto.

“*Owner*” means the Lender as of the Dated Date, and thereafter, following a transfer and exchange of the Note, the Person in whose name such Note is registered on the registration books maintained by the Paying Agent pursuant hereto.

“*Parity Lien Obligations*” means any bond, note or other obligation (which may or may not be multiple-fiscal year financial obligations), permitted to be issued in the future pursuant to the Section hereof entitled “Conditions to the Issuance of Parity Lien Obligations,” with a lien that is equal and on a parity with the lien of the Note on the Net Revenues.

“*Paying Agent*” means the City Director of Finance and its successors in interest or assigns approved by the City with prior written notice to the Owner, which shall act as paying agent, registrar, and authenticating agent for the Note.

“*Permitted Investments*” means any lawful investment permitted for the investment of funds of the City by the Enabling Laws.

“*Person*” means a corporation, firm, other body corporate, partnership, association or individual and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

“*Principal Redemption Date*” means the first day of each month, commencing on the first full month which is three years after the Dated Date, or such other dates as set forth in the Note.

“*Principal Sub-Account*” means a sub-account of the Note Account established by the provisions hereof for the purpose of paying the principal of and premium, if any, on the Note.

“*Pro Rata Portion*” means the dollar amount derived by dividing the amount of principal or interest to come due on the next principal or interest payment date by the number of monthly credits required to be made prior to such payment date.

“*Project*” means any Capital Improvements which would comprise a portion of the Electric Facilities, including but not limited to broadband infrastructure improvements.

“*Project Account*” means the “2020 Broadband Project Account” established in the Section hereof entitled “Reaffirmation of Electric System Fund; Establishment of Accounts.”

“*Project Costs*” means the City’s costs properly attributable to the Project, or any parts thereof, including without limitation: all engineering, construction, inspection, fiscal and legal expenses; the costs of reimbursing funds advanced by the City in anticipation of reimbursement from Note proceeds, including any intrafund or interfund loan; the costs of contingencies or reserves; the costs of issuing the Note, including without limitation any Loan origination fee; all

expenses as may be necessary or incident to the financing, acquisition, improvement, equipment, and completion of the Project; and all other lawful costs as determined by the City Manager.

“*State*” means the State of Colorado.

“*Supplemental Act*” means Part 2 of Article 57 of Title 11, of the Colorado Revised Statutes.

“*Tax Code*” means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Tax Code herein shall be deemed to include the United States Treasury Regulations proposed or in effect thereunder and applicable to the Note or the use of proceeds thereof, unless the context clearly requires otherwise.

“*Term Sheet*” means collectively, the term sheet of the Lender, dated on May 21, 2020, as supplemented or revised, which sets forth the terms pursuant to which the Lender is making the Loan to the City.

Section 2. Authorization and Purpose of the Note. Pursuant to and in accordance with the Enabling Law, the City hereby approves the Loan and, to evidence the Loan, authorizes and orders that there shall be issued the City of Glenwood Springs, acting by and through its Electric Utility, Electric Revenue Promissory Note for the purpose of financing Project Costs. The caption on the Note shall include a series reference that identifies the Note by the year of its issuance.

Section 3. Note Details.

(a) ***Registered Form, Denomination, Dated Date and Numbering.*** The Note shall be issued as a single, fully registered promissory note, which shall be dated as of the Dated Date and registered in the name of the Lender, or if later transferred pursuant to the Section hereof entitled “Registration, Transfer and Exchange of the Note,” in the name of the Person identified in the registration books of the City maintained by the Paying Agent. The Note shall be issued in the Authorized Denomination and shall be in substantially the form set forth in Appendix A hereto, with such changes and additions requested by the Lender which the Loan Delegate determines to be consistent with the provisions of this Ordinance, and approved by the City officials executing the same (whose signatures thereon shall constitute conclusive evidence of such determinations and approval). The Note may be numbered in such manner as determined by the Paying Agent to facilitate registration. The Note shall recite that it is issued under the authority of the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Note after its deliver for value.

(b) ***Maturity Date, Interest Rate and Accrual of Interest.*** As set forth in Note executed by the Loan Delegate, the Note shall be dated as of the Dated Date, mature on the Maturity Date and bear per annum interest at the Interest Rate from the Dated Date (calculated based on a 360-day year of twelve 30-day months) payable on each Interest Payment Date.

(c) ***Manner and Form of Payment.*** The interest on and principal of the Note is payable in lawful money of the United States of America to the Owner at its address as it appears on the registration books maintained by or on behalf of the City by the Paying Agent. Interest and principal payments shall be paid by check or draft of the Paying Agent mailed on or before each

Interest Payment Date and Principal Redemption Date to the Owner. The Paying Agent shall make payments of interest and principal by alternative means, such as by wire transfer, if mutually agreed to between the Owner of the Note and the Paying Agent.

The Note certificate must be presented for the final payment of the principal of the Note on the Maturity Date or date on which the principal of the Note is to be paid in full and need not be presented for mandatory scheduled redemption of the Note. Presentation of the Note to the Paying Agent shall be made at the principal office of the Paying Agent, or at such other address or location as provided in writing by the Paying Agent to the Owner.

Section 4. Delegation and Parameters.

(a) ***Delegation.*** The City Council hereby delegates to the Loan Delegate, for a period of three months from the effective date of this Ordinance, the authority to determine and set forth in the Note: (i) the matters set forth in subsection (b) of this Section, subject to the applicable parameters set forth in this Ordinance; and (ii) any other matters that, in the judgment of the Loan Delegate, are necessary or convenient to be set forth in the Note and are not inconsistent with the parameters set forth in this Ordinance.

(b) ***To Set Forth in the Note.*** The Note shall set forth the following matters and other matters permitted to be set forth therein pursuant to subsection (a) of this Section, but each such matter must fall within the applicable parameters set forth in this Ordinance: (i) the Interest Rate; (ii) the Note principal amount (which shall not exceed \$9,250,000) and mandatory scheduled redemption of principal on each Principal Redemption Date; and (iii) the Interest Payment Date.

Section 5. Redemption of the Note Prior to Maturity.

(a) ***Optional Redemption.*** The Note shall be subject to redemption at the option of the City, in whole but not in part, on any Interest Payment Date; upon payment of the outstanding and unpaid principal amount and accrued interest to the Interest Payment Date on which such optional redemption is made, without redemption premium.

(b) ***Mandatory Scheduled Redemption.*** The principal amount of the Note shall be subject to mandatory scheduled redemption on each Principal Redemption Date and in the principal amounts specified in, or attached as an Exhibit to, the Note at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the scheduled Principal Redemption Date.

(c) ***Redemption Procedures.*** No notice shall be required for mandatory scheduled redemption to occur on each Principal Redemption Date. Notice of optional redemption of the Note shall be given at the direction of the City by the Paying Agent, not less than fifteen days prior to the optional redemption date, by electronic means (provided that the Owner has consented to such means of notification at the address provided by the Owner to the Paying Agent), by first class mail or by such other means acknowledged by the Owner of the Note. Such notice shall specify the Interest Payment Date on which optional redemption is to occur.

Section 6. Execution, Authentication and Delivery of the Note.

(a) **Execution.** The Note shall be executed in the name and on behalf of the City with the manual signature of the Mayor, shall bear a manual or facsimile of the seal of the City and shall be attested by the manual signature of the City Clerk, both of whom are hereby authorized and directed to prepare and execute the Note in accordance with the requirements hereof. Should any officer whose signature appears on the Note cease to be such officer before delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes.

(b) **Authentication.** When the Note has been executed, the Note shall be delivered to the Paying Agent for authentication. No executed Note shall be secured by or entitled to the benefit of this Ordinance, or shall be valid or obligatory for any purpose, unless the certificate of authentication of the Paying Agent has been manually executed by an authorized signatory of the Paying Agent. The executed certificate of authentication of the Paying Agent upon an executed Note shall be conclusive evidence, and the only competent evidence, that the Note has been properly authenticated hereunder.

(c) **Delivery.** Upon the authentication of an executed Note, receipt of the principal amount of the Note from the Lender and issuance of the approving opinion of Note Counsel, the Paying Agent shall release the Note and deliver the same to the Lender in accordance with the directions of the Lender.

Section 7. Registration, Transfer and Exchange of the Note.

(a) **Registration.** The Paying Agent shall maintain the registration book or similar record retention system in which the ownership, transfer and exchange of the Note shall be recorded. The Person in whose name the Note shall be registered in such registration book shall be deemed to be the absolute owner thereof for all purposes.

(b) **Transfer and Exchange.** The Note may be transferred at the principal office of the Paying Agent or at such other location designated by the Paying Agent for such purpose, for a like aggregate outstanding principal amount of the same Maturity Date and Interest Rate. Upon surrender for transfer of the Note, duly endorsed for transfer or accompanied by an assignment duly executed by the Owner or his or her attorney duly authorized in writing, the City shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee a new Note.

Section 8. Replacement of Lost, Destroyed or Stolen Note. If the Note shall become lost, apparently destroyed, stolen or wrongfully taken, it may be replaced in the form and tenor of the lost, destroyed, stolen or taken Note and the City shall execute and the Paying Agent shall authenticate and deliver a replacement Note upon the Owner furnishing, to the satisfaction of the Paying Agent: (a) proof of ownership (which shall be shown by the registration books of the Paying Agent), (b) proof of loss, destruction or theft, (c) an indemnity to the City and the Paying Agent with respect to the Note lost, destroyed or taken, and (d) payment of the cost of preparing and executing the new Note.

Section 9. Reaffirmation of Electric System Fund; Establishment of Accounts. There is hereby reaffirmed the Electric System Fund. Moneys credited to the Electric System Fund shall be appropriated and distributed in accordance with the Municipal Code and this Ordinance. There

also are hereby established within the Electric System Fund the following accounts: (a) the Note Account, which shall include the Interest Sub-Account and the Principal Sub-Account; and (b) the Project Account.

Section 10. Application of Proceeds of the Note. Upon payment to the City of all or a portion of the Loan evidenced by the Note, the Loan proceeds received by the City shall be credited to the Project Account and applied as a supplemental appropriation of the City, provided however, the cost of issuance relating to the Note may be paid by or on the City's behalf from proceeds of the Loan prior to the credit of such Loan proceeds into the Project Account.

Section 11. Net Revenues. All Gross Revenues shall continue to be credited to the Electric System Fund on and after the Dated Date. The City shall apply the moneys credited to the Electric System Fund to Operation and Maintenance Expenses as the same becomes due, and thereafter shall apply the Net Revenues in the following order of priority (for purposes of the following when credits to more than one account or purpose are required at any single priority level, such credits shall rank *pari passu* with each other and, in the event that Net Revenues are not sufficient to fully fund all amounts required at any single priority level, credits shall be made *pro rata*, in accordance with the relative amounts required to be credited to such accounts or purposes):

FIRST, to the credit of the Note Account, the amounts required by the section hereof titled "Note Account", and to the credit of any other similar account hereafter established for the payment of the principal of and interest on Parity Lien Obligations issued in accordance with the Section hereof entitled "Conditions to the Issuance of Parity Lien Obligations" (which credit may be made on the basis of a Pro Rata Portion if such Parity Lien Obligations are payable less frequently than on a monthly basis); and

SECOND, to the credit of any other fund or account as may be designated by the City, to be used for any lawful purpose, any moneys remaining in Electric System Fund after the payments and accumulations set forth in FIRST above.

Section 12. Note Account.

(a) ***Use of Moneys in the Note Account.*** Moneys credited to the Note Account shall be used solely for the purpose of paying the principal of, premium if any, and interest on the Note. The Interest Sub-Account shall be used to pay the interest on the Note and the Principal Sub-Account shall be used to pay the principal of, and premium if any on, the Note.

(b) ***Credits to the Interest Sub-Account.*** Commencing on or before the last Business Day of each month following the Dated Date and taking into consideration moneys then credited to the Interest Sub-Account, Net Revenues shall be credited to the Interest Sub-Account in an amount equal to the interest to come due on the Note on the next succeeding Interest Payment Date and made available to the Paying Agent for the timely payment of interest on the Note on the next succeeding payment date.

(c) ***Credits to the Principal Sub-Account.*** Commencing on or before the last Business Day of the month preceding each Principal Redemption Date and taking into consideration moneys then credited to the Principal Sub-Account, there shall be credited to the Principal Sub-Account Net Revenues in an amount equal to the principal to come due on the Note on the next succeeding

Principal Redemption Date and on the Maturity Date (following the last Principal Redemption Date for the Note) and made available to the Paying Agent for the timely payment of the principal of the Note on the next succeeding payment date.

(d) ***Investments.*** Moneys credited to the Note Account may be invested or credited to securities or obligations that are Permitted Investments. The investment of moneys credited to the Note Account shall, however, be subject to the covenants and provisions of the Section hereof entitled “Covenants Regarding Exclusion of Interest on the Note from Gross Income for Federal Income Tax Purposes.”

Section 13. Project Account.

(a) ***Use of Moneys in Project Account.*** All moneys credited to the Project Account shall be applied solely to the payment of Project Costs. Upon the determination of the City Manager that all Project Costs have been paid or are determinable, any balance remaining in the Project Account (less any amounts necessary to pay the Project Costs not then due and owing) shall be transferred to any sub-account of the Note Account.

(b) ***Investments.*** Moneys credited to the Project Account may be invested or credited to securities or obligations that are Permitted Investments. The investment of moneys credited to the Project Account shall, however, be subject to the covenants and provisions of the Section hereof entitled “Covenants Regarding Exclusion of Interest on the Note from Gross Income for Federal Income Tax Purposes.” Except to the extent otherwise required by such section, interest income from the investment or reinvestment of moneys shall remain in and become part of the Project Account.

Section 14. Pledge and Lien for Payment of the Note.

(a) ***Pledge of Revenues.*** The City hereby pledges for the payment of the principal of and interest on the Note and grants a first lien (but not necessarily an exclusive first lien) for such purpose on the Net Revenues, including without limitation moneys credited to the Note Account, as well as moneys on deposit in the Project Account until they are applied to the payment of Project Costs. The creation, perfection, enforcement, and priority of the pledge of Net Revenues shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The Net Revenues shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described herein. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

(b) ***Superior Liens Prohibited.*** The City shall not pledge or create any other lien on the Net Revenues that is superior to the pledge thereof or lien thereon pursuant to such paragraphs.

(c) ***Subordinate Liens Require Consent.*** For such period of time that the Lender is the Owner of the Note, the City shall not issue subordinate lien obligations or pledge or create a lien on the Net Revenues that is subordinate to the pledge for payment of the Note and Parity Lien Obligations, if any, without the prior written consent of the Lender. If the Lender is no longer the Owner of the Note, nothing herein shall prohibit the City from issuing subordinate lien obligations

and pledging or creating a lien on the Net Revenues that is subordinate to the pledge thereof or lien thereon established pursuant to paragraph (a) of this Section, provided that no Event of Default shall have occurred and be continuing.

(d) ***No Prohibition on Additional Security.*** Nothing herein shall prohibit the City from crediting any legally available revenues that are not Net Revenues or any other moneys into any account of the Electric System Fund pledged to the payment of the Note (and thereby subjecting the moneys so credited to the pledge made and lien granted in paragraph (a) of this Section).

(e) ***The Note is Special, Limited Obligation of the City.*** The Note is a special, limited obligation of the City payable solely from the Net Revenues. The Note shall not constitute a general obligation of the City.

Section 15. Conditions to the Issuance of Parity Lien Obligations. The City may issue Parity Lien Obligations without the prior written consent of the Owner if (i) the Net Revenues for the 12 months immediately preceding the month in which the Parity Lien Obligations are issued, have been equal to at least 140% of the sum of the Combined Maximum Annual Principal and Interest Requirements on the Note, any outstanding Parity Lien Obligations and the proposed Parity Lien Obligations during each calendar year following the date of issuance of the Parity Lien Obligations and (ii) no Event of Default has occurred and is continuing under this Ordinance. Compliance with such covenant shall be certified by the City Manager or the City Finance Director to the Owner and concurrence to the calculation shall be obtained from the Owner prior to the issuance of the Parity Lien Obligations. Except as set forth above, the City shall not issue Parity Lien Obligations without the prior written consent of the Owner.

Section 16. Additional General Covenants. In addition to the other covenants of the City contained herein, the City hereby further covenants for the benefit of Owner of the Note that:

(a) ***Maintenance of Electric Facility Activities Rates, Fees and Coverage.*** The City will establish, maintain, enforce, and collect rates, fees, and charges for services furnished by Electric Facility Activities or the use of the Electric Facilities to create Net Revenue in an amount equal to not less than 110% of the amount necessary to pay when due the principal of and interest on the Note and any Parity Lien Obligations coming due during such calendar year. If the Net Revenue at any time is not sufficient to make such payments, the City shall promptly increase such rates, fees, and charges to an extent which will ensure the payments and accumulations required by this Ordinance.

(b) ***Efficient Operations.*** The City will continue to operate and manage Electric Facility Activities in an efficient and economical manner in accordance with all applicable laws, rules, and regulations, and keep and maintain separate accounts of the receipts and expenses thereof in such manner that the Net Revenue may at all times be readily and accurately determined. The City will promptly charge for service furnished by, or the use of, Electric Facilities and shall use all legal means to assure prompt payment thereof.

(c) ***No Free Service Upon and Event of Default.*** Upon the occurrence of an Event of Default and for so long as the Event of Default is continuing, the City will furnish

no free service from Electric Facility Activities and, other than for use related to the operation of the Electric Facilities, the City shall pay a fair and reasonable amount for the use of services which it receives from Electric Facility Activities.

(d) ***Sale or Alienation of Property.*** The City will not sell or alienate any of the property constituting any part or all of Electric Facilities in any manner or to any extent as might reduce the security provided for the payment of the Note, but the City may sell any portion of such property which shall have been replaced by other similar property of at least equal value, or which shall cease to be necessary for the efficient operations; provided however, that the proceeds of any such sale of the Electric Facilities shall be included as part of the Gross Revenue.

(e) ***Audits.*** At least once a year in the time and manner provided by law, the City will cause an audit to be performed of the records relating to the revenues and expenditures of Electric Facility Activities. Such audit may be made part of and included within the general audit of the City, and made at the same time as the general audit. In addition, at least once a year in the time and manner provided by law, the City will cause a budget to be prepared and adopted. Copies of the budget and the audit will be filed and recorded in the places, time, and manner provided by law. Additionally, the City shall provide the Lender with such financial statements and other related publicly available information at such frequencies and in such detail that the Lender may reasonably request.

(f) ***Insurance.*** The City will carry public liability and such other forms of insurance on insurable Electric Facilities as would ordinarily be carried by utilities having similar properties of equal value, such insurance being in such amounts as will protect Electric Facility Activities and its operations. In the event of any loss or damage to the Electric Facilities, or in the event part or all of the Electric Facilities are taken by the exercise of a power of eminent domain, the insurance proceeds or the condemnation award shall be used for restoring, replacing, or repairing the property lost, damaged, or taken, and the remainder thereof, if any, shall be considered as Gross Revenue; provided however, that if the City Council determines that the Electric Facility Activities and the security for the Note will not be adversely affected thereby, the City Council may determine not to restore, replace, or repair the property lost, damaged, or taken and all of the insurance proceeds or condemnation award shall be considered as Gross Revenue.

(g) ***Enterprise Status.*** The City has and will continue to maintain Electric Facility Activities as an “enterprise” or as part of the Utility Enterprise within the meaning Article X, Section 20 of the Colorado Constitution; provided, however, after the current calendar year the City may disqualify Electric Facility Activities as an “enterprise” or part of the Utility Enterprise in any year in which said disqualification does not materially, adversely affect the enforceability of the covenants made pursuant to this Ordinance. In the event that Electric Facility Activities or the Utility Enterprise is disqualified as an enterprise and the enforceability of the covenants made pursuant to this Ordinance are materially, adversely affected, the City covenants to (i) immediately take all actions necessary to qualify Electric Facility Activities as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and (ii) permit the enforcement of the covenants made herein.

(h) ***Protection of Security.*** The City, its officers, agents and employees, shall not take any action in such manner or to such extent as might prejudice the security for the payment of the principal of and interest on the Note and any other securities payable from the Net Revenue according to the terms thereof. No contract shall be entered into nor any other action taken by which the rights of the Owners might be prejudicially and materially impaired or diminished.

(i) ***Project Useful Life.*** The Note matures at such time not exceeding the estimated useful life of the Project.

Section 17. Covenants Regarding Exclusion of Interest on the Note from Gross Income for Federal Income Tax Purposes. For purposes of ensuring that the interest on the Note is and remains excluded from gross income for federal income tax purposes, the City hereby covenants that:

(a) ***Prohibited Actions.*** The City will not use or permit the use of any proceeds of the Note or any other funds of the City from whatever source derived, directly or indirectly, to acquire any securities or obligations and shall not take or permit to be taken any other action or actions, which would cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Tax Code, or would otherwise cause the interest on the Note to be includible in gross income for federal income tax purposes.

(b) ***Affirmative Actions.*** The City will at all times do and perform all acts permitted by law that are necessary in order to assure that interest paid by the City on the Note shall not be includible in gross income for federal income tax purposes under the Tax Code or any other valid provision of law. In particular, but without limitation, the City represents, warrants and covenants to comply with the following rules unless it receives an opinion of Note Counsel stating that such compliance is not necessary: (i) gross proceeds of the Note will not be used in a manner that will cause the Note to be considered “private activity bond” within the meaning of the Tax Code; (ii) the Note is not and will not become directly or indirectly “federally guaranteed”; and (iii) the City will timely file Internal Revenue Form 8038-G which shall contain the information required to be filed pursuant to Section 149(e) of the Tax Code.

(c) ***Letter of Instructions.*** The City will comply with the Letter of Instructions delivered to it on the date of issuance of the Note, including but not limited by the provisions of the Letter of Instructions regarding the application and investment of Note proceeds, the calculations, the deposits, the disbursements, the investments and the retention of records described in the Letter of Instructions; provided that, in the event the original Letter of Instructions is superseded or amended by a new Letter of Instructions drafted by, and accompanied by an opinion of Note Counsel stating that the use of the new Letter of Instructions will not cause the interest on the Note to become includible in gross income for federal income tax purposes, the City will thereafter comply with the new Letter of Instructions.

(d) ***Qualified Tax-Exempt Obligation Designation.*** The City hereby designates the Note as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Tax Code. The City covenants that the aggregate face amount of all tax-exempt obligations issued by the City, together with governmental entities which derive their issuing authority from the City or

are subject to substantial control by the City, shall not be more than \$10,000,000 during calendar year 2020. The City recognizes that such tax-exempt obligations include bonds, notes, leases, loans and warrants, as well as the Note to be issued and delivered pursuant to this Ordinance. The City further recognizes that any Owner will rely on the City's designation of the Note as a qualified tax-exempt obligation.

Section 18. Defeasance. The Note shall not be deemed to be outstanding hereunder if it shall have been paid and cancelled or if cash or Federal Securities shall have been credited to trust for the payment thereof (whether upon or prior to the maturity of the Note, but if the Note is to be paid prior to maturity, the City shall have given the Paying Agent irrevocable directions to give notice of redemption as required by this Ordinance, or such notice shall have been given in accordance with this Ordinance). In computing the amount of the deposit described above, the City may include interest to be earned on the Federal Securities.

Section 19. Events of Default. Each of the following events constitutes an Event of Default:

(a) ***Nonpayment of Principal, Premium or Interest.*** Failure to make any payment of principal of, premium, if any, or interest on the Note when due hereunder;

(b) ***Breach or Nonperformance of Duties.*** Breach by the City of any covenant set forth herein or failure by the City to perform any duty imposed on it hereunder and continuation of such breach or failure for a period of thirty days after receipt by the City Clerk of written notice thereof from the Paying Agent or from the Owner; or

(c) ***Appointment of Receiver.*** An order or decree is entered by a court of competent jurisdiction appointing a receiver for all or any portion of the revenues and moneys pledged for the payment of the Note pursuant hereto is entered with the consent or acquiescence of the City or is entered without the consent or acquiescence of the City but is not vacated, discharged or stayed within thirty days after it is entered.

Section 20. Remedies for Events of Default.

(a) ***Remedies.*** Upon the occurrence and continuance of any Event of Default, the Owner, or a trustee therefor, may protect and enforce its rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the benefit of the Owner of the Note. Additionally, upon the occurrence of any payment Event of Default as provided in Section 19(a) hereof, an additional 2.00% (two hundred basis point) shall be added to the annual Interest Rate then in effect as the default rate for each day in which such payment Event of Default is in effect.

(b) ***Failure to Pursue Remedies Not a Release; Rights Cumulative.*** The failure of the Owner to proceed in any manner herein provided shall not relieve the City of any liability for failure to perform or carry out its duties hereunder. The foregoing rights are in addition to any

other right available to the Owner of the Note and the exercise of any right by the Owner shall not be deemed a waiver of any other right.

Section 21. Amendment of Ordinance. The City may not amend this Ordinance without the prior written consent of the Owner of the Note.

Section 22. Findings and Determinations. Having been fully informed of and having considered all the pertinent facts and circumstances, the City Council does hereby find, determine, and declare:

(a) ***Compliance with Law.*** The issuance of the Note and all procedures undertaken incident thereto are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the State Constitution and the Enabling Laws, and all conditions and limitations of the State Constitution and the Enabling Laws have been satisfied.

(b) ***Best Interests.*** It is to the best advantage of the City and its residents that the Note be authorized, issued and delivered at the time, in the manner and for the purposes provided in this Ordinance.

(c) ***Supplemental Public Securities Act.*** The City hereby elects to apply the provisions of Section 11-57-209, C.R.S. Section 11-57-210, C.R.S. and Section 11-57-212, C.R.S. to the authorization of the Loan and the issuance and delivery of the Note.

(d) ***No Advisory of Fiduciary Role.*** The City acknowledges and agrees that (i) the transaction contemplated herein is an arm's length commercial transaction between the City and the Lender and its affiliates, (ii) in connection with such transaction, the Lender and its affiliates are acting solely as a principal and not as an advisor including, without limitation, a "Municipal Advisor" as such term is defined in Section 15B of the Securities and Exchange Act of 1934, as amended, and the related final rules (the "Municipal Advisor Rules"), agent or a fiduciary of the City, (iii) the Lender and its affiliates are relying on the bank exemption in the Municipal Advisor Rules, (iv) the Lender and its affiliates have not provided any advice or assumed any advisory or fiduciary responsibility in favor of the City with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (whether or not the Lender, or any affiliate of the Lender, has provided other services or advised, or is currently providing other services or advising the City on other matters), (v) the Lender and its affiliates have financial and other interests that differ from those of the City, and (vi) the City has consulted with its own financial, legal, accounting, tax and other advisors, as applicable, to the extent it deemed appropriate.

Section 23. Appointment and Duties of Paying Agent. The Paying Agent is hereby appointed as paying agent, registrar and authenticating agent for the Note unless and until the City removes it as such and appoints a successor Paying Agent, in which event such successor shall automatically succeed to the duties of the Paying Agent hereunder and its predecessor shall immediately turn over all its records regarding the Note to such successor. The Paying Agent, by accepting its duties as such, agrees to perform all duties and to take all actions assigned to it hereunder in accordance with the terms hereof. The appointment and acceptance of the duties of

Paying Agent hereunder shall be affected through the execution of an agreement by the Paying Agent.

Section 24. Approval of Miscellaneous Documents. The City Council hereby authorizes and approves the execution of all documents and certificates necessary or desirable to effectuate the issuance of the Note and the transaction contemplated hereby, including without limitation the Term Sheet, and execution by the parties thereto shall constitute the City Council's approval of such documents and certificates in the form so executed. In the discretion of City officials, the use of electronic signatures as authorized pursuant to Resolution 2020-19 of the City shall be permitted except in relation to the manual signatures required for the execution of the Note.

Section 25. Ratification of Prior Actions. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council or by the officers and employees of the City directed toward the issuance of the Note for the purposes herein set forth, including without limitation actions taken on the City's behalf in connection with the Request for Proposal Funding for Community Broadband, are hereby ratified, approved and confirmed.

Section 26. Events Occurring on Days That Are Not Business Days. Except as otherwise specifically provided herein with respect to a particular payment, event or action, if any payment to be made hereunder or any event or action to occur hereunder which, but for this Section, is to be made or is to occur on a day that is not a Business Day shall instead be made or occur on the next succeeding day that is a Business Day.

Section 27. Headings. The headings to the various sections and paragraphs to this Ordinance have been inserted solely for the convenience of the reader, are not a part of this Ordinance, and shall not be used in any manner to interpret this Ordinance.

Section 28. Ordinance Irrepealable. After the Note has been issued, this Ordinance shall constitute a contract between the Owner and the City and shall be and remain irrepealable until the principal of the Note and all interest accruing thereon shall have been fully paid, satisfied, and discharged, as herein provided.

Section 29. Severability. It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 30. Repealer. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 21st DAY OF MAY, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen-Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF JUNE, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen-Fletcher, City Clerk

APPENDIX A
FORM OF NOTE
UNITED STATES OF AMERICA
CITY OF GLENWOOD SPRINGS, COLORADO
ACTING BY AND THROUGH ITS UTILITY ENTERPRISE
ELECTRIC REVENUE PROMISSORY NOTE
SERIES 2020

R-_____ \$ _____

Interest Rate	Maturity Date	Dated Date
%		_____

REGISTERED OWNER:

PRINCIPAL SUM: _____ DOLLARS

CITY OF GLENWOOD SPRINGS, COLORADO, in the State of Colorado, a duly organized and validly existing home-rule City and political subdivision of the State of Colorado, acting by and through its Utility Enterprise (the “City”), for value received, hereby promises to pay, solely out of the special funds hereinafter designated but not otherwise, to the registered owner named above, or registered assigns, on Principal Redemption Dates or on the Maturity Date specified above or, the principal amount specified above (capitalized terms used herein shall have the meanings set forth in City Ordinance No. 2020-14 authorizing the issuance of this Note (the “Ordinance”)). In like manner the City promises to pay interest on the unpaid principal amount (computed on the basis of a 360-day year of twelve 30-day months) on each monthly Interest Payment Date, computed initially from the Dated Date set forth above, at the Interest Rate per annum specified above, until the outstanding principal amount is paid in full.

Attached as an Exhibit to this Note is a schedule of the monthly principal and interest due on this Note on each Interest Payment Date and Principal Redemption Date, as well as on the Maturity Date.

The principal of and interest on this Note shall be paid by check or draft of the Paying Agent mailed on or before each Interest Payment Date and Principal Redemption Date to the registered owner of this Note; provided however, the Paying Agent shall make such payments by wire transfer or such alternative means as may be mutually agreed to between the registered owner of this Note and the Paying Agent. The final installment of the principal of and interest on this Note shall only be payable upon presentation and surrender of this Note to the Paying Agent, provided however this Note need not be presented for the payment of principal when redeemed in the case of mandatory scheduled redemption. THE ORDINANCE CONSTITUTES THE CONTRACT BETWEEN THE REGISTERED OWNER OF THIS NOTE AND THE CITY. THIS NOTE IS ONLY EVIDENCE OF SUCH CONTRACT AND, AS SUCH, IS SUBJECT IN

ALL RESPECTS TO THE TERMS OF THE ORDINANCE, WHICH SUPERSEDES ANY INCONSISTENT STATEMENT IN THIS NOTE.

This Note is subject to redemption at the option of the City, in whole but not in part, on any Interest Payment Date; upon payment of the outstanding and unpaid principal amount and accrued interest to the Interest Payment Date on which such optional redemption is made, without redemption premium

The Note is special, limited obligation of the City payable solely from and secured solely from the Net Revenues generated from Electric Utility Activities as provided in the Ordinance and shall not constitute a general obligation of the City. Pursuant to the Ordinance the City pledged for the payment of the principal of, premium if any, and interest on the Note at any time outstanding, and granted a lien for such purpose on the Net Revenues. This Note is issued under authority of the City Charter and, among other things, under the authority of the Part 2 of Article 57 of Title 11, of the Colorado Revised Statutes. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of this Note after its deliver for value.

If any payment required by this Note is not made at the time it becomes due and remains unpaid for a period of 10 days or if any other Event of Default shall have occurred under the City's obligations under the Ordinance then the unpaid balance of this Note may be accelerated by the holder of this Note, and the unpaid principal balance of this Note plus all accrued interest and any reimbursable fees and costs shall be due and payable in full. Additionally, upon the occurrence of a payment Event of Default, an additional 2.00% per annum interest rate shall be added to the annual Interest Rate then in effect as the default rate for each day in which such payment Event of Default is in effect. The City waives presentment, notice of dishonor and protest and agrees that any extension of time with respect to any payment shall not affect the City's liability under this Note. No waiver by the holder of this Note of any payment or right under this Note shall operate as a waiver of any other payment or right under this Note. The City will pay all costs and expenses, including reasonable attorney fees, incurred by the holder of this Note on default regardless of whether an action shall be instituted to collect this Note and in collecting any judgment thereon.

The City agrees with the Owner of this Note that it will keep and perform all the covenants and agreements contained in the Ordinance.

It is hereby certified that all conditions, acts and things required by the City Charter, and the constitution and laws of the State of Colorado, and the ordinances of the City, to exist, to happen and to be performed, precedent to and in the issuance of this Note, exist, have happened and have been performed, and that the Note do not exceed any limitations prescribed by said City Charter, Constitution or laws of the State of Colorado, or the ordinances of the City.

This Note shall not be entitled to any benefit under the Ordinance, or become valid or obligatory for any purpose, until the Paying Agent shall have signed the certificate of authentication hereon.

IN WITNESS WHEREOF, City of Glenwood Springs, Colorado, has caused this Note to be signed in the name and on behalf of the City with the manual signature of the Mayor, to be

sealed with the seal of the City or a facsimile thereof and to be attested by the manual signature of the City Clerk.

[MANUAL OR FACSIMILE SEAL]

GLENWOOD SPRINGS, COLORADO

By (Manual Signature)

Mayor

ATTEST:

By (Manual Signature)

City Clerk

CERTIFICATE OF AUTHENTICATION

This is the Note described in the within-mentioned Ordinance.

City Director of Finance, as Paying Agent

By _____

Authorized Representative

Date of Authentication: _____

CERTIFICATE OF TRANSFER

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto _____ (Tax Identification or Social Security No. _____) the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.



May 21, 2020

Ricky Smith
Procurement Manager
City of Glenwood Springs
101 West 8th St.
Glenwood Springs, CO 81601

Dear Ricky,

Thank you for the opportunity to discuss your potential financing needs to facilitate the funding for Community Broadband for the City of Glenwood Springs (the "City") in the amount not to exceed \$9,250,000.

This letter is for discussion purposes only and does not represent a formal commitment for financing. Such commitment will be subject to written approval by this Bank and may contain terms in addition to those stated here. Here are the general terms based on the preliminary project information, a more definitive lease structure will be defined as additional information is collected.

Basic Term of Proposal

Issuer: City of Glenwood Springs, Colorado. Enterprise Financing without annual appropriations.

Loan Amount: Not to exceed \$9,250,000.

Interest Rate: 1.99% per annum fixed for 10 years, then the rate will change to the 10-Year U.S. Treasury Rate then in effect plus 1.35% per annum, subject to a floor rate of 1.99% per annum. This assumes a satisfactory opinion letter for double tax exempt status. This also assumes that the transaction will close prior to July 1, 2020. The Bank reserves the right to re-price the interest rate if the transaction does not close by July 1, 2020. The interest rate shall increase by 2% per annum upon any monetary default.

Fees: Origination Fee: .50% of Loan Amount. City will be responsible for paying or reimbursing the Bank, as applicable, for all documentation fees, double tax exempt opinion letter cost and fees, Bank outside legal counsel fees and other out of pocket fees and charges.



4110828v.9 MEMBER FDIC

Purpose:	Funds to be used to build out approximately 150 miles of broadband fiber in the City and working capital for community broadband. Bank will not be responsible for monitoring the work.
Disbursement Options:	All funds to be disbursed to the City's Project Fund deposit account with the Bank upon Closing. All disbursed and unused Project Funds will remain on deposit with the Bank.
Term:	Three-year interest only, then reamortized over 17 years payable in equal monthly installments of approximately \$53,481.79 for 7 years, then re-amortized with monthly payments for 10 years.
Maturity:	240 months from Closing.
Collateral:	First Lien on the Net Revenues on deposit in the City's Electric System Fund, which includes the City's generation and delivery of electricity as well as broadband services. A lien on the Project Fund deposit account with the Bank.
Prepayment:	Early redemption fee: None.
Deposit Accounts:	Project Funds to be kept exclusively with the Bank for so long as the debt is outstanding. In addition City will maintain at least \$2,000,000 of general deposits with the Bank for so long as the debt is outstanding.
Covenants:	Minimum Debt Service Coverage Ratio of 1.10:1. No new subordinate debt issuances without Bank consent. No new parity lien obligations unless or until the City and the Bank concur that based upon the 12 months prior to the new debt issuance the City has maintained a Minimum Debt Service Coverage Ratio of 1.4:1 after including any new debt issuance. Such other covenants, terms and conditions as the Bank may require.
Other:	Other loan and security conditions as the Bank may require in the Financing Documentation.

We appreciate the opportunity to provide you with this proposal of general terms. I am hopeful that the Bank of Colorado will be successful in winning your business. As stated above this is not a formal commitment for financing, it is only a general terms proposal and remains valid until May 24, 2020 unless Bank and proposed lessee agree to continue working toward a final financing package. Any closing of the transaction is subject to our final review and approval of the Financing Documentation.

Please do not hesitate to call me at 970-945-7422 if thoughts or questions arise in your review of the above.

Sincerely,

BANK OF COLORADO



Brad Kreikemeier
Executive Vice President

The above reviewed and agreed to this _____ day of May, 2020.

CITY OF GLENWOOD SPRINGS

By: _____

Ricky Smith

Its: Procurement Manager



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: Ordinance 13, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado Amending Section 060.020.020 related to Solar Panel Fees (FIRST READING)

Action Requested: Approval of Ordinance 13, Series 2020

Department: Economic and Community Development

Presented By: Jennifer Ooton, Assistant City Manager

Background Info: In conformance with state law, this Ordinance amends the building code to limit the fees for solar panel installations to the actual cost to review the permit and setting a cap of \$500 per residential solar panel installation and \$2,000 per commercial solar panel installation.

Issues:

Staff Recommendation: Approval of Ordinance 13, Series 2020

ORDINANCE NO. 13

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 060.020.020 OF THE GLENWOOD SPRINGS MUNICIPAL CODE.

WHEREAS, Section 060.020.020 of the Glenwood Springs Municipal Code sets forth the amendments to the International Building Code adopted by the City and includes a table of building permit fees charged by the City; and

WHEREAS, Table 1A includes a fixed building permit fee per solar panel; and

WHEREAS, in accordance with C.R.S. §24-48.5-113, City Council desires to amend the building permit fee for solar panels so that it is based on the actual time spent reviewing the permit application with a cap of \$500 for a residential application or \$2,000 for a nonresidential application; and

WHEREAS, the City Charter of the City of Glenwood Springs requires that an ordinance be enacted to effectuate the amendments.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals above are hereby adopted as findings.

Section 2. Section 060.020.020, Table 1A of the Glenwood Springs Municipal Code is hereby amended as follows, with ~~strike through language deleted~~ and double underlined text added:

Table 1-A—Building Permit Fees

Solar panels \$50.00 per hour for application review with a maximum fee of \$500 for a residential application or \$2,000 for a nonresidential application ~~\$25 per panel~~

~~Solar panel fee for other solar panels \$15 per panel~~

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE
OF SECOND PUBLICATION THIS _____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: South Midland Improvements Project: Public Information Services

Action Requested: Approval of Project Resource Studio proposal for Public Information Services for the South Midland Improvements Project. The cost of the Public information services is estimated at \$103,210.00. An additional \$10,000.00 is estimated to be required for direct advertising. The total authorization for the proposed scope of work and advertising is \$113,210.00.

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: The South Midland Improvement project is anticipated to begin construction in the fall. This project will have large impacts to the traveling public that reside and work in the South Midland corridor. A strong public information strategy and implementation will be a cornerstone of a successful project.

The public information services would begin 2 months prior to the start of construction and continue for the anticipated 18 month duration the project. The scope of services is detailed in the Proposal. Major Scope Items are listed below.

- On Call/On Site Services
- Maintenance and Management of Media and Community Contact Lists
- Ongoing Communications
- Project/Public Meetings
- PIM Site Meetings
- Public Engagement
- Public Information Phone and Email
- Project Flyers/Newsletters
- Press Releases
- Paid Advertising (as needed)
- Photo Documentation
- Website and Application Updates
- Radio Updates
- Media Relations
- Language Assistance
- Digital Communications

.This work will be paid for out of bond proceeds from the City's A&I fund.

Issues: None at this time.

Staff Recommendation: Approval of the public information proposal and contract.

PROPOSAL

**Project Resource Studio
Public Information Services
South Midland Improvement Project**

Glenwood Springs, Colorado

April 13, 2020

Contact Information

Kathleen Wanatowicz, Principal
Phone: 970-618-5114
Email: kathleen@prstudioco.com
Mailing Address:
Post Office Box 1523
Carbondale, Colorado 81623

**Certified DBE, Disadvantaged Business Enterprise
Certified M/WBE, Minority/Women Business Enterprise
Certified SBE, Small Business Enterprise**



South Midland Improvement Project - Glenwood Springs, Colorado

ABOUT PROJECT RESOURCE STUDIO

Project Resource Studio is a strategic communications firm providing public information, public relations, public process consulting and stakeholder outreach strategies for complex projects. Our team delivers fully-integrated marketing and outreach plans, while serving as the project team's communication office. Firm industry focus is infrastructure, community development, transportation and new initiatives.

Project Resource Studio is a certified women-owned business located in the Roaring Fork Valley serving clients throughout Colorado. Project Resource Studio is certified by the State of Colorado as a Disadvantaged Business Enterprise (DBE), Minority/Women Business Enterprise (M/WBE) and Small Business Enterprise (SBE).

Our professional consultant team develops individualized communication plans for each project. The firm provides project branding, consistency of project message and coordination of outreach activities between project team and the general public.

Project Communications Strategy

Project Resource Studio understands that proactive, engaging communications for roadway projects benefits all stakeholders from the traveling public, to schools and community groups, businesses and government agencies. Our information team will create a communications plan for the South Midland Improvement project that incorporates one-on-one dialogue with neighborhoods, an early notification process, written communication with mapping and social media tools. Our team will provide strategic public information management throughout the project utilizing a consistent message delivery process.

Select Experience - Public Initiatives and Projects

27th Street Bridge Replacement Public Information Management - \$10 Million Bridge Project
Castle Creek Bridge Improvement Project - \$4 Million Project
Grand Avenue Bridge, Public Involvement Director, Operations Facilitator - \$125 Million Project
Snowmass Village Renaissance, Public Relations - \$1 Billion in Redevelopment Projects
Aspen Pedestrian Mall Improvement Project (Utilities) - \$50 Million Redevelopment Project
Construction and Roadway Projects, Public Engagement – \$25 Million in Public Improvements
Pitkin County Public Process Initiatives, Infrastructure - \$3 Million in Public Improvements

South Midland Improvement Project - Contract Public Information Manager (PIM)

Project Resource Studio will appoint one Senior Associate as the Public Information Manager to report to the City of Glenwood Springs South Midland Project Team. Kathleen Wanatowicz, will serve as the Principal in Charge and provide oversight, supervision, quality control and strategic direction.

PUBLIC INFORMATION SERVICES – SCOPE OF WORK

The following Scope of Work description includes an all-inclusive and integrated approach to public information management services:

The PIM (Public Information Manager) shall submit a Public Information Plan (PIP) for approval by the City of Glenwood Springs (COGS) Project Engineer.

The PIP shall include project milestones and planned public information strategies; primary stakeholder communications list; identification of any public information issues and proposed outreach and approach to crisis communications. The PIP should address each Phase of the project and associated impacts. The PIP should identify proactive communication strategies, accurate mapping and outreach plan. PIP should identify channels for all communications to individual audiences.

All Services Under Scope:

All services are as needed or requested. Direct expenses are not included under the service fee. Direct expenses may include, but are not limited to: graphic design, paid advertising, printing and event expenses.

- **On Call/On Site Services** – The PIM will be available or on call on every working date, and on call after normal business hours to assist the Project Team with public or media inquiries. The PIM will be available to be on site within in one hour to provide media interviews and/or site tours.
- **Maintenance and Management of Media and Community Contact Lists** – The PIM will be responsible for updating and maintaining the contact lists for all local, regional and national media relevant to the Project. Other contact lists as needed will be the responsibility of the PIM.
- **Ongoing Communications** – The PIM shall maintain communications with Project Manager and Project Team and affected residents, businesses and numerous stakeholder groups: recreational community, public safety, government and all entities associated with the South Midland Project Area.

- **Project/Public Meetings** – The PIM will be available in person to participate in various public and project meetings including but not limited to the following: Pre-Construction Meeting, Partnering Meetings, Weekly Project Meetings, Recreational Coordination Meetings, Public Meetings, Emergency Services / First Responders Meetings, Stakeholders Meetings and Community Coordination Meetings.
- **PIM Site Meetings** – The PIM will be flexible to add meetings as needed throughout the project.
- **Public Engagement** – The PIM will be responsible for coordinating, hosting and executing Public Meetings designed to inform the public of project plans, schedules, ways to stay connected, traffic impacts, phasing, and various facts related to the project. Visual display information will be provided as well as any material needed to effectively communicate the project to the public.
- **Public Information Phone and Email** – The PIM shall establish dedicated phone line and email for the project. The PIM shall record a friendly greeting on the project's published phone line each week, updating the message throughout the week, as necessary, depending on changes in work schedule, activities and traffic impacts. The PIM will check and respond to voice messages throughout the day. The PIM shall respond to questions concerning project activities and schedules, participate in and document any meetings held with affected individuals and maintain ongoing communications with businesses directly impacted by construction on a weekly basis or more frequently as warranted.
- **Project Flyers/Newsletters** – The PIM will prepare and deliver project flyers. Flyers will be delivered to stakeholders. Flyers will contain all relevant project information and graphics. These flyers can be distributed in a digital format.
- **Press Releases** – The PIM will prepare press releases for the media. All press releases will be approved by the Project Manager prior to distribution. Press releases will be prepared prior to every significant project update and as needed at the request of the City of Glenwood Springs.
- **Paid Advertising** – The PIM shall work with local media to develop and place advertisements in appropriate local media outlets. (As needed.)
- **Photo Documentation** – The PIM will take progress photos of the work and provide electronic images. Each photo will include a written description including date, direction, and project activity.
- **Website and Application Updates** – The PIM will follow the City of Glenwood Springs guidelines to develop internet web page content and provide consistent updates with the latest project information.
- **Radio Updates** – The PIM will coordinate daily or weekly updates with local radio stations.
- **Media Relations** – The PIM will immediately notify the Project Engineer and City of Glenwood Springs PIO of any on site situations involving the media. COGS PIO and the PIM will handle all media inquiries and media requests per the PIP. All media relations will be monitored throughout the project.
- **Language Assistance** – The PIM will work with COGS on LEP needs upon request.
- **Digital Communications** – The PIM will present COGS Engineer ideas for enhancing communication through new technologies.

AVAILABILITY AND RESPONSE PROTOCOL

General availability: The PIM will be accessible 24 hours a day, seven days a week.

Reactive Responses	Timing
Public Information Phone Line and Voicemail	PIM will check messages throughout the day. PIM will use a landline for the Public Information Line. Most times the phone will be answered by the PIM or a Public Information Coordinator. PIM will respond in the same day or within 24 hours including weekends.
Emails	PIM will respond in the same day or within two business days for high volume situations.
Call from COGS Project Staff	As soon as possible.

DELIVERABLES PROTOCOL

General: The PIM will submit all plans, updates and collateral material for review and acceptance by COGS prior to dissemination.

Deliverable	Timing
Public Information Staff Contact	Prior to Contractor's Notice to Proceed
Contractor Contact Information	At NTP
Final Public Information Plan	Seven days following NTP
Telephone Hotline	At NTP
Master Distribution List	At NTP
Flyers, Newsletter, Public Material	(10) Working Days Prior to the Scheduled Distribution Date.
General Public Information and Publications	(48) Hours prior to distribution.
Public Contact Report	(10) Working Days prior to scheduled event

NOTIFICATION PROTOCOL

General: The PIM is also responsible for collecting, processing and providing to COGS several types of Project impact notifications.

Proactive Notification Element	Timing
Full road closures, detours and major traffic impacts.	(2) Weeks prior to the beginning of the activity.
Major project activities. (Night Work, Utilities, Access)	(7) Days prior to the beginning of the activity.
Other Construction Updates	(3-7) Days prior to the beginning of the activity.
Photos, Website, Social Media	Information submitted to COGS for inclusion follows above schedule.

PAYMENT / RATES FOR SERVICES

1. The PIM will bill all work hourly at an hourly rate of \$145/hour but will be paid through an all-inclusive service fee.
2. Travel time to and from the Project Site will not be billed.
3. PIM will submit invoices on a monthly basis accompanied by an itemized description of services indicating billable hour completed during the Invoice period.
4. Reimbursable under the Forced Account Public Information Contract
 - a. Paid Advertising
 - b. Meeting Room / Facility Rental
 - c. LED Language Assistant Services
 - d. Printed Materials
5. The Project Manager will monitor the PIM and all public information services.

PROPOSAL AMOUNT

A detail of our fees is outlined in the attached Detailed Fee Spreadsheet. The total service fee is \$101,210.00 not to exceed amount and will be billed over a 20-month timeline (2 months pre-construction and 18 months construction). (Approximately \$5,000 per month.)

A small number of incidentals are estimated at \$2,000.00 – Total proposal \$103,210.00

Direct advertising expenses are not included. Additional \$10,000 is recommended for advertising needs.

Thank you for this opportunity. We look forward to assisting the City of Glenwood Springs.

Regards,

Kathleen

Kathleen Wanatowicz, Principal
Project Resource Studio

Public Information Management South Midland Improvement Project - Detailed Fee Spreadsheet

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Pre-Construction																		
Average Hours Per Month																			
SCOPE ITEMS																			
Project Management																			
Meetings	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	20	20
PIP	10																		
Outreach																			
Ongoing Weekly Communications		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8		
Newsletters For Each Phase																			
Visuals	20																		
24/7 Call Line		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
Public Stakeholder Meetings																			
Small Group Stakeholder Meetings	30	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
Public Open House	20																		
Informational Materials		4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
Maps (Maintaining Current and Updated)																			
Fact Sheets (Maintaining Current and Updated)																			
Website Content																			
Graphic Design (Design Map Needs)	40																		
Media Relations																			
Media Relations		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
Images Video Photo		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
TOTAL																			

Total Hours 698
 Hourly Fee \$ 145.00
 Total Fee \$ 101,210.00
 Per Month Estimate \$ 5,060.50



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: Consideration of a request to rezone property owned by Glenwood Meadows, LLC known as Lot 11 B Glenwood Meadows No 5, A Minor Re-subdivision of Glenwood Meadows No 4 Lot Line Adjustment, from RH Residential High Density to M2 Mixed-Use Core Zoning

Action Requested: Consideration of a request to rezone Lot 11B, Glenwood Meadows No.5 from RH-residential high density to M2-mixed use core commercial.

Department: Economic and Community Development

Presented By: Gretchen Ricehill, Assistant Director of Economic and Community Development

Background Info: Rezoning applications are approved by City Council following review and recommendation by the Planning and Zoning Commission.

The proposal calls for rezoning Lot 11B, an undeveloped 0.4 acre parcel of land located on the southeast corner of Wulfsohn Road and Flat Tops View Drive from RH-residential high density (formerly R/3) to M2-mixed use downtown core (formerly C/2).

When reviewing rezoning applications, the Municipal Code provides that Council consider whether:

1. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
2. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
3. Substantial changes in the subject area warrant a zoning change; and/or
4. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

For detailed background information related to this rezoning request, refer to the attached -

- Planning & Zoning Commission staff report which provides an analysis of the rezoning request;
- Application materials including narrative which addresses each of the four rezoning criteria, site plan, topographic map; comparison of zoning district standards, and conceptual image of a building on the site; and
- Planning and Zoning Commission draft meeting minutes.

Issues: None.

Staff Recommendation: **Planning and Zoning Commission Recommendation**

At their meeting on April 28 and May 5, 2020, the Planning and Zoning Commission considered the rezoning request and took one comment from the public. The Commission unanimously recommended that City Council approve rezoning Lot 11B, Glenwood Meadows No. 5, from RH-residential high density to M2-mixed use core commercial

Action Alternatives and Staff Recommendation

Municipal Code section 070.060.030(g) outlines the review and decision procedures for applications being considered by City Council stating that Council may approve, approve with conditions, or deny the application based on the applicable approval criteria. Council may also continue the hearing with a request for additional information necessary to determine compliance with the approval criteria.

Staff Recommendation:

Staff recommends that Council uphold the Planning and Zoning Commission's recommendation to

approve the rezoning request with the following suggested findings and conditions.

Suggested Findings:

1. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
2. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
3. Substantial changes in the subject area warrant a zoning change; and/or
4. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

Suggested Conditions:

1. The applicant/owner shall comply with all verbal representations made in the public hearings, as outlined in all application materials, and/or as revised and approved by the Community Development Director.
2. Prior to recording the Ordinance memorializing the rezoning, the applicant/owner shall provide a written legal description of Lot 11B.



Planning & Zoning Commission Staff Report

Date: April 28, 2020

To: Planning & Zoning Commission

From: Gretchen Ricehill, Asst. Director Community Development Dept.

Subject: Consideration a request to rezone Lot 11B, Glenwood Meadows No. 5, from RH-residential high density to M2-mixed use core commercial

REQUEST	Consideration of a request to rezone a parcel from RH-residential high density to M2-mixed use core commercial
APPLICANT	Christopher Hawkins, Alpine Planning LLC
OWNER	Glenwood Meadows LLC
ZONE	R/H-Residential High Density
LOCATION:	TBD – Wulfsohn Rd; Lot 11B-Glenwood Meadows No.5
SURROUNDING LAND USES	North: Lodging South: Multi-family residential; open space East: Community Center; open space West: Multi-family residential
LOT SIZE	17,816 square feet

ACTION ITEM SUMMARY

Action 1: Consideration of a request to rezone a parcel from RH-residential high density to M2-mixed use core commercial.

Staff Recommendation: Staff recommends that the Planning and Zoning Commission approve the rezoning request with findings and conditions on page 8 of this report.

REVIEW PROCESS

Rezoning applications are approved by City Council following review and recommendation by the Planning and Zoning Commission. All rezoning actions involve City Council review and approval of an Ordinance, which requires two hearings before that body.

PROJECT SUMMARY

The proposal calls for rezoning Lot 11B which is a 0.4 acre parcel of land located on the southeast corner of Wulfsohn Road and Flat Tops View Drive from RH-residential high density (formerly R/3) to M2-mixed use downtown core (formerly C/2).

Rezoning applications require hearings before both the Planning and Zoning Commission and City Council. When considering such requests, the Commission and Council shall consider whether:

1. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
2. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
3. Substantial changes in the subject area warrant a zoning change; and/or

4. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

Attached for the Commission's review is the applicant's narrative which addresses each of the four rezoning criteria; site plan; topographic map; comparison of zoning district standards; and conceptual image of a building on the site. Following is background information about the property and staff's analysis of the rezoning request.

Background

Glenwood Meadows was annexed into the city limits in 2002 following lengthy negotiations. The terms of these negotiations were memorialized in the Glenwood Meadows Annexation and Development Agreement and Zoning and Development Plan (ADA). Among other things, the ADA divided the Meadows into separate zoning districts, listed land uses within each district, and created specific design requirements beyond what was required under the city's Municipal Code at that time.

Lot 11B, the subject of this rezoning request, was originally part of a larger, nearly 58-acre parcel which extended from the Municipal Operation Center on the west to the Community Center on the east. In 2009 Lot 11B was subdivided from this larger parcel as were Lots 11A and 11C. Lot 11B in 2009 consisted of 46,890 square feet. Then, in 2011 through a lot boundary adjustment, it was further reduced in size to 36,490 square feet. In 2012, the lot was reduced to its current 17,816 square foot size with the development of the Glenwood Green apartments and the construction of Flat Tops View Drive.



Portion of plat showing 2011 lot boundary adjustment.

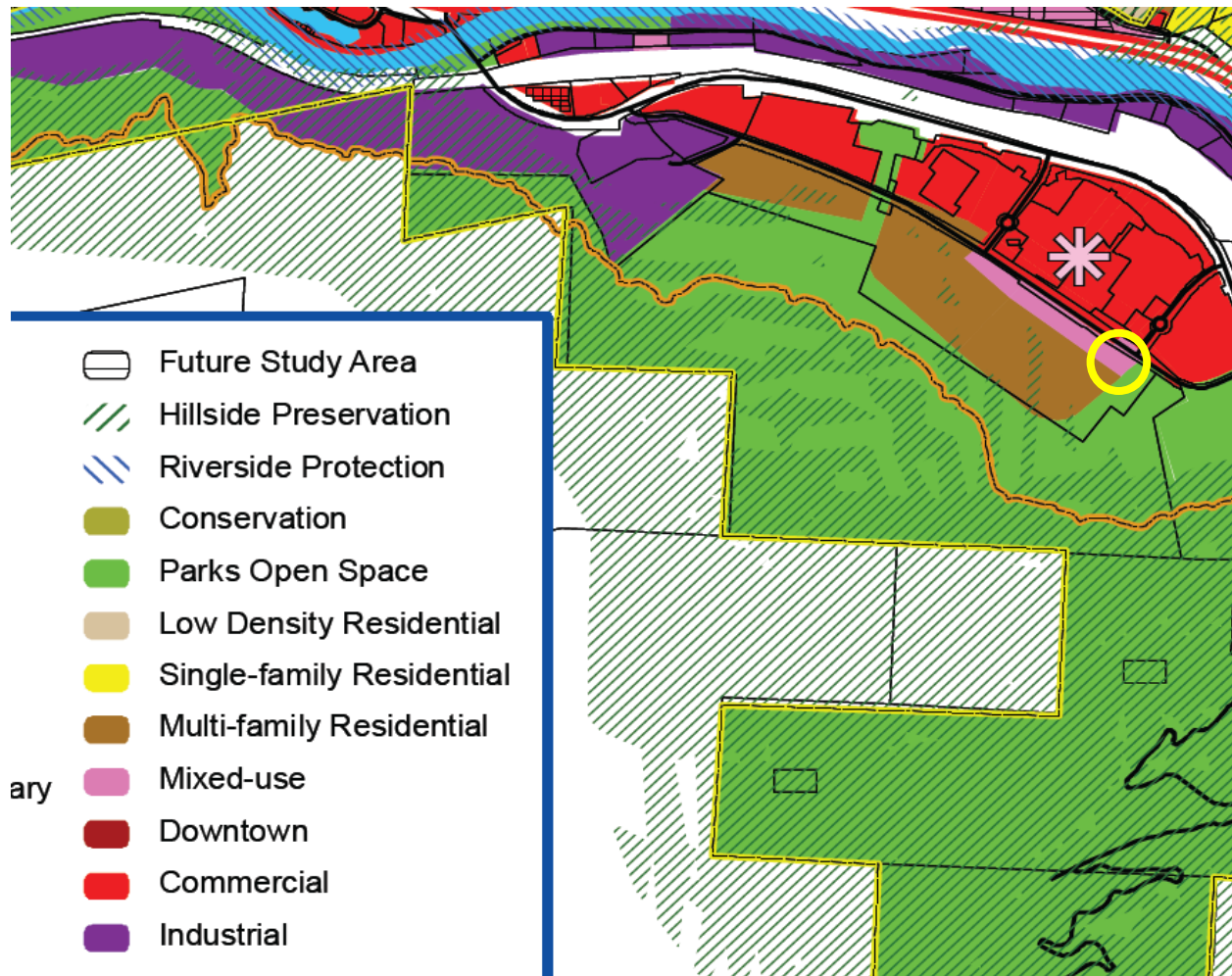
As previously indicated, the ADA included a list of allowed land uses within each of the Meadows zoning districts. A comparison of uses allowed in each zoning district is attached to this report.

REZONING CRITERIA

Below is staff's analysis of the rezoning request

Rezoning is consistent with the City's comprehensive plan and purpose of the Code

The applicant noted that the rezoning is consistent with the Comprehensive Plan's Future Land Use map as shown below. The map classifies the property as appropriate for mixed-use development which includes commercial, retail. Office, restaurant, entertainment and multi-family housing coexisting through design either in a horizontal or vertical fashion.



According to the narrative, the intent of the rezoning is to construct a two-story, mixed-use building that includes ground floor commercial and upper floor residential. This development type conforms to the Comprehensive Plan's mixed-use classification.

Additionally, the project narrative includes an analysis of how the proposed rezoning conforms to many of the Comprehensive Plan's goal statements. These include:

- Maintaining small town character which includes compact development with essential services and many amenities within walking distance

The applicant noted that this 0.4-acre lot which will only allow for a small, compact commercial/mixed-use building. The lot is located in proximity to the Community Center, the Glenwood Meadows commercial area, and within easy walking distance to downtown.

- Direct development to locations and forms that are cost-effective to serve
- Direct Development into a compact form: infill and redevelopment

The property does not require the extension of utility services. It is located at the intersection of Wulfsohn Road and Flat Tops View Drive and is immediately adjacent to water, sewer, gas, electric and telecommunication services.

Rezoning is consistent with the purpose statement of the M2 zoning district

According to Municipal Code Title 070 the M2-mixed use core district is intended to accommodate a walkable and active mix of residential and nonresidential development within Glenwood's core commercial areas. The M2 district places an emphasis on high-quality building and site design, as well as the surrounding streetscape.

The proposed rezoning is intended to support the development of a two-story mixed-use building which meets the purposes of the M2 zoning district. Building design, landscaping and other site improvements will be required to comply with Municipal Code and Glenwood Meadows development standards.

Substantial changes in the subject area warrant a zoning change

As indicated in the applicant's narrative, the rezoning request is warranted due to the fact that this parcel has been substantially reduced in size since its original creation. The 0.4 acre site is not efficient for its current designation as high density residential development.

The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

The rezoning request is not expected to have adverse impacts on the surrounding neighborhood. The size of the building that will be constructed on this parcel is expected to be much smaller in scale and mass than existing developments to the west and north of this lot. This is due to the small lot size; existing easements; off-street parking requirements; landscaping, sidewalk and other site improvement requirements which will limit the intensity of development on this parcel.

REVIEWING AGENCY COMMENTS

The application was distributed to the reviewing agencies. No comments/concerns were received.

REQUIRED ACTIONS

Action 1:

Consideration of a request to rezone a parcel from RH-residential high density to M2-mixed use core commercial.

Action Alternatives

The Planning and Zoning Commission shall review the rezoning application and recommend approval or denial in accordance with the rezoning review criteria; or the Planning and Zoning Commission may continue the hearing with a request for additional information necessary to determine compliance with the approval criteria.

Staff Recommendation:

Staff recommends that the Planning and Zoning Commission **approve** the rezoning request **with findings and conditions on page 8 of this report.**

Suggested Findings:

1. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
2. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
3. Substantial changes in the subject area warrant a zoning change; and/or
4. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

Suggested Conditions:

1. The applicant/owner shall comply with all verbal representations made in the public hearings, as outlined in all application materials, and/or as revised and approved by the Community Development Director.
2. Prior to recording the Ordinance memorializing the rezoning, the applicant/owner shall provide a written legal description of Lot 11B.

APPENDIX

Allowed Uses Comparison - Glenwood Meadows RH (R3) and M2 (C2) Zoning Districts

	Allowed
	Special Review
	Prohibited

Use	M2 (formerly C2) Mixed Use	RH (formerly R3 Residential neighborhood)
Accessory Uses		
Apartments		
Auto Rental		
Auto Repair		
Auto Parking		
Auto Sales		
Auto Service		
Auto Washing/polishing facility		
Banks with drive thru/accessory ATM facilities		
Bed & Breakfast		
Child Care Home		
Commercial Indoor Cinema		
Daycare Facilities		
Sanitariums, rest homes, homes for the aged, convalescent homes		
Emergency Service facilities		
Golf Course		
Gas Sales		
Governmental facilities and non-governmental health and human service facilities		
Government or public utility service		
Commercial Health and Fitness Centers		
Home Improvement and Garden Supply		
Hospitals and their related facilities		
Hotels		
Indoor commercial recreational facilities		
Light assembly		
Major home occupation		

Membership warehouse		
Minor Home occupation		
Mobile Home manufacturing		
Mobile Home Park		
Mobile Home sales		
Mortuary		
Multi family dwellings		
Museum		
Non-bank drive-through facilities		
Office uses		
Office-Showroom		
Outdoor display		
Outdoor recreational facilities		
Outdoor storage		
Clinical and their related facilities		
Pedestrian oriented accessory uses and outdoor seating for restaurants		
Public park		
Radio transmission facilities		
Recreation vehicle parking		
Religious institutions		
Restaurants		
Retail		
Road, driveway, bikeway, parking		
Schools		
Schools: Colleges or Universities		
Self storage facilities		
Service and repair of appliances and building components		
Personal service such as photo shop, tailor, dry cleaning, barber		
Single family detached dwellings		
Single family attached housing e.g. townhouses		
Roughhouses		
Skating rinks, public recreational and sports facilities		
Small animal hospitals and clinics		

Transient housing/boarding houses		
Transit park and ride/bus station		
Utility substations		



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
April 28, 2020
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: Amber Wissing, Marco Dehm, Kathryn Grosscup, Carolyn Cipperly, Ingrid Wussow, George Shaver, and Sumner Schachter

Absent: None.

Also present were: Jenn Ooton, Asst. City Manager, Director
Gretchen Ricehill, Asst. Director
Trent Hyatt, Senior Planner
Anna S. Itenberg, City Attorney's Office
Catherine Fletcher, City Clerk
Jessica Bowser, Asst. City Engineer
Alissa Owsley, IT Director

2. Receipt of Minutes from the Feb. 25, 2020 meeting

Commissioner Grosscup pointed out on page 3 of the minutes, that Dr. Salmen's comments were not provided in their entirety and asked that staff review the tape.

Motion: Commissioner Grosscup made a motion to continue the minutes to the next meeting, seconded by Commissioner Wissing. Motion carried unanimously.

3. Comments from citizens appearing for items not on the agenda.

Laura Speck asked whether the topic of homeless was going to come up during the course of the meeting, and said that she would recommend no further development be approved until the situation is addressed. Chairman Dehm suggested that Ms. Speck make that comment during Planning Item 04-20 later in the agenda.

Lynette-Marie (no last name given) – Asked if the Framing Expressions/marijuana application was on the agenda. Commissioner Dehm said that is item 5B.

4. Continued Items –

- a. 07-20 Consideration of a request to Rezone a parcel from RH-Residential High Density to M2-mixed use commercial central core zone district. The property is Lot 11B, Glenwood Meadows No. to a Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, County of Garfield, State of Colorado (PIN 2185-081-41-004)

Asst. Director Ricehill provided an overview of the project for rezoning Lot 11B, which is a 0.4 acre parcel of land located on the southeast corner of Wulfsohn Road and Flat Tops View Drive, from RH-residential high density (formerly R/3) to M2-mixed use downtown core (formerly C/2). She pointed out that this item requires hearings before Planning Commission and City Council, said that staff believes that the application meets the criteria for rezoning and recommended approval of the application.

Commissioner Grosscup asked what the height difference is between the two zoning districts. Ms. Ricehill said that is 40 feet for both zoning districts.

Commissioner Shaver asked about the evolution of the lot configuration. Ms. Ricehill explained that there were lot boundary adjustments on the adjacent Lofts properties and the configuration of Flat Tops View Drive that resulted in the specific configuration of lot 11B.

Chairman Dehm asked about a building design and future plans for the project and whether those details would be part of a future application. Ms. Ricehill said that would be submitted sometime in the future, and the review procedure for a site/architectural review would be determined by the size of the building proposal in the future.

Chris Hawkins, Alpine Planning LLC, 523 Clinton St., Suite 2, Ridgeway, presented his request for the rezoning, explaining that the western sliver of the parcel already has a split zoning, and that his clients would determine a future proposal for the parcel after the rezoning.

Commissioner Dehm asked if the applicants would be developing the lot, and Mr. Hawkins said that the proposal was moving forward with the approval of the land owner, and if the contract didn't close that the current property owner supports the new zoning and would move forward from there.

Commissioner Dehm then opened the public hearing.

Trish (no last name given) said that she didn't have a question, but was checking the raise-hand function.

Breanna Millsbaugh, 2600 S. Oakhurst, Unit 18 questioned why it is being encouraged not to deny the application.

Chairman Dehm then closed the public hearing, and reminded the public that the hearing would be kept open for people to provide additional time to comment.

Commissioner Schachter moved to continue the item to May 5. The motion was seconded by Commissioner Wussow. The motioned passed unanimously.

5. New Items

- a. 04-20 Consideration of a Major Site/Architectural Plan Review, Rezoning from RH Residential High-Density to RT Residential Transitional, and Variance applications for the construction of 100 Multifamily apartment units in 6 buildings on approximately 5.8 acres (PIN 2185-153-04-001, 2185-153-02-008, and 2185-211-00-002)

Senior Planner Trent Hyatt presented the item, stating that the applicant, Triumph Development West, LLC, proposes to construct 100 multi-family apartment units in six separate buildings on approximately 5.74 acres. He also provided information about the procedure for the action items before the Commission including two variances, the rezoning of 2710 Blake Avenue from RH Residential High-Density to RT Residential Transitional, and the proposal for the Major Site/Architectural Plan. Mr. Hyatt pointed out that this Action Items 1-2 would be decided at the Planning Commission level and that Action Items 3-4 require hearings before Planning Commission and City Council.

Questions to staff from commissioners addressed circulation, the previous approval's condition related to the one-way configuration of Blake, the code's allowable parking reduction due to the site's proximity to transit, how the parking lot relates to the adjacent Oakhurst Townhomes, the details of snow removal, if the drainage facility could only be used for retention, what number of architectural features are required to provide four-sided architecture/achieve sufficient variation, what off-site improvements can be required of the applicant and whether there was a full landscaping plan within the application.

Commissioner Schachter asked about what off-site improvements could be required of the applicant. Mr. Hyatt said that anything that is considered a potential impact of the development can be recommended to City Council, and Assistant City Attorney Anna Itenberg agreed.

Commissioner Grosscup then asked if the Blake Gate was assumed to be opened, and Mr. Hyatt said, yes, that the traffic analysis assumes that the gate would be opened.

Assistant City Engineer Jessica Bowser answered the question about the sizing of the detention – noting that due to expense that the drainage would not be oversized. She confirmed that the city requested that the traffic analysis was modeled with the gate open.

Michael O'Connor, Triumph Development West provided a presentation on the proposed project and introduced all members of the development team. Mr. O'Connor briefly described opportunity zones and how it applies to the property and project in addition to the development team's history of completing similar projects. O'Connor also summarized the previously approved projects on the site and how they compare to their proposed plan, mentioning the proposed project did not have any buildings in the flood zone.

Architect, Mike Foster, Triumph Development, 12 Vail Road Suite 700, Vail, CO further discussed the proposed project and site plan. Mr. Foster discussed the layout of the site, fire truck access, architectural features, and grade changes on the site. In addition, Foster also highlighted that 50% of the units were adaptable for ADA access. He also described the visual screening of the site's border with Oakhurst Townhomes as well as in front of the main parking area.

Greg Schroeder, representing McDowell Engineering, 241 Broadway Street, Eagle, CO presented on traffic design on the site. Schroeder mentioned that much direction was taken from a February 2018 Council meeting which promoted opening the Blake Avenue gate and making Blake Avenue a one-way street to reduce through traffic. Schroeder also referenced that the previous traffic design and plan was approved by CDOT and that the proposed development has a lower traffic impact compared to previously approved plans.

Michael O'Connor provided a short summary of the proposed project application and addressed the parking counts and feedback from the February community meeting. O'Connor described how the proposed parking complies with code.

Commissioner Schachter had multiple questions on how the traffic was measured and potential impacts on the neighborhood, especially along Palmer Avenue. Commissioner Schachter also asked about the possibility of the City abandoning Palmer to be a private road. O'Connor indicated that the option to take over Palmer had been considered but the process did not fit well with the project's timeline.

Commissioner Grosscup had questions about the site plan regarding walkability, parking access, and amenities offered including if on-site management would be offered. O'Connor explained that the size of this development would likely result in an on-site property manager. Stephanie Copeland, from Four Points Funding, the equity partner in the project and owner of the property, also added that an on-site manager was important to the operation of the project.

Commissioner Shaver had several questions about the elevation of the site and how it relates to the nearby Oakhurst Townhomes. Architect Mike Foster explained the difference between elevations and the entries into buildings on the site plan. Commissioner Shaver also asked if there would be more detailed landscaping plans in the future.

Commissioner Wussow asked if there were any 'green' initiatives for the project such as sustainable building materials or community garden space. Mike Foster mentioned that they were in the process of researching solar panels on the roof and EV parking. Foster also explained that they were in the process of pursuing HUD certification, which has its own sustainability requirements. Commissioner Wussow also requested a sample of building materials for the next meeting.

Commissioner Wissing asked about potential sidewalks along Blake Avenue. Mike Foster explained that the updated site plan will continue sidewalk for the entire length of the property to the north. Commissioner Cipperly also had questions about sidewalks along Palmer as well as questions about potential pedestrian traffic through the site.

Chairman Dehm opened the public hearing.

Breanna Millsbaugh, 2600 S. Oakhurst, Unit 18, said that she is very concerned about the project. She said that at the neighborhood meeting that a fence between the two properties was discussed, and that the project as presented does not have a fence. People will still be able to come through the Oakhurst property. There are serious parking problems at Oakhurst and that the 1.5 parking spaces for this project is not adequate. She also asked what is affordable housing and said that affordable housing does not exist in this Valley.

Tom Doogan, said that the project is not affordable housing, it is additional housing. We have huge growth that needs to be accepted, and we are in dire need of additional housing. He said he was supportive of one more thought for traffic flow to do a one-way street that would exit on the southside by Wal-Mart, and make the traffic flow to the south.

Jerry Raehal, 2314 Palmer Ave, wanted to state that he is not opposed to growth and has real concern about the plan. Believes that there are variances not mentioned, including that the increase in the traffic will require the reclassification of Palmer to a collector. He expressed concern that the project will create walkability to nowhere without sidewalks other than within the development. He said that the assigned parking would make parking overflow into the neighborhood and said that when traffic is backed up on 82, that the traffic will flow onto Palmer.

Jamie Raehal, 2314 Palmer Ave., said that she disagrees with the traffic study and expressed concern for the safety of her neighborhood, noting that the Blake Street Gate opening would create flow through traffic to Palmer. It will have a negative impact on the goals within the long-range transportation plan, other than traffic onto the highway. She said that the development will create single-use streets, instead of multi-modal streets. She applauded the city for the traffic calming program, but that it is not a reason to rush the decision here.

Laura Speck, representing her family's home at 2506 Palmer Avenue, which she described as the last house on the road. She stated that this is the first time that she had heard that the driveway would be affected by the plan and would require compensation and privacy amenities. She said that they would be potentially be looking out onto a parking lot, fencing or retaining wall. There are too many questions that need to be addressed before this project should be allowed.

Trish Kramer, 2501 Palmer Avenue, said that her overall impression of the project that it is an improvement over the previous proposal, however, her concerns remain unaddressed regarding parking and traffic. She brought up a question about the width of the road and whether parking would be allowed on the extension of Palmer Avenue. She said that she thought there needed to be a plan for snow removal that did not include taking up parking. She stated that reduced vehicle use is different from reduced vehicle ownership, and she thought the parking reduction was unrealistic. She said that the traffic study didn't take into account the increased crowding on 82 resulting in increased crowding onto side streets in Glenwood Springs. She said that we're facing a 10-year period of economic stressors, and said that she doesn't see the city being able to address street maintenance.

Ralph Scmalley, 2409 Palmer Ave., said that he doesn't have a concern with adding housing in the area, but thought the added traffic on Palmer Avenue. Traffic summary was not precise, but it brought up a good point that the traffic in the p.m. is caused by the backup on 82. People use Palmer already, and that would increase if Blake were made one-way. He said he has concerns about the traffic at the 23rd intersection with 82.

Shelly Lott, 2600 S. Oakhurst, #19, President for the Oakhurst Townhomes. She asked what is retaining the earth above the north parking lot and the lot next to it. She said the developers moved the buildings toward Wal-Mart and left the flood zones open for the homeowners below. She noted that the Oakhurst Townhomes are family homes, and that this development is being built right above. She said that they are not able to assure us that the townhomes will be protected. She said that she wanted more research.

Mike Foster addressed the questions regarding the fencing between Oakhurst and the site. Foster explained that the project was still open to fencing but that further discussion with Oakhurst and additional residential neighboring area. Foster also addressed snow storage on the property that these issues would be addressed in a snow removal and storage plan as part of the building permit. Foster also explained that there will be debris fencing above the site. Assistant City Engineer Jessica Bowser provided comments on the debris fencing and explained that the applicant would be required as part of site review to prove that any development does exacerbate any existing drainage issues.

Commissioner Grosscup made a motion to continue Planning Item 04-20 to the May 5, 2020, agenda. Commissioner Shaver seconded the motion, which passed unanimously.

- b. 06-20 Consideration of a Special Use Permit for a Retail Marijuana establishment at 2114 Grand Avenue (PIN: 2185-164-00-095)

Mr. Hyatt explained that the applicant, John Dyet, doing business as Kind Castle, proposes the interior remodel of an existing approximately 738 square foot unit (currently occupied by a framing business) in the commercial strip located at 2114 Grand to accommodate the retail sale of cannabis and related products. He said that as a special use review, Planning Commission is a recommending body to City Council.

Mark Maysich, 2005 East Ballard Avenue, Silt, CO 81652. Deferred to John Dyet.

John Dyet, East 4th Street, Parachute, CO, 81635. Dyet elaborated on the application summary provided by Trent Hyatt. Dyet explained that their flagship location is in Parachute and they are looking to expand to six other stores based on current success of Parachute location. Dyet explained their security practices and that they have never had any issues with odor or other compliance issues.

Brian Cole 1723 Riverbend Way noted that he is a cannabis user and this he believes that Glenwood Springs has a plethora of choices for marijuana and that it has had a negative impact on visitors and travelers, and the mentality that we are a pot town. He said that the traffic area near the Starbucks and gas station is very overwhelming. He said that he didn't support the application.

Lynette-Marie Lacerda, 285 Mikala Ln, New Castle, said she is in opposition to the application and said that there is not enough parking. She expressed concern that there will be increased traffic, and that Glenwood Springs has one framing shop, and that she didn't think we need another marijuana store.

Haley Carmer, Garfield and Hecht, noted that her firm represents the Cedar Lodge Motel, which is adjacent to property. She brought up concerns related to parking, traffic and odor. The existing commercial in the building already has some overflow parking going onto the Cedar Lodge's property when there isn't enough space. She said that the parking is inadequate in number and configuration. She raised issues related to being able to see due to the location of the sign, the lack of a landscape buffer, wafting smells back and forth, and the state of the building potentially being a cause for odor to come from the building.

Virginia Gera, 122 Tanager Drive, part owner of Framing Expressions, said that she does not feel that there is a need for another marijuana shop given the number in Glenwood, noted that they are the only frame shop, doesn't believe this project is infill because the space is currently being used, raised the issue of odor reaching other parts of the building, raised the issue of parking, and pointed out people stayed 4.5 hours in a meeting to express how strongly they are opposed.

Corey Gera, 122 Tanager Drive, said the proposal makes it seem as if the business isn't active, brought up that parking is a big issue, and said that the proposal is pushing out an active business. She urged Planning Commission to deny the permit.

Barbara Koziol Speaking on behalf of the owners of the Cedar Lodge, 2102 Grand Avenue, brought up concerns about health and safety of the neighborhood, brought up odor, said that there is a common wall between the retail and residential with small children, and that everyone would have the potential to smell the marijuana. This would carry over into the parking lot of the lodge and that there isn't a reason for another marijuana shop. She brought up the proximity to two air conditioning units for the lodge and that guests checking in would potentially smell things and that there is a potential impact to 22 guest rooms. Parking space is a big concern because just the employees would take up the parking. Requested the Planning Commission deny.

Chelsea Sullivan, 1699 Riverbend, don't need another marijuana store in our city, we are established and have a very good community, and another marijuana store is not what we want especially in the middle of town. It is a bad decision on Glenwood Springs; part to encourage another marijuana store to be here.

Todd Leahy, 1028 Blake Avenue, said that he heard a common theme tonight that Glenwood Springs doesn't need another marijuana store. He said that he had done a lot of research on John before he decided to put him as a tenant in one of his properties, had visited Parachute and felt that store was like a high-end jewelry store. He said he had taken a lot of phone calls from interested marijuana operators wanting this site, so he checked John out thoroughly. He said that the free market should decide what stores make it and which ones won't. He said that there isn't any reason within the staff report for a denial.

Applicant John Dyet responded to comments and concerns that they would be very respectful

of potential new neighbors, especially addressing odor issues. Mr. Dyet explained that very few locations in Glenwood Springs meet the ordinance requirements for this use. Mr. Dyet also explained that he would be willing to help the framing store to find a new location.

Mark Maysich also responded to several comments. Maysich explained that the parking would be adequate and used the example of their Parachute store, which has less than 8 spaces. Maysich also spoke about security measures including cameras on site as well as a potential easement that would alleviate traffic flow on the property.

Commissioner Grosscup had several questions regarding how many dispensaries had been permitted in Glenwood and how many stores were currently operating. Commissioner Cipperly mentioned that there were some Fire Department comments on emergency access behind the building and that this was a concern.

Commissioner Grosscup made a motion to continue Planning Item 06-20 to May 5, 2020, that was seconded by Commissioner Schachter. The motion passed unanimously

- c. 11-20 Consideration of various amendments to Municipal Code Title 070 Sections 070.030, 070.040 and 070.070 regarding Use Regulations; Accessory Uses; Hillside Development; Landscaping, Screening and Fencing; Off-street Parking; Residential Site and Building Design Storage requirements; Signs; and Rules of Construction and Definitions.

Commissioner Grosscup made a motion to continue the item to the May 5, 2020 meeting. The motion was seconded by Commissioner Shaver. The motion passed unanimously.

6. Adjournment 10:59 PM



MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Regular Meeting
May 5, 2020
Zoom
6:00PM

1. Roll Call

Present at roll call were Commissioners: George Shaver, Marco Dehm, Kathryn Grosscup, Amber Wissing, Carolyn Cipperly, Ingrid Wussow, Sumner Schachter

Absent at roll call were Commissioners: None

Also present were: Jenn Ooton, Asst. City Manager, Terri Partch, City Engineer, Gretchen Ricehill, Asst. Economic/Community Development Director, Trent Hyatt, Senior Planner
Anna S. Itenberg, City Attorney's Office
Catherine Fletcher, City Clerk
Jessica Bowser, Asst. City Engineer, Alissa Owsley, IT Director

2. Receipt of Minutes- Receipt of February 25, 2020 minutes.

At previous meeting Commissioner Grosscup had requested a review of the minutes.

Motion: Commissioner Dehm made a motion to receive the minutes, seconded by Commissioner Schachter. Motion passed with Shaver and Schachter abstaining.

3. Public Comments

Comments from citizens appearing for items not on the agenda. No citizens were present.

4. New Items –

- a. *11-20 Consideration of various amendments to Municipal Code Title 070 Sections 070.030, 070.040 and 070.070 regarding Use Regulations; Accessory Uses; Hillside Development; Landscaping, Screening and Fencing; Off-street Parking; Residential Site and Building Design Storage requirements; Signs; and Rules of Construction and Definitions*

Assistant Community Development Director presented on the proposed changes to the municipal code. The following changes to the municipal code were proposed by Ricehill:

- Change to Code 070.030.020(e) Table of Allowed Uses. Proposal to create a new zoning use for “Craft Manufacturing” and propose to add it to all current commercial and industrial zoning categories. This use would include smaller manufacturing uses such as cabinetry, blacksmithing, and other small manufacturing uses.
- Change to Code 070.030.040 Accessory Uses and Structures. Proposal to allow backyard chickens as an allowed accessory use in Planned Unit Developments (PUD) unless specifically identified as a prohibited use in the PUD.
- Change to Code 070.040.050 Landscaping, Screening, Fencing. Proposal to reduce the amount of shrubs and perennials required in development proposals. Proposed to go back to previous code requirements for shrubs and perennials. Also proposed to reduce amount of required landscaping in I2 and I1 districts, as it is currently 20% which is greater than commercial zoning districts.
- Change to Code 070.040.050(f)(2)b Landscaping, Screening, and Fencing: Fence Standards and Fence materials. Proposal to amend code to allow chain link fencing in front and side yards in industrial zone districts if plants are added to base of fence when bordering public right-of-way.
- Change to Code 070.040.080(e) Residential Site and Building Design – Residential Building Design and Character. Proposal to correct formatting and change required storage for multifamily developments from 100 square feet per unit to a requirement of 1 cubic foot of storage per 3 square feet of gross floor area per unit.
- Change to Code 070.040.110 Signs. Proposal to add signs that are not visible from the public way to be added to list of signs not requiring a permit. Proposal to remove electronic message signs from the code per previous Council direction.
- Change to Code 070.040.060(h) Parking and Loading Area Use and Design. Proposal to require same number of trees per parking spaces and allow more flexibility with configuration of landscaping areas to be more flexible with installations of bioswales and rain gardens.

Commissioner Wussow asked how striking electronic messages from the code would affect existing electronic message board signs. Ricehill confirmed that those signs would be considered legal non-conforming signs going forward.

Commissioner Cipperly asked to clarify the required location of the landscaping screening for the chain link fencing in industrial area. Commissioner Dehm asked if landscape screening could be placed in public right of way.

Commissioner Grosscup asked if signs not visible from the public way would require a sign permit, and whether that would have any effect on sign lighting. Commissioner Wissing had questions regarding craft manufacturing and how it would relate to a mixed use or residential zone and home occupation uses and what scale of manufacturing was intended by the definition.

Commissioner Schachter asked to clarify the definition of bioswales. Commissioner Cipperly had a question about the tree islands and if those spaces could be permeable surfaces. The Commission requested clarification of the intent of shading a parking lot.

The Commission asked that 3-d printing be added to the craft manufacturing definition.

Chairman Dehm opened public comment. No public comments.

Commissioner Grosscup moved to approve item 11-20, motion with the noted modifications and clarifications, seconded by Commissioner Wussow. Commissioner Wussow asked if there was a need to modify any of the amendments, if that would be possible to do at a later meeting regarding these amendments.

Motion carried unanimously.

5. Continued Items from April 28, 2020

- a. 07-20 Consideration of a request to Rezone a parcel from RH-Residential High Density to M2-Mixed Use Commercial Central Core zone district. The property is Lot 11B, Glenwood Meadows No. to a Minor Re-subdivision of Glenwood Meadows No 4 Lot Line Adjustment, County of Garfield, State of Colorado (PIN 2185-081-41-004)*

Assistant Director Ricehill indicated that since this issue was discussed at the previous meeting, there had been no submitted public comments.

Commissioner Dehm opened public comments. No public comments.

Commissioner Schachter made a motion to approve the request with the findings and conditions listed on page 8 of the staff report. Commissioner Shaver seconded the motion.

Motion carried unanimously.

- b. 04-20 Consideration of a Major Site/Architectural Plan Review, Rezoning from RH Residential High-Density to RT Residential Transitional, and Variance applications for the construction of 100 Multifamily apartment units in 6 buildings on approximately 5.8 acres (PIN 2185-153-04-001, 2185-153-02-008, and 2185-211-00-002)*

Senior Planner Trent Hyatt provided an update as several items had been added to the application packet to address comments from the public and Planning Commission at the previous meeting. One question that was addressed by the applicant was the revision of a site plan showing parking options for electric vehicles. Additional drawings showing elevations between the existing Oakhurst Townhomes and proposed development were also added.

Public comments received between the previous meeting and 5/5/2020 were also added to the application packet. The following public comments were read into the record:

- David Turtle, no address given, expressed concerns over the effect of increased traffic on Blake and Palmer, especially given the current physical condition of the streets. Requested that Planning & Zoning deny the application.
- Lisa Menzano, 23rd & Palmer, expressed concern over scale of project and would prefer the space to remain open. Request Planning & Zoning to deny application
- Christine Smalley, no address given, expressed concerns over the amount of parking provided, increased traffic, and lack of sidewalks. Requested that Planning & Zoning deny the application.
- Janet & Richard O'Connell, 2409 Palmer Avenue, expressed concerns that current roads will not support future development and expressed concerns over parking, traffic, sidewalks. Requested that Planning & Zoning deny the application.
- Joan Troth, 3202 Cooper Court, expressed concerns over the scale of the project and size of the buildings, increased traffic, and decreased home values in the neighborhood. Requested that Planning & Zoning deny the application.
- Sara Simms, representing Mountain Valley Developmental Services, located at 2503 Palmer Avenue. Mountain Valley Developmental Services operates a home at this property for individuals with intellectual and development disabilities. Simms expressed concern that this project would increase traffic density in the neighborhood and expressed concern over the safety of the home's residents. Requested that the applicant extend street improvements through the neighborhood and increase safety measures for pedestrians in the neighborhood.
- Elaine Speck, 2506 Palmer Avenue, expressed concerns regarding density of the project and increased traffic in the neighborhood. Speck also suggested that the project application was tabled until after the COVID-19 crisis.
- Laura Speck, 2506 Palmer Avenue, requested Planning & Zoning Commission deny or postpone the decision on the application citing that many residents have been unable to follow the project or express their concerns adequately due to the online formats. Also expressed concerns over project density and proposed parking lot which would face the Speck residence. In addition, also expressed concern over possible change to their driveway configuration due to changes to Palmer. Speck also suggested that the project remove the north parking lot, reduce the number of units, and install adequate parking signage.
- Public comment received on behalf of multiple residents of the neighboring Oakhurst Townhomes including Laurie Nelson of Oakhurst #34, Dulce Ramirez of Oakhurst #33, Bianca Ramirez of Oakhurst #33, Bradley Rice of Oakhurst #10, Brandy Rice of Oakhurst #10, Unidentified of Oakhurst #10, Drake Timroth of Oakhurst #7, Kristen Levey #7, Unidentified #7, Steve [unknown last name] #28, Erica Crampton #28, Marie Dohm #4, George Dana #1, Shelly Lott #19, Joan Guilianelli #15, Brianna Millspaugh #18, Zachary Apke #18, Daisy Apke #18. This letter expressed concerns over increased traffic,

- parking, physical condition of neighborhood roads, and project density.
- Annie Hoghuag, 678 Country Road 127, owner of 519 Easy Street. Annie expressed concerns over the amount of parking provided in the project. Requested that the City reconsider parking requirements.
 - Dave Malehorn, 2407 Palmer Avenue, expressed concern over the project density, lack of sidewalks in the neighborhoods, neighborhood road conditions, parking, snow removal plan, and potential overall impact of the development on the neighborhood. This public comment had additional attachments that were unable to be read into record.
 - A public comment from Allison Brett, 2201 Crestwood Drive, was submitted in the form of a Powerpoint. The presentation was shown by sharing a screen over Zoom. The slides were then read by the presentation author. Brett expressed concerns regarding traffic spillover and potential pollution from Highway 82 due to opening the Blake Gate, potential increased traffic, current road conditions, and pedestrian safety
 - Joan Guilainelli, Oakhurst Townhomes, Unit #15 expressed concern over project density, physical proximity to Oakhurst and lack of fence, and decrease of open space in the neighborhood.
 - Lynette Marie Lacerda, 285 Mikala Lane, New Castle, Colorado and former resident of 1814 Ouray Road, Glenwood Springs, Colorado. Lynette expressed concern over parking for the project.
 - Ryan Roberts, 2419 Palmer Avenue, expressed concerns over the public involvement in the project especially concerning the capacity of residents of the neighborhood to communicate with one another and engage with the City given the current health crisis. Roberts suggested that the meeting and decision be postponed to a future date.
 - A. David Cox & Cynthia Green, 2504 Palmer Avenue, submitted concerns regarding the public input process and expressed that the hearing should be delayed until an in person public hearing can be held. Concerns were also expressed regarding project density, parking, and rezoning of property at 2710 Blake as part of the project. Also questioned if these units were needed citing other multi-family developments in Glenwood Springs.
 - Erin and William Lee, 2402 Palmer Avenue expressed concerns over the public input of the project and how COVID-19 limits communication regarding meaningful conversations about this project. Requested to postpone a decision until more personal forms of communication and meetings can occur.
 - George Dana, Oakhurst Townhomes, expressed concerns over project size and density, parking, traffic, flood debris control, water flow, fencing, light pollution, pedestrian safety, snow removal, and open space. Requested Planning and Zoning to deny application.
 - Lynn B Cary, 2405 Palmer expressed concerns regarding traffic, gating Palmer, increased density and inadequate parking.
 - Scott Kramer, 2501 Palmer Avenue, expressed concerns regarding current road conditions, pedestrian safety, traffic overflow from Highway 82, opening of Blake Gate, and concern over public input process and use of Zoom platform during COVID-19.

Commissioner Dehm then opened the public comment to any meeting attendees.

- Frank Martin, 805 Crestwood Drive. Prior to comments Martin disclosed that he is the spouse of City Council member Paula Stepp and that his comments reflect his own

opinions. Expressed concerns over current conditions of Palmer Avenue and possible increase in traffic.

- Jamie Raehal, 2314 Palmer Avenue, expressed concerns that the City of Glenwood Springs Transportation Commission was not involved in these discussions as traffic, parking, and other transportation concerns have been a focal point of public input.
- Shelly Lott, Oakhurst Townhomes #19, expressed concern over the roads in the neighborhood and the access to the development. Suggested making the development a cul-de-sac pushing traffic through the Blake gate rather than connecting to Palmer.
- Elaine Speck, 2506 Palmer, expressed concern over public input process and requested that the decision be postponed.
- Annie Hoghaug, 678 County Road 127 and owner of a property at 519 Easy Street expressed concerns regarding project density, traffic, local road conditions, and possible effect of the development on the neighborhood.
- Dave Malehorn, 2407 Palmer, expressed concern regarding public input process and suggested that any decision with the project be postponed.
- Cody Lyden, 2415 Palmer, expressed that he was in agreement with the general sentiment of the neighborhood such as concerns regarding traffic, project density, and local road conditions.

Commissioner Dehm closed the public comment period.

Michael O'Connor, Triumph Development West, addressed the following questions from the public and Planning & Zoning Commission from the previous meeting.

- Restricted Public Access to Uphill Open Space: O'Connor explained that the uphill open space would be separated from the development by a 420' debris flow fence and multiple retaining walls which would provide physical separation.
- Neighborhood Traffic Impacts: Greg Schroeder, McDowell Engineering spoke on the possible traffic impact on the neighborhood from this project. Stated that they had received a CDOT access permit and that estimated increase in traffic as a direct result of this development would be 4 to 13 vehicles per hour based on studies. Schroeder also stated that the traffic studies were also peer-reviewed by engineers at CDOT. O'Connor stated that traffic calming measures have been considered for Palmer including one-way designation, signage, and speed bumps.
- Parking Counts and Management: O'Connor stated that their parking plan meets City Code and is not requesting a variance for parking. Also explained that leases for the unit will require tenant to specify number of cars and residents to each unit as managed by an onsite manager and that assigned numbered parking will be used.
- Site Sections and Landscape Buffers at Oakhurst Townhomes: Mike Foster, the landscape architect for the project, further described the landscape plan along with elevations showing the development and its spatial relation to the existing Oakhurst Townhomes. Foster also explained that the light poles for this project would be placed as far as possible away from the Oakhurst Townhomes.
- Controlling Trespassing through Neighbor Properties: O'Connor mentioned that the planned landscaping would provide a physical deterrent to cutting through the Oakhurst property.
- Pedestrian Circulation and Palmer Avenue Typical Section: Foster explained that there

would be a continuous sidewalk on both sides of Palmer as part of the site plan. There would also be additional sidewalk added on Blake as part of the project as well. Foster explained more about the Palmer street design showing sidewalks and landscaping.

- Green Building Elements: Foster explained that they would be pursuing National Green Building Certification as a component of HUD Loan process.
- EV Charging Parking Spaces: Plan will include infrastructure for future EV parking spaces.
- Material Samples and Colors: Foster provided visual examples to demonstrate the colors and materials that would be used for the project.
- Palmer Avenue Construction: O'Connor also addressed the reconstruction of the driveway on the Speck property showing pictures of the current site. The reconstruction of Palmer Avenue to meet City standards would require to create a new driveway on the property with an easement.
- Compliance with Zoning: O'Connor provided further clarification and information as to how the project complies with the current zoning requirements. O'Connor also explained specifically what the variances are for this project.

O'Connor explained that applicant would be willing to include the following items to the plan as condition of approval: privacy fencing on west side of parking area, traffic calming techniques along Palmer Avenue, and working with adjacent landowner on construction of a new driveway.

O'Connor concluded comments and discussion moved to questions from the Planning & Zoning Commission.

Commissioner Dehm proposed a brief recess before continuing the meeting.

Commissioner Dehm reconvened the meeting for questions for the applicant and staff.

Commissioner Shaver asked the applicant about the ratio of compact to standard size parking. Applicant explained that according to the plan that there were 20 compact parking spaces. Shaver also asked staff how any variances previously approved on the property would apply to the current project. Trent Hyatt explained that variances are granted in connection with a specific site plan and since this development has a different site plan that the previous project variances do not apply to this project.

Commissioner Schachter asked applicant regarding the summary of traffic volumes as compiled by McDowell Engineering. Schachter asked how traffic would move if there was only one access route to the site from the south and not connect Palmer through the site. Greg Schroeder, McDowell Engineering, explained that typical best practice road design encourages more access points for traffic flow and emergency response. Schachter expressed concern about the traffic flow in the area with the project. Schachter also had questions about open space requirements, especially the active space requirement. Mike Foster explained that the community room for the site, including outdoor space helped meet that requirement as well as space between Buildings D & E.

Schachter also about the potential for debris flow damages to Palmer or surrounding neighborhoods. Jessica Bower, Assistant City Engineer, explained that there will be a maintenance agreement between the development and the City which includes debris flow inspections and standards to be met. Bower also explained that the proposed design of the project mitigates risk by installing a debris flow fence.

Commissioner Grosscup asked the applicant regarding the number of spaces in the north parking lot that face the Oakhurst Townhomes. Mike Foster explained that there were 24 total spaces in the north parking lot with 14 spaces facing west. Grosscup also asked how development would manage tenants parking additional vehicles in the neighborhood after exceeding their allotted spaces. Grosscup had questions for staff regarding traffic speed, which Terri Partch confirmed would be 25 MPH. Grosscup also asked if any street improvements are planned in the neighborhood. Terri Partch explained that improvements to Blake between 23rd and 26th has been planned for the near future.

At approximately 9:45 PM, there was a disruption as many meeting participants lost access to the Zoom meeting space. There was an internet outage which caused many participants lost access to the Zoom meeting space.

City Attorney Anna Itenberg clarified that without a quorum of commissioners, that the meeting could not legally proceed and advised to wait to see if any other members of the commission could join.

Commissioner Wussow asked if it would be possible to use e-mail to decide to continue the meeting. Anna Itenberg clarified that e-mail was not mentioned in Code.

A quorum of Commissioners returned to the Zoom meeting.

Commissioner Schachter, Dehm, Wussow, and Cipperly were able to rejoin the Zoom meeting. Anna Copeland, Triumph Development West, asked if public comment would be reopened if the meeting was set to continue at a future date. Dehm confirmed that public comment portion had already been closed.

Commissioner Schachter made a motion to continue item 04-20 to the next Planning & Zoning Commission meeting on Tuesday, May 26th. The motion was seconded by Commissioner Cipperly.

Motion passed by Schachter, Dehm, Wussow, and Cipperly. Commissioners Shaver, Grosscup, and Wissing were not present to vote due to internet outage.

Commissioner Schachter made a motion to continue item 06-20 to the next Planning & Zoning Commission meeting on Tuesday, May 26th. The motion was seconded by Commissioner Wussow.

Motion passed by Schachter, Dehm, Wussow, and Cipperly. Commissioners Shaver, Grosscup, and Wissing were not present to vote due to internet outage.

6. Director Comments

Director was not available for comments as was not able to connect to the meeting.

7. Adjournment

Meeting was adjourned at 10:13 PM.



LAND USE APPLICATION

City of Glenwood Springs
Economic and Community Development Dept.
101 West 8th Street
Glenwood Springs, CO 81601
970-384-6411

Ordinance Amendments	Development Permits
Rezoning	x Site/Architectural Plan Review
Rezoning to Planned Unit Development (PUD)	Administrative
Annexation	Minor
Condominiumization	Major
Annexation	Master Plan
Street Vacation	Construction Plans
	Location & Extent
Subdivisions	Right of Way Encroachment License
Minor Subdivision	Floodplain Development Permit
Preliminary Plat	Special Use Permit
Final Plat	Flexibility and Relief Procedures
Vacation of Right-of-Way	Variance
	Administrative Adjustment
	Appeal

Applicant/Property Owner Information:			
Applicant		Owner	
Alpine Planning, LLC		Glenwood Meadows, LLC	
Relationship to Owner		Owner	
Agent to Owner and Buyer		Michael C. Maple & Robert Macgregor C/O Dunrene Management	
Applicant Address		Owner Address	
PO Box 654	Ridgway, CO 81432-0654	710 E. Durant Ave. Ste. W-6	Aspen, CO 81611
Phone (970) 964-7927	Email Address chris@alpineplanningllc.com	Phone (970) 925-9046	Email Address mmaple@dunrene.com, rmac@dunrene.com

Property Information:	
Address	Parcel Number
TBD Wulfsohn Road	218508141004
Subdivision	Lot and Block Number
Glenwood Meadows No. 5, A Minor Subdivision of Glenwood Meadows No. 4 Lot Line Adjustment	11B
Zone District RH - Residential High Density	Existing Land Use Vacant Undeveloped Land

General Project Description:
Rezoning from the RH Zone District to the M2 Zone District

Signatures:		
The owner or applicant must be present at the hearing. All public hearings must be properly noticed according to G.S.M.C. Section 070.010.030. Signatures of all owners of the property must appear before the application is accepted. Partnerships or corporations may have the authorized general partner or corporate officer sign the application. (Attach additional incorporation documents if necessary.) I declare under the penalty of perjury that the above information is true and correct to the best of my knowledge.	Chris Hawkins	Digitally signed by Chris Hawkins Date: 2020.02.20 14:36:55 -07'00'
	Applicant Chris Hawkins	1/30/2020
	Owner Glenwood Meadows LLC	Date
	Owner Michael Maple	1/20/2020

Glenwood Meadows, LLC
by: Its Manager,
Dunrene Management, Inc.

NO. 107 P. 2-

SPECIAL WARRANTY DEED

Doe Fee: 706.51

GLENWOOD LAND COMPANY, LLC, a Colorado limited liability company ("Grantor"), with an address of 525 East Cooper, Aspen, Colorado 81611, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, sells and conveys unto GLENWOOD MEADOWS, LLC, a Colorado limited liability company ("Grantee"), with an address of 525 East Cooper, Aspen, Colorado 81611, that certain real property located in the County of Garfield, State of Colorado, described in Exhibit A attached hereto and made a part hereof (the "Property"), together with all improvements located thereon, subject only to the matters set forth in Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions").

To have and to hold the Property unto Grantee, and its successors and assigns, forever. Grantor shall warrant and forever defend the title to the Property, except for the Permitted Exceptions, against all persons claiming by, through or under the Grantor.

~~EXECUTED~~ ^{DATED} this 16 day of OCTOBER, 1998.

GLENWOOD LAND COMPANY, LLC, a Colorado limited liability company

By: _____
Name: Robert Duncan Macgregor
Title: Manager

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 10th day of July, 1998, by Robert Duncan Macgregor, as the Manager of Glenwood Land Company, LLC, a Colorado limited liability company.

Witness my hand and official seal.

Notary Public

My commission ~~expires~~.

MARGARET R. JOY
 NOTARY PUBLIC
 STATE OF COLORADO
 My Commission Expires 12/23/2000

Return to Tom Hartert ⁷⁰⁰
802 Grand
GWS, CO 8160.

EXHIBIT A

PARCEL # 1

ALL THAT PROPERTY LOCATED IN THE NW1/4NW1/4 AND E1/2NW1/4 OF SECTION 8; THAT PORTION OF THE NE1/4 OF SAID SECTION 8 LOCATED SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE MIDLAND AVENUE RIGHT OF WAY ACQUISITION; THAT PORTION OF THE NW1/2NW1/4 OF SECTION 9 LOCATED SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID MIDLAND AVENUE RIGHT OF WAY ACQUISITION; THAT PORTION OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 9 BEING TRIANGULAR IN SHAPE BOUNDED ON THE WEST BY THE WESTERLY LINE OF THE SE1/4NW1/4 OF SAID SECTION 9, ON THE NORTH BY THE SOUTHERLY LINE OF SAID MIDLAND AVENUE RIGHT OF WAY ACQUISITION AND ON THE SOUTH BY THE WEST LINE OF THE RED MOUNTAIN DRIVE RIGHT OF WAY; THAT PORTION OF THE S1/2S1/2 OF SECTION 5 LOCATED SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID MIDLAND AVENUE RIGHT OF WAY ACQUISITION; THAT PORTION OF THE SE1/4SE1/4 OF SECTION 6 LOCATED SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF SAID MIDLAND AVENUE RIGHT OF WAY ACQUISITION AND THE DENVER & RIO GRANDE WESTERN RAILROAD RIGHT OF WAY; ALL LOCATED IN TOWNSHIP 6 SOUTH RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN. THE PROPERTY AS MENTIONED ABOVE BEING MORE PARTICULARLY DESCRIBED BY NOTES AND BOUNDS FOR ACRES AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF SAID SECTION 6; THENCE S. 75 DEGREES 55'37" W. A DISTANCE OF 1316.16 FEET ALONG THE SOUTHERLY LINE OF SAID SECTION 6 TO THE EAST 1/16 CORNER COMMON TO SAID SECTIONS 6 AND 7; THENCE N 01 DEGREES 07'55" E. A DISTANCE OF 1253.02 FEET ALONG THE WEST LINE OF THE SE1/4SE1/4 OF SAID SECTION 6 TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID DENVER RIO GRANDE WESTERN RAILROAD RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING (2) COURSES: THENCE N 86 DEGREES 20'21" E. A DISTANCE OF 58.27 FEET; THENCE N 83 DEGREES 38'11" E. A DISTANCE OF 480.07 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID MIDLAND AVENUE RIGHT OF WAY ACQUISITION; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING (47) COURSES, THENCE S 44 DEGREES 35'36" E. A DISTANCE OF 72.53 FEET; THENCE S 53 DEGREES 05'31" E. A DISTANCE OF 232.27 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 580.98 FEET, HAVING A RADIUS OF 886.00 FEET, THE CHORD OF WHICH BEARS S 72 DEGREES 00'20" E. A DISTANCE OF 570.45 FEET; THENCE N 89 DEGREES 04'52" E. A DISTANCE OF 386.55 FEET; THENCE N 02 DEGREES 31'09" E. A DISTANCE OF 137.01 FEET; THENCE N 62 DEGREES 28'35" E. A DISTANCE OF 379.58 FEET; THENCE N 70 DEGREES 48'52" E. A DISTANCE OF 233.77 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 138.27 FEET, HAVING A RADIUS OF 400.00 FEET, THE CHORD OF WHICH BEARS N 80 DEGREES 43'03" E. A DISTANCE OF 137.58 FEET; THENCE S 89 DEGREES 22'47" E. A DISTANCE OF 220.22 FEET; THENCE S 04 DEGREES 05'51" W. A DISTANCE OF 84.94 FEET; THENCE S 88 DEGREES 31'25" E. A DISTANCE OF 23.12 FEET; THENCE N 84 DEGREES 12'24" E. A DISTANCE OF 200.33 FEET; THENCE N 13 DEGREES 23'18" E. A DISTANCE OF 18.04 FEET; THENCE S 79 DEGREES 23'12" E. A DISTANCE OF 693.85 FEET; THENCE S 15 DEGREES 25'14" W. A DISTANCE OF 81.35 FEET; THENCE S 72 DEGREES 50'58" E. A DISTANCE OF 30.90 FEET; THENCE S 87 DEGREES 49'17" E. A DISTANCE OF 164.69 FEET; THENCE N 47 DEGREES 19'34" E. A DISTANCE OF 37.65 FEET; THENCE S 74 DEGREES 59'10" E. A DISTANCE OF 294.83 FEET; THENCE S 08 DEGREES 06'53" E. A DISTANCE OF 62.58 FEET; THENCE S 77 DEGREES 46'27" E. A DISTANCE OF 150.75 FEET; THENCE N 14 DEGREES 20'16" E. A DISTANCE OF 62.19 FEET; THENCE S 79 DEGREES 08'31" E. A DISTANCE OF 369.05 FEET; THENCE S 18 DEGREES 40'31" E. A DISTANCE OF 29.17 FEET; THENCE S 66 DEGREES 03'20" E. A DISTANCE OF 143.01 FEET; THENCE N 25 DEGREES 40'28" E. A DISTANCE OF 42.89 FEET; THENCE S 74 DEGREES 19'33" E. A DISTANCE OF 339.00 FEET; THENCE S 76 DEGREES 23'22" E. A DISTANCE OF 559.87 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 1104.51 FEET, HAVING A RADIUS OF 1190.00 FEET, THE CHORD OF WHICH BEARS S 48 DEGREES 18'54" E. A DISTANCE OF 1065.29 FEET; THENCE S 21 DEGREES 43'32" E. A DISTANCE OF 179.06 FEET; THENCE S 68 DEGREES 16'28" W. A DISTANCE OF 31.36 FEET; THENCE S 23 DEGREES 26'58" E. A DISTANCE OF 78.06 FEET; THENCE N 68 DEGREES 16'28" E. A DISTANCE OF 29.01 FEET; THENCE S 21 DEGREES 43'32" E. A DISTANCE OF 764.09 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 272.23 FEET, HAVING A RADIUS OF 1165.00 FEET, THE CHORD OF WHICH BEARS S 28 DEGREES 25'10" E. A DISTANCE OF 271.61 FEET; THENCE S 35 DEGREES 06'49" E. A DISTANCE OF 21.42 FEET; THENCE S 54 DEGREES 53'11" W. A DISTANCE OF 22.69 FEET; THENCE S 41 DEGREES 40'06" E. A DISTANCE OF 43.30 FEET; THENCE N 54 DEGREES 53'11" E. A DISTANCE OF 17.75 FEET; THENCE S 30 DEGREES 38'49" E. A DISTANCE OF 271.37 FEET; THENCE S 41 DEGREES 04'38" E. A DISTANCE OF 291.31 FEET; THENCE S 23 DEGREES 28'47" E. A DISTANCE OF 143.44

6/21/00/1

EXHIBIT A

FEET THENCE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 95.96 FEET, HAVING A RADIUS OF 100.00 FEET, THE CHORD OF WHICH BEARS S 50 DEGREES 58'14" E, A DISTANCE OF 92.32 FEET; THENCE S 78 DEGREES 27'41" E, A DISTANCE OF 27.55 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 42.95 FEET, HAVING A RADIUS OF 200.00 FEET, THE CHORD OF WHICH BEARS S 72 DEGREES 18'32" E, A DISTANCE OF 42.87 FEET; THENCE S 50 DEGREES 12'25" E, A DISTANCE OF 131.37 FEET; THENCE S 43 DEGREES 26'37" E, A DISTANCE OF 220.95 FEET; THENCE S 54 DEGREES 38'36" E, A DISTANCE OF 373.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID RED MOUNTAIN DRIVE RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING (2) COURSES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 35.93 FEET, HAVING A RADIUS OF 124.00 FEET, THE CHORD OF WHICH BEARS S 32 DEGREES 55'05" W, A DISTANCE OF 35.80 FEET TO THE EAST LINE OF THE SW1/4NW1/4 OF SAID SECTION 9; THENCE ALONG SAID EAST LINE S 00 DEGREES 39'40" W, A DISTANCE OF 82.52 FEET TO THE CENTER WEST 1/16 CORNER OF SAID SECTION 9; THENCE LEAVING SAID RIGHT OF WAY AND ALONG THE EAST WEST CENTER LINE OF SAID SECTION 9 N 88 DEGREES 48'57" W, A DISTANCE OF 1318.50 FEET TO THE EAST 1/6 CORNER OF SAID SECTION 8; THENCE ALONG THE EAST WEST CENTER LINE OF SAID SECTION 8 N 89 DEGREES 15'16" W, A DISTANCE OF 2735.32 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 8; THENCE CONTINUING ALONG THE EAST WEST CENTER LINE OF SAID SECTION 8 N 89 DEGREES 15'16" W, A DISTANCE OF 1363.17 FEET TO THE CENTER WEST 1/16 CORNER OF SAID SECTION 8; THENCE ALONG THE WEST LINE OF THE SE1/4NW1/4 OF SAID SECTION 8 W 01 DEGREES 13'52" E, A DISTANCE OF 1360.08 FEET TO THE NW1/16 CORNER OF SAID SECTION 8; THENCE ALONG THE SOUTH LINE OF THE NW1/4NW1/4 OF SAID SECTION 8 N 88 DEGREES 45'05" W, A DISTANCE OF 1367.66 FEET TO THE NW1/16 CORNER COMMON TO SAID SECTIONS 7 AND 8; THENCE ALONG THE WEST LINE TO THE NW CORNER OF SAID SECTION 8 N 01 DEGREES 04'56" E, A DISTANCE OF 1369.98 FEET, TO THE POINT OF BEGINNING.

PARCEL # 2

A PARCEL OF LAND SITUATED IN SECTIONS 5 AND 6, TOWNSHIP 6 SOUTH RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND ON THE SOUTHERLY RIGHT OF WAY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD WHENCE THE SLM ALUM. CAP IN PLACE AND PROPERLY MARKED FOR THE SOUTHWEST CORNER OF SAID SECTION 5 BEARS S 23 DEGREES 29'57" W 1196.71 FEET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING (2) COURSES: THENCE S 83 DEGREES 38'11" W 901.40 FEET; THENCE N 82 DEGREES 19'49" W 183.30 FEET; THENCE S 83 DEGREES 38'11" W 7.05 FEET LEAVING SAID SOUTHERLY RIGHT OF WAY; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF THE MIDLAND AVE. RIGHT OF WAY ACQUISITION THE FOLLOWING (8) COURSES: THENCE S 42 DEGREES 36'53" E 17.15 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET AND AN ARC LENGTH OF 677.38 FEET, THE CHORD OF WHICH BEARS S 69 DEGREES 56'33" E 651.91 FEET; THENCE N 82 DEGREES 43'44" E 80.93 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND AN ARC LENGTH OF 194.98 FEET, THE CHORD OF WHICH BEARS N 71 DEGREES 32'27" E 193.75 FEET; THENCE N 60 DEGREES 23'10" E 285.42 FEET; THENCE N 56 DEGREES 38'55" E 230.74 FEET; THENCE N 75 DEGREES 17'22" E 201.74 FEET; THENCE N 06 DEGREES 21'45" W 19.87 FEET LEAVING SAID NORTHERLY RIGHT OF WAY; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING (3) COURSES: THENCE S 83 DEGREES 38'11" W 132.79 FEET; THENCE S 86 DEGREES 30'11" W 209.30 FEET; THENCE S 80 DEGREES 38'11" W 98.60 FEET TO THE POINT OF BEGINNING.

PARCEL # 3

A PARCEL OF LAND SITUATED SOUTHERLY OF THE DENVER & RIO GRANDE WESTERN RAILROAD (DARGO) RIGHT OF WAY AND NORTHERLY OF THE MIDLAND AVENUE ACQUISITION RIGHT OF WAY (MIDLAND ROW), LOCATED IN THE SW1/4NW1/4 OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, THE PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL WHENCE THE BRASS CAP FOUND AT THE CENTER WEST 1/16 CORNER OF SECTION 9 BEARS S 00 DEGREES 39'40" W 281.52 FEET; THENCE N 00 DEGREES 39'40" E 418.89 FEET; ALONG THE EASTERLY BOUNDARY OF SAID PARCEL ALSO BEING THE EASTERLY LINE OF THE SW1/4NW1/4 OF SAID SECTION 9 TO THE SOUTHERLY LINE OF SAID DARGO RIGHT OF WAY; THENCE NORTHWESTERLY ALONG THE SAID RIGHT OF WAY THE FOLLOWING (4) COURSES: N 70 DEGREES 07'49" W 195.45 FEET; THENCE N 68 DEGREES 27'19" W 235.00 FEET; THENCE S 24 DEGREES 32'11" W 25.00

6230043

EXHIBIT A

FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1507.40 FEET AND AN ARC DISTANCE OF 551.12 FEET, THE CHORD OF WHICH BEARS N 54 DEGREES 59'25" W 548.06 FEET; THENCE S 54 DEGREES 50'12" W 20.12 FEET ALONG THE WESTERLY BOUNDARY OF SAID PARCEL ALSO BEING THE NORTHERLY BOUNDARY OF THE MIDLAND ROW; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY BOUNDARY THE FOLLOWING (10) COURSES; S 35 DEGREES 05'32" E 163.12 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 950.00 FEET AND AN ARC DISTANCE OF 250.42 FEET, THE CHORD OF WHICH BEARS S 42 DEGREES 39'59" E 249.83 FEET; THENCE S 50 DEGREES 13'26" E 91.26 FEET; THENCE S 39 DEGREES 45'34" W 10.00 FEET; THENCE S 50 DEGREES 13'26" E 18.00 FEET; THENCE N 39 DEGREES 46'34" E 10.00 FEET; THENCE S 50 DEGREES 13'26" E 259.08 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET AND AN ARC DISTANCE OF 133.74 FEET, THE CHORD OF WHICH BEARS S 46 DEGREES 34'29" E 133.65 FEET; THENCE S 42 DEGREES 55'33" E 112.05 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 715.00 FEET AND AN ARC DISTANCE OF 138.66 FEET, THE CHORD OF WHICH BEARS S 50 DEGREES 53'08" E 198.02 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE STREET MONUMENT AT THE INTERSECTION OF 8TH STREET AND MIDLAND AVENUE;

THENCE N 51 DEGREES 15'40" W. 681.23 FEET TO THE WEST CENTER SIXTEENTH CORNER OF SAID SECTION 9, THE TRUE POINT OF BEGINNING

THENCE N 18 DEGREES 48'57" W ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 361.88 FEET

THENCE LEAVING SAID SOUTHERLY LINE W 33 DEGREES 57'41" W 159.48 FEET

THENCE N 50 DEGREES 07'49" W 109.72 FEET

THENCE N 19 DEGREES 54'08" W 208.92 FEET

THENCE N 12 DEGREES 15'22" W 109.78 FEET

THENCE N 17 DEGREES 34'08" E 81.85 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY OF MIDLAND AVENUE;

THENCE THE FIVE (5) FOLLOWING COURSES ALONG SAID SOUTHERLY RIGHT OF WAY

1. S 78 DEGREES 26'55" E 27.55 FEET

2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE 12 DEGREES 18'18" AND A DISTANCE OF 42.95 FEET (CHORD BEARS S 72 DEGREES 17'46" E 42.67 FEET)

3. S 50 DEGREES 12'40" E 131.37 FEET

4. S 43 DEGREES 25'51" E 229.36 FEET

5. S 54 DEGREES 37'50" E 373.48 FEET

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 114.00 FEET, A CENTRAL ANGLE OF 16 DEGREES 35'59" AND A DISTANCE OF 35.93 FEET (CHORD BEARS S 32 DEGREES 55'06" W. 35.80 FEET) TO A POINT ON THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER

THENCE S 00 DEGREES 39'40" W ALONG SAID EASTERLY LINE 82.52 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF GARFIELD
STATE OF COLORADO



MEMO

Date: January 27, 2020
To: Gretchen Ricehill, Assistant Economic and Community Development Director
Subject: **Glenwood Meadows Lot 11B Rezoning Neighborhood Meeting Summary**

The purpose of this memo is to document the required neighborhood meeting for the proposed rezoning of Glenwood Meadows #5, Lot 11B. The neighborhood meeting was conducted on January 23rd at 1:00 pm in the Glenwood Springs Community Center with notice of such meeting provided 15 days prior to the meeting. The proof of public notice is shown in Exhibit A. Materials presented in the meeting are shown in Exhibit B.

There was only one attendee at the meeting, Scott D Goldammer with Miller Real Estate Investments that owns and manages the large shopping center to the northwest of Lot 11B. Items discussed during this meeting included the proposed rezoning land uses; building height; access; site topography; geotechnical considerations (from Scott); sidewalks; and similar matters. Scott was most interested in the end use of Lot 11B relative to his firm's commercial interests. We discussed the average rents for commercial and rental housing units; construction costs and similar matters that relate to the development of the property. Scott did not express any concerns at the meeting requesting to get copies of the rezoning submittal and plans that I showed him at the meeting.

PROOF OF PUBLIC NOTICE
PRE-APPLICATION NEIGHBORHOOD MEETING

I hereby affirm that Public Notice requirements of the Municipal Code of Glenwood Springs have been met for the Pre-Application Neighborhood Meeting held:

at the Glenwood Springs Community Center
(Location)

on January 23, 2020
(Date)

Attached are:

1. A list of names and addresses of owners of record of all property within 300 feet of the subject property and registered neighborhood groups that have boundaries including the proposed project site.

Date mailed: January 7, 2020;

2. A list of the meeting attendees; Scott Goldammer
3. A summary of the meeting. Please see cover memo.

Name: [Signature]
Applicant Chris Hawkins dba Alpine Planning, LLC

Date: January 28, 2020

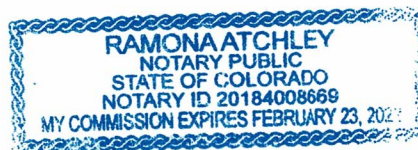
Subscribed and sworn to before me, a notary public in and for the County of
San Miguel, State of Colorado, this 28 day of
January 2020, A.D.

Witness my hand and official seal

(SEAL)

[Signature]
Notary Public

My commission expires: 2/23/22



Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



January 7, 2020

RE: Pre-Application Neighborhood Meeting Public Notice

Dear Adjacent Property Owner,

You are receiving this letter as the required public notice for a pre-application neighborhood meeting regarding the proposed rezoning of a property that is legally described as follows:

LOT 11B, GLENWOOD MEADOWS NO. 5, A MINOR RESUBDIVISION OF GLENWOOD MEADOWS NO. 4 LOT LINE ADJUSTMENT, COUNTY OF GARFIELD, STATE OF COLORADO ("**Property**").

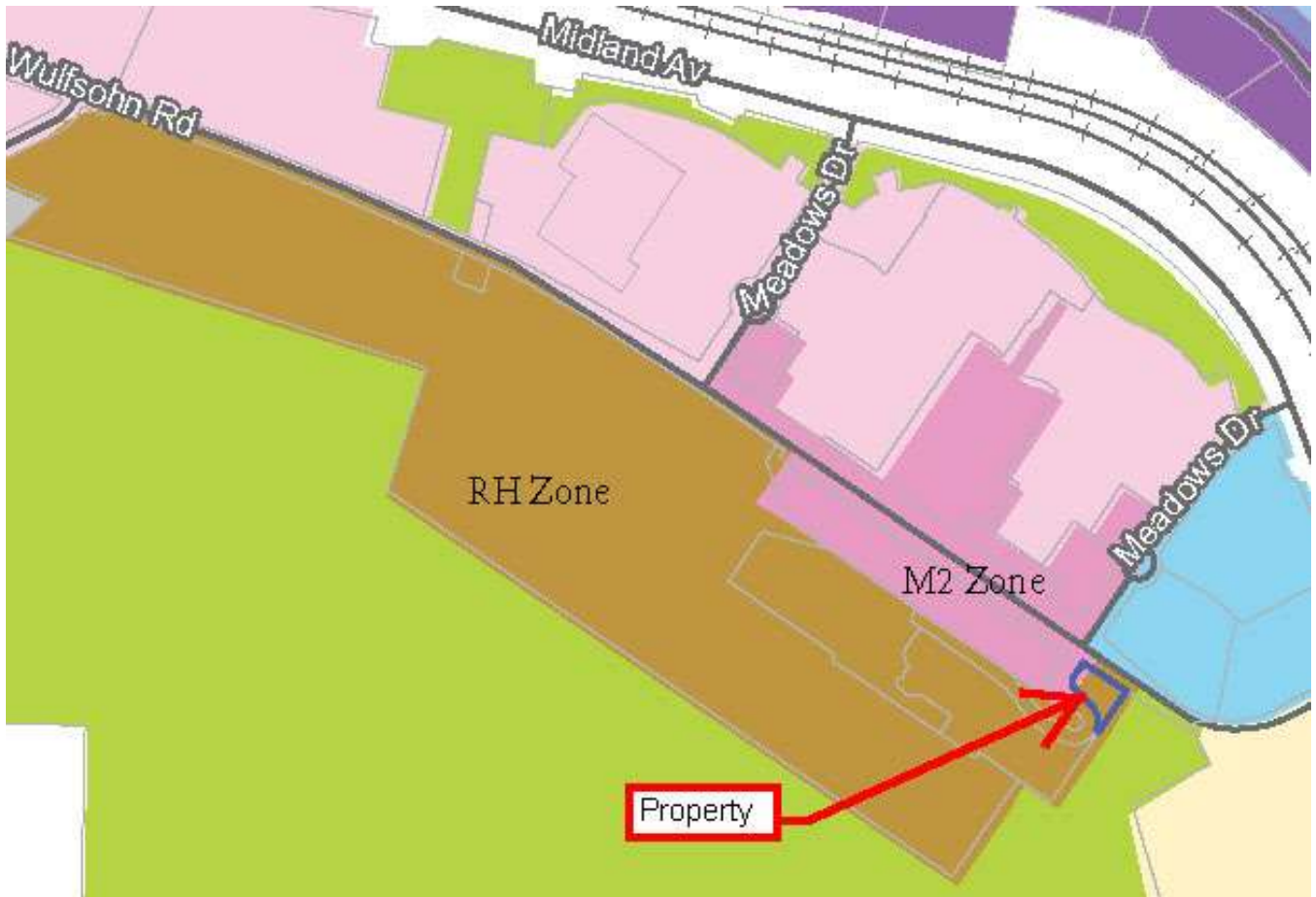
Please take notice that Alpine Planning, LLC will hold a required pre-application neighborhood meeting regarding rezoning the Property from the RH Residential High Density Zone District to the M2 Mixed Use Central Core Zone District. The Property contains 0.848 acres and is too small for high density multi-family development so we are proposing to rezone it to allow for commercial uses as permitted in the M2 Zone District, such as but not limited to a coffee shop, a liquor store; or a convenience store. The M2 Zone District is located on the west side of the Property as shown in Exhibit A.

The Property is owned by Glenwood Meadows, LLC and is under contract for purchase pending the rezoning to the M2 Zone District.

The meeting will be held on January 23, 2019 at the Glenwood Springs Community Center from 1 to 2 pm in the Iron Mountain "B" room; 100 Wulfsohn Road, Glenwood Springs, Colorado.

Sincerely,

Chris Hawkins, AICP
Alpine Planning, LLC

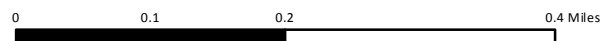




Garfield County Land Explorer

Printed by Web User

1 inch = 752 feet
1 inch = 0.14 miles



Garfield County

Garfield County Colorado
www.garfield-county.com

Colorado

Disclaimer

This is a compilation of records as they appear in the Garfield County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.



Owner
Mailing Address

GLENWOOD MEADOWS, LLC
710 E DURANT AVENUE, SUITE W6
ASPEN, CO 81611

WEINGARTEN MILLER GLENWOOD LLC
6900 EAST BELLEVIEW AVENUE SUITE 300
GREENWOOD VILLAGE, CO 80111

SOPRIS SUITES, LLC
4949 S NIAGARA STREET, SUITE 300
DENVER, CO 80237

SOPRIS SUITES, LLC
4949 S NIAGARA STREET, SUITE 300
DENVER, CO 80237

SOPRIS LODGING, LLC
4949 S NIAGARA STREET SUITE 300
DENVER, CO 80237

GLENWOOD MEADOWS APARTMENTS I LLC
6875 EAST EVANS AVENUE
DENVER, CO 80224

GLENWOOD MEADOWS, LLC
710 E DURANT AVENUE, SUITE W6
ASPEN, CO 81611

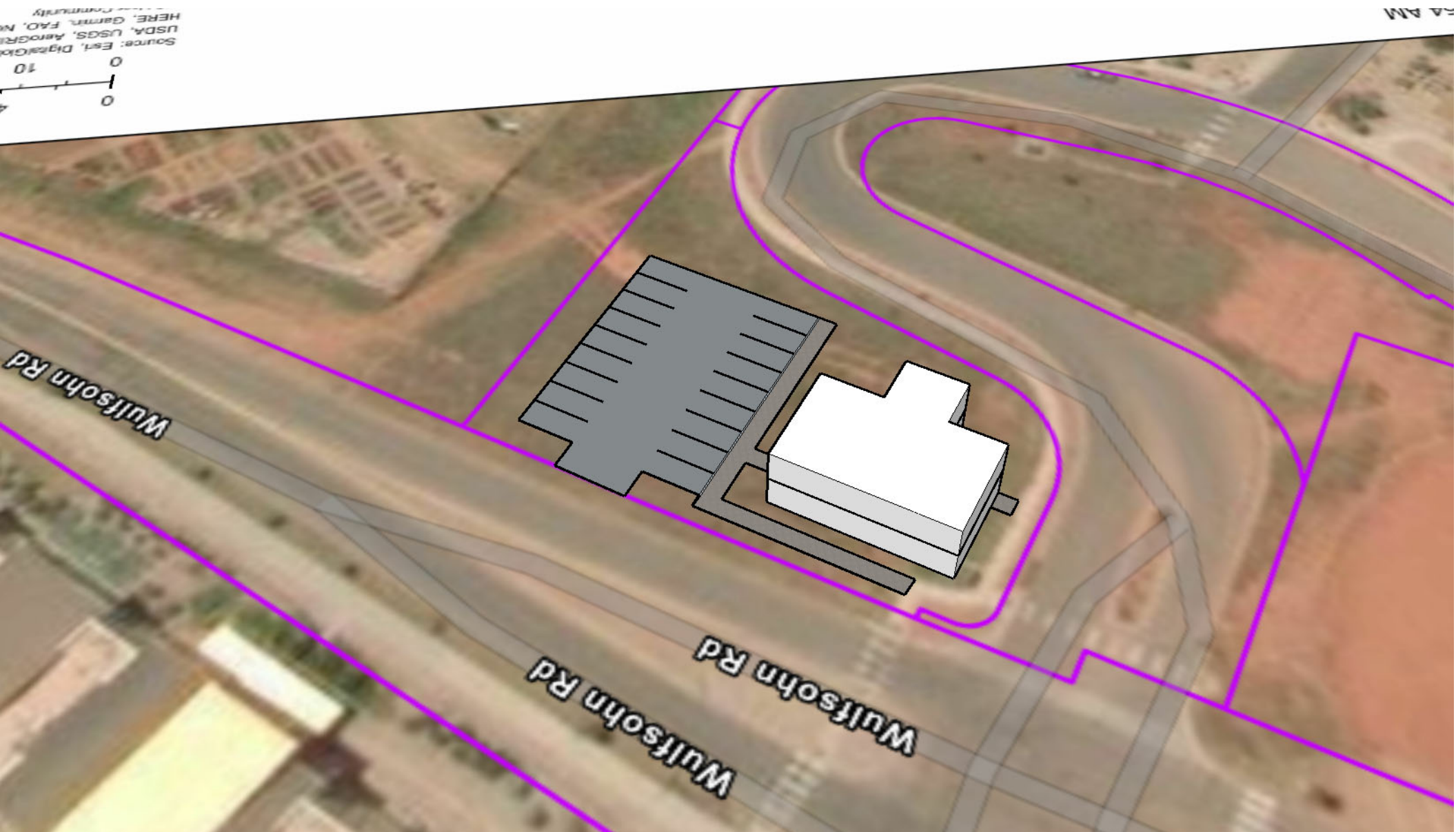
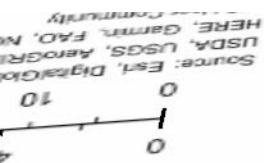
GLENWOOD MEADOWS, LLC
710 E DURANT AVENUE, SUITE W6
ASPEN, CO 81611

GLENWOOD MEADOWS APARTMENTS I LLC
6795 E TENNESSEE AVENUE 5TH FLOOR
DENVER, CO 80224

SC GLENWOOD II LLC
760 W MAIN STREET, STE 140
BARRINGTON, IL 60010

GLENWOOD SPRINGS, CITY OF
101 W 8TH STREET
GLENWOOD SPRINGS, CO 81601

GLENWOOD SPRINGS, CITY OF
100 WULFSOHN
GLENWOOD SPRINGS, CO 81601



TOPOGRAPHIC MAP
LOT 11B, GLENWOOD MEADOWS, FILING 5
SECTION 8, T. 6 S., R. 89 W., OF THE 6th P.M.
CITY OF GLENWOOD SPRINGS
GARFIELD COUNTY, COLORADO

LINE	BEARING	DISTANCE
L1	N 55°34'28" W	10.98'
L2	N 34°18'28" E	3.38'
L3	S 55°42'23" E	9.49'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	9.50'	14.90'	13.42'	N 79°21'19" E	89°52'35.34"

LEGEND

CLEAN OUT

CURB STOP

ELEC. METER/TRANS.

FIRE HYDRANT

GUY POLE

INLET

LIGHT POLE

MANHOLE (DRAINAGE)

MANHOLE (ELECTRIC)

MANHOLE (SEWER)

PEDESTAL (ELECTRIC)

PEDESTAL (PHONE)

PEDESTAL (CATV)

PIN (SET)

SIGN (MISC.)

SIGN (SINGLE POLE)

TEST PIT/SOIL BORE

TREE (EVERGREEN)

TREE (DECIDUOUS)

UTILITY POLE

VALVE (GAS)

VALVE (WATER)

VIEW POINT (SEE DETAILS)

WATER SHUT-OFF

WELL

STORM DRAINAGE

SANITARY SEWER

FIBER OPTIC/ COMM. LINE

WATER LINE

DRIVEWAY/EDGE OF ASPHALT

ENVELOPE/SETBACK

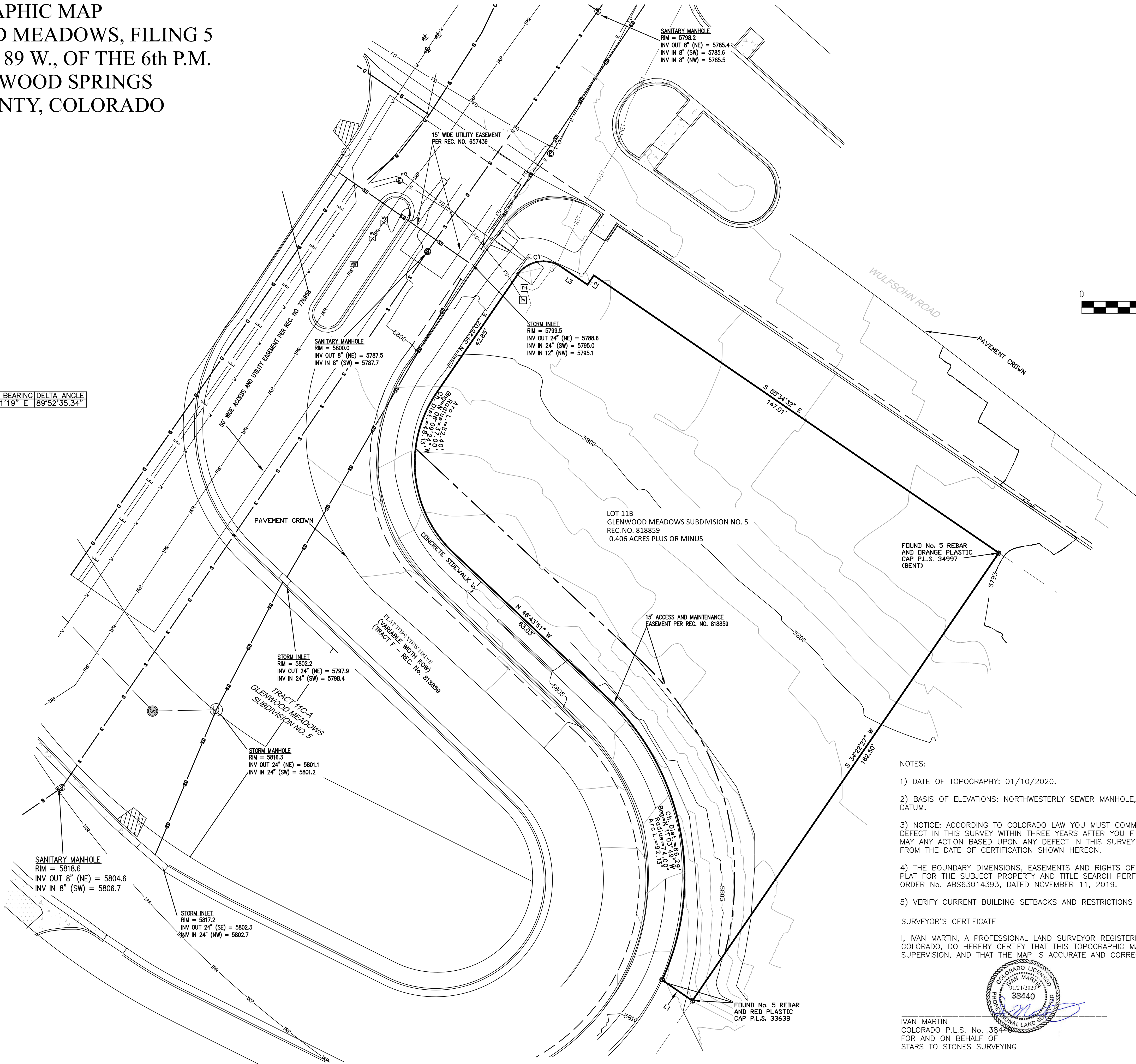
IRRIGATION LINE

ELECTRIC LINE

PROPERTY LINE

PROPERTY LINE (ADJOINING)

FLOWLINE OF DITCH

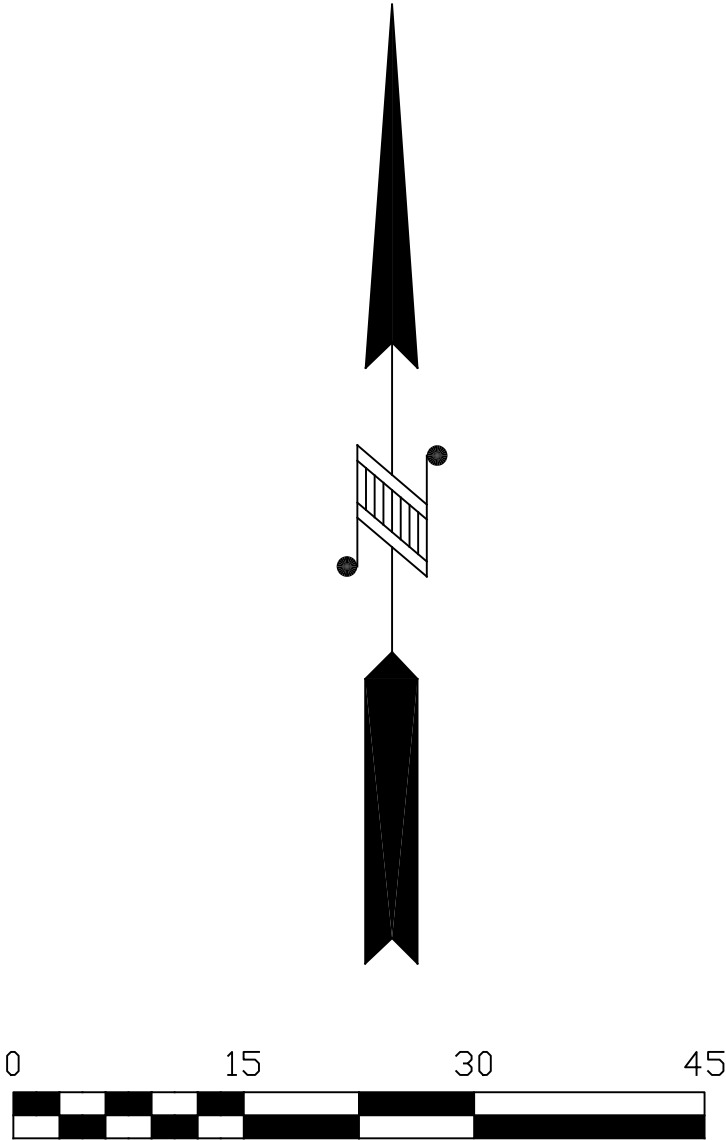


- NOTES:
- 1) DATE OF TOPOGRAPHY: 01/10/2020.
 - 2) BASIS OF ELEVATIONS: NORTHWESTERLY SEWER MANHOLE, ELEV. = 5800.0' RVTN NETWORK NAVD 88 DATUM.
 - 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
 - 4) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER THE RECORD PLAT FOR THE SUBJECT PROPERTY AND TITLE SEARCH PERFORMED BY LAND TITLE GUARANTEE COMPANY, ORDER No. ABS63014393, DATED NOVEMBER 11, 2019.
 - 5) VERIFY CURRENT BUILDING SETBACKS AND RESTRICTIONS WITH THE PROPER GOVERNING AUTHORITY.

SURVEYOR'S CERTIFICATE

I, IVAN MARTIN, A PROFESSIONAL LAND SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS TOPOGRAPHIC MAP WAS MADE BY ME AND UNDER MY SUPERVISION, AND THAT THE MAP IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

IVAN MARTIN
COLORADO P.L.S. No. 38440
FOR AND ON BEHALF OF
STARS TO STONES SURVEYING



TOPOGRAPHIC MAP
LOT 11B, GLENWOOD MEADOWS, FILING 5
SECTION 8, T. 6 S., R. 89 W., OF THE 6th P.M.
CITY OF GLENWOOD SPRINGS
GARFIELD COUNTY, COLORADO

DRAWN BY: IM	DATE: 01/10/2020
CHECKED BY: IM	DRAWING NO.: S2S19-202GMF-5
JOB NO.: S2S19-202	SHEET 1 OF 1

Stars to Stones Surveying
Professional Land Surveying & Mapping
Stars2StonesSurveying@yahoo.com
970.618.2118 Cell

Glenwood Meadows #5, Lot 11B Rezoning



Background

Yampa Property Management, LLC ("**Developer**") is under contract to purchase Lot 11B, Glenwood Meadows No. 5 ("**Property**") from Glenwood Meadows, LLC ("**Owner**"). The Property vicinity map is shown in Figure 1. The Developer intends to rezone the Property from the Residential High Density ("**RH**") Zone District to the Mixed Use Central Core Zone District ("**M2**"). The Property is located in both the RH and M2 Zone District as shown in Figure 2, with a small sliver in the M2 Zone District located on the west side of the Property.

The size of the Property is only 0.406 acres which is not big enough for high density residential development. The Property was created by the platting and construction of Flat Tops View Drive which resulted in the small sized parcel. The Developer is therefore proposing to zone the whole of the Property to the M2 Zone District to allow for small boutique commercial space consistent with the M2 Zone District allowances and the requirements of the Glenwood Meadows Annexation Agreement as amended ("**Annexation Agreement**"). The City is also requiring a concurrent amendment to the Annexation Agreement to allow for the intended mixed use development of the Property.

The Property has approximately 147 lineal feet of frontage onto the Wulfsohn Road Right-of-Way on its northern border. Flat Tops View Drive wraps around the Property on the west and south sides. The Property is gently sloping except for the grading for Flat Tops View Drive that is located within a 15 foot Access and Maintenance Easement. The slopes outside of the easement area range from a high USGS elevation of 5803 and a low USGS elevation of 5795 on the northeast corner for an overall change of eight (8) feet. The slope grade outside the Access and Maintenance Easement is approximately 12%. The Property is vacant with sidewalks along Flat Tops View Drive. The overall Property geography and dimensional requirements are set forth in Table 1.

Rezoning Approval Criteria

The proposed rezoning meets the Rezoning Approval Criteria as set forth in the Glenwood Springs Development Code Section 070.060.040(a)(3)(f)(3) as follows and as provided for in the following sections.

- a. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code.
- b. The rezoning is consistent with the proposed purpose statement of the proposed zoning district.
- c. Substantial changes in the subject area warrant a zoning change; and/or
- d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

Consistency with the Comprehensive Plan and the Purpose of the Code

The proposed rezoning is consistent with the Glenwood Springs Comprehensive Plan. The proposed rezoning will help to promote long-term, sustainable and diverse economic development by allowing for the provision of commercial or mixed use development.



Table 1. Geography and Dimensional Requirements

	RH Existing	M2 Proposed Rezoning
Legal Description	Lot 11B, Glenwood Meadows No. 5	No Change
Address	TBD Wulfsohn Road	No Change
Lot Size	0.406 acres	No Change
Zone District	RH	M2
Density	As Allowed by RH Zoning	As Allowed by M2 Zoning
Lot Coverage	50%	NA
Building Height	40 feet	40 feet
Proposed Rezoning Setbacks		
Front (North)	15 feet	20 feet
Rear (South)	10 feet	0 feet
Side (East)	5 feet	0 feet
Side (West)	5 feet	0 feet
Surrounding Land Uses	East	Community Garden/Open
	West	Mixed Use
	North	Hotels/Lodging
	South	Multi-family High Density

The 0.406 acre lot size will only allow for a small commercial or mixed use building that will preserve the small town character while increasing vibrancy in the Glenwood Meadows area. The site has great vehicular, pedestrian and bike transit access. A bus stop is located just down the street at the Glenwood Springs Community Center. The rezoning will allow for a small building form that is cost effective to serve. The residential units on the second floor will provide additional housing to the community.

The proposed rezoning is supported by the Future Land Use Map that shows mixed use development along Wulfsohn Road. The proposed commercial or mixed use conform to the envisioned development in the area. The Property is located in the Glenwood Meadows Secondary Center area as identified in the Comprehensive Plan. The Developer currently envisions a two-story building which is consistent with the Secondary Center mass and scale provisions.

Public utilities and services are also available to the Property as shown on the survey (Exhibit A). Water and sewer service and natural gas are located in the Flat Tops View Right-of-Way. Electric and telecommunications are available on the Property.

The proposed rezoning will also implement several of the Comprehensive Plan economic development policies. The rezoning will allow for more commercial development that will provide an opportunity to attract diverse businesses and industries.

The proposed rezoning is consistent with the purpose of the Development Code as set forth in Section 070.010.030(a). The proposed rezoning will protect the public health, safety and welfare of the community because the proposed development conforms to the Comprehensive Plan;

adequate infrastructure is available to serve the site; and the development will enable commercial or mixed use development that will help increase vibrancy in the area. The rezoning will allow for orderly, efficient and integrated development in the City. The rezoning will allow for mixed use development that may include housing on the second floor consistent with the Comprehensive Plan. The Property is surrounded by high intensity mixed use and commercial development. The proposed infill commercial and residential development is significantly smaller in scale than surrounding property development. The proposed development site has adequate room for a small building, parking, landscaping, and other required improvements that will meet City standards. There are no known natural hazards on the Property.

Consistency with the Purpose Statement of the M2 Zone District

The rezoning is consistent with the proposed purpose statement of the proposed M2 Zone District as set forth in Development Code Section 070.020.100 as follows:

“The M2 district is intended to accommodate walkable and active development within Glenwood’s core commercial areas, including but not limited to central downtown. The M2 district includes the most recognizable and prominent areas of Glenwood Springs and therefore places an emphasis on high-quality building and site design, as well as the surrounding streetscape. The M2 district is intended to allow for a mix of residential and non-residential uses while ensuring compatibility with surrounding established neighborhoods.”

The Property is already integrated into the Glenwood Meadows sidewalk system with a sidewalk on the west and south side of the site along Flat Tops View Drive. The building will have to be designed in accordance with the applicable design requirements of the Development Code and Annexation Agreement. This will assure high quality building and landscape design consistent with recent development in the area.

Substantial Changes Warrant the Proposed Rezoning

The rezoning is justified by the fact that Lot 11b contains only 0.406 acre. This small size does not allow for the development of high density residential buildings. The small size of the lot is due to the fact that it was created by the platting and construction of the Flat Tops View Drive which left the small remainder parcel split off from the larger RH zoned area to the south and west.

Intensity of Development Will Not Create Significant Adverse Impacts

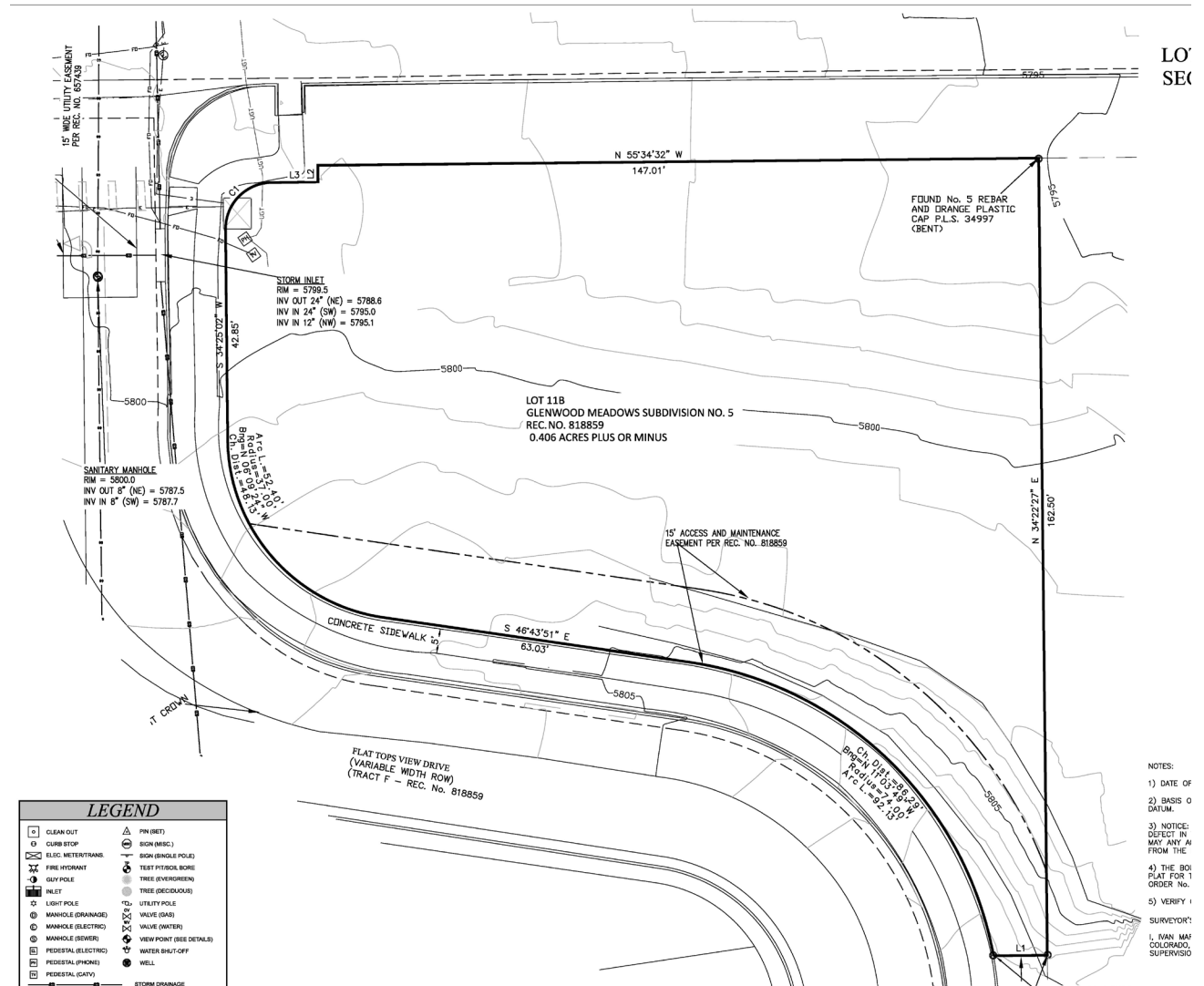
The intensity of development in the new zoning district is not expected to create any significant adverse impacts to surrounding properties or the neighborhood. The commercial use or mixed use allowed on the Property is very limited by the lot size; the 15’ Access and Maintenance Easement; and the need to provide parking, setbacks, landscaping snow storage and other required improvements on the site. A small commercial or mixed use building will clearly have less scale and mass, traffic, and density than surrounding properties, with Development Code requirements assuring compatibility and fit to the site. The commercial use or mixed use will have to be either a permitted use or a special use in the M2 Zone District as outlined in the Development Code. The Property has excellent infrastructure as discussed above with City services provided for emergency situations, and road maintenance.

LIST OF EXHIBITS

EXHIBIT	CONTENT
Exhibit A	Property Survey



Exhibit A







City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item:	Ordinance 16, Series of 2020 - An Ordinance of the City Council of the City of Glenwood Springs, Rezoning Property Owned by Glenwood Meadows, LLC known as Lot 11B Glenwood Meadows No 5, A Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, Glenwood Springs, Colorado from RH Residential High Density to M2 Mixed-Use Core Zoning (FIRST READING).
Action Requested:	Consideration of Ordinance 16, Series of 2020 - An Ordinance of the City Council of the City of Glenwood Springs, Rezoning Property Owned by Glenwood Meadows, LLC known as Lot 11B Glenwood Meadows No 5, A Minor Resubdivision of Glenwood Meadows No 4 Lot Line Adjustment, Glenwood Springs, Colorado from RH Residential High Density to M2 Mixed-Use Core Zoning (first reading).
Department:	Economic and Community Development
Presented By:	Gretchen Ricehill, Assistant Director of Economic and Community Development
Background Info:	In the previous action item, Council approved rezoning Lot 11B, Glenwood Meadows No. 5 from RH Residential High Density to M2 Mixed-Use Core. All rezoning actions also require approval of an Ordinance to memorialize the Planning and Zoning and City Council approvals.
Issues:	None.
Staff Recommendation:	Staff recommends that Council approve Ordinance 16, Series of 2020, first reading.

ORDINANCE NO. 16

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, REZONING PROPERTY OWNED BY GLENWOOD MEADOWS, LLC KNOWN AS LOT 11B, GLENWOOD MEADOWS NO. 5, A MINOR RESUBDIVISION OF GLENWOOD MEADOWS NO.4 LOT LINE ADJUSTMENT, GLENWOOD SPRINGS, COLORADO FROM RH RESIDENTIAL HIGH DENSITY TO M2 MIXED-USE CORE ZONING.

WHEREAS, Alpine Planning, LLC (the “Applicant”) filed with the City of Glenwood Springs (“Glenwood Springs” or the “City”) on behalf of Glenwood Meadows, LLC (the “Owner”) , a request to rezone from RH-Residential High Density (RH) to M2 Mixed Use Core (M2) a parcel of land described as Lot 11B, Glenwood Meadows No. 5, a Minor Resubdivision of Glenwood Meadows No. 4 Lot Line Adjustment, also known as parcel 218508141004 in the real property records of Garfield County, Colorado (the “Property”);

WHEREAS, the Planning and Zoning Commission considered the requested rezoning at public hearings on April 25, 2020 and May 5, 2020 and recommended approval of the rezoning based on its consideration of the rezoning approval criteria set forth in Section 070.060.040(a)(3)f.3 of the Municipal Code and its findings that the rezoning is consistent with the Comprehensive Plan’s commercial designation and purpose of the Municipal Code; the rezoning is consistent with the M2 zoning district’s purpose statement; substantial changes in the area warrant a zoning change; and the intensity of the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood;

WHEREAS, City Council, following notice required by law, held a public hearing at a regular meeting on June 4, 2020 to consider the rezoning request for the property in light of the approval criteria set forth in Section 070.060.040(a)(3)f.3 of the Municipal Code and found that rezoning the property to M2 Mixed Use Core is an appropriate designation for the Property pursuant to Section 070.060.040(a)(3)f.3; and

WHEREAS, City Council wishes to rezone the property from Residential High Density (RH) to Mixed-Use Core (M2).

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

Section 1: The recitals above are hereby adopted as findings.

Section 2: The Property is hereby zoned Mixed-Use Core (M2);

Section 3: Pursuant to Section 070.060.040(a)(3)g. of the Municipal Code, the Community Development Director shall prepare a revision to the Official Zoning Map of the

City of Glenwood Springs to reflect the rezoning approval herein and shall record the amended map and this Ordinance with the Garfield County Clerk and Recorder.

Section 4: Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

INTRODUCED READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS 4TH DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS _____ DAY OF _____, 2020.

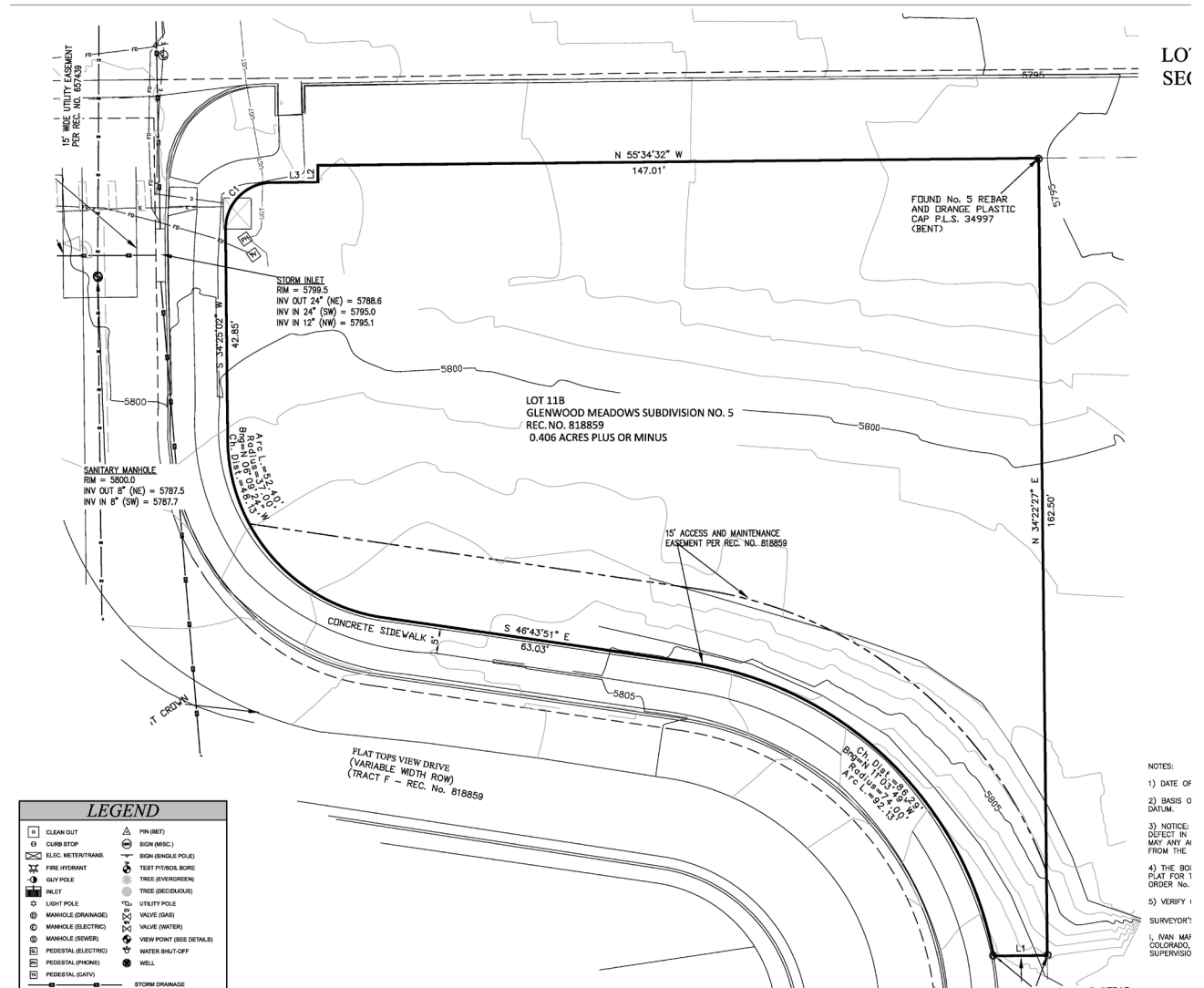
CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

Exhibit A





City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: Ordinance No 17, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs Amending Section 120.040.020(11) of the Glenwood Springs Municipal Code (FIRST READING)

Action Requested: Approval of Ordinance 2020-17 removing private parking enforcement language from the municipal code.

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: City Council adopted an ordinance back in 2002 that adjusted how the police department patrols private parking lots in the City. The section of the City Code that this change can be found under is "120.040.020 – Additions, deletions, or modifications to the Model Traffic Code, subsection 11". The revisions to the section within the ordinance read as such:

"Section 1204(10) Stopping, Standing, or Parking Prohibited in Specified Places.

"(b) In any private parking area within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, where the vehicles properly parking thereon are obviously marked as such in the front driver's side window, and where such signs and markings have first been approved in writing by the City's Chief of Police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three (3) days after receiving notification of the violation, the City Attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation."

The ordinance states that the reason that the City Police/Enforcement Officers have been assigned the regulation and enforcement of private parking lots is due to the difficulty of the private land owners to monitor their facilities on a minute-by-minute basis and the alternative to the City monitoring of the parking lots is for those lots to potentially be gated off to the public on a permanent basis thus eliminating even after hours use of the parking lots.

The ordinance does not state what the limits or boundary of this enforcement area is, it does state the "downtown area" but it does not limit the enforcement to that area only stating "numerous private parking areas located within the City are currently being used on a regular basis by persons without the right and privilege to do so".

The issue with the way the ordinance is written is that any private parking lot owner in town that would like to have their parking lot patrolled and enforced by the Police Department could request it and the Police Department should abide by that request. Completing a small survey of the downtown private parking lots, I noted that all lots each had parking stall signage for who can park in their stall. Some of the parking lots have gone to the point of adding an overall parking sign at the entrance or entrances to that parking lot. Some of the overall parking sign text read: "No Public Parking At Any Time", "Bank and Tenant Parking – 6am to 6pm, Vaudeville Parking – 6pm to Midnight", "Parking Restricted to Patrons of Sunlight Ski and Bike and Goluba & Goluba PC", "Reserved Parking Only, All others will be towed or booted at owners expense CRS-42-4-1102" and "Reserved Parking by Permit

Only per Glenwood Springs Municipal Code, Violators will be ticketed and/or towed at owners expense”.

Most of the stalls within these parking lots have signs that designate the stall to a particular owner, client, tenant, etc. so there does not appear to be any lack of private parking lot signage and control over how these private parking lot owners handle people illegally parking in their lots. Thus, it begs the question of why is the City Police Department a part of patrolling, ticketing or towing on private lots that appear to have the situation under control. One of the major lots in the downtown area does not allow Public Parking at any time, thus adding a gate would not change the situation in this lot anyhow. Other downtown parking lots have gone with gates and validated tickets or a parking fee to use the lot.

The police department is asking for removal of the ordinance from the City Code.

There would be no change to the following, allowing the Glenwood Springs Police Department to enforce traffic laws and violations that occur on Private property.

120.040.010 - Model Traffic Code adopted.

(a)

Adoption. Pursuant to C.R.S. Parts 1 and 2 of Article 16 of Title 31, as amended, and for the purposes of regulating vehicles and traffic within the City, there is hereby adopted by reference the 2010 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch.

(b)

Application. This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 606, 1206, 1208, 1211, 1401, 1402, and 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning unauthorized devices, unattended motor vehicles, parking privileges for persons with disabilities, limitations on backing, reckless driving, careless driving, and eluding police officers shall apply not only to public places and ways but also throughout the City. (A 2-11, §2)

The approved 2002 No.7 ordinance and the Model Traffic Code section 1204 have been included as attachments for Council review.

Issues:

None

Staff Recommendation:

Approval of Ordinance 2020-17 removing private parking enforcement language from the municipal code.

ORDINANCE NO. 17

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 120.040.020(11) OF THE GLENWOOD SPRINGS MUNICIPAL CODE.

WHEREAS, Section 120.040.020(11) of the Glenwood Springs Municipal Code amends Section 1204(10) Stopping, Standing or Parking Prohibited in Specified Places of the Model Traffic Code to make it a traffic offense and violation of the Model Traffic Code, as adopted, to park in a private parking area when certain conditions are met; and

WHEREAS, this provision requires the City Police Department to patrol and enforce unauthorized parking on any private property lot if requested by the property owner; and

WHEREAS, City staff recommends that private property owners can and should assume the responsibility of monitoring and controlling parking on their property and that the City Police Department should not be required to patrol and enforce parking on private property; and

WHEREAS, City staff further recommends that parking on private property without authorization should not be deemed a traffic offense in violation of the Model Traffic Code, as adopted; and

WHEREAS, the City Council agrees with the recommendations of staff and finds that Section 120.040.020 (11) should be revised to delete the provision making it a traffic offense to park without authorization in a private parking lot; and

WHEREAS, the City Charter of the City of Glenwood Springs requires that an ordinance be enacted to effectuate the amendments.

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY
OF GLENWOOD SPRINGS, COLORADO, THAT:**

Section 1. The recitals above are hereby adopted as findings.

Section 2. Section 120.040.020(11) 060.020.020 of the Glenwood Springs Municipal Code is hereby amended as follows, with ~~strike through language deleted~~:

“Section 1204(10) Stopping, Standing, or Parking Prohibited in Specific Places.

~~“(b) In any private parking area within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, where the vehicles properly parking thereon are obviously marked as such in the front driver’s side~~

~~window, and where such signs have first been approved in writing by the City's Chief of Police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three (3) days after receiving notification of the violation, the City Attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation."~~

~~“(e) (b) No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.”~~

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE
OF SECOND PUBLICATION THIS _____ DAY OF _____, 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Fletcher, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
June 4, 2020

Agenda Item: Ordinance No 18, Series of 2020; An Ordinance of the City Council of the City of Glenwood Springs, Colorado temporarily amending section 040.010.04 of the Glenwood Springs Municipal Code (FIRST READING)

Action Requested: Approve Ordinance to collect sales tax revenue in the General Fund instead of Capital Projects Fund from July 1 to December 31, 2020.

Department: City Administration

Presented By: Steve Boyd, COO

Background Info: On May 7th Staff outlined the impact from COVID 19 on the City's General Fund. One component was the temporary recognition of .5% sales tax to the General Fund instead of the Capital Projects Fund to make resources available for operating expenditures. This Ordinance is needed to do that.

Issues: None

Staff Recommendation: Staff supports approval

ORDINANCE NO. 18

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, TEMPORARILY AMENDING SECTION 040.010.040 OF THE GLENWOOD SPRINGS MUNICIPAL CODE.

WHEREAS, the City of Glenwood Springs appropriated funds for fiscal year 2020 commencing January 1, 2020 and ending December 31, 2020 by Ordinance No. 31, Series of 2019; and

WHEREAS, pursuant to Section 9.1 of the Glenwood Springs Municipal Charter the City Council sets the allocation revenues to the Capital Projects fund via ordinance; and

WHEREAS, pursuant to G.S.M.C. Section 040.010.040 allocates the General Sales and Use Tax to the General Fund and Capital Projects Fund; and

WHEREAS, the Capital Projects Fund allocation through June 30, 2020 along with restricted reserves has sufficient funding to complete all currently approved capital projects; and

WHEREAS, City Council wishes to temporarily amend allocation from July 1, 2020 to December 31, 2020 allocation to address budget shortfalls due to the COVID-19 Emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS THAT:

Section 1. The allocation of General Sales and Use Tax for the period from July 1, 2020 December 31, 2020 shall be 100% to the General Fund.

Section 2. Ordinance 31, Series of 2019 is hereby amended to reflect the re-appropriation stated in this Ordinance.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS ____ DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS _____ DAY OF JUNE 2020.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

May XX, 2020

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
Representatives Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker, U.S. House of
Washington, D.C. 20515

The Honorable Chuck Schumer
Minority Leader, U.S. Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader, U.S. House of Representatives
Washington, D.C. 20515

RE: Incentivizing and Investing in 21st Century Water Infrastructure for a Resilient Post-Pandemic Economy

Dear Leader McConnell, Speaker Pelosi, Minority Leader Schumer, and Minority Leader McCarthy:

As members of the WaterNow Alliance and the National League of Cities (NLC) we appreciate this opportunity to share three key recommendations as you develop legislation to promote economic recovery as local and state governments begin the process of reopening and restarting their economies. WaterNow Alliance is a nonprofit [network of 600+ local water leaders](#) nationwide advancing sustainable, affordable, and climate resilient water strategies. [NLC](#) is the voice of America's cities, towns, and villages, representing more than 200 million people nationwide. Our recommendations aim to accomplish four goals simultaneously:

1. Provide the nation's primarily public water resource agencies – cities, towns, and special districts – with direct support to invest in sustainable and affordable water infrastructure solutions;
2. Provide near-term jobs and local economic stimulus;
3. Ensure affordability and continued access to water, wastewater, and stormwater services; and
4. Build climate resilience.

These recommendations would ensure that local governments and water resource agencies have the flexibility they need to use this new federal support to invest not only in conventional water infrastructure, but to expand their options to include spending for onsite and decentralized water management solutions, which have extraordinary, yet untapped, potential to address the supply, water quality, flooding, and environmental contamination challenges nationwide.

Onsite installations and technologies distributed widely across a community, including green stormwater strategies, water use efficiency measures, watershed restoration, lead line replacements and more, supplement, extend and serve the same functions as more conventional, centralized infrastructure—they provide water supply, treat drinking water and effectively manage wastewater and stormwater. These [distributed approaches](#) are also often less expensive than larger public works projects keeping rates affordable, while building local resilience to disasters and ability to withstand shifts resulting from climate change. Critically, ***green and distributed strategies provide lasting economic benefits, including near-term permanent local***

green jobs and local economic development. Distributed water management strategies also go a long way to address water equity issues around access to clean water and more affordable rates, and provide other [co-benefits](#) including improved [public health](#), energy efficiency, improved air quality, reduced greenhouse gases, increased open space, increased property values and reduced crime.

As the country navigates the coronavirus public health crisis, large scale investments in localized water management solutions can be an essential part of our communities' economic recovery. Cities that have made significant investments treating decentralized, consumer-facing strategies as water infrastructure are leading the way:

- Philadelphia's ["Green City, Clean Waters" program](#) to capture stormwater with distributed green infrastructure is providing \$4 billion in economic benefits to the community and more than 1,000 jobs per year, according to a study by the Sustainable Business Network.
- The Milwaukee Metropolitan Sewerage District estimates that its [green infrastructure investments](#) to eliminate local flooding and polluted discharges will capture almost 40% more stormwater than its multi-billion dollar deep tunnels, saving ratepayers \$44 million in avoided conventional infrastructure costs; and will also produce 660 permanent jobs per year; and increase property values by an estimated \$667 million throughout the region.
- Los Angeles' [One Water Plan](#) which includes large scale investments in centralized and decentralized green infrastructure is expected to produce almost 7,000 new jobs and save \$1.97 for every \$1 spent.
- Lancaster, PA's investment in green infrastructure to address its stormwater challenges avoided more than \$120 million in gray infrastructure capital costs and nearly \$5 million in annual benefits according to an [EPA study](#).
- The City of Tucson has doubled-downed on investments in onsite water use efficiency saving \$155 million in avoided costs for gray infrastructure, enabling it to [keep water rates 15% lower](#) than they would have been otherwise. The city is using the same amount of water as it did in 1985 even though its population has doubled since then.
- Madison, WI replaced all of the community's lead service lines, including those on private property, resulting in immediate water quality and public health improvements and saving [\\$2.5 million in avoided costs](#).

Enabling and encouraging cities and special districts to use federal funds to invest in onsite, clean and green water strategies will also supplement and extend the life of our critical built infrastructure. Further, localized infrastructure investments are most efficiently made in the form of subsidies, financial incentives and rebates for consumers, including private businesses, commercial, industrial and institutional enterprises, residences, and other public entities (such as local parks, schools, transportation agencies, etc.). Thus, federal support for public utility investment in these and other types of localized, onsite water infrastructure can be accomplished primarily through existing federal programs.

For these reasons, we urge you to incorporate the three key recommendations detailed below into upcoming federal stimulus legislation to incentivize and invest in 21st century water infrastructure for a resilient post-pandemic economy.

- 1) **We recommend that public investments in water infrastructure including onsite decentralized water management strategies that can catalyze near-term job opportunities are appropriate for treatment as grants, and zero-interest and principal-forgiveness loans.** As demonstrated by NLC, municipalities nationwide are being [decimated by the economic impacts](#) stemming from the COVID-19 crisis. Providing federal funding in the form of grants, zero-interest and principal-forgiveness loans would be a key incentive for local leaders looking to adopt more innovative technologies and less conventional but highly effective water management strategies.
- 2) **We recommend that EPA be directed to issue guidance that water use efficiency, private lead service line replacements, and onsite reuse programs implemented via consumer incentives (e.g., rebates and direct installations) are projects eligible for federal funding through the State Revolving Funds (SRF) and the Water Infrastructure Finance and Innovation Act (WIFIA).** Funds from the SRF programs and WIFIA are already authorized to be used for consumer rebates and direct installations, but this is not widely perceived to be the case and EPA has not yet called out investments of this type. Now is the time to do so.
- 3) **We recommend expanding income tax exclusions to include homeowners who receive rebates from water utilities to purchase and install water conservation or stormwater management systems, as set out in [H.R. 2313](#).** Financial incentives and direct installation programs are the primary mechanisms for implementing decentralized and onsite water management programs across communities. However, some utilities are concerned that they will be required to treat such incentives as taxable income placing a large administrative burden on the utility and acting as a significant barrier to consumer participation in such programs. Clarifying that financial incentives to implement localized water infrastructure strategies consumers receive from water utilities are tax exempt will eliminate this barrier.

Conclusion

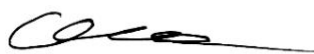
Localized water infrastructure has enormous potential to not only sustainably manage our water resources now and for future generations, but to also foster long-lasting economic recovery for communities across the nation facing critical needs for jobs and renewal.

We appreciate your consideration of our recommendations and look forward to working with you to transform the nation's water infrastructure to secure our water future.

Sincerely,



Cynthia Koehler
Executive Director
WaterNow Alliance



Clarence E. Anthony
CEO and Executive Director
National League of Cities

[Add your name by filing out this [form](#)]